



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB 827 – Juvenile Law – Confinement and Restrictive Housing - Limitations

Chair Smith, Vice Chair Waldstreicher, Members of JPR:

Earlier this session we heard the Chair's bill regarding charging children as adults. On top of the issue of charging as adults is the issue of where you house these children. Federal law requires that when a child is held in an adult facility, they have to be separated by 'sight and sound' from adults. What this has translated to is children being held in restrictive housing.

Maryland defines "Restrictive Housing" as "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." Correctional Services, §6-914. We call it "restrictive housing" and not solitary confinement here in Maryland because people are not alone in a cell, they share the small space with another person.

The harms of restrictive housing are well known to this Committee. Those harms are compounded when we put them on children.

In 2019 this Committee placed some limits around putting children in restrictive housing. SB 827 would build on that work in a number of ways. It prohibits a minor being placed in restrictive housing solely for the purposes of discipline, punishment, administrative convenience, retaliation, or staffing shortages. A minor may only be placed in restrictive housing as a temporary measure – less than 6 hours - if there is clear and convincing evidence of an immediate and substantial risk to the minor, other incarcerated individuals, staff, or the security of the facility. SB 827 also requires that all juveniles charged as adults be held in a secure juvenile facility unless the youth is released on bail or other conditions of release.

SB 827 has several important purposes. First, it ensures that we are not harming our children by placing them in restrictive housing. Second, it would bring us into compliance with federal law. The federal standard is 14.68 per 100,000 youth: in FY23 Maryland housed 93.26 youth in adult facilities and in FY 23, that number was 112.34 per 100,000. The cost of this compliance will be upwards of \$500,000 for the next two years in lost federal funding.

For the foregoing reasons, I ask for a favorable report on SB 827.