

SENATE BILL 590

E4

6lr2185

By: **Senators Gladden and Hough**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Solitary Confinement – Restrictions**

3 FOR the purpose of prohibiting an inmate in a State or local correctional facility from being
4 placed in certain solitary confinement unless certain conditions are met; requiring a
5 correctional facility to maintain certain documentation and make certain periodic
6 reports to the Department of Public Safety and Correctional Services; requiring the
7 Department to make certain information available on the Department’s Web site;
8 defining certain terms; and generally relating to solitary confinement.

9 BY adding to

10 Article – Correctional Services

11 Section 9–614

12 Annotated Code of Maryland

13 (2008 Replacement Volume and 2015 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

15 That the Laws of Maryland read as follows:

16 **Article – Correctional Services**

17 **9–614.**

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) “SERIOUS MENTAL ILLNESS” INCLUDES:

21 (I) ANXIETY DISORDERS;

22 (II) BIPOLAR AND RELATED DISORDERS;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (III) INTELLECTUAL DISABILITIES AND AUTISM SPECTRUM
2 DISORDERS;

3 (IV) MAJOR DEPRESSIVE DISORDER;

4 (V) MAJOR NEUROCOGNITIVE DISORDERS;

5 (VI) OBSESSIVE COMPULSIVE AND RELATED DISORDERS;

6 (VII) PERSONALITY DISORDERS;

7 (VIII) SCHIZOPHRENIA SPECTRUM AND OTHER PSYCHOTIC
8 DISORDERS;

9 (IX) TRAUMA AND STRESSOR-RELATED DISORDERS; AND

10 (X) OTHER CONDITIONS RECOGNIZED AS SERIOUS MENTAL
11 ILLNESS BY THE FEDERAL BUREAU OF PRISONS.

12 (3) (I) "SOLITARY CONFINEMENT" MEANS CONFINING AN INMATE
13 TO A CELL FOR APPROXIMATELY 22 HOURS OR MORE PER DAY, ALONE OR WITH
14 OTHER PRISONERS, WHILE ISOLATING THE INMATE FROM CONTACT WITH OTHERS.

15 (II) "SOLITARY CONFINEMENT" INCLUDES THE FOLLOWING
16 CLASSIFICATIONS:

17 1. DISCIPLINARY SEGREGATION;

18 2. ADMINISTRATIVE SEGREGATION;

19 3. PROTECTIVE CUSTODY;

20 4. SPECIAL HOUSING;

21 5. SUPER-MAXIMUM SECURITY HOUSING;

22 6. RESTRICTED HOUSING; AND

23 7. RESTRICTED PROGRAMMING.

24 (B) AN INMATE IN A STATE OR LOCAL CORRECTIONAL FACILITY MAY NOT
25 BE PLACED IN SOLITARY CONFINEMENT UNLESS:

1 **(1) THE INMATE POSES AN IMMEDIATE AND SUBSTANTIAL RISK OF**
2 **PHYSICAL HARM TO THE SECURITY OF THE CORRECTIONAL FACILITY, TO THE**
3 **INMATE, OR TO OTHERS THAT IS NOT THE RESULT OF A SERIOUS MENTAL ILLNESS;**

4 **(2) ALL OTHER LESS-RESTRICTIVE OPTIONS TO ADDRESS THE RISK**
5 **HAVE BEEN ATTEMPTED AND EXHAUSTED;**

6 **(3) THE INMATE IS HELD IN SOLITARY CONFINEMENT ONLY FOR THE**
7 **MINIMUM TIME REQUIRED TO ADDRESS THE RISK, AND FOR A PERIOD OF TIME THAT**
8 **DOES NOT COMPROMISE THE INMATE'S MENTAL OR PHYSICAL HEALTH; AND**

9 **(4) THE CORRECTIONAL FACILITY DOCUMENTS:**

10 **(I) THE NAME, AGE, GENDER, AND RACE OF THE INMATE;**

11 **(II) THE DATE AND TIME THE INMATE WAS PLACED IN AND**
12 **RELEASED FROM SOLITARY CONFINEMENT; AND**

13 **(III) THE REASON FOR THE CONFINEMENT, INCLUDING A**
14 **DESCRIPTION OF AN EXHAUSTION OF LESS-RESTRICTIVE ALTERNATIVES.**

15 **(c) (1) A CORRECTIONAL FACILITY SHALL MAKE QUARTERLY REPORTS**
16 **TO THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES OF THE**
17 **DOCUMENTATION COLLECTED UNDER SUBSECTION (B)(4) OF THIS SECTION,**
18 **EXCLUDING ANY IDENTIFYING INFORMATION OF THE INMATE.**

19 **(2) THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL**
20 **SERVICES SHALL MAKE THE INFORMATION DESCRIBED IN PARAGRAPH (1) OF THIS**
21 **SUBSECTION AVAILABLE ON THE WEB SITE OF THE DEPARTMENT.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2016.