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I N   A S S E M B L Y

February 9, 2012

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

AN ACT to amend the correction law, in relation to holding inmates that  
suffer from mental illness for emergency purposes

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

1     Section 1. Subdivision 9 of section 402 of the correction law, as  
2     amended by chapter 164 of the laws of 1986, is amended to read as  
3     follows:  
4     9. Except as provided in subdivision two OF THIS SECTION pertaining to  
5     prisoners confined in the city of New York, an inmate of a correctional  
6     facility or a county jail may be admitted on an emergency basis to the  
7     Central New York Psychiatric Center upon the certification by two examining  
8     physicians, including physicians employed by the office of mental  
9     health and associated with the correctional facility in which such  
10    inmate is confined, that the inmate suffers from a mental illness which  
11    is likely to result in serious harm to himself or others as defined in  
12    subdivision (a) of section 9.39 of the mental hygiene law. Any person so  
13    committed shall be delivered by the superintendent within a twenty-four  
14    hour period, to the director of the appropriate hospital as designated  
15    in the rules and regulations of the office of mental health. Upon delivery  
16    of such person to a hospital operated by the office of mental  
17    health, a proceeding under this section shall immediately be commenced,  
18    PROVIDED, HOWEVER, THAT AFTER SUCH EMERGENCY HAS RESOLVED SUCH PERSON  
19    MAY BE HELD WITHOUT COURT ORDER FOR FURTHER IN-PATIENT TREATMENT PURSU-  
20    ANT TO SECTIONS 9.13 AND 9.15 OF THE MENTAL HYGIENE LAW.  
21    S 2. This act shall take effect on the thirtieth day after it shall  
22    have become a law.

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

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