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I N S E N A T E

April 29, 2016

Introduced by Sen. CARLUCCI -- (at request of the Office for People with Developmental Disabilities) -- 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 authorizing the commissioner of the office for people with developmental disabilities to have access to certain criminal history information

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

1 Section 1. Section 13.09 of the mental hygiene law is amended by
2 adding a new subdivision (h) to read as follows:
3 (H) THE COMMISSIONER SHALL BE AUTHORIZED TO HAVE ACCESS TO CRIMINAL
4 HISTORY INFORMATION CONTAINED IN THE CENTRAL DATA FACILITY ESTABLISHED
5 BY THE DIVISION OF CRIMINAL JUSTICE SERVICES, UPON SUCH TERMS AND CONDI-
6 TIONS AS THE COMMISSIONER AND THE COMMISSIONER OF THE DIVISION OF CRIMI-
7 NAL JUSTICE SERVICES SHALL AGREE. THE REPORT CONTAINING SUCH CRIMINAL
8 HISTORY INFORMATION MAY BE SUMMARIZED FOR INCLUSION IN THE INDIVIDUAL'S
9 CLINICAL RECORD, HOWEVER, SUCH REPORT SHALL BE DESTROYED WITHIN FOURTEEN
10 DAYS OF ITS RECEIPT. SUCH INFORMATION SHALL BE USED FOR PURPOSES OF
11 MAKING DECISIONS REGARDING CARE AND TREATMENT, HEALTH AND SAFETY, PRIVI-
12 LEGES AND DISCHARGE PLANNING FOR INDIVIDUALS ADMITTED TO OR RETAINED IN
13 A SCHOOL OPERATED BY THE OFFICE. THE COMMISSIONER SHALL PROMULGATE STAN-
14 DARDS REGARDING THE USE OF SUCH INFORMATION, WHICH MAY INCLUDE, BUT NOT
15 BE LIMITED TO, CONSIDERATION OF THE TYPE OF OFFENSE AND THE DATE OF
16 CONVICTION, AND ITS RELEVANCE, IF ANY, TO CARE AND TREATMENT, HEALTH AND
17 SAFETY AND DISCHARGE PLANNING. INDIVIDUALS SHALL BE GIVEN WRITTEN NOTICE
18 THAT THEIR CRIMINAL HISTORY INFORMATION WILL BE OBTAINED BY THE SCHOOL,
19 THAT THE OPPORTUNITY EXISTS TO REQUEST THE CORRECTION OF ANY INACCURATE
20 CRIMINAL HISTORY INFORMATION IN ACCORDANCE WITH THE REGULATIONS OF THE
21 DIVISION OF CRIMINAL JUSTICE SERVICES, AND THAT THE OPPORTUNITY EXISTS
22 TO CHALLENGE THE ACCURACY OF SUCH INFORMATION MAINTAINED IN THE INDIVID-
23 UAL'S CLINICAL RECORD TO THE EXTENT AUTHORIZED BY SECTION 33.16 OF THIS
24 CHAPTER. SUCH INFORMATION SHALL BE KEPT CONFIDENTIAL TO THE EXTENT

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

LBD14259-04-6

1 REQUIRED UNDER APPLICABLE FEDERAL AND STATE LAW, INCLUDING SECTION 33.13
2 OF THIS CHAPTER.
3 S 2. This act shall take effect on the ninetieth day after it shall
4 have become a law.