

SENATE BILL 1085

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CF HB 1144

By: **Senators M. Washington, Hettleman, and Muse**

Introduced and read first time: February 2, 2024

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Corrections – Segregated Housing – Limitations**

3 FOR the purpose of altering a reporting requirement for correctional units relating to
4 restrictive housing; requiring hearing officers and personnel involved in the
5 supervision and care of individuals placed in restrictive housing to undergo certain
6 training; establishing guidelines and procedures for the placement of incarcerated
7 individuals in certain types of segregated housing; and generally relating to
8 segregated housing.

9 BY repealing and reenacting, with amendments,
10 Article – Correctional Services
11 Section 9–614
12 Annotated Code of Maryland
13 (2017 Replacement Volume and 2023 Supplement)

14 BY adding to
15 Article – Correctional Services
16 Section 10–1001 through 10–1003 to be under the new subtitle “Subtitle 10.
17 Restrictive Housing in State Correctional Facilities”
18 Annotated Code of Maryland
19 (2017 Replacement Volume and 2023 Supplement)

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

22 **Article – Correctional Services**

23 9–614.

24 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) **“ADMINISTRATIVE SEGREGATION” MEANS A NONPUNITIVE FORM OF PHYSICAL SEPARATION OF AN INCARCERATED INDIVIDUAL FROM THE GENERAL POPULATION OF A CORRECTIONAL FACILITY FOR A PERIOD OF 17 HOURS OR LESS OUT OF A 24–HOUR PERIOD.**

(3) **“Correctional unit” has the meaning stated in § 2–401 of this article.**

(4) **“DISCIPLINARY SEGREGATION” MEANS A PUNITIVE FORM OF PHYSICAL SEPARATION OF AN INCARCERATED INDIVIDUAL FROM THE GENERAL POPULATION OF A CORRECTIONAL FACILITY FOR A PERIOD OF 17 HOURS OR LESS OUT OF A 24–HOUR PERIOD.**

(5) **“RESIDENTIAL REHABILITATION UNIT” MEANS SEPARATE HOUSING USED FOR THERAPY, TREATMENT, AND REHABILITATIVE PROGRAMMING:**

(I) **AS AN ALTERNATIVE TO RESTRICTIVE HOUSING FOR AN INCARCERATED INDIVIDUAL; OR**

(II) **FOR AN INCARCERATED INDIVIDUAL WHO REQUIRES SEPARATE HOUSING FOLLOWING PLACEMENT IN RESTRICTIVE HOUSING.**

[(3) (i)] (6) **“Restrictive housing” means [a] ANY form of physical separation [that has not been requested by the incarcerated individual] in which [the] AN incarcerated individual is placed in a locked room or cell for [approximately 22 hours or more] MORE THAN 17 HOURS out of a 24–hour period.**

[(ii) **“Restrictive housing” includes administrative segregation and disciplinary segregation.]**

(7) **“SERIOUS MENTAL ILLNESS” HAS THE MEANING STATED IN § 10–1003 OF THIS ARTICLE.**

(b) (1) **On or before December 31 each year, each correctional unit shall submit data FOR THE PRECEDING YEAR to the Governor’s Office of Crime Prevention, Youth, and Victim Services showing, by correctional unit AND DISAGGREGATED BY AGE, RACE, GENDER, CLASSIFICATION OF HOUSING, AND BASIS FOR PLACEMENT:**

(i) **the total population of the correctional unit;**

(ii) **the number of incarcerated individuals who have been placed in:**

1. restrictive housing [during the preceding year by age, race, gender, classification of housing, and the basis for the incarcerated individual’s

2 **2.** **ADMINISTRATIVE SEGREGATION; AND**

3. DISCIPLINARY SEGREGATION;

6 1. restrictive housing [during the preceding year];

7 **2. ADMINISTRATIVE SEGREGATION; AND**

8 **3. DISCIPLINARY SEGREGATION;**

11 (v) the number of incarcerated individuals known to be pregnant
12 when placed in:

13 1. restrictive housing [during the preceding year];

14 **2. ADMINISTRATIVE SEGREGATION; AND**

15 **3. DISCIPLINARY SEGREGATION;**

16 [(vi)] (V) the average and median lengths of stay in:

17 1. restrictive housing [of the incarcerated individuals placed
18 in restrictive housing during the preceding year];

19 **2. ADMINISTRATIVE SEGREGATION; AND**

20 **3. DISCIPLINARY SEGREGATION;**

21 [(vii)] (VI) the number of incidents of death, self-harm, and attempts
22 at self-harm by incarcerated individuals in:

23 1. restrictive housing [during the preceding year];

24 **2. ADMINISTRATIVE SEGREGATION; AND**

25 **3. DISCIPLINARY SEGREGATION:**

1 [(viii)] **(VII)** the number of incarcerated individuals released [from
2 restrictive housing directly into the community during the preceding year] **DIRECTLY**
3 **INTO THE COMMUNITY FROM:**

4 1. **RESTRICTIVE HOUSING;**

5 2. **ADMINISTRATIVE SEGREGATION; AND**

6 3. **DISCIPLINARY SEGREGATION;**

7 **(VIII) FOR EACH VULNERABLE INDIVIDUAL WITH A SERIOUS**
8 **MENTAL ILLNESS WHO WAS PLACED IN RESTRICTIVE HOUSING IN A STATE**
9 **CORRECTIONAL FACILITY:**

10 1. **THE MENTAL HEALTH CONDITION THAT THE**
11 **INDIVIDUAL SUFFERED FROM; AND**

12 2. **THE LENGTH OF TIME THE INDIVIDUAL WAS PLACED**
13 **IN RESTRICTIVE HOUSING;**

14 **(IX) STEPS TAKEN TO:**

15 1. **IMPROVE THE CONDITIONS OF CONFINEMENT IN**
16 **RESTRICTIVE HOUSING BY ALLOWING OPPORTUNITIES FOR:**

17 A. **OUT-OF-CELL TIME;**

18 B. **CONGREGATE ACTIVITY;**

19 C. **DAILY OUTDOOR RECREATIONAL TIME; AND**

20 D. **PRODUCTIVE IN-CELL ACTIVITIES;**

21 2. **LIMIT THE NUMBER OF VIOLATIONS THAT MAY**
22 **RESULT IN SANCTIONS;**

23 3. **CREATE DE-ESCALATION SPACES AND ESTABLISH A**
24 **SYSTEM THAT ALLOWS INCARCERATED INDIVIDUALS IN RESTRICTIVE HOUSING TO**
25 **ACCESS THOSE SPACES FOR MEANINGFUL PERIODS OF TIME;**

26 4. **CREATE, IN COORDINATION WITH EACH**
27 **INCARCERATED INDIVIDUAL PLACED IN RESTRICTIVE HOUSING, STRATEGIES**

DESIGNED TO RETURN THE INDIVIDUAL TO THE GENERAL POPULATION IN THE
LEAST AMOUNT OF TIME;

5. AMEND POLICIES TO SPECIFY THAT RESTRICTIVE
HOUSING IS A SANCTION OF LAST RESORT; AND

6. ADOPT THE USE OF RESIDENTIAL REHABILITATION
UNITS;

[(ix)] (x) any other data the correctional unit considers relevant to
the use of restrictive housing, ADMINISTRATIVE SEGREGATION, AND DISCIPLINARY
SEGREGATION by correctional facilities in the State; and

[(x)] (XI) any changes to written policies or procedures at each
correctional unit relating to the use and conditions of restrictive housing, [including steps
to reduce reliance on restrictive housing] ADMINISTRATIVE SEGREGATION, AND
DISCIPLINARY SEGREGATION.

(2) The Governor's Office of Crime Prevention, Youth, and Victim Services
shall make the information submitted in accordance with paragraph (1) of this subsection
available on its website and, when the information has been received from every
correctional unit in accordance with paragraph (1) of this subsection, promptly submit the
information in a report to the General Assembly, in accordance with § 2-1257 of the State
Government Article.

SUBTITLE 10. RESTRICTIVE HOUSING IN STATE CORRECTIONAL FACILITIES.

10-1001.

IN THIS SUBTITLE, "RESTRICTIVE HOUSING" HAS THE MEANING STATED IN §
9-614 OF THIS ARTICLE.

10-1002.

(A) (1) ALL PERSONNEL INVOLVED IN THE SUPERVISION AND CARE OF
INDIVIDUALS PLACED IN RESTRICTIVE HOUSING SHALL:

(I) COMPLETE AT LEAST 16 HOURS OF TRAINING, INCLUDING
TRAINING ON TRAUMA-INFORMED CARE, BEFORE BEING ASSIGNED TO A
RESTRICTIVE HOUSING UNIT; AND

(II) RECEIVE AT LEAST 4 HOURS OF ADDITIONAL TRAINING
ANNUALLY.

(2) A HEARING OFFICER SHALL:

(I) COMPLETE AT LEAST 8 HOURS OF TRAINING, INCLUDING TRAINING ON TRAUMA-INFORMED CARE, THE PHYSICAL AND PSYCHOLOGICAL EFFECTS OF RESTRICTIVE HOUSING, PROCEDURAL AND DUE PROCESS RIGHTS OF INCARCERATED INDIVIDUALS, AND RESTORATIVE JUSTICE REMEDIES, PRIOR TO PRESIDING OVER ANY HEARINGS; AND

(II) RECEIVE AT LEAST 4 HOURS OF ADDITIONAL TRAINING ANNUALLY.

(B) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OVERTIME COMPENSATION FOR PERSONNEL AND HEARING OFFICERS REQUIRED TO ATTEND TRAINING UNDER THIS SECTION.

10-1003.

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

(2) "SERIOUS MENTAL ILLNESS" MEANS A MENTAL DISORDER THAT:

(I) IS DIAGNOSED, ACCORDING TO A CURRENT DIAGNOSTIC CLASSIFICATION SYSTEM RECOGNIZED BY THE SECRETARY, AS:

1. SCHIZOPHRENIC DISORDER;

2. MAJOR AFFECTIVE DISORDER;

3. ANOTHER PSYCHOTIC DISORDER; OR

4. BORDERLINE OR SCHIZOTYPAL PERSONALITY DISORDER, EXCLUDING AN ABNORMALITY THAT MANIFESTS ONLY AS REPEATED CRIMINAL OR OTHERWISE ANTISOCIAL CONDUCT;

(II) IS CHARACTERIZED BY IMPAIRED FUNCTION ON A CONTINUING OR INTERMITTENT BASIS FOR AT LEAST 2 YEARS; AND

(III) INCLUDES AT LEAST THREE OF THE FOLLOWING:

1. INABILITY TO MAINTAIN EMPLOYMENT;

2. SOCIAL BEHAVIOR THAT RESULTS IN INTERVENTIONS

1 BY THE MENTAL HEALTH SYSTEM;

2 3. SEVERE INABILITY TO ESTABLISH OR MAINTAIN A
3 PERSONAL SUPPORT SYSTEM; OR

4 4. NEED FOR ASSISTANCE WITH BASIC LIVING SKILLS.

5 (3) "VULNERABLE INDIVIDUAL" MEANS AN INDIVIDUAL WHO,
6 BECAUSE OF AGE, IDENTITY, STATUS, DISABILITY, OR CIRCUMSTANCES, MAY BE
7 PARTICULARLY SUSCEPTIBLE TO CRIMINAL VICTIMIZATION AND MAY FACE SPECIAL
8 CHALLENGES IN INTERACTIONS WITH OTHER INCARCERATED INDIVIDUALS.

9 (B) SUBJECT TO SUBSECTION (G) OF THIS SECTION, A VULNERABLE
10 INDIVIDUAL MAY NOT BE PLACED IN RESTRICTIVE HOUSING UNLESS:

11 (1) THE VULNERABLE INDIVIDUAL IS BETWEEN AT LEAST 18 YEARS
12 OLD AND UNDER THE AGE OF 26 YEARS OR HAS A SERIOUS MENTAL ILLNESS; AND

13 (2) THE MANAGING OFFICIAL AND THE CHIEF PHYSICIAN OF THE
14 CORRECTIONAL FACILITY HAVE DETERMINED, AND RECORDED IN WRITING THE
15 REASONS FOR DETERMINING, THAT:

16 (I) THE INDIVIDUAL PRESENTS A GRAVE RISK OF HARM TO THE
17 INDIVIDUAL OR OTHERS; AND

18 (II) RESTRICTIVE HOUSING IS THE ONLY MEANS OF ENSURING
19 THE SAFETY OF THE INDIVIDUAL OR OTHERS FROM THE RISK OF HARM PRESENTED
20 BY THE INDIVIDUAL.

21 (C) AN INDIVIDUAL MAY NOT BE PLACED IN RESTRICTIVE HOUSING BASED
22 SOLELY ON:

23 (1) CONFIDENTIAL INFORMATION CONSIDERED BY THE FACILITY
24 STAFF, BUT NOT PROVIDED TO THE INCARCERATED INDIVIDUAL OR INCLUDED IN
25 REQUIRED RECORDS;

26 (2) GANG OR ENEMY AFFILIATION;

27 (3) PROTECTION OF THE INDIVIDUAL FROM THE REST OF THE
28 DETAINED POPULATION OR A LIKELY ABUSER; OR

29 (4) THE INCARCERATED INDIVIDUAL'S IDENTIFIED OR PERCEIVED
30 SEXUAL ORIENTATION OR GENDER IDENTITY.

(D) THE MANAGING OFFICIAL OF A CORRECTIONAL FACILITY SHALL ENSURE THAT EACH INCARCERATED INDIVIDUAL PLACED IN RESTRICTIVE HOUSING IS PROVIDED THE FOLLOWING INFORMATION, IN A LANGUAGE OR MANNER THE INDIVIDUAL CAN UNDERSTAND, WITHIN 24 HOURS OF THE INDIVIDUAL'S PLACEMENT IN RESTRICTIVE HOUSING:

(1) NOTICE OF THE FACTS AND CIRCUMSTANCES THAT LED TO PLACING THE INDIVIDUAL IN RESTRICTIVE HOUSING;

(2) A STATEMENT OF THE REASON OR REASONS WHY A LESS RESTRICTIVE INTERVENTION WOULD BE INSUFFICIENT TO REDUCE RISK;

(3) THE PROCEDURES THAT THE FACILITY WILL EMPLOY TO MONITOR THE INDIVIDUAL;

(4) THE DATE AND TIME OF THE INDIVIDUAL'S NEXT COURT DATE OR ADMINISTRATIVE HEARING DATE, IF APPLICABLE;

(5) COPIES OF ALL DOCUMENTS, FILES, AND RECORDS RELATING TO THE INDIVIDUAL'S PLACEMENT IN RESTRICTIVE HOUSING, UNLESS A DOCUMENT, FILE, OR RECORD CONTAINS CONTRABAND, CLASSIFIED INFORMATION, OR SENSITIVE SECURITY INFORMATION; AND

(6) AN EXPLANATION OF THE PROCESS TO APPEAL THE INITIAL PLACEMENT OR CONTINUED PLACEMENT OF THE INCARCERATED INDIVIDUAL IN RESTRICTIVE HOUSING UNDER SUBSECTION (E) OF THIS SECTION.

(E) (1) AN INCARCERATED INDIVIDUAL SHALL BE PROVIDED THE OPPORTUNITY TO CONTEST THE RESTRICTIVE HOUSING PLACEMENT IN AN ADMINISTRATIVE HEARING WITHIN 70 HOURS OF THE INITIAL PLACEMENT.

(2) THE INCARCERATED INDIVIDUAL SHALL HAVE THE RIGHT TO APPEAR AND BE REPRESENTED BY AN ATTORNEY OR ADVOCATE OF THE INDIVIDUAL'S CHOOSING AT THE INDIVIDUAL'S OWN EXPENSE AT ALL HEARINGS CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(F) (1) IF AN INDIVIDUAL IN RESTRICTIVE HOUSING DISPUTES A DECISION MADE REGARDING THE INDIVIDUAL'S STATUS AS A VULNERABLE INDIVIDUAL OR THE PLACEMENT OF THE INDIVIDUAL IN RESTRICTIVE HOUSING UNDER SUBSECTION (B) OF THIS SECTION, THE INDIVIDUAL MAY REQUEST AND RECEIVE A SECONDARY REVIEW OF THE DETERMINATION BY THE MANAGING OFFICIAL OR CHIEF PHYSICIAN, AS APPROPRIATE.

1 **(2) AN INCARCERATED INDIVIDUAL MAY NOT BE PLACED OR**
2 **RETAINED IN RESTRICTIVE HOUSING IF, FOLLOWING A SECONDARY REVIEW UNDER**
3 **PARAGRAPH (1) OF THIS SUBSECTION, THE MANAGING OFFICIAL OR CHIEF**
4 **PHYSICIAN DETERMINES THAT THE INDIVIDUAL NO LONGER MEETS THE STANDARD**
5 **FOR CONFINEMENT.**

6 **(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
7 **AN INCARCERATED INDIVIDUAL MAY NOT BE SUBJECT TO RESTRICTIVE HOUSING**
8 **FOR MORE THAN:**

9 **(I) 3 CONSECUTIVE DAYS; OR**

10 **(II) 6 DAYS IN ANY 60-DAY PERIOD.**

11 **(2) (I) AN INCARCERATED INDIVIDUAL MAY BE PLACED IN**
12 **RESTRICTIVE HOUSING FOR A PERIOD OF TIME EXCEEDING A TIME PERIOD**
13 **SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IF THE COMMISSIONER OF**
14 **CORRECTION OR THE COMMISSIONER'S DESIGNEE ISSUES A WRITTEN DECISION,**
15 **FOLLOWING AN EVIDENTIARY HEARING, THAT STATES BASED ON SPECIFIC**
16 **OBJECTIVE CRITERIA THAT:**

17 **1. THE INCARCERATED INDIVIDUAL:**

18 **A. COMMITTED AN ACT CAUSING PHYSICAL INJURY TO**
19 **OR DEATH OF ANOTHER;**

20 **B. COMMITTED SEXUAL ASSAULT;**

21 **C. COMMITTED EXTORTION;**

22 **D. COERCED OR ATTEMPTED TO COERCE ANOTHER TO**
23 **VIOLATE RULES OF THE FACILITY;**

24 **E. LED OR INCITED A RIOT; OR**

25 **F. PROCURED DEADLY WEAPONS OR OTHER**
26 **CONTRABAND THAT POSE A SERIOUS THREAT TO SECURITY; AND**

27 **2. THE ACT WAS SO HEINOUS OR DESTRUCTIVE THAT**
28 **PLACEMENT IN THE GENERAL POPULATION WOULD CREATE A SIGNIFICANT RISK OF**
29 **IMMINENT SERIOUS PHYSICAL INJURY.**

(II) IF THE COMMISSIONER OF CORRECTION OR THE COMMISSIONER'S DESIGNEE MAKES THE FINDINGS AND ISSUES THE WRITTEN DECISION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE INCARCERATED INDIVIDUAL MAY NOT BE PLACED IN RESTRICTIVE HOUSING FOR MORE THAN:

1. 15 CONSECUTIVE DAYS;
2. 18 DAYS IN ANY 60-DAY PERIOD; OR
3. 60 DAYS IN ANY 365-DAY PERIOD.

(H) (1) AN INCARCERATED INDIVIDUAL IN RESTRICTIVE HOUSING SHALL BE GIVEN A PHYSICAL AND MENTAL HEALTH ASSESSMENT WITHIN AT LEAST 24 HOURS OF THE INITIAL PLACEMENT IN RESTRICTIVE HOUSING AND EVERY 24 HOURS THEREAFTER.

(2) THE PHYSICAL AND MENTAL HEALTH ASSESSMENT SHALL BE PERFORMED BY:

- (I) AT LEAST ONE LICENSED MENTAL HEALTH PROFESSIONAL;
- (II) AT LEAST ONE MEDICAL PROFESSIONAL; AND
- (III) AT LEAST ONE MEMBER OF THE MANAGEMENT OF THE FACILITY.

(3) AN INCARCERATED INDIVIDUAL IN RESTRICTIVE HOUSING SHALL HAVE ACCESS TO:

- (I) EDUCATIONAL AND READING MATERIALS;
- (II) ONLINE EDUCATIONAL PROGRAMMING THAT THE INDIVIDUAL WAS ENROLLED IN PRIOR TO BEING PLACED IN RESTRICTIVE HOUSING; AND
- (III) CASE MANAGEMENT, CLERGY, AND MENTAL HEALTH PROFESSIONALS.

(4) AN INCARCERATED INDIVIDUAL IN RESTRICTIVE HOUSING MAY NOT BE SUBJECT TO IMPOSITION OF ANY CHANGE IN DIET AS A FORM OF PUNISHMENT.

1 **(5) (I) AN INCARCERATED INDIVIDUAL IN RESTRICTIVE HOUSING**
2 **SHALL BE OFFERED AT LEAST 4 HOURS OF OUT-OF-CELL PROGRAMMING PER DAY,**
3 **INCLUDING:**

4 **1. AT LEAST 1 HOUR FOR RECREATION; AND**

5 **2. AT LEAST 1 HOUR FOR SHOWERING, USE OF A**
6 **TELEPHONE, OR CONTACT VISITATION.**

7 **(II) TIME SPENT ON HOUSEKEEPING OR IN PAID EMPLOYMENT**
8 **MAY NOT BE CONSIDERED OUT-OF-CELL PROGRAMMING.**

9 **(I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
10 **FACILITY SHALL CONDUCT AN EXTERNAL VISUAL CHECK ON AN INDIVIDUAL PLACED**
11 **IN RESTRICTIVE HOUSING AT LEAST TWICE PER SHIFT.**

12 **(2) IF AN INDIVIDUAL PLACED IN RESTRICTIVE HOUSING**
13 **DEMONSTRATES BEHAVIOR THAT IS UNUSUAL, SUICIDAL, OR INDICATES A**
14 **LIKELIHOOD OF SELF-HARM, THE FACILITY STAFF SHALL MONITOR THE**
15 **INDIVIDUAL AT LEAST EVERY 15 MINUTES, OR MORE FREQUENTLY IF**
16 **RECOMMENDED BY A MEDICAL OR MENTAL HEALTH PROFESSIONAL.**

17 **(J) RESTRAINTS MAY NOT BE USED ON AN INCARCERATED INDIVIDUAL**
18 **PLACED IN RESTRICTIVE HOUSING, IN THE PROCESS OF BEING PLACED IN OR**
19 **RELEASED FROM RESTRICTIVE HOUSING, OR BEING MOVED OR TRANSPORTED TO**
20 **OR FROM RESTRICTIVE HOUSING FOR THE PURPOSES OF RECREATION, PROGRAMS,**
21 **OR OTHER SERVICES, UNLESS THE FACILITY HAS DOCUMENTED THAT RESTRAINTS**
22 **ARE REQUIRED BECAUSE OF HIGH RISK OF PHYSICAL HARM TO THE INDIVIDUAL OR**
23 **OTHERS.**

24 **(K) (1) AN INCARCERATED INDIVIDUAL MAY BE PLACED IN SEGREGATED**
25 **HOUSING FOR MEDICAL PURPOSES ONLY IF:**

26 **(I) THE INDIVIDUAL IS KEPT IN THE SEGREGATED HOUSING**
27 **FOR THE SHORTEST AMOUNT OF TIME REQUIRED TO REDUCE THE RISK OF**
28 **INFECTION;**

29 **(II) THE PLACEMENT IS IN ACCORDANCE WITH STATE AND**
30 **FEDERAL PUBLIC HEALTH GUIDANCE; AND**

31 **(III) A LICENSED PHYSICIAN OR NURSE PRACTITIONER HAS**
32 **PROVIDED WRITTEN APPROVAL OF THE PLACEMENT.**

(2) AN INCARCERATED INDIVIDUAL PLACED IN SEGREGATED HOUSING FOR MEDICAL PURPOSES SHALL BE ALLOWED TO PARTICIPATE IN PROGRAMS AND SERVICES, SUBJECT TO CONSIDERATIONS OF THE HEALTH AND SECURITY OF THE INDIVIDUAL, OTHER INCARCERATED INDIVIDUALS, FACILITY STAFF, VISITORS, AND THE PUBLIC.

(L) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF AN INCARCERATED INDIVIDUAL NOTIFIES THE STAFF OF THE CORRECTIONAL FACILITY THAT THE INDIVIDUAL FEARS FOR THE INDIVIDUAL'S SAFETY AND REQUESTS AN ACCOMMODATION TO FACILITATE THE INDIVIDUAL'S SAFETY, THE FACILITY SHALL TRANSFER THE INDIVIDUAL, WITHIN A REASONABLE AMOUNT OF TIME, BUT NOT LONGER THAN 3 DAYS, AFTER RECEIVING THE REQUEST TO AN APPROPRIATE ACCOMMODATION, INCLUDING TRANSFER TO:

1. A SINGLE CELL;

2. A DIFFERENT SECTION OF THE FACILITY;

3. A SENSITIVE NEEDS YARD; OR

4. IF THE MANAGING OFFICIAL OF THE CORRECTIONAL FACILITY DETERMINES THAT AN ACCOMMODATION IN ITEMS 1 THROUGH 3 OF THIS SUBPARAGRAPH IS UNAVAILABLE OR CANNOT ADEQUATELY MEET THE SAFETY NEEDS OF THE INDIVIDUAL, ANOTHER CORRECTIONAL FACILITY THAT CAN MEET THE SAFETY NEEDS OF THE INDIVIDUAL.

(II) RESTRICTIVE HOUSING IS NOT AN APPROPRIATE ACCOMMODATION FOR AN INDIVIDUAL WHO MAKES A REQUEST UNDER THIS PARAGRAPH.

(2) AN INDIVIDUAL PLACED IN AN ACCOMMODATION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE GRANTED FULL ACCESS TO OUT-OF-CELL TIME, PROGRAMMING, AND OTHER SERVICES AVAILABLE TO THE REST OF THE DETAINED POPULATION.

(3) PLACEMENT OF AN INCARCERATED INDIVIDUAL IN AN ACCOMMODATION UNDER THIS SUBSECTION MAY NOT BE NOTED IN THE INCARCERATED INDIVIDUAL'S BASE FILE OR INSTITUTIONAL RECORD IF THE NOTATION WOULD SERVE TO INTERRUPT THE INDIVIDUAL'S PROGRAMMING ELIGIBILITY, PAROLE CONSIDERATIONS, SECURITY STATUS CHANGES, OR OTHER OPPORTUNITIES.

(4) (I) AN INCARCERATED INDIVIDUAL WHO HAS BEEN PLACED IN

1 AN ACCOMMODATION THAT ISOLATES THE INDIVIDUAL FROM THE GENERAL
2 POPULATION OF THE CORRECTIONAL FACILITY UNDER THIS SUBSECTION MAY
3 SUBMIT A WRITTEN REQUEST TO THE FACILITY STAFF AT ANY TIME TO BE RETURNED
4 TO THE GENERAL POPULATION OF THE CORRECTIONAL FACILITY.

5 (II) AFTER RECEIVING A WRITTEN REQUEST UNDER THIS
6 PARAGRAPH, THE FACILITY STAFF SHALL PROMPTLY, BUT NOT LATER THAN 24
7 HOURS AFTER RECEIVING THE REQUEST, RETURN THE INCARCERATED INDIVIDUAL
8 TO THE GENERAL POPULATION OF THE CORRECTIONAL FACILITY.

9 (M) THE DECISION TO REMOVE ANY PERSONAL ITEMS OR CLOTHING FROM
10 AN INCARCERATED INDIVIDUAL PLACED IN RESTRICTIVE HOUSING SHALL BE:

11 (1) MADE BY THE MANAGING OFFICIAL OR DESIGNEE OF THE
12 MANAGING OFFICIAL BEFORE THE INCARCERATED INDIVIDUAL'S TRANSFER TO
13 RESTRICTIVE HOUSING OR AS SOON AS POSSIBLE AFTER THE TRANSFER; AND

14 (2) BASED ON A DETERMINATION THAT THE ITEM OR CLOTHING
15 POSES A SIGNIFICANT AND UNREASONABLE RISK OF HARM TO THE INDIVIDUAL OR
16 OTHERS.

17 (N) AN INCARCERATED INDIVIDUAL PLACED IN ADMINISTRATIVE
18 SEGREGATION OR DISCIPLINARY SEGREGATION SHALL HAVE THE SAME ACCESS TO
19 PROGRAMMING, WORK ASSIGNMENTS, RECREATIONAL ACTIVITIES, AND VISITATION
20 AS THE POPULATION OF THE CORRECTIONAL INSTITUTION THAT IS NOT
21 SEGREGATED.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2024.