

# SENATE BILL 268

E5

6lr2009  
CF HB 310

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By: Senator Henson

Introduced and read first time: January 19, 2026

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Restrictive Housing – Individuals With Developmental**  
3 **or Intellectual Disabilities**

4 FOR the purpose of authorizing a certain clinical professional to conduct a certain  
5 assessment for an incarcerated individual at intake at a State correctional facility;  
6 authorizing a certain clinical professional to make a certain recommendation about  
7 a certain incarcerated individual; prohibiting a State correctional facility from  
8 putting a certain incarcerated individual in restrictive housing for more than a  
9 certain number of days unless the individual commits a certain prohibited act; and  
10 generally relating to restrictive housing.

11 BY adding to

12 Article – Correctional Services  
13 Section 9–614.3  
14 Annotated Code of Maryland  
15 (2025 Replacement Volume)

16 BY repealing and reenacting, without amendments,

17 Article – Health – General  
18 Section 7–101(a), (g), and (n)  
19 Annotated Code of Maryland  
20 (2023 Replacement Volume and 2025 Supplement)

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

### 23 Article – Correctional Services

24 **9–614.3.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3                   (2) "CLINICAL PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS  
4 TRAINED AND LICENSED IN MENTAL HEALTH.

5                   (3) "DEVELOPMENTAL DISABILITY" HAS THE MEANING STATED IN §  
6 7-101 OF THE HEALTH – GENERAL ARTICLE.

7                   (4) "INTELLECTUAL DISABILITY" HAS THE MEANING STATED IN §  
8 7-101 OF THE HEALTH – GENERAL ARTICLE.

9                   (5) "PROHIBITED ACT" INCLUDES:

10                   (I) CAUSING OR ATTEMPTING TO CAUSE SERIOUS PHYSICAL  
11 INJURY TO OR DEATH OF ANOTHER PERSON;

12                   (II) MAKING AN IMMINENT THREAT OF SERIOUS PHYSICAL  
13 INJURY OR DEATH TO ANOTHER PERSON WHEN:

14                   1. THE INDIVIDUAL MAKING THE THREAT HAS A  
15 HISTORY OF CAUSING PHYSICAL INJURY OR DEATH; AND

16                   2. THE COMMISSIONER OF CORRECTION REASONABLY  
17 DETERMINES THAT THERE IS A STRONG LIKELIHOOD THAT THE PERSON WILL CARRY  
18 OUT A THREAT OF SERIOUS PHYSICAL INJURY OR DEATH;

19                   (III) COMPELLING OR ATTEMPTING TO COMPEL ANOTHER  
20 PERSON, BY FORCE OR THREAT OF FORCE, TO ENGAGE IN A SEXUAL ACT;

21                   (IV) EXTORTING ANOTHER, BY FORCE OR THREAT OF FORCE,  
22 FOR PROPERTY OR MONEY;

23                   (V) COERCING ANOTHER, BY FORCE OR THREAT OF FORCE, TO  
24 VIOLATE A RULE;

25                   (VI) LEADING, ORGANIZING, INCITING, OR ATTEMPTING TO  
26 CAUSE A RIOT, AN INSURRECTION, OR ANY OTHER SIMILARLY SERIOUS  
27 DISTURBANCE THAT RESULTS IN THE TAKING OF A HOSTAGE, MAJOR PROPERTY  
28 DAMAGE, OR PHYSICAL HARM TO ANOTHER PERSON;

1 (VII) PROCURING DEADLY WEAPONS OR OTHER DANGEROUS  
2 CONTRABAND THAT POSE A SERIOUS THREAT TO THE SECURITY OF THE  
3 INSTITUTION; AND

4 (VIII) ESCAPING, ATTEMPTING TO ESCAPE, OR FACILITATING AN  
5 ESCAPE FROM A CORRECTIONAL FACILITY OR ESCAPING OR ATTEMPTING TO  
6 ESCAPE WHILE UNDER SUPERVISION OUTSIDE A CORRECTIONAL FACILITY.

11 (II) "RESTRICTIVE HOUSING" INCLUDES ADMINISTRATIVE  
12 SEGREGATION AND DISCIPLINARY SEGREGATION.

13 (III) “RESTRICTIVE HOUSING” DOES NOT INCLUDE:

## 1. MEDICAL ISOLATION;

### 3. SUICIDE WATCH;

**5. QUARANTINE OR PUBLIC-HEALTH ISOLATION.**

(C) (1) DURING THE INTAKE ASSESSMENT FOR A NEW INCARCERATE

22 (C) (1) DURING THE INTAKE ASSESSMENT FOR A NEW INCARCERATED  
23 INDIVIDUAL, AN APPLICABLE CLINICAL PROFESSIONAL MAY ASSESS THE  
24 INCARCERATED INDIVIDUAL FOR A DEVELOPMENTAL DISABILITY OR AN  
25 INTELLECTUAL DISABILITY.

5 (D) THE 15 CONSECUTIVE DAY LIMIT ON RESTRICTIVE HOUSING UNDER  
6 THIS SECTION DOES NOT APPLY TO AN INCARCERATED INDIVIDUAL WHO COMMITS  
7 A PROHIBITED ACT.

## Article – Health – General

9 7-101.

10 (a) In this title the following words have the meanings indicated.

11 (g) "Developmental disability" means a severe chronic disability of an individual  
12 that:

13 (1) Is attributable to a physical or mental impairment, other than the sole  
14 diagnosis of mental illness, or to a combination of mental and physical impairments;

15 (2) Is manifested before the individual attains the age of 22;

16 (3) Is likely to continue indefinitely;

17 (4) Results in an inability to live independently without external support  
18 or continuing and regular assistance; and

22 (n) "Intellectual disability" means a developmental disability that is evidenced by  
23 significantly subaverage intellectual functioning and impairment in the adaptive behavior  
24 of an individual.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2026.