

STATE OF NEW YORK

9429

IN SENATE

May 26, 2022

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to releasing individuals charged with a crime under non-monetary bail conditions in order to receive mental health screening or be admitted to a hospital as a result of a mental illness which is likely to result in harm to such individual or others; and to repeal subdivision 3-c of section 500.10 of the criminal procedure law relating to the release for mental health assessment and evaluation and involuntary commitment pending release

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

1 Section 1. Subdivision 3-c of section 500.10 of the criminal procedure
2 law is REPEALED.

3 § 2. Paragraph (f) of subdivision 3-a of section 500.10 of the criminal
4 procedure law, as added by section 1 of part UU of chapter 56 of the
5 laws of 2020, is amended to read as follows:

6 (f) that the principal be referred to a pretrial services agency for
7 placement in mandatory programming, including counseling, treatment, and
8 intimate partner violence intervention programs. The court may expeditiously employ available resources for mental health screening including but not limited to a mobile crisis response provider or similar entity in the courthouse.

9 (i) Where applicable, the court may direct the principal be removed to
10 a hospital or a crisis stabilization center pursuant to subdivisions (a)
11 and (b) of section 9.43 of the mental hygiene law. For purposes of this
12 paragraph, where the court proceeds pursuant to subdivision (a) of
13 section 9.43 of the mental hygiene law, the court is not required to and
14 shall not make a determination with respect to whether the crime has
15 been committed or whether there is sufficient cause to believe the prin-
16 cipal is guilty thereof.

17 (ii) If it appears to the court on the basis of evidence presented to
18 it that the person has or may have a mental illness which is likely to
19 result in serious harm to himself or herself or others, the court may
20

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

LBD15528-01-2

1 either (1) permit the person to present himself or herself to any hospi-
2 tal specified in subdivision (a) of section 9.39 of the mental hygiene
3 law or any comprehensive psychiatric emergency program specified in
4 subdivision (a) of section 9.40 of the mental hygiene law, for the
5 person to make an application for admission to the hospital as a volun-
6 tary patient pursuant to section 9.13 of the mental hygiene law; or (2)
7 issue a civil order directing their removal to any hospital specified in
8 subdivision (a) of section 9.39 of the mental hygiene law or any compre-
9 hensive psychiatric emergency program specified in subdivision (a) of
10 section 9.40 of the mental hygiene law, that is willing to receive such
11 person for a determination, by the director of such hospital or program,
12 whether such person should be retained therein pursuant to section 9.39
13 or section 9.40 of the mental hygiene law, as appropriate.

14 (iii) If the court orders removal to a hospital for immediate psychi-
15 atric assessment or if the court permits the principal to present
16 himself or herself to a hospital for evaluation for voluntary admission,
17 the principal may be taken by an entity, including but not limited to,
18 an ambulance service, as defined in subdivision two of section three
19 thousand one of the public health law, or a sheriff, to any hospital
20 specified in subdivision (a) of section 9.39 of the mental hygiene law
21 or any comprehensive psychiatric emergency program specified in subdivi-
22 sion (a) of section 9.40 of the mental hygiene law.

23 (iv) Discharge and aftercare planning, including supportive housing
24 referrals, shall be provided consistent with federal and state law,
25 including but not limited to subdivision (g) of section 29.15 of the
26 mental hygiene law and to the extent that it has the ability to, the
27 hospital will take appropriate steps so that community placement
28 services are provided consistent with federal and state law. Discharge
29 planning shall begin at admission and continue throughout the course of
30 the principal's hospitalization until the principal is discharged.

31 (v) If the principal has met the discharge criteria they shall be
32 discharged and offered a clinically appropriate discharge plan in
33 accordance with, but not limited to subdivision (g) of section 29.15 of
34 the mental hygiene law.

35 (vi) If the principal is a child, then any order for voluntary or
36 involuntary assessment shall be done in accordance with section two
37 hundred fifty-one of the family court act.

38 (vii) The court can, as a condition of release, adjourn to a treatment
39 court for the possibility of evaluation;

40 § 3. This act shall take effect immediately.