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—  
Judiciary Committee



The Maryland House of Delegates  
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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

February 26, 2026

Madame Chair Melissa Wells, Vice Chair Kenneth Kerr and Distinguished Members of the Government, Labor and Elections Committee

I am here today to request a favorable report on HB 1154, a bill aimed at reforming the use of restrictive housing—commonly known as solitary confinement—in our State’s correctional facilities. Over the years, the use of restrictive housing has escalated dramatically, and the time has come to take action to address the growing concerns surrounding this practice.

In 2022, the Department of Public Safety and Correctional Services (DPSCS) reported nearly 12,000 placements in restrictive housing. The average length of stay for individuals in these units was 42.5 days per year. These numbers underscore the scale of the problem we are facing. As a system that is supposed to rehabilitate, not merely punish, we must do better.

My commitment to reforming Maryland’s correctional system, which is long overdue for modernization, has made the issue of restrictive housing a top priority. We introduced a similar bill last year, HB 647, to take measured steps forward in making our correctional system safer, more humane, and more effective. While Senator Sara Love, who shares my concerns about prison reform, and I worked together to craft a bill that to take the first steps, we found that we must take a narrower approach as a first step by reforming the use of restrictive housing focusing on a population that should not be assigned to restrictive housing and that is a population that we define in our legislation as “vulnerable”.

Vulnerable populations as defined in this bill include individuals requiring medical treatment or mental health care, individuals with developmental disability, individuals targeted because of their sexual orientation or individuals over the age of 55, and in certain cases pregnant incarcerated individuals and minors. These populations should not be placed in restrictive housing if they require specialized treatment.

This bill includes several critical provisions that I believe will help bring us closer to a more just and effective correctional system:

1. Clarifying the definition of restrictive housing to ensure we are all on the same page about what constitutes this practice.
2. Addressing the specific needs of vulnerable populations.
3. Establishing a list of “prohibitive acts” that would clearly outline the behaviors warranting placement in restrictive housing—removing any ambiguity and ensuring that this practice is not used indiscriminately.
4. Requiring reporting by the Correctional Ombudsman on the implementation of this act on the use of restrictive housing. This should increase transparency and accountability to ensure the system is being used appropriately.
5. Limiting the duration of stays in restrictive housing to no more than 15 consecutive days and a total of 20 days in any 60-day period, recognizing that prolonged isolation is harmful and ineffective.

We didn’t develop this bill in isolation. We took the time to fully understand the current state of restrictive housing in Maryland by visiting facilities, speaking with wardens and senior administrators, and touring restrictive housing units at the Maryland Correctional Facility in Jessup and on the Eastern Shore. We also reached out to other states that have already implemented restrictive housing reforms. Through conversations with lawmakers and administrators in New Jersey and New York, we learned that reform works.

In these states, reforms have led to decreased violence, shorter stays in restrictive housing, and cost savings. These outcomes are not coincidental. By reducing the length of time individuals spend in restrictive housing and offering incentives for good behavior, states have seen improvements in safety for both inmates and staff, as well as reduced costs. These are all outcomes we can—and should—strive for here in Maryland.

I am aware that the Department of Public Safety and Correctional Services has expressed concern about the costs of reform. The new bill reduces this amount. There are long-term savings that have been realized in states that have reformed their restrictive housing systems. Reducing the length of stay in restrictive housing not only improves the quality of life for inmates but also saves taxpayer money.

We also discovered that a significant number of individuals are placed in restrictive housing due to mental health issues that are left untreated. Solitary confinement is not an appropriate setting for individuals dealing with mental health conditions. Reforming our system will help ensure that individuals in need of treatment receive it in a more appropriate and effective environment.

In summary, this bill represents a crucial first step toward creating a more humane, fair, and efficient correctional system. By addressing the root causes of unnecessary confinement and limiting the use of restrictive housing, we can reduce harm to inmates, improve safety for staff, and ultimately create a more effective system of rehabilitation.

The changes we are proposing are modest, but they will set us on a path toward the necessary transformation of Maryland's correctional system—one that is modern, just, and humane. Thank you for your time and your consideration. aimed at reforming the use of restrictive housing—commonly known as solitary confinement—in our state's correctional facilities. Over the years, the use of restrictive housing has escalated dramatically, and the time has come to take action to address the growing concerns surrounding this practice.

Respectfully submitted,

*N. Scott Phillips*

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