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

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:

Section 1. Section 622 of the correction law, as added by chapter 7 of the laws of 2007, is amended to read as follows:

S 622. Sex offender treatment program. 1. The department shall make available a sex offender treatment program for those inmates who are serving sentences for felony sex offenses, or for other offenses defined in subdivision (p) of section 10.03 of the mental hygiene law, and are identified as having a need for such program in accordance with sections eight hundred three and eight hundred five of this chapter. In developing the treatment program, the department shall give due regard to standards, guidelines, best practices, and qualifications recommended by the office of sex offender management. The department shall make such treatment programs available sufficiently in advance of the time of the inmate's consideration by the case review team, pursuant to section 10.05 of the mental hygiene law, so as to allow the inmate to complete the treatment program prior to that time.

2. The primary purpose of the program shall be to reduce the likelihood of reoffending by assisting such offenders to control their chain of behaviors that lead to sexual offending. The length of participation for each inmate to achieve successful completion shall be dependent upon the initial assessment of the inmate's specific needs and the degree of progress made by the inmate as a participant but shall not be less than six months.

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

LBD15175-01-9

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

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

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

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

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

S 2. This act shall take effect immediately.