

Chapter 596

(Senate Bill 946)

AN ACT concerning

Correctional Services – Restrictive Housing – Report

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

BY adding to

Article – Correctional Services
Section 9–614
Annotated Code of Maryland
(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;

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

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

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

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

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

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

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

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

Approved by the Governor, May 19, 2016.