

1115

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO -- read once and referred to the Committee on Mental Health, Mental Retardation and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to providing additional discharge planning for persons being released from civil confinement

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

1 Section 1. Section 10.09 of the mental hygiene law is amended by
2 adding a new subdivision (i) to read as follows:
3 (I) IF THE COURT DISCHARGES THE RESPONDENT FROM CONFINEMENT THEN THE
4 COURT SHALL ORDER THE DIRECTOR OF THE SECURE TREATMENT FACILITY TO
5 PREPARE A DISCHARGE PLAN. SUCH PLAN SHALL ENSURE THAT THE RESPONDENT IS
6 DISCHARGED TO HIS OR HER COUNTY OF RESIDENCE PRIOR TO THE CONVICTION OR
7 COMMITMENT, AS APPROPRIATE, WITH SUPERVISION WHICH SHALL INCLUDE THE USE
8 OF ELECTRONIC MONITORING OR GLOBAL POSITIONING SATELLITE TRACKING FOR AN
9 APPROPRIATE PERIOD OF TIME TO BE DETERMINED BY THE COURT. THE RESPONDENT
10 SHALL BE PROVIDED SUITABLE CLOTHING ADAPTED TO THE SEASON IN WHICH HE OR
11 SHE IS DISCHARGED AND SUCH CLOTHING SHALL NOT EXCEED SIXTY-FIVE DOLLARS
12 IN VALUE. SUCH PLAN SHALL ALSO PROVIDE FOR TRANSPORTATION TO SUCH RESI-
13 DENCE AND INCLUDE REFERRAL TO ANY SERVICES WHICH THE COMMISSIONER DEEMS
14 APPROPRIATE IN THE COMMUNITY OF RESIDENCE, INCLUDING MEDICATION, AFTER-
15 CARE SERVICES AND ASSISTANCE IN FINDING EMPLOYMENT FOLLOWING DISCHARGE
16 AS PROVIDED IN SECTION 29.15 OF THIS CHAPTER.
17 S 2. Section 10.11 of the mental hygiene law is amended by adding a
18 new subdivision (i) to read as follows:
19 (I) IF THE COURT DISCHARGES THE RESPONDENT FROM THE REGIMEN OF STRICT
20 AND INTENSIVE SUPERVISION THEN THE COURT SHALL ORDER THE DIRECTOR OF THE
21 SECURE TREATMENT FACILITY TO PREPARE A DISCHARGE PLAN. SUCH PLAN SHALL
22 ENSURE THAT THE RESPONDENT IS DISCHARGED TO HIS OR HER COUNTY OF RESI-

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

LBD03783-01-9

1 DENCE PRIOR TO THE CONVICTION OR COMMITMENT, AS APPROPRIATE, WITH SUPER-
2 VISION WHICH SHALL INCLUDE THE USE OF ELECTRONIC MONITORING OR GLOBAL
3 POSITIONING SATELLITE TRACKING FOR AN APPROPRIATE PERIOD OF TIME TO BE
4 DETERMINED BY THE COURT. THE RESPONDENT SHALL BE PROVIDED SUITABLE
5 CLOTHING ADAPTED TO THE SEASON IN WHICH HE OR SHE IS DISCHARGED AND SUCH
6 CLOTHING SHALL NOT EXCEED SIXTY-FIVE DOLLARS IN VALUE. SUCH PLAN SHALL
7 ALSO PROVIDE FOR TRANSPORTATION TO SUCH RESIDENCE AND INCLUDE REFERRAL
8 TO ANY SERVICES WHICH THE COMMISSIONER DEEMS APPROPRIATE IN THE COMMUNI-
9 TY OF RESIDENCE, INCLUDING MEDICATION, AFTERCARE SERVICES AND ASSISTANCE
10 IN FINDING EMPLOYMENT FOLLOWING DISCHARGE AS PROVIDED IN SECTION 29.15
11 OF THIS CHAPTER.

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