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Anne Arundel County

Judicial Proceedings Committee

Joint Committee on Children,
Youth, and Families



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THE SENATE OF MARYLAND
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SPONSOR TESTIMONY

Senate Bill 268
Correctional Services-Restrictive Housing-
Individuals with Developmental or Intellectual Disabilities (I/DD)

Chairman Smith, Vice Chair Waldstreicher and Committee Members

For the record, I am Shaneka Henson, representing District 30 in Anne Arundel County and member of the JPR Committee.

I am here today to urge a favorable report on SB268 – Correctional Services, Restrictive Housing – Individuals with Developmental or Intellectual Disabilities. This bill addresses changes to the states restrictive housing practices for incarcerated individuals with developmental or intellectual disabilities – also known as I/DD.

Fundamentally, this legislation puts in place basic clinical safeguards to ensure that individuals with I/DD are not inappropriately placed in prolonged restrictive housing for no more than 15 days in a 30-day period. Over the past months, Delegate Kaufman has collaborated closely with the Maryland Department of Public Safety and Correctional Services medical team to ensure that the safety of both their correctional officers and incarcerated individuals was taken into consideration.

This bill, which only applies to a State correctional facility, authorizes an applicable “clinical professional,” to evaluate a newly incarcerated person during the intake process for a “developmental” or an “intellectual disability” category. Based on the assessment, the clinical professional may recommend to the correctional facility that the incarcerated individual should not be placed in “restrictive housing” for more than fifteen consecutive days in a 30-day period. If a clinical professional makes such a recommendation, the correctional facility may not place an incarcerated individual in restrictive housing for more than fifteen consecutive days in a 30-day period. This limit on restrictive housing does not apply to an incarcerated individual who commits a “prohibited act.”

The legislation does not expand the use of restrictive housing; rather it establishes the first statutory limit where none currently exists. Under current practice, individuals, including those with intellectual or developmental disabilities—may be held in restrictive housing for indeterminate periods. More importantly, the bill creates an initial, enforceable guardrail to prevent extended isolation to those suffering from legitimate mental health issues.

The bill's definition is also intentionally tailored to the most restrictive and harmful forms of isolation—disciplinary and administrative restrictive housing. Exclusions for medical isolation, mental-health observation, suicide watch, protective custody, and quarantine ensure access to necessary care and safety measures and are not intended as disciplinary loopholes. The bill also prevents circumvention through transfers between housing classifications. While broader reform remains a goal, this legislation establishes meaningful limits now and lays the groundwork for future change.

Our panel of experts elaborating on the importance of this legislation includes:

- Donald Bovello, recently released from solitary confinement, and inmate treatment experience.
- Dwan Burton, representing “Out for Justice,” a prison reform advocacy group.
- Dr. Trisha Downing, an experienced mental health specialist.
- Ronza Othman, President, of the National Federation for the Blind.
- Tiana Boardman, trial attorney for the Maryland Association for Justice.

Again, I urge a favorable report from the committee on SB268.