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

5141

2015-2016 Regular Sessions

I N S E N A T E

May 4, 2015

Introduced by Sen. HAMILTON -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to the reporting of victims of gun violence to the office of mental health

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

Section 1. The mental hygiene law is amended by adding a new section 5.11 to read as follows:

S 5.11 VICTIMS OF GUN VIOLENCE; REPORTING; ASSESSMENT AND TREATMENT.

(A) FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) "STATE AGENCY" SHALL MEAN ANY STATE DEPARTMENT, BOARD, BUREAU, DIVISION, COMMISSION, COMMITTEE, PUBLIC AUTHORITY, PUBLIC BENEFIT CORPORATION, COUNCIL, OFFICE, OR OTHER GOVERNMENTAL ENTITY PERFORMING A GOVERNMENTAL OR PROPRIETARY FUNCTION FOR THE STATE;

(2) "VICTIM OF GUN VIOLENCE" SHALL MEAN ANY PERSON WHO HAS BEEN SHOT BY A FIREARM, THREATENED BY THE USE OF A FIREARM, WITNESSED A SHOOTING WITH A FIREARM OR HAS A RELATIVE WHO WAS SHOT BY A FIREARM, WHETHER OR NOT SUCH PERSON WITNESSED SUCH SHOOTING;

(3) "GUN VIOLENCE" SHALL MEAN ANY ACT INVOLVING THE USE OF A FIREARM, OTHER THAN THE USE OF A FIREARM FOR SPORT OR RECREATION;

(4) "FIREARM" SHALL HAVE THE SAME MEANING AS SET FORTH IN SUBDIVISION THREE OF SECTION 265.00 OF THE PENAL LAW; AND

(5) "RELATIVE" SHALL MEAN A PARENT, CHILD, GRANDPARENT, GRANDCHILD, SIBLING, AUNT, UNCLE OR FIRST COUSIN.

(B) ANY STATE AGENCY THAT, BY OR THROUGH ANY INVESTIGATION, REPORT, PROCEDURE, UNDERTAKING OR ANY OTHER PROCESS OBTAINS KNOWLEDGE OF THE IDENTITY OF A VICTIM OF GUN VIOLENCE, SHALL REPORT THE IDENTITY OF SUCH VICTIM TO THE OFFICE OF MENTAL HEALTH. THE OFFICE OF MENTAL HEALTH SHALL, IN CONSULTATION WITH LOCAL SOCIAL SERVICES DISTRICTS, REFER SUCH

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

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VICTIM TO THE SOCIAL SERVICES DISTRICT IN WHICH SUCH VICTIM RESIDES FOR VOLUNTARY ASSESSMENT AND TREATMENT. SUCH ASSESSMENT AND TREATMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, EVALUATION FOR POST TRAUMATIC STRESS DISORDER, DEPRESSION, ANGER, WITHDRAWAL, AGGRESSION, SLEEP DISTURBANCES AND ANY OTHER EMOTIONAL CONDITION ASSOCIATED WITH EXPOSURE TO GUN VIOLENCE. SUCH ASSESSMENT AND TREATMENT SHALL BE MADE THROUGH THE COORDINATION OF NECESSARY STATE AGENCIES, AND SHALL INCLUDE THE CONTINUATION OF ASSESSMENT AND TREATMENT OF SUCH VICTIMS OVER TIME AND THE TRACKING OF THE PROGRESS MADE BY SUCH VICTIMS.

(C) THE COMMISSIONER OF MENTAL HEALTH SHALL PROMULGATE SUCH RULES AND REGULATIONS AS ARE NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

(D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE ASSESSMENT AND TREATMENT OF ANY PERSON WITHOUT THE CONSENT OF SUCH PERSON.

S 2. This act shall take effect on the sixtieth day after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made and completed on or before such date.