S T A T E O F N E W Y O R K

5285

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. MENG, PHEFFER, N. RIVERA -- Multi-Sponsored by -- M. of A. WEISENBERG -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law and the correction law, in relation to alcohol and substance abuse treatment programs for inmates

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

Section 1. The mental hygiene law is amended by adding a new section 22.13 to read as follows:

S 22.13 EVALUATION AND TREATMENT OF PERSONS COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONAL SERVICES.

PERSONS COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF CORRECTIONAL SERVICES UNDER AN INDETERMINATE OR DETERMINATE SENTENCE OF IMPRISONMENT SHALL BE EVALUATED AND TREATED FOR ALCOHOL AND SUBSTANCE ABUSE DEPENDENCE PROBLEMS BY PERSONS WHO ARE CREDENTIALED ALCOHOL AND SUBSTANCE ABUSE COUNSELORS BY THE OFFICE. SUCH EVALUATION AND TREATMENT PROGRAMS SHALL BE DEVELOPED IN COLLABORATION WITH THE DEPARTMENT OF CORRECTIONAL SERVICES.

S 2. Subdivision 17 of section 2 of the correction law, as added by chapter 338 of the laws of 1989, is amended to read as follows:

17. "Alcohol and substance abuse treatment [facility] PROGRAM." (A) A correctional [facility] PROGRAM designed [to house medium security inmates as defined by department rules and regulations and operated] for the purpose of providing intensive alcohol and substance abuse treatment services TO INMATES OF THE DEPARTMENT. Such services shall ensure comprehensive treatment for alcoholism and substance abuse PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION to ALL inmates UNDER THE CUSTODY OF THE DEPARTMENT who have been identified by the commissioner or his or her designee, A COURT AT THE TIME SENTENCE IS IMPOSED, OR BY A PERSON WHO IS A CREDENTIALED ALCOHOL AND SUBSTANCE ABUSE COUNSELOR BY THE OFFICE OF ALCOHOL AND SUBSTANCE ABUSE SERVICES, as having had or pres-

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

LBD05326-01-9

ently having a history of alcoholism or substance abuse. SUCH TREATMENT PROGRAM SHALL BE DEVELOPED IN COLLABORATION WITH THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES. Such services shall be provided [in the facility in accordance with minimum standards promulgated by the department after consultation with the division of alcoholism and alcohol abuse and the division of substance abuse services] WITHIN THE DEPARTMENT BY PERSONS WHO ARE CREDENTIALED BY THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, AND SHALL BE PROVIDED IN ACCORDANCE WITH MINIMUM STANDARDS ESTABLISHED BY REGULATION BY THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES.

(B) THE DEPARTMENT SHALL ENSURE COMPLIANCE WITH RULES AND REGULATIONS OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES AND SHALL REQUIRE THAT INMATES WHO ARE RELEASED ON PAROLE, CONDITIONAL RELEASE OR POST-RELEASE SUPERVISION AND WHO ARE, AS A CONDITION OF SUCH RELEASE, REQUIRED TO PARTICIPATE IN TREATMENT AND INMATES WHO ARE TRANSFERRED TO A COMMUNITY-BASED TREATMENT PROGRAM IN ACCORDANCE WITH THE COMMUNITY REINTEGRATION PHASE OF THE COMPREHENSIVE ALCOHOL AND SUBSTANCE ABUSE TREATMENT PROGRAM, SHALL BE PROVIDED WITH A SUBSTANCE ABUSE TREATMENT ASSESSMENT BY A PERSON WHO IS A CREDENTIALED ALCOHOL AND SUBSTANCE ABUSE COUNSELOR AND COMMUNITY-BASED ALCOHOL AND SUBSTANCE ABUSE TREATMENT SERVICES PROVIDING AN APPROPRIATE CONTINUUM OF CARE AND DESIGNED TO REDUCE OFFENDER RECIDIVISM AND CRIME.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.