

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 775

(Delegate Otto, *et al.*)

Judiciary

Judicial Proceedings

Correctional Services - Death of Incarcerated Individual - Notification

This bill requires, whenever an incarcerated individual dies in a Division of Correction (DOC) facility, the Commissioner of Correction to notify (1) the State delegates and State senator representing the legislative district where the facility is located; (2) the legislative body of the county where the facility is located or the Baltimore City Council, if the facility is located in Baltimore City; and (3) the chief executive of the county where the facility is located or the Mayor of Baltimore City, if the facility is located in Baltimore City. The notification must include the cause of death of the deceased incarcerated individual and may not include protected health information of the deceased incarcerated individual. The Department of Public Safety and Correctional Services (DPSCS) must adopt regulations compliant with the federal Health Insurance Portability and Accountability Act (HIPPA) to implement the bill's provisions.

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures for DPSCS to provide the required notifications. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law:

Investigation by Department of State Police: The Department of State Police must investigate any death of an incarcerated individual suspected to be a homicide that occurs

while the incarcerated individual is in the custody of DOC whether within or outside a correctional facility.

Federal Health Insurance Portability and Accountability Act: HIPPA protects the individually identifiable health information for an individual for up to 50 years after the death of the individual.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Department of Public Safety and Correctional Services;
Department of Legislative Services

Fiscal Note History: First Reader - February 13, 2025
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