

SENATE BILL 946

E4

6lr3396
CF HB 1180

By: **Senators Gladden, Hough, Ferguson, Lee, McFadden, Muse, Nathan–Pulliam, Raskin, and Zucker**

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2016

CHAPTER _____

1 AN ACT concerning

2 **Correctional Services – Restrictive Housing – Report**

3 FOR the purpose of requiring the Department of Public Safety and Correctional Services
4 on or before a certain date each year to submit certain data to the Governor’s Office
5 of Crime Control and Prevention and the General Assembly relating to the use of
6 certain restrictive housing in correctional facilities; requiring the ~~Department~~
7 Governor’s Office of Crime Control and Prevention to make certain information
8 available on ~~the Department’s~~ its Web site; defining a certain term; and generally
9 relating to correctional facilities.

10 BY adding to
11 Article – Correctional Services
12 Section 9–614
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2015 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Correctional Services**

18 **9–614.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) (1) IN THIS SECTION, "RESTRICTIVE HOUSING" MEANS A ~~TYPE OF~~
2 ~~DETENTION THAT INVOLVES:~~

3 ~~(1) REMOVAL OF AN INMATE FROM THE GENERAL INMATE~~
4 ~~POPULATION, WHETHER VOLUNTARY OR INVOLUNTARY;~~ FORM OF PHYSICAL
5 SEPARATION IN WHICH THE INMATE IS PLACED IN A LOCKED ROOM OR CELL FOR
6 APPROXIMATELY 22 HOURS OR MORE OUT OF A 24-HOUR PERIOD.

7 (2) "RESTRICTIVE HOUSING" INCLUDES ADMINISTRATIVE
8 SEGREGATION AND DISCIPLINARY SEGREGATION.

9 ~~(2) PLACEMENT OF THE INMATE IN A LOCKED ROOM OR CELL,~~
10 ~~WHETHER ALONE OR WITH ANOTHER INMATE; AND~~

11 ~~(3) THE INABILITY OF THE INMATE TO LEAVE THE ROOM OR CELL FOR~~
12 ~~THE VAST MAJORITY OF THE DAY, TYPICALLY 22 HOURS OR MORE.~~

13 (B) (1) ON OR BEFORE ~~OCTOBER 1~~ DECEMBER 31 EACH YEAR, THE
14 DEPARTMENT SHALL SUBMIT DATA TO THE GOVERNOR'S OFFICE OF CRIME
15 CONTROL AND PREVENTION AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH
16 § 2-1246 OF THE STATE GOVERNMENT ARTICLE, SHOWING, BY CORRECTIONAL
17 FACILITY:

18 (I) THE TOTAL POPULATION OF THE CORRECTIONAL FACILITY;

19 (II) THE NUMBER OF INMATES WHO HAVE BEEN PLACED IN
20 RESTRICTIVE HOUSING DURING THE PRECEDING YEAR BY AGE, RACE, ~~ETHNICITY~~
21 SEX, GENDER, CLASSIFICATION OF HOUSING, AND THE BASIS FOR THE INMATE'S
22 PLACEMENT IN RESTRICTIVE HOUSING;

23 (III) THE NUMBER OF INMATES WITH SERIOUS MENTAL ILLNESS
24 THAT WERE PLACED IN RESTRICTIVE HOUSING DURING THE PRECEDING YEAR;

25 (IV) THE DEFINITION OF "SERIOUS MENTAL ILLNESS" USED BY
26 THE DEPARTMENT IN MAKING THE REPORT;

27 (V) THE NUMBER OF INMATES KNOWN TO BE PREGNANT WHEN
28 PLACED IN RESTRICTIVE HOUSING DURING THE PRECEDING YEAR;

29 (VI) THE AVERAGE AND MEDIAN LENGTHS OF STAY IN
30 RESTRICTIVE HOUSING OF THE INMATES PLACED IN RESTRICTIVE HOUSING DURING
31 THE PRECEDING YEAR;

1 (VII) THE NUMBER OF INCIDENTS OF DEATH, SELF-HARM, AND
2 ATTEMPTS AT SELF-HARM BY INMATES IN RESTRICTIVE HOUSING DURING THE
3 PRECEDING YEAR;

4 (VIII) THE NUMBER OF INMATES RELEASED FROM RESTRICTIVE
5 HOUSING DIRECTLY INTO THE COMMUNITY DURING THE PRECEDING YEAR;

6 (IX) ANY OTHER DATA THE DEPARTMENT CONSIDERS RELEVANT
7 TO THE USE OF RESTRICTIVE HOUSING BY CORRECTIONAL FACILITIES IN THE
8 STATE; AND

9 (X) ANY CHANGES TO WRITTEN POLICIES OR PROCEDURES AT
10 EACH CORRECTIONAL FACILITY RELATING TO THE USE AND CONDITIONS OF
11 RESTRICTIVE HOUSING, INCLUDING STEPS TO REDUCE RELIANCE ON RESTRICTIVE
12 HOUSING.

13 (2) ~~THE DEPARTMENT~~ GOVERNOR'S OFFICE OF CRIME CONTROL
14 AND PREVENTION SHALL MAKE THE INFORMATION SUBMITTED IN ACCORDANCE
15 WITH PARAGRAPH (1) OF THIS SUBSECTION AVAILABLE ON ~~THE DEPARTMENT'S~~ ITS
16 WEB SITE.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.