

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	01/05/2018	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 1/19/2018

2. COMAR Codification

Title Subtitle Chapter Regulation

12	02	27	01-.40
12	12	30	01-.40
12	16	02	01-.40
12	03	01	01-.34

3. Name of Promulgating Authority

Department of Public Safety and Correctional Services

4. Name of Regulations Coordinator

Elizabeth J Bartholomew

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410-585-3604

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5. Name of Person to Call About this Document

Elizabeth Bartholomew

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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: .

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

44: 19 Md. R 902-930 9/15/2017

(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: 17-235-P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable:
Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions

Article, §3-302(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Michael O. Doyle, Assistant Attorney General, (telephone #410-585-3500) on 12/29/2017. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Stephen T. Moyer

Title

Secretary

Telephone No.

410-339-5000

Date

1/3/2018

**Title 12
DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES**

Subtitle 02 DIVISION OF CORRECTION

12.02.27 Inmate Discipline — Repeal

Subtitle 12 PATUXENT INSTITUTION

12.12.30 Inmate Discipline — Repeal

Subtitle 16 PRETRIAL DETENTION AND SERVICES

12.16.02 Resident Discipline — Repeal

Subtitle 03 OPERATIONS

12.03.01 Inmate Disciplinary Process

Authority: Correctional Services Article, §§2-109(c); 3-205; 4-208; and 5-201, Annotated Code of Maryland

Notice of Proposed Action

□

The Secretary of Public Safety and Correctional Services proposes to , in cooperation with the Commissioner of Correction, Commissioner of Pretrial Detention and Services, and Director of Patuxent Institution, proposes to repeal COMAR 12.02.27, COMAR 12.12.30 and COMAR 12.16.02 and re-instate with edits as Regulations .01 — .34 under COMAR 12.03.01 — Inmate Disciplinary Process.

Statement of Purpose

The purpose of this action is to The purpose of this proposal is two-fold:

Firstly, the Department of Public Safety and Correctional Services (Department) intends to combine (and repeal) three separate and largely duplicative chapters addressing inmate discipline within the Department’s correctional facilities into one consolidated chapter. The new and consolidated chapter clarifies procedures, reduces duplication, and creates a uniform process for inmate discipline for all applicable Department units.

Secondly, the Department seeks to improve the way segregation is used as a method for inmate discipline. In 2015, the Department requested that the National Institution of Corrections (NIC) provide technical assistance and recommendations for the improvement of the Department’s inmate discipline policies. This proposal is one strategy within a three part plan to bring Maryland into line with NIC’s recommendations for best practice policy regarding inmate discipline. As described in the Department’s February 2016 Report on the Implementation of the National Institute of Corrections Recommendations, the three part plan, in addition to amending regulations to reduce the use and length of an inmate’s stay on segregation, includes the development of structured housing for inmates who are chronically violent, seriously mentally ill, or both. This year the Department issued policy and initiated a structured housing program for chronically violent inmates, and a separate structured housing program for inmates who are seriously mentally ill.

This reproposal to amend the regulations governing the processes of inmate discipline: further revises the disciplinary matrix; eliminates the mandatory sanction of restricted visitation, while also limiting the amount of time the visitation restriction can be applied; eliminates a hearing officer's ability to override and increase an inmate's length of discipline beyond what the matrix allows; and reduces maximum length of disciplinary segregation for certain rule violation.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Kristina Donnelly, Deputy Director, Office of Field Support Services, Division of Correction, 6776 Reisterstown Road, Baltimore, MD 21215, or call 410-585-3916, or email to Kristina.Donnelly@Maryland.gov, or fax to 410-764-4373. Comments will be accepted through 2/20/2018. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 18

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

General

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This action consolidates and updates Department COMAR reflecting existing practices currently duplicated in three individual Chapters under Title 12. No additional funding is necessary to implement or maintain the proposed action.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
These regulations affect the Department of Public Safety and Correctional Services only.
G. Small Business Worksheet:

Attached Document:

Title 12 DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

Subtitle 02 Division of Correction

Chapter 27 Inmate Discipline — Repeal

Subtitle 12 Patuxent Institution

Chapter 30 Inmate Discipline — Repeal

Subtitle 16 Pretrial Detention and Services

Chapter 02 Resident Discipline — Repeal

Subtitle 03 Operations

Chapter 01 Inmate Disciplinary Process

Authority: Correctional Services Article, §§2-109(c), 3-205, 4-208, and 5-201, Annotated Code of Maryland

.01 (originally proposed text unchanged)

.02 Definitions.

A. (originally proposed text unchanged)

B. *Terms Defined.*

(1)— (9) (originally proposed text unchanged)

(10) *“Contraband” shall include property, a device, an instrument, an article, a liquid, a substance, or a material that is:*

(a) Defined as non-allowable, or is not authorized by statute, regulation, directive, or policy for an inmate to possess, transfer to another individual, or receive from another individual;

(b) Defined as allowable by statute, regulation, directive, and policy for an inmate to possess, transfer to another individual, or receive from another individual, but that is:

(i) [[[In excess of the amount permitted by the rules of the facility or Department;]]]

(ii)]]] Passed or transferred to another individual without authorization by staff, or the transfer is not permitted by the rules of the facility or Department;

*[[[(iii)]]] **(ii)** Possessed in an area or location where an inmate is not permitted by the rules of the facility or Department or by order of staff to possess or use;*

*[[[(iv)]]] **(iii)** Altered or modified from the original purpose, form, design, use, or content;*

*[[[(v)]]] **(iv)** Used for a purpose other than that which is permitted; or*

*[[[(vi)]]] **(v)** Required to be registered with the facility or Department and is found in the inmate’s possession without the required registration under the rules of the facility or Department.*

(11) — (13) (originally proposed text unchanged)

(14) *Disruptive Act.*

(a) (originally proposed text unchanged)

(b) "Disruptive act" includes, but is not limited to:

(i) ~~[[[Speech that is incendiary in content;~~

~~[[[An unauthorized gathering;~~

~~[[[(iii)]]] **(ii)** A demonstration or mass disturbance;~~

~~[[[(iv)]]] **(iii)** A group work stoppage;~~

~~[[[(v)]]] **(iv)** Misusing, altering, tampering with, or damaging property during an act that interferes with or threatens the security of a facility or the community;~~

~~[[[(vi)]]] **(v)** Setting a fire; or~~

~~[[[(vii)]]] **(vi)** Possessing, using, or manufacturing an explosive or flammable device, excluding an unaltered cigarette lighter, match, or pack of matches.~~

(15) — (17) (original proposed text unchanged)

(18) ~~[[["Hearing coordinator" means facility staff designated by the managing official, or a designee, who:~~

~~(a) Performs duties assigned by the managing official, or a designee, to assist with the scheduling and coordinating a defendant's appearance before a hearing officer and subsequent disciplinary proceeding;~~

~~(b) May act as the facility representative, if directed by the managing official, or a designee, for the defendant's disciplinary proceeding; and~~

~~(c) Shall perform other duties assigned by the managing official, or a designee, under the inmate disciplinary process.~~

~~(19)]]] "Hearing officer" means an impartial, non-advocate, fact-finder who presides over the defendant's disciplinary proceeding and determines the disposition of an inmate rule violation charged and, if applicable, imposes sanctions.~~

~~[[[(20)]]] **(19)** Horseplay.~~

~~(a) "Horseplay" means rough, rowdy, or boisterous play that is consensual and done for amusement or entertainment of all involved parties.~~

~~(b) "Horseplay" may not be used by a defendant as a defense to a battery charge where there is evidence of physical contact between the defendant and one or more individuals.~~

~~[[[(c) "Horseplay" is determined by the hearing officer as a matter of fact whether physical contact between the defendant and one or more individuals is a battery or horseplay.]]]~~

~~[[[(21)]]] **(20)** "Hostage" means an individual whose freedom of movement is restricted without authority or justification.~~

~~**(21) "Immediate Family" as used in this chapter means an inmate's legal spouse, natural grandparents, parents, legal guardian, siblings, children, grandchildren, and persons who have these relationships through adoption.**~~

~~(22) "Indecent exposure" means the willful display of the genitals, buttocks, or female breast to another individual as an act of **abuse,** disrespect, vulgarity, **harassment, humiliation,** or sexual gratification.~~

(23) (original proposed text unchanged)

(24) ~~[[["Informal disposition"]]]] **Informal Disposition or Resolution.**~~

~~**(a) "Informal disposition or resolution" means a process, other than a formal disciplinary proceeding under the inmate disciplinary process, that permits, based on a mutual agreement between the defendant and facility staff,**~~

or the defendant and the hearing officer, resolving an inmate rule violation charged through an incident report or informal disposition; and

(b) “Information disposition or resolution” means a disposition of an inmate rule violation charged where the defendant and the facility or the defendant and the hearing officer agree that the defendant:

[[[(a)]]] *(i) Waives a hearing and hearing rights for the inmate rule violation charged;*

[[[(b)]]] *(ii) Receives a sanction in accordance with this chapter; and*

[[[(c)]]] *(iii) Agrees that the Notice of Inmate Rule Violation and the Notice of Inmate Disciplinary Hearing forms documenting the informal disposition **or resolution** shall be maintained in the defendant’s case record file.*

(25) *[[[“Informal resolution” means a process, other than a formal disciplinary proceeding under the inmate disciplinary process, that permits, based on a mutual agreement between the defendant and facility staff, or the defendant and the hearing officer, resolving an inmate rule violation charged through an incident report or informal disposition.*

(26)]]] *Inmate.*

(a) *(original proposed text unchanged)*

(b) *“Inmate”, unless specifically stated otherwise in this chapter, includes an individual referred to as a:*

(i) *Non-sentenced resident or detainee in the custody of the Department and confined to a correctional, detention, or transitional facility or home detention program;*

(ii) *Sentenced [[resident]] **inmate** or detainee in the custody of the Department and confined to a correctional, detention, or home detention facility;*

(iii) — (v) *(original proposed text unchanged)*

[[[(27)]]] *(26) “Inmate representative” means a staff member or an inmate assigned to the defendant’s housing facility and permitted to represent and assist the defendant during the defendant’s disciplinary proceeding under this chapter.*

[[[(28)]]] *(27) Intimidating, Coercive, or Threatening Language.*

(a) *“Intimidating, coercive, or threatening language” includes language that is directed toward an individual or property named or un-named that intends to induce fear, or implies or intends to imply harm, the threat of harm, or the use of force.*

(b) *“Intimidating, coercive, or threatening language.” A defendant may not claim the inability to carry out the implied or perceived harm, threat of harm, or use of force as a defense to a charge of using intimidating, coercive, or threatening language under this regulation.*

(c) *“Intimidating, coercive, or threatening language” includes, but is not limited to, language that:*

(i) *Seeks compliance with a demand; or*

(ii) *Intends to deter or prevent an individual from performing or carrying out an act, task, or action.*

(d) *“Intimidating, coercive, or threatening language” may be expressed or conveyed:*

(i) *Verbally;*

(ii) *In writing;*

(iii) *By gesture;*

- (iv) By drawing; or
- (v) By display or projection of an image.

[[[(29)]]] **(28)** "Intoxicant" means an unauthorized medication, drug, or substance that has psychotropic or hallucinogenic properties, excluding alcohol, that may or may not also be identified in the Annotated Code of Maryland as a controlled dangerous substance.

[[[(30)]]] **(29)** "**Masturbation**" as used in this chapter means intentional touching of the individual's or another inmate's genital, anal, breast, or other intimate area for:

(a) Sexual arousal or gratification; and

(b) The abuse, intimidation, humiliation, or harassment of staff.

(30) — (31) (original proposed text unchanged)

(32) Plea Agreement.

(a) "Plea agreement" means the defendant and facility representative [[mutually]] agree to a mutually satisfactory disposition for each defendant inmate rule violation charged that [[and]] is subject to approval by the hearing officer.

(b) (original proposed text unchanged)

(33) — (36) (original proposed text unchanged)

(37) Security Equipment or Property.

(a) "Security equipment or property" includes, but is not limited to:

(i) Facility, dormitory, or cell housing fixture, device, or item that is for the purpose of inmate control, confinement, **observation**, or restraint or the security of the facility, Department, or community;

(ii) — (xii) (original proposed text unchanged)

(b) (original proposed text unchanged)

(38) — (45) (original proposed text unchanged)

.03 (original proposed text unchanged)

.04 Inmate Rule Violation Summary.

A.–B. (original proposed text unchanged)

C. Category IA Inmate Rule Violations. An inmate may not:

(1) — (4) (original proposed text unchanged)

(5) 104 — [[Use intimidating, coercive, or threatening language]] **Make threats that include the use of physical harm to objects, property, or individuals;**

(6) — (11) (original proposed text unchanged)

(12) 119 — In any manner, commit, **conspire to commit**, or participate in an act of [[indecent exposure or]] masturbation;

(13) — (15) (original proposed text unchanged)

D. Category IB Inmate Rule Violations. An inmate may not:

(1) — (4) (original proposed text unchanged)

(5) 113 — [[Possess or use paraphernalia that may be for the use of an intoxicant, drug, medication, or controlled dangerous substance]] **Vacant;**

(6) — (8) (original proposed text unchanged)

(9) [[120 — Disobey a specifically cited facility Category IA or IB rule not listed in this regulation as an inmate rule violation;

(10) 121 — Possess tobacco in sufficient quantity or the materials necessary for packaging tobacco, or other related products that suggests an intent to distribute, or distribution of tobacco;

(11) 123 — Possess currency in:

(a) A facility where currency is not permitted; or

(b) An amount that is \$50 or greater in excess of the amount the inmate is permitted to possess;

(12) 126 — Knowingly provide false reports, claims, accusations or information related to the Prison Rape Elimination Act (PREA) or use the PREA Hotline other than for the intended purpose.

E. Category II Inmate Rule Violations. An inmate may not:

(1) — (2) (original proposed text unchanged)

(3) 202—Refuse:

(a) A required medical examination or test;

(b) To participate in or submit to deoxyribonucleic acid (DNA) sampling collection; or

(c) To be fingerprinted as required by statute, law, or the Department;

(4) (original proposed text unchanged)

F. Category III Inmate Rule Violations. An inmate may not:

(1) — (8) (original proposed text unchanged);

(9) 308:

(a) — (c) (original proposed text unchanged)

(d) Misuse, tamper with, **Tamper** with, damage, or destroy State property;

(10) 309:

(a) — (c) (original proposed text unchanged)

(d) Misuse, alter, **Alter**, tamper with, damage, or destroy property of another individual or entity;

(11) — (12) (original proposed text unchanged)

(13) 312:

(a) Cause a delay in the reporting of a facility count;

(b) Interfere with or resist a search of a person, item, area, or location;

(c) Cause the early return of a community detail due to a violation of the rules;

(d) Disobey an order to lock in or an order related to mass movement; or

(e) Commit any inmate rule violation outside of the confinement of a secure facility;

(14) 313 — Disobey a specifically cited facility Category II **home detention or work release** rule not listed in this regulation as an inmate rule violation;

(15) 314:

(a) Demonstrate:

(i) Disrespect; or

(ii) Insolence;

(b) Use vulgar language — **Vacant**;

(16) 315 — Possess or pass contraband; or

(17) 316 — Disobey an order; or

(18) 317 — In any manner, commit, conspire to commit, or participate in an act of indecent exposure.

G. *Category IV Inmate Rule Violations. An inmate may not:*

(1) (original proposed text unchanged)

(2) 401[[[:

(a) *Refuse to work, carry out an assigned task, or complete a non-mandatory remediation program assignment; or*

(b) *Refuse to accept or carry out a housing assignment[]] — **Vacant**;*

(3) (original proposed text unchanged)

(4) 403:

(a) *Provide false [[[or misleading]]] information;*

(b) — (c) (original proposed text unchanged)

(5) — (7) (original proposed text unchanged)

(8) 407[[[:

(a) *Provide an unauthorized personal service for an individual or entity; or*

(b) *Participate in or operate an unauthorized business or enterprise]]] =*

Participate in or operate an unauthorized business, personal service, or enterprise;

(9) (original proposed text unchanged)

(10) 409:

(a) *Make an unauthorized telephone call;*

(b) [[[Use a telephone without authorization;

(c)]]] *Make or participate in a three way telephone call; **or***

[[[(d)]]] **(c)** *Use a telephone for an unauthorized or illegal purpose; [[[or*

(e) *Use a telephone in violation of an order, policy, procedure, regulation, statute, court order, or as otherwise provided by law;]]]*

(11) 410 — [[[Disobey a specifically cited facility Category IV rule not listed in this regulation as an inmate rule violation]]] **Demonstrate:**

(a) Disrespect;

(b) Insolence; or

(c) Use of vulgar language; or

(12) (original proposed text unchanged)

H. (original proposed text unchanged)

.05 — .22 (original proposed text unchanged)

.23 Disciplinary Proceeding Procedures — Sanction Phase — Imposing a Sanction.

A. — E. (original proposed text unchanged)

F. *The hearing officer prior to imposing a sanction and period of the sanction shall weigh and consider the defendant's inmate rule violation history as documented by the defendant's case record covering the [[[.*

(1) *Current period of incarceration; and*

(2) *Previous period or periods of incarceration prior to the current incarceration]]] **current term of confinement.***

G. [[[Except as provided in Regulation .25 of this chapter, all sanctions, including loss of earned credits, may be applied to the current term of confinement even if

the conduct underlying the conviction occurred on a previous term of confinement or while the defendant was classified as a pre-trial inmate.

H.]]] A sanction being served by a defendant shall be suspended and subsequently resumed at the time when the defendant:

(1)]]] *Has been released from the custody of a Department correctional facility upon expiration of sentence, release on mandatory supervision, parole, or by order of court, and is later returned to the custody of a Department correctional facility due to a new or outstanding court commitment or on warrant for a mandatory supervision or parole violation;*

(2)]]] *Was temporarily out of custody due to an escape, erroneous release, or medical or mental health admission and is later returned to the custody of a Department correctional facility; or*

]]](3)]]] **(2)** *Is under the custody and supervision of another jurisdiction or agency due to security reasons, on a detainer, or writ, and is later returned to the custody of the Department.*

.24 Determination of Defendant's Adjustment History — Credits and Segregation.

A. — C. (original proposed text unchanged)

D. Adjustment History. The Adjustment History Sentencing]]]*Matrix identifies]]] **Matrices categorize**]]]*a defendant's]]] **an inmate's**]]]*level of]]] adjustment history and identifies the approved range of imposable discipline* based on previous inmate rule violations as follows:**

(1)]]]*First Offense, if]]] **If** the current inmate rule violation is the first guilty finding on record in any category of inmate rule violation under any incarceration **then the imposed discipline shall be for a "First Offense";**]]]*or]]]**

(2)]]]*Second Offense, if]]] **If** the current inmate rule violation is the second guilty finding on record in]]]*any]]] **the instant offense** category of inmate rule violation,]]]*under any incarceration]]] **and occurs within 9 months or less from the guilty finding for a "First Offense" in the same instant category of inmate rule violation, then the imposed discipline shall be for a "Second Offense";***]]]*or]]]***

(3)]]]*Third Offense, if]]] **If** the current inmate rule violation is the third or greater guilty finding on record in]]]*any]]] **the instant** category of inmate rule violation,]]]*under any incarceration]]] **and occurs more than 9 months but less than 2 years from the guilty finding for a "Second Offense" in the same instant category of inmate rule violation, then the imposed discipline shall be for a "Third Offense+";** and***

(4) Any guilty finding occurring 2 or more years after a guilty finding in the same instant category of inmate rule violation shall not be considered when imposing discipline or sanctions.

E. Overriding an Adjustment History]]]*Matrix]]] **Matrices** Sanction.*

(1) (original proposed text unchanged)

(2) An override under this regulation may be for the purpose of]]]*enhancing or]]] reducing the severity of the sanction determined by the Adjustment History Sentencing]]]*Matrix]]] **Matrices** due to an aggravating or mitigating factor, whereby the hearing officer may:**

(a) — (b) (original proposed text unchanged)

(3) *[[[An override to enhance the severity of the sanction may be based on one or more of the following aggravating or mitigating factors:*

(a) *A prior guilty finding for the same inmate rule violation as the current guilty finding;*

(b) *Threat to security or safety of an individual or the facility;*

(c) *An attempt to introduce contraband into a facility;*

(d) *Refusal to submit to a required medical examination or test, submit to DNA sampling, or a refusal to be fingerprinted; or*

(e) *The need for progressive discipline.*

(4) *]] An override to reduce the severity of a sanction may be based on one or more of the following mitigating factors:*

(a) *No prior guilty finding for the current inmate rule violation;*

(b) *The period of time since the last conviction on record;*

(c) *The lesser severity of the current guilty finding;*

(d) *The defendant's mental health status at the time the inmate rule violation occurred;*

(e) *The need for progressive discipline; or*

(f) *The defendant's acceptance of responsibility for the current inmate rule violation for which the defendant was found guilty.*

*[[[(5)]] (4) The hearing officer may not override an [[adjustment history sentencing matrix]] **Adjustment History Sentencing Matrices** sanction stated in a sanction cell by suspending the sanction and imposing a period of probation.*

[[[(6)]] (5) If employing an override under this regulation, the hearing officer shall identify in the written and audio record of the defendant's disciplinary proceeding [[[,]] the [[aggravating or]] mitigating factor used to impose the sanction.

F. (original proposed text unchanged)

.25 (original proposed text unchanged)

.26 Adjustment History Sentencing *[[[Matrix]]* Matrices — Imposing Disciplinary Segregation.

A. — B. (original proposed text unchanged)

C. The discipline of inmates housed in a Department correctional facility pursuant to an agreement with an agency of the federal government shall be governed by this Chapter, consistent with the Federal Performance-Based Detention Standards issued by the United States Department of Justice.

.27 Adjustment History Sentencing *[[[Matrix]]* Matrices.

[[[Category Inmate Rule Violation	Defendant Adjustment History Levels			
		First Offense	Second Offense	Third+ Offense
IA	Credits Seg	60—90 0—60	90—180 0—90	180—365 0—180
IB	Credits Seg	30—60 0—30	60—90 0—60	90—180 0—90
II	Credits Seg	ALL CREDITS 0	ALL CREDITS 0	ALL CREDITS 0
III	Credits Seg	0—15 0—15	15—30 0—30	30—60 0—60
IV	Credits Seg	0—5 0	5—15 0	15—30 0
V	Credits Seg	0 0	0 0	0 0]]]

<u>Category of Inmate Rule Violation</u>	<u>Matrix for Imposition of Segregation Sentence</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense +</u>
<u>IA</u>	<u>0-60</u>	<u>0-90</u>	<u>0-180</u>
<u>IB</u>	<u>0-30</u>	<u>0-60</u>	<u>0-90</u>
<u>II</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>III</u>	<u>0-15</u>	<u>0-30</u>	<u>0-60</u>
<u>IV</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>V</u>	<u>0</u>	<u>0</u>	<u>0</u>

<u>Category of Inmate Rule Violation</u>	<u>Matrix for Imposition of Credit Revocation for Sentenced Inmates</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense +</u>
<u>IA</u>	<u>60-90</u>	<u>90-180</u>	<u>180-365</u>

<u>IB</u>	<u>30-60</u>	<u>60-90</u>	<u>90-180</u>
<u>II</u>	<u>All</u>	<u>All</u>	<u>All</u>
<u>III</u>	<u>0-15</u>	<u>15-30</u>	<u>30-60</u>
<u>IV</u>	<u>0-5</u>	<u>5-15</u>	<u>15-30</u>
<u>V</u>	<u>0</u>	<u>0</u>	<u>0</u>

<u>Category of Inmate Rule Violation</u>	<u>Matrix for Imposition of Segregation Sentence for Inmates Less Than 18 Years of Age</u>		
	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense+</u>
<u>IA</u>	<u>0-20</u>	<u>0-30</u>	<u>0-40</u>
<u>IB</u>	<u>0-10</u>	<u>0-15</u>	<u>0-20</u>
<u>II</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>III</u>	<u>0-5</u>	<u>0-7</u>	<u>0-10</u>
<u>IV</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>V</u>	<u>0</u>	<u>0</u>	<u>0</u>

.28 Alternative Disciplinary Sanctions and Informal Disposition Sanctions.

A. — C. (original proposed text unchanged)

D. The following may be imposed as a sanction under an alternative disciplinary sanction:

(1) — (3) (original proposed text unchanged)

(4) Suspension of any of the following privileges:

(a) — (c) (original proposed text unchanged)

(d) A Department or facility privilege not included in this regulation for a specified period up to ~~[[[but not to exceed]]]~~ 60 calendar days; ~~[[[or]]]~~

(5) **Restriction of visitation privilege, except for legal and clergy visitation, to immediate family members for a specified period of up to 180 calendar days; or**

(6) Cell restriction for a specified period up to but not to exceed 30 calendar days.

E. Cell restriction under this regulation:

(1) — (2) (original proposed text unchanged)

(3) Cell restriction and segregation may not be served or imposed ~~[[[concurrently]]]~~ **consecutively.**

.29 [[Mandatory Suspension — Visitation Privileges.

A. Visitation Privilege Suspension.

(1) Except for legal and clergy visitation, suspension of a defendant's visitation privileges under this regulation is mandatory.

(2) The hearing officer shall suspend a defendant's visitation privileges as a sanction if the inmate rule violation resulting in a guilty finding involves one or more of the inmate rule violations listed under §C of this regulation.

B. Period of Visitation Privilege Suspension.

(1) *The period of suspension of a defendant's visitation privileges imposed as a sanction is determined by the number of occurrences of the inmate rule violations listed under §C of this regulation.*

(2) *First Occurrence. The mandatory suspension of the defendant's visitation privileges shall be imposed for a period of 3 months if the inmate rule violation resulting in a guilty finding involves one or more of the inmate rule violations listed under §C of this regulation.*

(3) *Second Occurrence. If after a first occurrence of one or more of the inmate rule violations listed under §C of this regulation a defendant is again found guilty of one or more of the inmate rule violations listed under §C of this regulation, the defendant's visitation privileges shall be suspended for a period of 6 months.*

(4) *Third or Greater Occurrence. If after a second occurrence of visitation privilege suspension a defendant is again found guilty of an inmate rule violation that involves one or more of the inmate rule violations listed under §C of this regulation, the defendant's visitation privileges shall be suspended for a period of 1 year.*

(5) *The start date of the visitation privilege suspension shall be the date the sanction is imposed.*

C. An inmate rule violation requires the mandatory suspension of visiting privileges if the current finding of guilt:

(1) Is for a Category IA Violation;

(2) Is related to an attempt to introduce contraband into a facility; or

(3) Is for a violation related to the inmate visiting privilege.

D. Restoration of Inmate Visitation Privileges. A managing official may vacate or modify a period of a defendant's suspension of visitation privileges at any time that is imposed as:

(1) A mandatory sanction under this regulation; or

(2) An alternative sanction.]]]

[[[.30]]] *Disciplinary Proceeding Procedures — Post Disciplinary Proceeding Phase — The Hearing Officer's Decision and Case Record.*

A. — E. (original proposed text unchanged)

[[[.31]]] *.30 Disciplinary Proceeding Procedures — Post Disciplinary Proceeding Phase — Appeal of the Hearing Officer's Decision or Sanction.*

A. — F. (original proposed text unchanged)

[[[.32]]] *.31 Disciplinary Proceeding Procedures — Post Disciplinary Proceedings Phase — Managing Official's Review.*

A. — C. (original proposed text unchanged)

[[[.33]]] *.32 Disciplinary Proceeding Procedures — Post Disciplinary Proceedings Phase — Remanding the Inmate Rule Violation Charged.*

A. — H. (original proposed text unchanged)

[[[.34]]] *.33 Disciplinary Proceeding Procedures — Post Disciplinary Proceedings Phase — Review by the Secretary.*

A. — C. (original proposed text unchanged)

[[[.35]]] *.34 Video Conferencing.*

The Department may, for the purposes of the inmate disciplinary process, use video conferencing or other electronic media or technology.

STEPHEN T. MOYER
Secretary of Public Safety and Correctional Services