



Bill Title: Correctional Services - Restrictive Housing

Bill Number(s): [HB0647](#)/[SB0702](#)

Position: FAVORABLE

Date: February 25, 2025

Submitted by: Director Jeremy Browning on behalf of the Maryland Commission on LGBTQIA+ Affairs

To:

Senate Judicial Proceedings Committee

The Hon. William C. Smith, Chair
The Hon. J. Jeff Waldstreicher, Vice Chair

House Judiciary Committee

The Hon. Luke Clippinger, Chair
The Hon. J. Sandy Bartlett

Testimony on behalf of the Maryland Commission on LGBTQIA+ Affairs:

The Maryland Commission on LGBTQIA+ Affairs, created by the Maryland General Assembly, works to serve LGBTQIA+ Marylanders by galvanizing community voices, researching and addressing challenges, and advocating for policies that advance equity and inclusion. The Commission envisions a Maryland where all LGBTQIA+ people can live full and authentic lives. As a vital resource, the Commission collaborates with public officials, agencies, and community partners to ensure the rights and dignity of LGBTQIA+ Marylanders are protected and respected.

The Commission strongly supports HB0647/SB0702, which reforms the use of restrictive housing in correctional facilities by implementing limitations on its duration and prohibiting its use for members of vulnerable populations, including LGBTQIA+ individuals.

Restrictive housing, commonly referred to as solitary confinement, has been widely documented as having severe psychological and physical health consequences for incarcerated individuals, particularly those from vulnerable populations. Studies have shown that extended periods of restrictive housing can lead to severe depression, anxiety, self-harm, and increased risk of suicide. For LGBTQIA+ individuals, restrictive housing is too often used as a default response rather than a last resort. Transgender individuals, for example, are frequently placed in solitary confinement under the guise of protective custody, effectively punishing them for their identity rather than ensuring their safety. This practice is not only inhumane but also counterproductive,

as it isolates individuals from rehabilitative programs, mental health care, and necessary social interactions.

This bill makes several critical changes that will improve the treatment of LGBTQIA+ individuals and other vulnerable populations in Maryland's correctional system. It explicitly prohibits the use of restrictive housing for individuals perceived to be LGBTQIA+, recognizing that this practice has disproportionately harmed queer and transgender people in custody. The bill establishes a maximum of 15 consecutive days and no more than 20 total days in a 60-day period in restrictive housing, aligning with recommendations from mental health and human rights organizations that advocate for significant limitations on solitary confinement due to its harmful effects. It also mandates that all restrictive housing units create the least restrictive environment necessary for safety and security, ensuring that individuals are not subjected to excessive isolation.

Additionally, the bill requires oversight and accountability by mandating that the Correctional Ombudsman conduct reviews on the implementation of this law, ensuring compliance and transparency. Facilities will be required to document and justify any use of restrictive housing, preventing arbitrary or discriminatory placements.

Solitary confinement has been overused and misapplied, particularly against vulnerable populations such as LGBTQIA+ individuals, people with disabilities, and those with mental health conditions. HB0647/SB0702 represents a crucial step toward a more humane and just correctional system in Maryland. By curtailing the use of restrictive housing and banning its application to vulnerable groups, this bill upholds Maryland's commitment to human dignity, rehabilitation, and fairness.

For these reasons, the Maryland Commission on LGBTQIA+ Affairs urges a favorable report on HB0647/SB0702.