

# HOUSE BILL 877

E4

3lr2784

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By: **Delegate Feldmark**

Introduced and read first time: February 9, 2023

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Correctional Services – Incarcerated Individuals – Intake and Release**  
3 **(Reentry Success Act)**

4 FOR the purpose of requiring the Division of Correction to provide screening for and access  
5 to certain medication for an incarcerated individual; requiring the Division at certain  
6 times to work with an incarcerated individual to ensure that the incarcerated  
7 individual has access to medication, social service programs, and public  
8 transportation at the time of the incarcerated individual's release; requiring a State  
9 transit system or transit system partially funded by the State to provide the Division  
10 with transit passes for use by released incarcerated individuals at no cost to the  
11 Division; and generally relating to incarcerated individuals.

12 BY repealing and reenacting, without amendments,  
13 Article – Correctional Services  
14 Section 1–101(a) and (d) and 3–101  
15 Annotated Code of Maryland  
16 (2017 Replacement Volume and 2022 Supplement)

17 BY adding to  
18 Article – Correctional Services  
19 Section 3–610  
20 Annotated Code of Maryland  
21 (2017 Replacement Volume and 2022 Supplement)

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

24 **Article – Correctional Services**

25 1–101.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (d) "Correctional facility" means a facility that is operated for the purpose of  
3 detaining or confining adults who are charged with or found guilty of a crime.

4 3-101.

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

6 (b) "Commissioner" means the Commissioner of Correction.

7 (c) "Division" means the Division of Correction.

8 **3-610.**

9 (A) (1) **FOR AN INCARCERATED INDIVIDUAL SENTENCED TO A TERM OF**  
10 **IMPRISONMENT OF MORE THAN 1 YEAR AT A STATE CORRECTIONAL FACILITY, 1**  
11 **YEAR BEFORE THE ANTICIPATED RELEASE OF THE INCARCERATED INDIVIDUAL, THE**  
12 **DIVISION SHALL PROVIDE SCREENING FOR AND ACCESS TO PRIVATE MEDIATION**  
13 **BETWEEN THE INCARCERATED INDIVIDUAL AND AN INDIVIDUAL IDENTIFIED BY THE**  
14 **INCARCERATED INDIVIDUAL AS ESSENTIAL FOR THE SUCCESSFUL REENTRY OF THE**  
15 **INCARCERATED INDIVIDUAL INTO SOCIETY.**

16 (2) (i) **FOLLOWING THE IDENTIFICATION OF AN INDIVIDUAL BY AN**  
17 **INCARCERATED INDIVIDUAL UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE**  
18 **DIVISION SHALL CONDUCT A SCREENING OF THE IDENTIFIED INDIVIDUAL TO**  
19 **ENSURE THAT THE IDENTIFIED INDIVIDUAL:**

20 1. **IS NOT THE VICTIM OF A CRIME COMMITTED BY THE**  
21 **INCARCERATED INDIVIDUAL;**

22 2. **HAS NOT REQUESTED VICTIM NOTIFICATION**  
23 **REGARDING THE INCARCERATED INDIVIDUAL; OR**

24 3. **DOES NOT HAVE A PROTECTIVE ORDER, A**  
25 **NO-CONTACT ORDER, OR A STAY-AWAY ORDER ENTERED AGAINST THE**  
26 **INCARCERATED INDIVIDUAL.**

27 (ii) **THE DIVISION MAY NOT APPROVE MEDIATION BETWEEN AN**  
28 **INCARCERATED INDIVIDUAL AND AN IDENTIFIED INDIVIDUAL IF THE DIVISION**  
29 **FINDS THAT THE IDENTIFIED INDIVIDUAL IS THE VICTIM OF A CRIME COMMITTED**  
30 **BY THE INCARCERATED INDIVIDUAL, HAS REQUESTED VICTIM NOTIFICATION**  
31 **REGARDING THE INCARCERATED INDIVIDUAL, OR HAS A PROTECTIVE ORDER, A**

1 NO-CONTACT ORDER, OR A STAY-AWAY ORDER ENTERED AGAINST THE  
2 INCARCERATED INDIVIDUAL.

3 (3) (I) IF IT IS NOT PRECLUDED FROM APPROVING MEDIATION  
4 UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE DIVISION MAY ENGAGE A  
5 MEDIATOR TO FACILITATE MEDIATION BETWEEN THE INCARCERATED INDIVIDUAL  
6 AND THE IDENTIFIED INDIVIDUAL.

7 (II) A MEDIATOR ENGAGED BY THE DIVISION, OR MEDIATION  
8 PROGRAM STAFF, SHALL CONTACT THE IDENTIFIED INDIVIDUAL TO DISCUSS  
9 POTENTIAL MEDIATION WITH THE INCARCERATED INDIVIDUAL.

10 (III) IF AN IDENTIFIED INDIVIDUAL AGREES TO DISCUSS  
11 MEDIATION, THE MEDIATOR OR MEDIATION PROGRAM STAFF SHALL CONDUCT  
12 ADDITIONAL SCREENING TO ENSURE THAT PARTICIPATION IN MEDIATION BY THE  
13 IDENTIFIED INDIVIDUAL IS VOLUNTARY AND THAT MEDIATION BETWEEN THE  
14 IDENTIFIED INDIVIDUAL AND THE INCARCERATED INDIVIDUAL IS APPROPRIATE.

15 (4) IF THE MEDIATOR OR MEDIATION PROGRAM STAFF DETERMINES  
16 THAT MEDIATION IS APPROPRIATE AND THE IDENTIFIED INDIVIDUAL AGREES TO  
17 MEDIATION, THE MEDIATOR SHALL CONTACT THE DIVISION TO COORDINATE  
18 MEDIATION BETWEEN THE INCARCERATED INDIVIDUAL AND THE IDENTIFIED  
19 INDIVIDUAL.

20 (5) MEDIATION UNDER THIS SUBSECTION SHALL BE FACILITATED BY  
21 A MEDIATOR WHO IS COMPLIANT WITH THE MARYLAND STANDARDS OF CONDUCT  
22 FOR MEDIATORS OR WHO IS A MEMBER OF THE MARYLAND PROGRAM FOR  
23 MEDIATOR EXCELLENCE.

24 (6) DIVISION STAFF MAY VISUALLY OBSERVE MEDIATION  
25 CONDUCTED IN COMPLIANCE WITH THIS SUBSECTION, BUT MAY NOT BE PRESENT IN  
26 THE ROOM OR AURALLY MONITOR THE MEDIATION.

27 (C) THE DIVISION SHALL, 6 MONTHS BEFORE THE ANTICIPATED RELEASE  
28 FROM CONFINEMENT OF AN INCARCERATED INDIVIDUAL, PROVIDE THE  
29 APPROPRIATE FORMS TO AND WORK WITH AN INCARCERATED INDIVIDUAL TO  
30 ENSURE THAT THE FOLLOWING ARE AVAILABLE TO THE INCARCERATED INDIVIDUAL  
31 AT THE TIME OF RELEASE FROM CONFINEMENT:

32 (1) A PHOTO IDENTIFICATION CARD ISSUED BY THE MOTOR VEHICLE  
33 ADMINISTRATION UNDER § 12-301.1 OF THE TRANSPORTATION ARTICLE OR A  
34 DRIVER'S LICENSE;

1           **(2) FOOD SUPPLEMENT PROGRAM BENEFITS IF THE INCARCERATED**  
2 **INDIVIDUAL WILL QUALIFY FOR THE BENEFITS; AND**

3           **(3) ANY MEDICAL ASSISTANCE BENEFITS FOR WHICH THE**  
4 **INCARCERATED INDIVIDUAL WILL QUALIFY.**

5           **(D) (1) AT THE TIME OF RELEASE, THE DIVISION SHALL PROVIDE THE**  
6 **INCARCERATED INDIVIDUAL WITH:**

7                   **(I) PUBLIC TRANSPORTATION PASSES ADEQUATE FOR 90 DAYS**  
8 **OF TRAVEL; AND**

9                   **(II) A 1-MONTH SUPPLY OF ANY MEDICATION PRESCRIBED TO**  
10 **THE INCARCERATED INDIVIDUAL.**

11           **(2) ON REQUEST OF THE DIVISION, ANY STATE TRANSIT SYSTEM OR**  
12 **TRANSIT SYSTEM FUNDED IN PART BY THE STATE SHALL PROVIDE PUBLIC**  
13 **TRANSPORTATION PASSES FOR USE BY INCARCERATED INDIVIDUALS AT THE TIME**  
14 **OF RELEASE AT NO COST TO THE DIVISION.**

15           **(E) THE COMMISSIONER SHALL ADOPT REGULATIONS TO CARRY OUT THE**  
16 **REQUIREMENTS OF THIS SECTION.**

17           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2023.