



2601 N. HOWARD STREET BALTIMORE, MD 21218

TEL (410) 625-LGBT (5428)

FAX (410) 625-7423

www.freestate-justice.org

Lauren Pruitt, Esq.

Legal Director

LPruitt@freestate-justice.org

Judiciary Committee

100 Taylor Office House Building

Annapolis, Maryland 21401

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HB0310 – Correctional Services – Restrictive Housing – Individuals with Development or Intellectual Disabilities

Position: **FAVORABLE**

Chair Bartlett, Vice Chair Davis, and Esteemed Members of the Judiciary Committee:

My name is Lauren Pruitt, and I am the Legal Director at FreeState Justice, a nonprofit organization dedicated to serving LGBTQ+ Marylanders from diverse backgrounds. I am writing in support of **HB0310**, which seeks to authorize the assessment of incarcerated individuals for developmental or intellectual disabilities and allow for qualified clinical professionals to make recommendations for restrictive housing for certain individuals.

HB0310 addresses a pressing problem with Maryland's criminal justice system. Restrictive housing, or solitary confinement, remains overused in Maryland, with Fiscal Year 2024 seeing a 14.5% increase in use (Department of Public Safety and Correctional Services). A history of abuse and profiling toward LGBTQ+ individuals by law enforcement, along with higher rates of poverty, homelessness, and discrimination in education and employment, has contributed to heightened contact with the criminal justice system and incarceration. The LGBTQ+ community is disproportionately represented in the criminal legal system, experiencing higher rates of arrest, supervision, and incarceration than non-LGBTQ+ peers. At the intersection of race and disability status with LGBTQ+ identity, these disparities are even further pronounced.

At FreeState Justice, we envision a Maryland where LGBTQ+ people live openly with the dignity they deserve. Facing discrimination shouldn't keep anyone from being themselves. Through pro bono legal services, policy advocacy, resource connections, and community support, FreeState works to break down those barriers so all Marylanders can thrive.

While incarcerated, LGBTQ+ individuals find themselves in dangerous and traumatizing situations. LGBTQ+ individuals report high rates of physical and sexual abuse by other incarcerated individuals and correctional officers and staff. The use of restrictive housing in correctional facilities remains high, despite evidence showing considerable health risks. Among those placed in restrictive housing, LGBTQ+ individuals are again over-represented compared to non-LGBTQ+ peers.

Correctional facilities have increasingly and unjustly relied on solitary confinement as a prison management tool to the detriment of isolated individuals. Among the total population of incarcerated individuals, a significant portion are people with disabilities and likely make up a large portion of those placed in solitary confinement. The sustained use of solitary confinement is not only cruel and inhumane, but a waste of correctional resources and taxpayer dollars. For these reasons, I strongly urge the committee to issue a favorable report for **HB0310**, taking a crucial step toward making Maryland's criminal justice system and correctional facilities more humane.

Sincerely,

Lauren Pruitt
Legal Director
FreeState Justice

Sources:

1. Restrictive Housing Report – Fiscal Year 2024,
[https://dlslibrary.state.md.us/publications/Exec/DPSCS/COR9-614\(b\)\(1\)_2024.pdf](https://dlslibrary.state.md.us/publications/Exec/DPSCS/COR9-614(b)(1)_2024.pdf)