

10558

I N A S S E M B L Y

April 7, 2010

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

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.
23 3. THE DEPARTMENT'S SEX OFFENDER TREATMENT PROGRAM SHALL NOT REQUIRE
24 AN INMATE OR APPLICANT FOR SUCH TREATMENT PROGRAM TO MAKE AN ADMISSION
25 OF GUILT TO ANY CRIME AS A PREREQUISITE FOR ADMISSION TO SUCH TREATMENT
26 PROGRAM. THE DEPARTMENT SHALL PROMULGATE RULES AND ESTABLISH PROCEDURES

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

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1 FOR ENSURING THAT PARTICIPANTS IN SUCH TREATMENT PROGRAM ARE AFFORDED
2 PRIVACY AND SAFETY THROUGHOUT THE COURSE OF THEIR TREATMENT.

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

9 [4.] 5. Each residential program shall be staffed with a licensed
10 psychologist who shall provide clinical supervision to the treatment
11 staff, review, approve and modify treatment plans as appropriate for
12 individual inmates, provide clinical assessments for participating
13 inmates, observe and participate in group sessions and make treatment
14 recommendations. Each residential program shall also be staffed with a
15 licensed clinical social worker or other mental health professional who
16 shall be knowledgeable about the administration of testing instruments
17 that are designed to measure the degree of a sex offender's psychopathy
18 and his or her program needs. The assigned licensed psychologist shall
19 also be knowledgeable about the application of such testing instruments.

20 [5.] 6. Any inmate committed to the custody of the department on or
21 after the effective date of this section for a felony sex offense, or
22 for any of the other offenses listed in subdivision (p) of section 10.03
23 of the mental hygiene law, shall, as soon as practicable, be initially
24 assessed by staff of the office of mental health who shall be knowledge-
25 able regarding the diagnosis, treatment, assessment or evaluation of sex
26 offenders. The assessment shall include, but not be limited to, the
27 determination of the degree to which the inmate presents a risk of
28 violent sexual recidivism and his or her need for sex offender treatment
29 while in prison.

30 [6.] 7. Staff of the office of mental health and the office of mental
31 retardation and developmental disabilities may be consulted about the
32 inmate's treatment needs and may assist in providing any additional
33 treatment services determined to be clinically appropriate to address
34 the inmate's underlying mental abnormality or disorder. Such treatment
35 services shall be provided using professionally accepted treatment
36 protocols.

37 S 2. This act shall take effect immediately.