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

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I N S E N A T E

June 17, 2014

Introduced by Sens. YOUNG, GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the correction law and the mental hygiene law, in relation to treatment plans for certain inmates who are receiving mental health services at or prior to the time of their anticipated release date

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

Section 1. Section 404 of the correction law is amended by adding a new subdivision 4 to read as follows:

4. EVERY INMATE WHO HAS RECEIVED, REFUSED OR OTHERWISE FAILED TO COMPLY WITH MENTAL HEALTH TREATMENT PURSUANT TO THIS ARTICLE WITHIN THREE YEARS OF HIS OR HER ANTICIPATED RELEASE DATE FROM A STATE CORRECTIONAL FACILITY SHALL BE PROVIDED WITH MENTAL HEALTH DISCHARGE PLANNING AND, WHEN NECESSARY, AN APPOINTMENT WITH A MENTAL HEALTH PROFESSIONAL IN THE COMMUNITY WHO CAN PRESCRIBE MEDICATIONS FOLLOWING DISCHARGE AND SUFFICIENT MENTAL HEALTH MEDICATIONS AND PRESCRIPTIONS TO BRIDGE THE PERIOD BETWEEN DISCHARGE AND SUCH TIME AS SUCH MENTAL HEALTH PROFESSIONAL MAY ASSUME CARE OF THE PATIENT. SUCH DISCHARGE PLANNING SHALL ALSO INCLUDE, WHEN APPROPRIATE, A CLINICAL ASSESSMENT TO DETERMINE WHETHER THE INMATE MEETS THE CRITERIA FOR INVOLUNTARY ADMISSION ON MEDICAL CERTIFICATION PURSUANT TO SECTION 9.27 OF THE MENTAL HYGIENE LAW OR ASSISTED OUTPATIENT TREATMENT PURSUANT TO SUBDIVISION (C) OF SECTION 9.60 OF THE MENTAL HYGIENE LAW. IF, AS A RESULT OF THE CLINICAL ASSESSMENT, IT IS DETERMINED THAT SUCH ADMISSION OR TREATMENT IS WARRANTED, THE DEPARTMENT SHALL ENSURE THAT NECESSARY APPLICATIONS AND PETITIONS ARE EXECUTED.

S 2. Paragraph 4 of subdivision (b) of section 9.27 of the mental hygiene law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

4. an officer of any public or well recognized charitable institution or agency or home, including but not limited to the superintendent of a correctional facility, as such term is defined in paragraph (a) of subdivision four of section two of the correction law, in whose institu-

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

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tion the person alleged to be mentally ill resides AND THE DESIGNEE AUTHORIZED BY THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION RESPONSIBLE FOR COMMUNITY SUPERVISION IN THE REGION WHERE SUCH PERSON ALLEGED TO BE MENTALLY ILL HAS BEEN RELEASED TO ANY FORM OF SUPERVISION FOLLOWING INCARCERATION.

S 3. Subparagraphs (vii) and (viii) of paragraph 1 of subdivision (e) of section 9.60 of the mental hygiene law, as amended by chapter 158 of the laws of 2005, are amended and a new subparagraph (ix) is added to read as follows:

(vii) the director of community services, or his or her designee, or the social services official, as defined in the social services law, of the city or county in which the subject of the petition is present or reasonably believed to be present; [or]

(viii) a parole officer or probation officer assigned to supervise the subject of the petition[.]; OR

(IX) A DESIGNEE AUTHORIZED BY THE COMMISSIONER OF CORRECTIONS AND COMMUNITY SUPERVISION PURSUANT TO SUBDIVISION FOUR OF SECTION FOUR HUNDRED FOUR OF THE CORRECTION LAW.

S 4. This act shall take effect on the sixtieth day after it shall have become a law; provided that the amendments to section 9.60 of the mental hygiene law, made by section three of this act, shall not affect the expiration and repeal of such section, and shall expire and be deemed repealed therewith.