

10556

I N A S S E M B L Y

June 3, 2016

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Titone, Gunther) -- (at request of the Office for People with Developmental Disabilities) -- read once and referred to the Committee on Mental Health

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, AS DEFINED IN PARAGRAPH (C) OF SUBDIVISION ONE OF
5 SECTION EIGHT HUNDRED FORTY-FIVE-B OF THE EXECUTIVE LAW, CONTAINED IN
6 THE CENTRAL DATA FACILITY ESTABLISHED BY THE DIVISION OF CRIMINAL
7 JUSTICE SERVICES, UPON SUCH TERMS AND CONDITIONS AS THE COMMISSIONER AND
8 THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL
9 AGREE. THE REPORT CONTAINING SUCH CRIMINAL HISTORY INFORMATION MAY BE
10 SUMMARIZED FOR INCLUSION IN THE INDIVIDUAL'S CLINICAL RECORD, HOWEVER,
11 SUCH REPORT SHALL BE DESTROYED WITHIN FOURTEEN DAYS OF ITS RECEIPT. SUCH
12 INFORMATION SHALL BE USED FOR PURPOSES OF MAKING DECISIONS REGARDING
13 CARE AND TREATMENT, HEALTH AND SAFETY, PRIVILEGES AND DISCHARGE PLANNING
14 FOR INDIVIDUALS ADMITTED TO OR RETAINED IN A SCHOOL, AS DEFINED IN
15 SECTION 15.03 OF THIS TITLE, OPERATED BY THE OFFICE. THE COMMISSIONER
16 SHALL PROMULGATE STANDARDS REGARDING THE USE OF SUCH INFORMATION, WHICH
17 MAY INCLUDE, BUT NOT BE LIMITED TO, CONSIDERATION OF THE TYPE OF OFFENSE
18 AND THE DATE OF CONVICTION, AND ITS RELEVANCE, IF ANY, TO CARE AND
19 TREATMENT, HEALTH AND SAFETY AND DISCHARGE PLANNING. INDIVIDUALS SHALL
20 BE GIVEN WRITTEN NOTICE THAT THEIR CRIMINAL HISTORY INFORMATION WILL BE
21 OBTAINED BY THE SCHOOL, THAT THE OPPORTUNITY EXISTS TO REQUEST SUCH
22 CRIMINAL HISTORY INFORMATION AND SEEK THE CORRECTION OF ANY INACCURATE
23 CRIMINAL HISTORY INFORMATION IN ACCORDANCE WITH THE REGULATIONS OF THE
24 DIVISION OF CRIMINAL JUSTICE SERVICES, AND THAT THE OPPORTUNITY EXISTS
25 TO CHALLENGE THE ACCURACY OF SUCH INFORMATION MAINTAINED IN THE INDIVID-

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

LBD14259-09-6

1 UAL'S CLINICAL RECORD TO THE EXTENT AUTHORIZED BY SECTION 33.16 OF THIS
2 CHAPTER. SUCH INFORMATION SHALL BE KEPT CONFIDENTIAL TO THE EXTENT
3 REQUIRED UNDER APPLICABLE FEDERAL AND STATE LAW, INCLUDING SECTION 33.13
4 OF THIS CHAPTER.

5 S 2. This act shall take effect on the ninetieth day after it shall
6 have become a law.