

# HOUSE BILL 310

E5

6lr1310  
CF 6lr2009

---

By: **Delegates Kaufman, Holmes, A. Johnson, S. Johnson, and Shetty**  
Introduced and read first time: January 15, 2026  
Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Restrictive Housing – Individuals With Developmental**  
3 **or Intellectual Disabilities**

4 FOR the purpose of ~~authorizing~~ **requiring** a certain clinical professional to conduct a certain  
5 assessment for an incarcerated individual at intake at a State correctional facility;  
6 authorizing a certain clinical professional to make a certain recommendation about  
7 a certain incarcerated individual; prohibiting a State correctional facility from  
8 putting a certain incarcerated individual in restrictive housing for more than a  
9 certain number of days unless the individual commits a certain prohibited act; and  
10 generally relating to restrictive housing.

11 BY adding to  
12 Article – Correctional Services  
13 Section 9–614.3  
14 Annotated Code of Maryland  
15 (2025 Replacement Volume)

16 BY repealing and reenacting, without amendments,  
17 Article – Health – General  
18 Section 7–101(a), (g), and (n)  
19 Annotated Code of Maryland  
20 (2023 Replacement Volume and 2025 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 That the Laws of Maryland read as follows:

23 **Article – Correctional Services**

24 **9–614.3.**

2 REPRINT OF HOUSE BILL 310 as amended by HB0310/843228/1 02/26/26 at 8:51 AM

1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3 (2) "CLINICAL PROFESSIONAL" MEANS AN INDIVIDUAL WHO IS  
4 TRAINED ~~AND~~ OR LICENSED IN MENTAL HEALTH.

5 (3) "DEVELOPMENTAL DISABILITY" HAS THE MEANING STATED IN §  
6 7-101 OF THE HEALTH - GENERAL ARTICLE.

7 (4) "INTELLECTUAL DISABILITY" HAS THE MEANING STATED IN §  
8 7-101 OF THE HEALTH - GENERAL ARTICLE.

9 (5) "PROHIBITED ACT" INCLUDES:

10 (I) CAUSING OR ATTEMPTING TO CAUSE SERIOUS PHYSICAL  
11 INJURY TO OR DEATH OF ANOTHER PERSON;

12 (II) MAKING AN IMMINENT THREAT OF SERIOUS PHYSICAL  
13 INJURY OR DEATH TO ANOTHER PERSON WHEN:

14 1. THE INDIVIDUAL MAKING THE THREAT HAS A  
15 HISTORY OF CAUSING PHYSICAL INJURY OR DEATH; AND

16 2. THE COMMISSIONER OF CORRECTION REASONABLY  
17 DETERMINES THAT THERE IS A STRONG LIKELIHOOD THAT THE PERSON WILL CARRY  
18 OUT A THREAT OF SERIOUS PHYSICAL INJURY OR DEATH;

19 (III) COMPELLING OR ATTEMPTING TO COMPEL ANOTHER  
20 PERSON, BY FORCE OR THREAT OF FORCE, TO ENGAGE IN A SEXUAL ACT;

21 (IV) EXTORTING ANOTHER, BY FORCE OR THREAT OF FORCE,  
22 FOR PROPERTY OR MONEY;

23 (V) COERCING ANOTHER, BY FORCE OR THREAT OF FORCE, TO  
24 VIOLATE A RULE;

25 (VI) LEADING, ORGANIZING, INCITING, OR ATTEMPTING TO  
26 CAUSE A RIOT, AN INSURRECTION, OR ANY OTHER SIMILARLY SERIOUS  
27 DISTURBANCE THAT RESULTS IN THE TAKING OF A HOSTAGE, MAJOR PROPERTY  
28 DAMAGE, OR PHYSICAL HARM TO ANOTHER PERSON;

3 REPRINT OF HOUSE BILL 310 as amended by HB0310/843228/1 02/26/26 at 8:51 AM

1 (VII) PROCURING DEADLY WEAPONS OR OTHER DANGEROUS  
2 CONTRABAND THAT POSE A SERIOUS THREAT TO THE SECURITY OF THE  
3 INSTITUTION; AND

4 (VIII) ESCAPING, ATTEMPTING TO ESCAPE, OR FACILITATING AN  
5 ESCAPE FROM A CORRECTIONAL FACILITY OR ESCAPING OR ATTEMPTING TO  
6 ESCAPE WHILE UNDER SUPERVISION OUTSIDE A CORRECTIONAL FACILITY.

7 (6) (I) "RESTRICTIVE HOUSING" MEANS A FORM OF PHYSICAL  
8 SEPARATION THAT HAS NOT BEEN REQUESTED BY THE INCARCERATED INDIVIDUAL  
9 IN WHICH THE INCARCERATED INDIVIDUAL IS PLACED IN A LOCKED ROOM OR CELL  
10 FOR APPROXIMATELY 22 HOURS OR MORE OUT OF A 24-HOUR PERIOD.

11 (II) "RESTRICTIVE HOUSING" INCLUDES ADMINISTRATIVE  
12 SEGREGATION AND DISCIPLINARY SEGREGATION.

13 (III) "RESTRICTIVE HOUSING" DOES NOT INCLUDE:

- 14 1. MEDICAL ISOLATION;
- 15 2. MENTAL-HEALTH OBSERVATION OR CRISIS  
16 STABILIZATION;
- 17 3. SUICIDE WATCH;
- 18 4. PROTECTIVE CUSTODY REQUESTED BY THE  
19 INCARCERATED INDIVIDUAL; OR
- 20 5. QUARANTINE OR PUBLIC-HEALTH ISOLATION.

21 (B) THIS SECTION APPLIES TO A STATE CORRECTIONAL FACILITY.

22 (C) (1) DURING THE INTAKE ASSESSMENT MEDICAL SCREENING CONDUCTED ON ADMISSION TO  
A STATE CORRECTIONAL FACILITY FOR A NEW INCARCERATED  
23 INDIVIDUAL, AN APPLICABLE CLINICAL PROFESSIONAL MAY SHALL, AS PART OF THE STANDARD INTAKE  
SCREENING PROCESS, ASSESS THE  
24 INCARCERATED INDIVIDUAL FOR INDICATORS OF A DEVELOPMENTAL DISABILITY OR AN  
25 INTELLECTUAL DISABILITY.

26 (2) (I) BASED ON THE ASSESSMENT UNDER PARAGRAPH (1) OF  
27 THIS SUBSECTION, THE CLINICAL PROFESSIONAL MAY RECOMMEND TO THE  
28 CORRECTIONAL FACILITY THAT THE INCARCERATED INDIVIDUAL SHOULD NOT BE  
29 PLACED IN RESTRICTIVE HOUSING FOR MORE THAN 15 CONSECUTIVE DAYS IN A  
30 30-DAY PERIOD.

4 REPRINT OF HOUSE BILL 310 as amended by HB0310/843228/1 02/26/26 at 8:51 AM

1 (II) IF A CLINICAL PROFESSIONAL MAKES A RECOMMENDATION  
2 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE CORRECTIONAL  
3 FACILITY MAY NOT PLACE AN INCARCERATED INDIVIDUAL IN RESTRICTIVE  
4 HOUSING FOR MORE THAN 15 CONSECUTIVE DAYS IN A 30-DAY PERIOD.

5 (D) THE 15 CONSECUTIVE DAY LIMIT ON RESTRICTIVE HOUSING UNDER  
6 THIS SECTION DOES NOT APPLY TO AN INCARCERATED INDIVIDUAL WHO COMMITS  
7 A PROHIBITED ACT.

8 Article – Health – General

9 7–101.

10 (a) In this title the following words have the meanings indicated.

11 (g) “Developmental disability” means a severe chronic disability of an individual  
12 that:

13 (1) Is attributable to a physical or mental impairment, other than the sole  
14 diagnosis of mental illness, or to a combination of mental and physical impairments;

15 (2) Is manifested before the individual attains the age of 22;

16 (3) Is likely to continue indefinitely;

17 (4) Results in an inability to live independently without external support  
18 or continuing and regular assistance; and

19 (5) Reflects the need for a combination and sequence of special,  
20 interdisciplinary, or generic care, treatment, or other services that are individually planned  
21 and coordinated for the individual.

22 (n) “Intellectual disability” means a developmental disability that is evidenced by  
23 significantly subaverage intellectual functioning and impairment in the adaptive behavior  
24 of an individual.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2026.