

HOUSE BILL 917

E4

1lr2643

By: **Delegate Amprey**

Introduced and read first time: February 2, 2021

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Corrections – Restrictive Housing – Prohibition**

3 FOR the purpose of prohibiting the placement of a certain inmate in certain restrictive
4 housing, with certain exceptions; requiring a certain facility to document the usage
5 of restrictive housing in a certain manner; requiring certain records to be posted on
6 a certain website in a certain manner; defining certain terms; and generally relating
7 to restrictive housing.

8 BY repealing and reenacting, without amendments,

9 Article – Correctional Services

10 Section 9–614(a)(1) and (3)

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2020 Supplement)

13 BY adding to

14 Article – Correctional Services

15 Section 9–614.2

16 Annotated Code of Maryland

17 (2017 Replacement Volume and 2020 Supplement)

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

19 That the Laws of Maryland read as follows:

20 **Article – Correctional Services**

21 9–614.

22 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) (i) “Restrictive housing” means a form of physical separation that
2 has not been requested by the inmate in which the inmate is placed in a locked room or cell
3 for approximately 22 hours or more out of a 24-hour period.

4 (ii) “Restrictive housing” includes administrative segregation and
5 disciplinary segregation.

6 **9-614.2.**

7 (A) (1) **IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
8 **INDICATED.**

9 (2) **“RESTRICTIVE HOUSING” HAS THE MEANING STATED IN § 9-614**
10 **OF THIS SUBTITLE.**

11 (3) **“SERIOUS MENTAL ILLNESS” INCLUDES:**

12 (I) **SCHIZOPHRENIA SPECTRUM AND OTHER PSYCHOTIC**
13 **DISORDERS;**

14 (II) **BIPOLAR AND RELATED DISORDERS;**

15 (III) **MAJOR DEPRESSIVE DISORDERS;**

16 (IV) **ANXIETY DISORDERS;**

17 (V) **OBSESSIVE COMPULSIVE AND RELATED DISORDERS;**

18 (VI) **TRAUMA AND STRESSOR-RELATED DISORDERS;**

19 (VII) **INTELLECTUAL DISABILITIES AND AUTISM SPECTRUM**
20 **DISORDERS;**

21 (VIII) **MAJOR NEUROCOGNITIVE DISORDERS;**

22 (IX) **PERSONALITY DISORDERS; AND**

23 (X) **OTHER CONDITIONS RECOGNIZED AS SERIOUS MENTAL**
24 **ILLNESSES BY THE FEDERAL BUREAU OF PRISONS.**

25 (B) **AN INMATE OF A STATE CORRECTIONAL FACILITY MAY NOT BE PLACED**
26 **IN RESTRICTIVE HOUSING UNLESS:**

1 **(1) THE INMATE POSES AN IMMEDIATE AND SUBSTANTIAL RISK OF**
2 **PHYSICAL HARM TO THE SECURITY OF THE FACILITY, TO THE INMATE, OR TO**
3 **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; AND**

6 **(3) THE INMATE IS IN RESTRICTIVE HOUSING ONLY FOR THE**
7 **MINIMUM TIME REQUIRED TO ADDRESS THE RISK, AND FOR A PERIOD OF TIME THAT**
8 **DOES NOT COMPROMISE THE MENTAL AND PHYSICAL HEALTH OF THE INMATE.**

9 **(C) FOR EACH INCIDENT WHEN RESTRICTIVE HOUSING IS USED, THE**
10 **FACILITY SHALL DOCUMENT THE USAGE OF RESTRICTIVE HOUSING, INCLUDING:**

11 **(1) THE NAME, AGE, GENDER, AND RACE OF THE INMATE SUBJECT TO**
12 **RESTRICTIVE HOUSING;**

13 **(2) THE DATE AND TIME THE INMATE WAS PLACED IN AND RELEASED**
14 **FROM RESTRICTIVE HOUSING; AND**

15 **(3) THE REASON FOR THE CONFINEMENT, INCLUDING ATTEMPTS AT**
16 **LESS-RESTRICTIVE OPTIONS.**

17 **(D) THE RECORDS DESCRIBED IN SUBSECTION (C) OF THIS SECTION,**
18 **EXCLUDING ANY IDENTIFYING INFORMATION, SHALL BE POSTED PROMPTLY ON THE**
19 **WEBSITE OF THE DEPARTMENT.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2021.