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536

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015
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Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when
  printed to be committed to the Committee on Crime Victims, Crime and
  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 ASSEM-
BLY, 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 exam-
 8 ining 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 deliv-
16 ery 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.