

TESTIMONY IN SUPPORT OF SB 0268 WITH AMENDMENTS

Senate Bill 0268 – Restrictive Housing & Disabilities

Position: Favorable with Amendments

February 2, 2026

My name is James Orman. I am an Autistic Marylander and the Executive Director of Autism On the Go (AOG), a neurodivergent-led nonprofit that supports Autistic and neurodivergent adults across Maryland. Thank you for the opportunity to provide testimony on SB 0268.

I want to start by saying that **this bill is an important first step**. Restrictive housing, often experienced as solitary confinement, is widely known to be harmful, especially for people with disabilities. SB 0268 acknowledges that harm and begins to place limits and clinical oversight around its use. That matters.

At the same time, as written, **the bill leaves serious gaps that could allow autistic people to remain unprotected—or even be harmed**—unless targeted amendments are made.

Why solitary confinement is so harmful

Restrictive housing is often used as punishment or way to control behavior, but it does not work that way in practice. Isolation increases distress, confusion, and fear. For autistic people, who may already struggle with sensory overload, communication differences, or regulating stress, **solitary confinement can quickly make things worse**.

When distress increases, behavior often escalates. That escalation is then treated as further misconduct, which leads to more isolation. This creates a cycle where **solitary confinement is used** not because someone is dangerous, but **because their disability is misunderstood**.

How autistic people end up there more often

Autistic people are **frequently missed by support systems**, misidentified, or disciplined instead of accommodated. As a result, we are **more likely to enter systems of punishment** without our disability ever being recognized.

Once incarcerated, autistic traits—such as delayed responses, shutdowns, sensory overwhelm, or difficulty following verbal instructions—are **often misread as defiance or refusal**. When disability-related distress is misinterpreted as misconduct, **restrictive housing becomes punishment for disability** rather than a response to safety concerns.

Why amendments are necessary

One of the most concerning gaps in SB 0268 is the exception for “attempted escape.” **For autistic people, this can include elopement**—a well-documented disability-related behavior driven by fear, panic, or sensory overload.

I have personally experienced elopement. It happened suddenly and without warning. I did not plan it, I could not stop it in the moment, and I did not intend to harm anyone or escape responsibility. Afterward, **what I felt was shame and embarrassment—not intent.**

Treating disability-related elopement as an escape attempt is similar to criminalizing a Parkinson’s tremor. **It punishes a neurological response rather than addressing the underlying need for support.**

What needs to change

For autistic people and advocates like myself to fully support SB 0268, four changes are essential:

1. **Explicitly include autism spectrum disorder** in the bill’s disability definitions, regardless of intellectual disability. As written, *autism, especially those with late-in-life diagnoses, can be excluded in practice*, leaving many people unprotected.
2. **Require mandatory disability screening at intake**, rather than making it optional. Many autistic adults are undiagnosed or misidentified, and optional screening means protections *may never apply*.
3. **Apply limits on restrictive housing automatically once a disability is identified**, instead of requiring a clinician’s recommendation. Protections should not depend on discretion or subjective judgment, *which is especially concerning for people with non-apparent disabilities, like Autism*.
4. **Clarify that disability-related elopement is not “attempted escape.”** Without this clarification, autistic people may be placed in solitary confinement because of

disability-related behavior. *Behaviors related to disability should not be singled out as indication of criminal intent to be punished or managed through restrictive housing.*

With these amendments, SB 0268 would provide real, meaningful protection for autistic people and others with disabilities, and I would strongly support its passage.

Without these changes, I cannot fully support the bill as written, because it leaves too much room for loopholes, subjectivity, and misinterpretation that could continue to harm autistic people. That said, I do not oppose the bill's passage. The framework it creates is important and can be strengthened.

Closing

This testimony is not opposition. It is an effort to ensure that SB 0268 does not unintentionally punish people for their disabilities while trying to protect them. With targeted amendments, this bill can move Maryland closer to a system that prioritizes safety, dignity, and understanding over isolation and harm.

Thank you for your time and consideration.

James Orman,

Executive Director, Autism On the Go

www.autismonthego.org