

# HOUSE BILL 1411

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By: **Delegate Howard**

Introduced and read first time: February 9, 2024

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Facilities – Correctional Nursery Program – Establishment**

3 FOR the purpose of requiring the Department of Public Safety and Correctional Services  
4 to establish the Correctional Nursery Program to allow eligible incarcerated  
5 individuals and children born to eligible incarcerated individuals while in custody to  
6 reside together in a correctional facility; and generally relating to the Correctional  
7 Nursery Program.

8 BY repealing and reenacting, without amendments,

9 Article – Correctional Services

10 Section 9–601(i)

11 Annotated Code of Maryland

12 (2017 Replacement Volume and 2023 Supplement)

13 BY adding to

14 Article – Correctional Services

15 Section 9–601.2

16 Annotated Code of Maryland

17 (2017 Replacement Volume and 2023 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 9–601.

22 (i) Notwithstanding any other provision of this section, the Department may  
23 allow an incarcerated individual to participate in programming and to retain custody of the  
24 newborn child in or out of custody if:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) the environment and program is consistent with the best interests of  
2 the child and consistent with public safety; and

3 (2) the custody is not inconsistent with the parental rights of any  
4 individual who is not detained or confined in a correctional facility.

5 **9-601.2.**

6 (A) IN THIS SECTION, "PROGRAM" MEANS THE CORRECTIONAL NURSERY  
7 PROGRAM.

8 (B) THE DEPARTMENT SHALL ESTABLISH THE PROGRAM TO ALLOW  
9 ELIGIBLE INCARCERATED INDIVIDUALS AND CHILDREN BORN TO ELIGIBLE  
10 INCARCERATED INDIVIDUALS WHILE IN THE CUSTODY OF THE DEPARTMENT TO  
11 RESIDE TOGETHER IN A CORRECTIONAL FACILITY.

12 (C) SUBJECT TO § 9-601 OF THIS SUBTITLE, AN INCARCERATED INDIVIDUAL  
13 IS ELIGIBLE FOR PARTICIPATION IN THE PROGRAM IF THE INDIVIDUAL:

14 (1) IS PREGNANT AT THE TIME THE INDIVIDUAL IS BROUGHT INTO  
15 CUSTODY OF THE DEPARTMENT;

16 (2) GIVES BIRTH WHILE INCARCERATED; AND

17 (3) HAS 12 MONTHS OR LESS REMAINING ON THE INDIVIDUAL'S  
18 SENTENCE WHEN THE CHILD IS BORN.

19 (D) AN INCARCERATED INDIVIDUAL MAY NOT PARTICIPATE IN THE  
20 PROGRAM UNLESS THE INCARCERATED INDIVIDUAL VOLUNTARILY ENTERS INTO A  
21 WRITTEN CONTRACT WITH THE DEPARTMENT THAT CLEARLY SETS FORTH THE  
22 OBLIGATIONS, DUTIES, RESPONSIBILITIES, AND EXPECTATIONS WITH WHICH THE  
23 INCARCERATED INDIVIDUAL MUST COMPLY.

24 (E) A REPRESENTATIVE OF THE DEPARTMENT SHALL EXPLAIN TO THE  
25 INCARCERATED INDIVIDUAL THE BENEFITS OF THE PROGRAM, THE PROVISIONS OF  
26 THE CONTRACT DESCRIBED IN SUBSECTION (D) OF THIS SECTION, AND THE  
27 CONSEQUENCES OF TERMINATION FROM THE PROGRAM.

28 (F) A COURT MAY NOT REQUIRE AN INCARCERATED INDIVIDUAL TO  
29 PARTICIPATE IN THE PROGRAM.

30 (G) AN INCARCERATED INDIVIDUAL'S PARTICIPATION IN THE PROGRAM  
31 MAY BE TERMINATED BY THE DEPARTMENT IF:

1           **(1) THE INCARCERATED INDIVIDUAL FAILS TO COMPLY WITH THE**  
2 **CONTRACT ENTERED INTO UNDER SUBSECTION (D) OF THIS SECTION;**

3           **(2) THE INCARCERATED INDIVIDUAL’S CHILD BECOMES SERIOUSLY**  
4 **ILL;**

5           **(3) THE DEPARTMENT DETERMINES THAT THE INDIVIDUAL’S CHILD**  
6 **CANNOT SAFELY PARTICIPATE IN THE PROGRAM;**

7           **(4) A COURT OF COMPETENT JURISDICTION ISSUES AN ORDER THAT**  
8 **GRANTS TEMPORARY, PERMANENT, OR LEGAL CUSTODY OF THE CHILD TO A PERSON**  
9 **OR AGENCY OTHER THAN THE INCARCERATED INDIVIDUAL; OR**

10           **(5) THE INCARCERATED INDIVIDUAL IS RELEASED FROM**  
11 **IMPRISONMENT.**

12           **(H) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN**  
13 **APPROPRIATION SUFFICIENT TO FUND THE OPERATION OF THE PROGRAM.**

14           **(I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**  
15 **SECTION.**

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2024.