

SENATE BILL 908

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6lr3035
CF HB 1154

By: **Senator Love**

Introduced and read first time: February 6, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Restrictive Housing**

3 FOR the purpose of altering a certain definition of restrictive housing; limiting the amount
4 of time that an individual may be placed in restrictive housing; requiring all
5 restrictive housing units to create the least restrictive environment necessary for
6 certain purposes; prohibiting the placement of a certain member of a vulnerable
7 population in restrictive housing for any period of time; requiring a certain
8 individual in restrictive housing to be offered a certain amount of time outside the
9 individual's cell each day; requiring the Correctional Ombudsman to review the
10 status of the implementation of this Act at certain times and to include a summary
11 of the results of those reviews in certain annual reports; and generally relating to
12 restrictive housing.

13 BY repealing and reenacting, without amendments,
14 Article – Correctional Services
15 Section 9–601.1 and 9–614.1
16 Annotated Code of Maryland
17 (2025 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article – Correctional Services
20 Section 9–614(a)
21 Annotated Code of Maryland
22 (2025 Replacement Volume)

23 BY adding to
24 Article – Correctional Services
25 Section 10–1001 through 10–1003 to be under the new subtitle “Subtitle 10.
26 Restrictive Housing”
27 Annotated Code of Maryland
28 (2025 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Correctional Services

9–601.1.

(a) In this section, “restrictive housing” has the meaning stated in § 9–614 of this subtitle.

(b) Except as provided in this section, a pregnant incarcerated individual may not be involuntarily placed in restrictive housing, including involuntary medical isolation or infirmary.

(c) (1) A pregnant incarcerated individual may be involuntarily placed in restrictive housing if the managing official of the correctional facility, in consultation with the person overseeing women’s health and services in the facility, makes an individualized and written determination that restrictive housing is required as a temporary response to:

(i) behavior that poses:

1. a serious and immediate risk of physical harm to the incarcerated individual or another; or

2. an immediate and credible flight risk that cannot be reasonably prevented by other means; or

(ii) a situation that poses a risk of spreading a communicable disease that cannot be reasonably mitigated by other means.

(2) A managing official who makes a determination described in paragraph (1) of this subsection shall document the reason why other less restrictive housing is not possible.

(3) The determination described in paragraph (1) of this subsection shall be reviewed and affirmed at least every 24 hours in writing with a copy provided to the incarcerated individual.

(d) An individual placed in restrictive housing under this section shall be:

(1) medically assessed every 8 hours;

(2) housed only in the least restrictive setting consistent with the health and safety of the individual; and

(3) given an intensive treatment plan developed and approved by the person overseeing women's health and services in the facility.

(e) (1) A pregnant incarcerated individual who is deemed to need infirmary care shall be admitted to the infirmary on order of a primary care nurse practitioner or obstetrician.

(2) If the incarcerated individual is overdue in the pregnancy, the incarcerated individual shall be housed in the infirmary as an admitted patient until labor begins or until the obstetrical consultant has made other housing and care recommendations.

(3) A pregnant incarcerated individual who has been placed in the infirmary shall be provided:

(i) access to regular outside recreation consistent with the general population;

(ii) access to visits, mail, and telephone consistent with general population privileges; and

(iii) the ability to continue to participate in work detail, programming, and classes.

(f) (1) Within 48 hours after confirmation by a health care professional that an incarcerated individual is pregnant, the incarcerated individual shall be notified in writing of the restrictions on a pregnant incarcerated individual being placed in restrictive housing provided in this section.

(2) The Secretary shall establish a process through which an incarcerated individual may report a violation of this section.

(g) The managing official of a correctional facility who authorized the placement of a pregnant incarcerated individual in restrictive housing shall submit within 30 days of the placement a report in writing to the Commissioner of Correction, the Commissioner of Pretrial Detention and Services, and the person overseeing women's health and services in the facility that describes the facts and circumstances surrounding the placement, including:

(1) the reasoning for the determination to place the incarcerated individual in restrictive housing;

(2) details of the placement, including the names of those who conducted medical assessments of the incarcerated individual, dates and times of placement, and the date, if applicable, the incarcerated individual was released from restrictive housing; and

(3) any physical or mental effects on the incarcerated individual or fetus resulting from the placement observed or reported by the person overseeing women's health and services in the facility.

9–614.

(a) (1) In this section the following words have the meanings indicated.

(2) “Correctional unit” has the meaning stated in § 2–401 of this article.

(3) (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] **20** hours or more out of a 24-hour period.

(ii) “Restrictive housing” includes administrative segregation and disciplinary segregation.

9–614.1.

(a) In this section, “restrictive housing” has the meaning stated in § 9–614 of this subtitle.

(b) This section applies to a facility operated by a correctional unit, as defined in § 2–401 of this article.

(c) A minor may not be placed in restrictive housing unless the managing official of the facility finds by clear and convincing evidence that there is an immediate and substantial risk:

(1) of physical harm to the minor, other incarcerated individuals, or staff;
or

(2) to the security of the facility.

(d) A minor placed in restrictive housing shall be provided:

(1) daily physical and mental health assessments to determine whether the minor may be released from restrictive housing;

(2) the same standard of access that is provided to incarcerated individuals not in restrictive housing to:

(i) phone calls;

(ii) visits;

- (iii) mail;
- (iv) food;
- (v) water;
- (vi) showers;
- (vii) sanitary supplies;
- (viii) property, including clothing and bedding; and
- (ix) medical, mental, and dental health care; and

(3) unless it would pose a risk of physical harm to the minor or another, maximized access to recreation, education, and programming.

(e) If a privilege or condition described in subsection (d) of this section is not provided to the minor, the managing official or the managing official's designee shall record the reason in the minor's file.

SUBTITLE 10. RESTRICTIVE HOUSING.

10-1001.

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

(B) "MEMBER OF A VULNERABLE POPULATION" MEANS AN INCARCERATED INDIVIDUAL WHO:

(1) IS UNDER THE AGE OF 22 YEARS;

(2) IS AT LEAST 55 YEARS OLD;

(3) (I) HAS A DISABILITY BASED ON A MENTAL ILLNESS;

(II) HAS A HISTORY OF PSYCHIATRIC HOSPITALIZATION; OR

(III) HAS RECENTLY EXHIBITED CONDUCT INDICATING THE NEED FOR FURTHER OBSERVATION OR EVALUATION, INCLUDING SERIOUS SELF-MUTILATION, TO DETERMINE THE PRESENCE OF SERIOUS MENTAL ILLNESS;

(4) HAS A DEVELOPMENTAL DISABILITY;

**(5) HAS A SERIOUS MEDICAL CONDITION THAT CANNOT EFFECTIVELY
BE TREATED IN RESTRICTIVE HOUSING;**

(6) (I) IS PREGNANT;

(II) IS FEWER THAN 45 DAYS POSTPARTUM;

**(III) IS CARING FOR A CHILD IN THE FACILITY UNDER § 9-601(I)
OF THIS ARTICLE; OR**

**(IV) HAS RECENTLY SUFFERED A MISCARRIAGE OR TERMINATED
A PREGNANCY;**

(7) HAS A SIGNIFICANT AUDITORY OR VISUAL IMPAIRMENT; OR

**(8) IS PERCEIVED TO BE LESBIAN, GAY, BISEXUAL, TRANSGENDER, OR
INTERSEX.**

**(C) “RESTRICTIVE HOUSING” HAS THE MEANING STATED IN § 9-614 OF THIS
ARTICLE.**

10-1002.

(A) AN INDIVIDUAL MAY NOT BE KEPT IN RESTRICTIVE HOUSING FOR:

(1) LONGER THAN IS NECESSARY;

(2) LONGER THAN 15 CONSECUTIVE DAYS; AND

(3) MORE THAN 20 TOTAL DAYS IN ANY 60-DAY PERIOD.

**(B) (1) EACH DAY, AN INDIVIDUAL IN RESTRICTIVE HOUSING SHALL BE
OFFERED AT LEAST 4 HOURS OF TIME THAT THE INDIVIDUAL MAY BE OUTSIDE THE
INDIVIDUAL’S CELL.**

**(2) THE TIME REQUIRED UNDER THIS SUBSECTION INCLUDES ANY
TIME FOR:**

(I) PROGRAMMING; AND

**(II) THE PROVISION OF MEDICAL OR MENTAL HEALTH
TREATMENT WITHIN A CLINICAL AREA OF THE FACILITY.**

1 **(C) ALL RESTRICTIVE HOUSING UNITS SHALL CREATE THE LEAST**
2 **RESTRICTIVE ENVIRONMENT NECESSARY FOR THE SAFETY OF ALL INCARCERATED**
3 **INDIVIDUALS AND STAFF AND FOR THE SECURITY OF THE FACILITY.**

4 **10–1003.**

5 **NOTWITHSTANDING THE PROVISIONS OF §§ 9–601.1 AND 9–614.1 OF THIS**
6 **ARTICLE, A MEMBER OF A VULNERABLE POPULATION MAY NOT BE PLACED IN**
7 **RESTRICTIVE HOUSING FOR ANY PERIOD OF TIME.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That:

9 (a) On or before October 1, 2028, and October 1, 2030, the Correctional
10 Ombudsman shall review the status of the implementation of this Act.

11 (b) In conducting the reviews required under subsection (a) of this section, the
12 Correctional Ombudsman may:

13 (1) make unannounced visits to correctional facilities;

14 (2) review daily logs; and

15 (3) administer anonymous surveys.

16 (c) The Correctional Ombudsman shall include a summary of the results of the
17 reviews required under subsection (a) of this section in the annual reports required under
18 § 9–4006 of the State Government Article to be submitted on or before December 31, 2028,
19 and December 31, 2030, respectively.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2026.