

# HOUSE BILL 1001

E4

9lr1537  
CF SB 774

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By: **Delegates J. Lewis, Acevero, Atterbeary, D. Barnes, Barron, Bridges, Charkoudian, Conaway, Crutchfield, D.M. Davis, W. Fisher, Glenn, Guyton, Healey, Hornberger, Ivey, Jalisi, Kelly, R. Lewis, Lierman, Lopez, Love, Moon, Mosby, Queen, Rosenberg, Shetty, Smith, Solomon, Sydnor, Turner, R. Watson, and Wilkins**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Restrictive Housing – Reporting by Correctional Units**  
3 **and Requirements Relating to Minors**

4 FOR the purpose of expanding the entities required to submit a certain report relating to  
5 restrictive housing; prohibiting a certain correctional unit from placing a minor in  
6 certain restrictive housing unless a certain managing official makes a certain  
7 finding; requiring a minor placed in restrictive housing to be provided certain  
8 privileges and conditions; requiring a certain managing official or designee to make  
9 a certain record under certain circumstances; altering a certain definition; defining  
10 certain terms; making conforming changes; and generally relating to restrictive  
11 housing.

12 BY repealing and reenacting, with amendments,  
13 Article – Correctional Services  
14 Section 9–614  
15 Annotated Code of Maryland  
16 (2017 Replacement Volume and 2018 Supplement)

17 BY adding to  
18 Article – Correctional Services  
19 Section 9–614.1  
20 Annotated Code of Maryland  
21 (2017 Replacement Volume and 2018 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Correctional Services**

2 9–614.

3 (a) (1) In this section[, “restrictive] **THE FOLLOWING WORDS HAVE THE**  
4 **MEANINGS INDICATED.**5 **(2) “CORRECTIONAL UNIT” HAS THE MEANING STATED IN § 2–401 OF**  
6 **THIS ARTICLE.**7 **(3) (I) “RESTRICTIVE housing” means a form of physical separation**  
8 **THAT HAS NOT BEEN REQUESTED BY THE INMATE** in which the inmate is placed in a  
9 locked room or cell for approximately 22 hours or more out of a  
10 24–hour period.11 **[(2)] (II) “Restrictive housing” includes administrative segregation and**  
12 **disciplinary segregation.**13 (b) (1) On or before December 31 each year, [the Department] **EACH**  
14 **CORRECTIONAL UNIT** shall submit data to the Governor’s Office of Crime Control and  
15 Prevention and the General Assembly, in accordance with § 2–1246 of the State  
16 Government Article, showing, by correctional [facility] **UNIT**:17 (i) the total population of the correctional [facility] **UNIT**;18 (ii) the number of inmates who have been placed in restrictive  
19 housing during the preceding year by age, race, gender, classification of housing, and the  
20 basis for the inmate’s placement in restrictive housing;21 (iii) the number of inmates with serious mental illness that were  
22 placed in restrictive housing during the preceding year;23 (iv) the definition of “serious mental illness” used by the  
24 [Department] **CORRECTIONAL UNIT** in making the report;25 (v) the number of inmates known to be pregnant when placed in  
26 restrictive housing during the preceding year;27 (vi) the average and median lengths of stay in restrictive housing of  
28 the inmates placed in restrictive housing during the preceding year;29 (vii) the number of incidents of death, self–harm, and attempts at  
30 self–harm by inmates in restrictive housing during the preceding year;31 (viii) the number of inmates released from restrictive housing directly  
32 into the community during the preceding year;

1 (ix) any other data the [Department] CORRECTIONAL UNIT  
2 considers relevant to the use of restrictive housing by correctional facilities in the State;  
3 and

4 (x) any changes to written policies or procedures at each correctional  
5 [facility] UNIT relating to the use and conditions of restrictive housing, including steps to  
6 reduce reliance on restrictive housing.

7 (2) The Governor's Office of Crime Control and Prevention shall make the  
8 information submitted in accordance with paragraph (1) of this subsection available on its  
9 [Web site] WEBSITE.

10 **9-614.1.**

11 (A) IN THIS SECTION, "RESTRICTIVE HOUSING" HAS THE MEANING STATED  
12 IN § 9-614 OF THIS SUBTITLE.

13 (B) THIS SECTION APPLIES TO A FACILITY OPERATED BY A CORRECTIONAL  
14 UNIT, AS DEFINED IN § 2-401 OF THIS ARTICLE.

15 (C) A MINOR MAY NOT BE PLACED IN RESTRICTIVE HOUSING UNLESS THE  
16 MANAGING OFFICIAL OF THE FACILITY FINDS BY CLEAR AND CONVINCING EVIDENCE  
17 THAT THE MINOR POSES AN IMMEDIATE AND SUBSTANTIAL RISK:

18 (1) OF PHYSICAL HARM TO THE MINOR, OTHER INMATES, OR STAFF;  
19 OR

20 (2) TO THE SECURITY OF THE FACILITY.

21 (D) A MINOR PLACED IN RESTRICTIVE HOUSING SHALL BE PROVIDED:

22 (1) DAILY PHYSICAL AND MENTAL HEALTH ASSESSMENTS TO  
23 DETERMINE WHETHER THE MINOR MAY BE RELEASED FROM RESTRICTIVE HOUSING;

24 (2) THE SAME STANDARD OF ACCESS THAT IS PROVIDED TO INMATES  
25 NOT IN RESTRICTIVE HOUSING TO:

26 (I) PHONE CALLS;

27 (II) VISITS;

28 (III) MAIL;

- 1                   **(IV) FOOD;**
- 2                   **(V) WATER;**
- 3                   **(VI) SHOWERS;**
- 4                   **(VII) SANITARY SUPPLIES;**
- 5                   **(VIII) PROPERTY, INCLUDING CLOTHING AND BEDDING; AND**
- 6                   **(IX) MEDICAL, MENTAL, AND DENTAL HEALTH CARE; AND**
- 7                   **(3) MAXIMIZED ACCESS TO RECREATION, EDUCATION, AND**  
8 **PROGRAMMING.**

9                   **(E) IF A PRIVILEGE OR CONDITION DESCRIBED IN SUBSECTION (D) OF THIS**  
10 **SECTION IS NOT PROVIDED TO THE MINOR, THE MANAGING OFFICIAL OR THE**  
11 **MANAGING OFFICIAL'S DESIGNEE SHALL RECORD THE REASON IN THE MINOR'S**  
12 **FILE.**

13                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14 October 1, 2019.