

7032

2013-2014 Regular Sessions

I N A S S E M B L Y

April 30, 2013

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

AN ACT to create "Robin's law"; and to amend the mental hygiene law, in relation to mental health and chemical dependence outpatient treatment of sex offenders

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

1 Section 1. This act shall be known and may be cited as "Robin's law."

2 S 2. The mental hygiene law is amended by adding a new section 7.45 to  
3 read as follows:

4 S 7.45 SEX OFFENDERS; OUTPATIENT GROUP SETTING.

5 THE COMMISSIONER SHALL DEVELOP GUIDELINES AND PROCEDURES REGARDING SEX  
6 OFFENDERS, AS DEFINED IN SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE  
7 CORRECTION LAW, AND DETAINED SEX OFFENDERS, AS DEFINED IN SECTION 10.03  
8 OF THIS TITLE, RECEIVING SERVICES IN AN OUTPATIENT GROUP SETTING. SUCH  
9 GUIDELINES AND PROCEDURES SHALL OUTLINE BEST PRACTICES TO ENSURE A  
10 PROTECTED, SAFE AND CLINICALLY SOUND TREATMENT ENVIRONMENT FOR ALL  
11 PATIENTS AND SHALL, TO THE GREATEST EXTENT POSSIBLE, BE BASED ON  
12 EVIDENCE-BASED CLINICAL TREATMENT STANDARDS REGARDING THE SEGREGATION OF  
13 SEX OFFENDERS FROM THE GENERAL PATIENT POPULATION. IN DEVELOPING SUCH  
14 GUIDELINES AND PROCEDURES, THE COMMISSIONER SHALL CONSULT WITH A PANEL  
15 OF STAKEHOLDERS WHO SHALL INCLUDE, BUT NOT BE LIMITED TO, REPRESENTATIVES  
16 OF CONSUMER ADVOCATES, PROVIDERS AND VICTIM RIGHTS GROUPS. SUCH  
17 PANEL SHALL CONSIST OF NINE MEMBERS, OF WHOM: FIVE SHALL BE APPOINTED BY  
18 THE GOVERNOR, TWO SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
19 SENATE AND TWO SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY.

20 S 3. The mental hygiene law is amended by adding a new section 19.43  
21 to read as follows:

22 S 19.43 SEX OFFENDERS; OUTPATIENT GROUP SETTING.

23 THE COMMISSIONER SHALL DEVELOP GUIDELINES AND PROCEDURES REGARDING SEX  
24 OFFENDERS, AS DEFINED IN SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE

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

LBD09581-01-3

1 CORRECTION LAW, AND DETAINED SEX OFFENDERS, AS DEFINED IN SECTION 10.03  
2 OF THIS CHAPTER, RECEIVING SERVICES IN AN OUTPATIENT GROUP SETTING. SUCH  
3 GUIDELINES AND PROCEDURES SHALL OUTLINE BEST PRACTICES TO ENSURE A  
4 PROTECTED, SAFE AND CLINICALLY SOUND TREATMENT ENVIRONMENT FOR ALL  
5 PATIENTS AND SHALL, TO THE GREATEST EXTENT POSSIBLE, BE BASED ON  
6 EVIDENCE-BASED CLINICAL TREATMENT STANDARDS REGARDING THE SEGREGATION OF  
7 SEX OFFENDERS FROM THE GENERAL PATIENT POPULATION. IN DEVELOPING SUCH  
8 GUIDELINES AND PROCEDURES, THE COMMISSIONER SHALL CONSULT WITH A PANEL  
9 OF STAKEHOLDERS WHO SHALL INCLUDE, BUT NOT BE LIMITED TO, REPRESENTATIVES  
10 OF CONSUMER ADVOCATES, PROVIDERS AND VICTIM RIGHTS GROUPS. SUCH  
11 PANEL SHALL CONSIST OF NINE MEMBERS, OF WHOM: FIVE SHALL BE APPOINTED BY  
12 THE GOVERNOR, TWO SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
13 SENATE AND TWO SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY.  
14 S 4. This act shall take effect immediately.