

# STATE OF NEW YORK

8260

2021-2022 Regular Sessions

## IN ASSEMBLY

August 25, 2021

Introduced by M. of A. WEPRIN, O'DONNELL -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to the removal of inmates diagnosed with mental illness to a residential mental health treatment unit

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

1 Section 1. Subparagraph (i) of paragraph d of subdivision 6 of section  
2 137 of the correction law, as amended by chapter 322 of the laws of  
3 2021, is amended to read as follows:

4 (i) Except as set forth in clause (E) of subparagraph (ii) of this  
5 paragraph, the department, in consultation with mental health clini-  
6 cians, shall divert or remove an incarcerated [~~individuals~~] individual  
7 who at any time has been diagnosed with a serious mental illness, as  
8 defined in subparagraphs (i), (iii), (iv) and (v) of paragraph (e) of  
9 this subdivision, from segregated confinement, where such confinement  
10 could potentially be for a period in excess of thirty days, to a resi-  
11 dential mental health treatment unit. Nothing in this paragraph shall be  
12 deemed to prevent the disciplinary process from proceeding in accordance  
13 with department rules and regulations for disciplinary hearings.

14 § 2. Subparagraph (i) of paragraph d of subdivision 6 of section 137  
15 of the correction law, as separately amended by chapters 93 and 322 of  
16 the laws of 2021, is amended to read as follows:

17 (i) Except as set forth in clause (E) of subparagraph (ii) of this  
18 paragraph, the department, in consultation with mental health clini-  
19 cians, shall divert or remove an incarcerated [~~individuals~~] individual  
20 who at any time has been diagnosed with a serious mental illness, as  
21 defined in subparagraphs (i), (iii), (iv) and (v) of paragraph (e) of  
22 this subdivision, from segregated confinement or confinement in a resi-  
23 dential rehabilitation unit, where such confinement could potentially be  
24 for a period in excess of thirty days, to a residential mental health

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

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1 treatment unit. Nothing in this paragraph shall be deemed to prevent the  
2 disciplinary process from proceeding in accordance with department rules  
3 and regulations for disciplinary hearings.

4 § 3. Subparagraph (i) of paragraph e of subdivision 6 of section 137  
5 of the correction law, as amended by chapter 322 of the laws of 2021, is  
6 amended to read as follows:

7 (i) he or she has [~~a current diagnosis of, or is diagnosed at the~~  
8 ~~initial or any subsequent assessment conducted during the incarcerated~~  
9 ~~individual's segregated confinement with,~~] one or more of the following  
10 types of Axis I diagnoses, as described in the most recent edition of  
11 the Diagnostic and Statistical Manual of Mental Disorders, and such  
12 diagnoses shall be made based upon all relevant clinical factors,  
13 including but not limited to symptoms related to such diagnoses:

- 14 (A) schizophrenia (all sub-types),
- 15 (B) delusional disorder,
- 16 (C) schizophreniform disorder,
- 17 (D) schizoaffective disorder,
- 18 (E) brief psychotic disorder,
- 19 (F) substance-induced psychotic disorder (excluding intoxication and  
20 withdrawal),
- 21 (G) psychotic disorder not otherwise specified,
- 22 (H) major depressive disorders, or
- 23 (I) bipolar disorder I and II;

24 § 4. This act shall take effect on the thirtieth day after it shall  
25 have become a law; provided, however, that if chapter 93 of the laws of  
26 2021 shall not have taken effect on or before such date then section two  
27 of this act shall take effect on the same date and in the same manner as  
28 such chapter of the laws of 2021, takes effect.