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I N   A S S E M B L Y

(PREFILED)

January 4, 2012

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Introduced by M. of A. BRINDISI -- read once and referred to the Committee on Mental Health

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-  
23    DENCE PRIOR TO THE CONVICTION OR COMMITMENT, AS APPROPRIATE, WITH SUPER-  
24    VISION WHICH SHALL INCLUDE THE USE OF ELECTRONIC MONITORING OR GLOBAL  
25    POSITIONING SATELLITE TRACKING FOR AN APPROPRIATE PERIOD OF TIME TO BE  
26    DETERMINED BY THE COURT. THE RESPONDENT SHALL BE PROVIDED SUITABLE

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

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1 CLOTHING ADAPTED TO THE SEASON IN WHICH HE OR SHE IS DISCHARGED AND SUCH  
2 CLOTHING SHALL NOT EXCEED SIXTY-FIVE DOLLARS IN VALUE. SUCH PLAN SHALL  
3 ALSO PROVIDE FOR TRANSPORTATION TO SUCH RESIDENCE AND INCLUDE REFERRAL  
4 TO ANY SERVICES WHICH THE COMMISSIONER DEEMS APPROPRIATE IN THE COMMUNI-  
5 TY OF RESIDENCE, INCLUDING MEDICATION, AFTERCARE SERVICES AND ASSISTANCE  
6 IN FINDING EMPLOYMENT FOLLOWING DISCHARGE AS PROVIDED IN SECTION 29.15  
7 OF THIS CHAPTER.

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