

SENATE BILL 268

E5

6lr2009
CF HB 310

By: **Senator Henson**

Introduced and read first time: January 19, 2026

Assigned to: Judicial Proceedings

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.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

(5) "PROHIBITED ACT" INCLUDES:

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

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

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

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

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

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

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

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

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

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

(6) (I) “RESTRICTIVE HOUSING” MEANS A FORM OF PHYSICAL SEPARATION THAT HAS NOT BEEN REQUESTED BY THE INCARCERATED INDIVIDUAL IN WHICH THE INCARCERATED INDIVIDUAL IS PLACED IN A LOCKED ROOM OR CELL FOR APPROXIMATELY 22 HOURS OR MORE OUT OF A 24-HOUR PERIOD.

(II) “RESTRICTIVE HOUSING” INCLUDES ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION.

(III) “RESTRICTIVE HOUSING” DOES NOT INCLUDE:

1. MEDICAL ISOLATION;
2. MENTAL-HEALTH OBSERVATION OR CRISIS STABILIZATION;
3. SUICIDE WATCH;
4. PROTECTIVE CUSTODY REQUESTED BY THE INCARCERATED INDIVIDUAL; OR
5. QUARANTINE OR PUBLIC-HEALTH ISOLATION.

(B) THIS SECTION APPLIES TO A STATE CORRECTIONAL FACILITY.

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

(2) (I) BASED ON THE ASSESSMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE CLINICAL PROFESSIONAL MAY RECOMMEND TO THE CORRECTIONAL FACILITY THAT THE INCARCERATED INDIVIDUAL SHOULD NOT BE PLACED IN RESTRICTIVE HOUSING FOR MORE THAN 15 CONSECUTIVE DAYS IN A 30-DAY PERIOD.

(II) IF A CLINICAL PROFESSIONAL MAKES A RECOMMENDATION DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE CORRECTIONAL FACILITY MAY NOT PLACE AN INCARCERATED INDIVIDUAL IN RESTRICTIVE HOUSING FOR MORE THAN 15 CONSECUTIVE DAYS IN A 30-DAY PERIOD.

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

Article – Health – General

7–101.

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

(g) “Developmental disability” means a severe chronic disability of an individual that:

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

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

(3) Is likely to continue indefinitely;

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

(5) Reflects the need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are individually planned and coordinated for the individual.

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

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