

6324

2009-2010 Regular Sessions

I N S E N A T E

December 2, 2009

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

AN ACT to amend the correction law, in relation to prohibiting sex offender treatment programs from requiring that inmates or applicants for such program admit guilt to any crime as a prerequisite for admission into such program

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

1 Section 1. Section 622 of the correction law, as added by chapter 7 of
2 the laws of 2007, is amended to read as follows:
3 S 622. Sex offender treatment program. 1. The department shall make
4 available a sex offender treatment program for those inmates who are
5 serving sentences for felony sex offenses, or for other offenses defined
6 in subdivision (p) of section 10.03 of the mental hygiene law, and are
7 identified as having a need for such program in accordance with sections
8 eight hundred three and eight hundred five of this chapter. In develop-
9 ing the treatment program, the department shall give due regard to stan-
10 dards, guidelines, best practices, and qualifications recommended by the
11 office of sex offender management. The department shall make such treat-
12 ment programs available sufficiently in advance of the time of the
13 inmate's consideration by the case review team, pursuant to section
14 10.05 of the mental hygiene law, so as to allow the inmate to complete
15 the treatment program prior to that time.
16 2. The primary purpose of the program shall be to reduce the likeli-
17 hood of reoffending by assisting such offenders to control their chain
18 of behaviors that lead to sexual offending. The length of participation
19 for each inmate to achieve successful completion shall be dependent upon
20 the initial assessment of the inmate's specific needs and the degree of
21 progress made by the inmate as a participant but shall not be less than
22 six months.

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

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1 3. THE DEPARTMENT'S SEX OFFENDER TREATMENT PROGRAM SHALL NOT REQUIRE
2 AN INMATE OR APPLICANT FOR SUCH TREATMENT PROGRAM TO MAKE AN ADMISSION
3 OF GUILT TO ANY CRIME AS A PREREQUISITE FOR ADMISSION TO SUCH TREATMENT
4 PROGRAM. THE DEPARTMENT SHALL PROMULGATE RULES AND ESTABLISH PROCEDURES
5 FOR ENSURING THAT PARTICIPANTS IN SUCH TREATMENT PROGRAM ARE AFFORDED
6 PRIVACY AND SAFETY THROUGHOUT THE COURSE OF THEIR TREATMENT.

7 4. The department's sex offender treatment program shall include resi-
8 dential programs, which shall require that at each correctional facility
9 where the residential program is provided, inmate participants shall be
10 housed within the same housing area in order to provide clinically
11 appropriate treatment, and to provide a more structured and controlled
12 setting.

13 [4.] 5. Each residential program shall be staffed with a licensed
14 psychologist who shall provide clinical supervision to the treatment
15 staff, review, approve and modify treatment plans as appropriate for
16 individual inmates, provide clinical assessments for participating
17 inmates, observe and participate in group sessions and make treatment
18 recommendations. Each residential program shall also be staffed with a
19 licensed clinical social worker or other mental health professional who
20 shall be knowledgeable about the administration of testing instruments
21 that are designed to measure the degree of a sex offender's psychopathy
22 and his or her program needs. The assigned licensed psychologist shall
23 also be knowledgeable about the application of such testing instruments.

24 [5.] 6. Any inmate committed to the custody of the department on or
25 after the effective date of this section for a felony sex offense, or
26 for any of the other offenses listed in subdivision (p) of section 10.03
27 of the mental hygiene law, shall, as soon as practicable, be initially
28 assessed by staff of the office of mental health who shall be knowledge-
29 able regarding the diagnosis, treatment, assessment or evaluation of sex
30 offenders. The assessment shall include, but not be limited to, the
31 determination of the degree to which the inmate presents a risk of
32 violent sexual recidivism and his or her need for sex offender treatment
33 while in prison.

34 [6.] 7. Staff of the office of mental health and the office of mental
35 retardation and developmental disabilities may be consulted about the
36 inmate's treatment needs and may assist in providing any additional
37 treatment services determined to be clinically appropriate to address
38 the inmate's underlying mental abnormality or disorder. Such treatment
39 services shall be provided using professionally accepted treatment
40 protocols.

41 S 2. This act shall take effect immediately.