

3262--A

2011-2012 Regular Sessions

I N   S E N A T E

February 15, 2011

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Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to requiring providers of non-emergency, clinical outpatient treatment to check whether patients are sex offenders and to segregate sex offender patients from other patients

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The mental hygiene law is amended by adding a new section  
2     33.27 to read as follows:  
3     S 33.27 REQUIREMENT TO CHECK SEX OFFENDER REGISTRY; CONTINUING CLINICAL  
4         OUTPATIENT TREATMENT.  
5     (A) EVERY FACILITY AND PROGRAM OPERATED OR CERTIFIED BY ANY OFFICE OF  
6     THE DEPARTMENT OF MENTAL HYGIENE, WHICH PROVIDES A NON-EMERGENCY, CLIN-  
7     ICAL OUTPATIENT COURSE OF TREATMENT TO A PATIENT, WHICH REQUIRES THREE  
8     OR MORE VISITS DURING ANY CALENDAR YEAR, SHALL REQUIRE EACH SUCH PATIENT  
9     TO PROVIDE HIS OR HER ADDRESS AND DATE OF BIRTH, AND INQUIRE WHETHER  
10    SUCH PATIENT IS A SEX OFFENDER, AS DEFINED BY SUBDIVISION ONE OF SECTION  
11    ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW. IN ADDITION, SUCH  
12    FACILITY OR PROGRAM SHALL CALL THE SPECIAL TELEPHONE NUMBER, OPERATED BY  
13    THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SECTION ONE  
14    HUNDRED SIXTY-EIGHT-P OF THE CORRECTION LAW, TO DETERMINE WHETHER EACH  
15    SUCH PATIENT IS A SEX OFFENDER.  
16    (B) EVERY FACILITY AND PROGRAM OPERATED OR CERTIFIED BY ANY OFFICE OF  
17    THE DEPARTMENT OF MENTAL HYGIENE, WHICH PROVIDES A NON-EMERGENCY, CLIN-  
18    ICAL OUTPATIENT COURSE OF COUNSELING TO A PATIENT, WHICH REQUIRES THREE  
19    OR MORE VISITS DURING ANY CALENDAR YEAR, SHALL MAKE REASONABLE EFFORTS  
20    TO NOT SCHEDULE AND TREAT PATIENTS WHO ARE NOT SEX OFFENDERS DURING AND  
21    AT SUCH TIMES AS PATIENTS WHO ARE SEX OFFENDERS.  
22    S 2. This act shall take effect on the thirtieth day after it shall  
23    have become a law.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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