

STATE OF NEW YORK

8336

IN SENATE

May 15, 2020

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to establishing semi-secure residential treatment facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 7.18 of the mental hygiene law, as added by chapter
2 7 of the laws of 2007, is amended to read as follows:

3 § 7.18 Secure treatment facilities in the office.

4 (a) 1. There shall be in the office secure treatment facilities, as
5 defined in subdivision (o) of section 10.03 of this title, as designated
6 by the commissioner for the care and treatment of dangerous sex offen-
7 ders requiring confinement, as described in article ten of this title.

8 ~~[(b)]~~ 2. Such secure treatment facilities may be created on the former
9 grounds of hospitals operated by the office, but shall be considered
10 separate and distinct facilities and shall not be considered or defined
11 as hospitals.

12 (b) 1. There shall be in the office semi-secure residential treatment
13 facilities as an alternative to incarceration designated by the commis-
14 sioner for the care and treatment of persons with serious mental
15 illness, as defined in subdivision fifty-two of section 1.03 of this
16 chapter and accused of at least one felony level crime. Such facilities
17 may be operated by a public or private non-profit organization as set
18 forth in subdivision (d) of section 7.17 of this article.

19 2. Admission to such facility will require voluntary and informed
20 consent of persons living with such serious mental illness to reside at
21 such facility for up to two years and to abide by all facility rules
22 including, but not limited to, an agreement not to leave the facility
23 without wearing a global positioning system device and accompanied by
24 staff, unless otherwise authorized by the facility director. Such
25 informed consent shall be memorialized in an agreement entered into by
26 the presiding judge in the criminal matter involving such felony level
27 crime, the person living with such serious mental illness alleged to

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

LBD16392-01-0

1 have committed such felony level crime, and the county prosecutor, and
2 shall further require such person living with a serious mental illness
3 to voluntarily and knowingly request the imposition of bail in a nominal
4 amount, pursuant to subdivision five of section 510.10 of the criminal
5 procedure law. To ensure that consent is informed and voluntary, such
6 presiding judge shall appoint counsel if such person with a serious
7 mental illness is not otherwise represented by counsel.

8 3. Programs operated pursuant to this paragraph shall provide the
9 following as needed: medication management; effective psychiatric and
10 therapeutic treatment in a safe, violence-free environment designed to
11 stabilize the underlying serious mental illness; treatment of any co-oc-
12 curring substance use disorder; and basic care and life skills training
13 related to nutrition, exercise, hygiene and mental and physical health
14 care maintenance.

15 4. Pursuant to subdivision (b) of section 7.15 of this article, the
16 commissioner shall work cooperatively with the commissioner of the
17 office of addiction services and supports to provide for the treatment
18 of co-occurring substance use disorders of residents in semi-secure
19 facilities licensed pursuant to this section.

20 § 2. This act shall take effect immediately.