

STATE OF NEW YORK

8192

2023-2024 Regular Sessions

IN ASSEMBLY

October 27, 2023

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

AN ACT to amend the correction law, in relation to the removal of incarcerated individuals 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 separately amended by chapters 93 and 322
3 of the laws of 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 incarcerated individuals who at any time
7 have been diagnosed with a serious mental illness, as defined in subpar-
8 agraphs (i), (iii), (iv) and (v) of paragraph (e) of this subdivision,
9 from segregated confinement or confinement in a residential rehabili-
10 tation unit, where such confinement could potentially be for a period in
11 excess of thirty days, to a residential mental health treatment unit.
12 Nothing in this paragraph shall be deemed to prevent the disciplinary
13 process from proceeding in accordance with department rules and regu-
14 lations for disciplinary hearings.

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

18 (i) he or she has [~~a current diagnosis of, or is diagnosed at the~~
19 ~~initial or any subsequent assessment conducted during the incarcerated~~
20 ~~individual's segregated confinement with,~~ been diagnosed at any time
21 with one or more of the following types of Axis I diagnoses, as
22 described in the most recent edition of the Diagnostic and Statistical
23 Manual of Mental Disorders, and such diagnoses shall be made based upon

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

LBD01485-01-3

1 all relevant clinical factors, including but not limited to symptoms
2 related to such diagnoses:
3 (A) schizophrenia (all sub-types),
4 (B) delusional disorder,
5 (C) schizophreniform disorder,
6 (D) schizoaffective disorder,
7 (E) brief psychotic disorder,
8 (F) substance-induced psychotic disorder (excluding intoxication and
9 withdrawal),
10 (G) psychotic disorder not otherwise specified,
11 (H) major depressive disorders, or
12 (I) bipolar disorder I and II;
13 § 3. This act shall take effect on the thirtieth day after it shall
14 have become a law.