

9250

I N A S S E M B L Y

February 5, 2016

Introduced by M. of A. RICHARDSON -- read once and referred to the
Committee on Correction

AN ACT to amend the correction law, in relation to limiting the segregated confinement of persons in a correctional facility with serious mental illness

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

1 Section 1. Paragraphs (c), (d), (e) and (f) of subdivision 6 of
2 section 137 of the correction law are relettered paragraphs (e), (f),
3 (g) and (h) and two new paragraphs (c) and (d) are added and subpara-
4 graph (i) of paragraph (f), as added by chapter 1 of the laws of 2008
5 and such paragraph as relettered by this section, is amended to read as
6 follows:
7 (C) INMATES SHALL NOT BE IN SEGREGATED CONFINEMENT FOR REASON OF
8 DISCIPLINE, DETENTION, ADMINISTRATIVE SEGREGATION, PROTECTIVE CUSTODY,
9 KEEPLOCK, OR ANY OTHER REASON FOR ADMISSION, UNLESS THEY HAVE ENGAGED IN
10 HIGHLY DANGEROUS, VIOLENT OR SERIOUS ESCAPE-RELATED BEHAVIOR WHILE
11 INCARCERATED IN THAT FACILITY;
12 (D) CONFINEMENT IN SEGREGATED CONFINEMENT SHALL BE LIMITED TO NOT MORE
13 THAN NINETY DAYS, EXCEPT FOR AN INMATE WHOSE BEHAVIOR EXPOSES A PATTERN
14 OF EXTREME VIOLENCE OR DANGER TO HIMSELF OR OTHERS AND, PROVIDED THAT
15 FOR THOSE CONFINED LONGER THAN NINETY DAYS, THERE SHALL BE A REVIEW
16 EVERY NINETY DAYS BY AN INDEPENDENT REVIEW BOARD, TO BE KNOWN AS THE
17 INMATE'S SPECIAL HOUSING UNIT REVIEW COUNCIL TO DETERMINE WHETHER
18 CONTINUED SEGREGATED CONFINEMENT IS WARRANTED AND NECESSARY. SUCH COUN-
19 CIL SHALL BE COMPOSED OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR WITH
20 THE ADVICE AND CONSENT OF THE SENATE. ONE MEMBER SHALL BE AN ATTORNEY
21 ADMITTED TO PRACTICE LAW IN THIS STATE, ONE MEMBER SHALL BE A MENTAL
22 HEALTH PROFESSIONAL, ONE MEMBER SHALL BE A CRIMINAL JUSTICE EXPERT
23 APPOINTED FROM WITHIN EMPLOYEES OF THE STATE UNIVERSITY SYSTEM, AND ONE
24 MEMBER SHALL BE A FORMER INMATE;
25 (i) Except as set forth in clause (E) of subparagraph (ii) of this
26 paragraph, the department, in consultation with mental health clini-
27 cians, shall divert TO A RESIDENTIAL MENTAL HEALTH TREATMENT UNIT, or

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

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1 SHALL remove inmates with serious mental illness FROM SEGREGATED
2 CONFINEMENT, WHETHER SUCH SERIOUS MENTAL ILLNESS, as defined in para-
3 graph [(e)] (G) of this subdivision, [from segregated confinement, where
4 such confinement could potentially be for a period in excess of thirty
5 days, to a residential mental health treatment unit] PRECEDED SUCH
6 CONFINEMENT OR DEVELOPED DURING THE COURSE OF SUCH CONFINEMENT. Nothing
7 in this paragraph shall be deemed to prevent the disciplinary process
8 from proceeding in accordance with department rules and regulations for
9 disciplinary hearings.

10 S 2. Section 500-k of the correction law, as amended by chapter 2 of
11 the laws of 2008, is amended to read as follows:

12 S 500-k. Treatment of inmates. Subdivisions five and six of section
13 one hundred thirty-seven of this chapter, except paragraphs [(d)] (F)
14 and [(e)] (G) of subdivision six of such section, relating to the treat-
15 ment of inmates in state correctional facilities are applicable to
16 inmates confined in county jails; except that the report required by
17 paragraph [(f)] (H) of subdivision six of such section shall be made to
18 a person designated to receive such report in the rules and regulations
19 of the state commission of correction, or in any county or city where
20 there is a department of [correction] CORRECTIONAL SERVICES, to the head
21 of such department.

22 S 3. This act shall take effect on the one hundred twentieth day after
23 it shall have become a law. Effective immediately, the addition, amend-
24 ment and/or repeal of any rule or regulation necessary for the implemen-
25 tation of this act on its effective date is authorized to be made on or
26 before such date.