

HOUSE BILL 1299

E5

2lr1733

By: **Delegate Ruth**

Introduced and read first time: February 11, 2022

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Corrections – Housing – Serious Mental Illness**

3 FOR the purpose of requiring certain inmates with a certain serious mental illness to be
4 offered a certain amount of time outside a certain locked room or cell during a certain
5 time period, with certain exceptions; requiring the Department of Public Safety and
6 Correctional Services to report certain information to the General Assembly on or
7 before certain dates; and generally relating to inmates with a serious mental illness.

8 BY adding to

9 Article – Correctional Services

10 Section 9–614.2

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2021 Supplement)

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

15 **Article – Correctional Services**

16 **9–614.2.**

17 **(A) IN THIS SECTION, “SERIOUS MENTAL ILLNESS” MEANS A DIAGNOSIS**
18 **RECOGNIZED BY THE AMERICAN PSYCHIATRIC ASSOCIATION THAT DEMONSTRATES**
19 **HIGH SYMPTOM SEVERITY OR THE NEED FOR SPECIALIZED CARE, AND A**
20 **SIGNIFICANT FUNCTIONAL IMPAIRMENT THAT MAY BE EVIDENCED BY:**

21 **(1) SELF–HARMING BEHAVIORS;**

22 **(2) SERIOUS DEFICITS IN ADAPTIVE FUNCTIONING THAT HAMPER**
23 **CONFORMING TO INSTITUTIONAL RULES OR ENGAGEMENT IN ACTIVITIES;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) A PATTERN OF DYSFUNCTIONAL, BIZARRE, OR DISRUPTIVE**
2 **SOCIAL INTERACTIONS; OR**

3 **(4) OTHER BEHAVIORS IDENTIFIED BY HEALTH CARE**
4 **PROFESSIONALS TO REPRESENT A SIGNIFICANT FUNCTIONAL IMPAIRMENT.**

5 **(B) THIS SECTION APPLIES TO A FACILITY OPERATED AS A CORRECTIONAL**
6 **UNIT, AS DEFINED IN § 2-401 OF THIS ARTICLE.**

7 **(C) (1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN**
8 **INMATE WITH A SERIOUS MENTAL ILLNESS SHALL BE OFFERED, WITHIN EACH**
9 **24-HOUR TIME PERIOD, A MINIMUM OF 2 HOURS AND 30 MINUTES OF TIME OUTSIDE**
10 **A LOCKED ROOM OR CELL WHICH MAY INCLUDE STRUCTURED ACTIVITIES OR**
11 **UNSTRUCTURED RECREATION.**

12 **(2) REQUIRED TIME OUTSIDE A LOCKED ROOM OR CELL MAY BE**
13 **OFFERED IN NONCONSECUTIVE INTERVALS WITHIN EACH 24-HOUR PERIOD.**

14 **(D) (1) AN INMATE WITH A SERIOUS MENTAL ILLNESS MAY BE OFFERED**
15 **LESS THAN 2 HOURS AND 30 MINUTES OF TIME OUTSIDE A LOCKED ROOM OR CELL**
16 **WITHIN A 24-HOUR PERIOD IF:**

17 **(I) IN LIMITED EXIGENT CIRCUMSTANCES, NOT TO EXCEED 15**
18 **DAYS, THE INMATE PRESENTS AN IMMEDIATE AND ONGOING THREAT OF HARM TO**
19 **THE INMATE OR OTHERS; OR**

20 **(II) A LICENSED HEALTH CARE PROFESSIONAL CERTIFIES THAT**
21 **A MORE RESTRICTIVE SETTING IS NECESSARY FOR THE INMATE'S COURSE OF CARE.**

22 **(2) ON A DETERMINATION THAT THE CIRCUMSTANCES UNDER**
23 **PARAGRAPH (1) OF THIS SUBSECTION NO LONGER EXIST, THE REQUIRED TIME**
24 **OUTSIDE OF A LOCKED ROOM OR CELL FOR AN INMATE WITH A SERIOUS MENTAL**
25 **ILLNESS SHALL BE RESTORED.**

26 **(E) THE MANAGING OFFICIAL OF THE CORRECTIONAL UNIT SHALL REQUIRE**
27 **THAT A RECORD IS CREATED AND MAINTAINED DOCUMENTING DAILY TIME OUTSIDE**
28 **A LOCKED ROOM OR CELL FOR ALL INMATES WITH A SERIOUS MENTAL ILLNESS**
29 **WARRANTING THE APPLICATION OF SUBSECTION (D) OF THIS SECTION AND A**
30 **WRITTEN EXPLANATION SUPPORTING THE DECISION.**

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Public
32 Safety and Correctional Services shall provide an interim report on or before January 1,
33 2023, and a final report on or before January 1, 2024, to the General Assembly, in

1 accordance with § 2–1257 of the State Government Article, on steps the Department has
2 taken to improve access to confidential medical and mental health services, access to mail
3 and telephone, congregate programming, and other out-of-cell opportunities for inmates
4 with a serious mental illness.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2022.