

# SENATE BILL 946

E4

(6lr3396)

## ENROLLED BILL

— *Judicial Proceedings/Judiciary* —

Introduced by **Senators Gladden, Hough, Ferguson, Lee, McFadden, Muse, Nathan-Pulliam, Raskin, and Zucker**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### 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

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#### 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.

*Italics indicate opposite chamber/conference committee amendments.*



(2008 Replacement Volume and 2015 Supplement)

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

**Article – Correctional Services**

**9-614.**

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

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

(2) “RESTRICTIVE HOUSING” INCLUDES ADMINISTRATIVE  
SEGREGATION AND DISCIPLINARY SEGREGATION.

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

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

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

(I) THE TOTAL POPULATION OF THE CORRECTIONAL FACILITY;

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

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

(IV) THE DEFINITION OF “SERIOUS MENTAL ILLNESS” USED BY  
THE DEPARTMENT IN MAKING THE REPORT;

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

3 (VI) THE AVERAGE AND MEDIAN LENGTHS OF STAY IN  
4 RESTRICTIVE HOUSING OF THE INMATES PLACED IN RESTRICTIVE HOUSING DURING  
5 THE PRECEDING YEAR;

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

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

11 (IX) ANY OTHER DATA THE DEPARTMENT CONSIDERS RELEVANT  
12 TO THE USE OF RESTRICTIVE HOUSING BY CORRECTIONAL FACILITIES IN THE  
13 STATE; AND

14 (X) ANY CHANGES TO WRITTEN POLICIES OR PROCEDURES AT  
15 EACH CORRECTIONAL FACILITY RELATING TO THE USE AND CONDITIONS OF  
16 RESTRICTIVE HOUSING, INCLUDING STEPS TO REDUCE RELIANCE ON RESTRICTIVE  
17 HOUSING.

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.