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

4965

2015-2016 Regular Sessions

I N S E N A T E

April 24, 2015

Introduced by Sen. RITCHIE -- 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 notice of transfer of sex offender to psychiatric hospital

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

Section 1. Paragraph a of subdivision 2 of section 508 of the correction law, as amended by chapter 283 of the laws of 2002, and such subdivision as renumbered by chapter 33 of the laws of 2009, is amended to read as follows:

2. a. If a physician to a jail or in case of a vacancy a physician acting as such and the warden or jailer certify in writing that a prisoner confined in a jail either in a civil cause or upon a criminal charge is in such a state of mental health that he is in need of involuntary care and treatment and in their opinion should be removed to a psychiatric hospital for treatment, the warden or jailer shall immediately notify the director who shall have the responsibility for providing treatment for such prisoner. If such director after examination of the prisoner by an examining physician designated by him shall determine that such prisoner is in need of involuntary care and treatment, the director shall file an application for the involuntary hospitalization of such prisoner pursuant to article nine of the mental hygiene law in a hospital operated by the department of mental hygiene or in the case of a prisoner confined in a jail in a city or county which maintains or operates a general hospital containing a psychiatric prison ward approved by the department of mental hygiene to such prison ward for care and treatment or to any other psychiatric hospital if such prison ward is filled to capacity. Such application shall be supported by the certificate of two physicians in accordance with the requirements of section 9.27 of the mental hygiene law and thereupon such prisoner

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

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shall be admitted forthwith to the hospital in which such application is filed, and the procedures of the mental hygiene law governing the hospitalization of such prisoner. The jailer or warden having custody of the prisoner shall deliver the prisoner to the hospital with which the director has filed the application. If such jailer or warden shall certify that such prisoner has a mental illness which is likely to result in serious harm to himself or others and for which care in a psychiatric hospital is appropriate such jailer or warden shall effect the admission of such prisoner to a hospital forthwith in accordance with the provisions of section 9.37 or 9.39 of the mental hygiene law and the hospital shall admit such prisoner. Upon admission of the prisoner, pursuant to section 9.37 or 9.39 of the mental hygiene law, the jailer or warden shall notify the director, the prisoner's attorney, and his family, where information about the family is available. WHERE THE PRISONER IS A SEX OFFENDER, AS DEFINED PURSUANT TO SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THIS CHAPTER, THE JAILER OR WARDEN SHALL ALSO NOTIFY THE DISTRICT ATTORNEY WHO PROSECUTED THE SEX OFFENDER OF THE TRANSFER TO THE PSYCHIATRIC HOSPITAL. While the prisoner is in the hospital he shall remain in the custody under sufficient guard of the jailer or warden in charge of the jail from which he came. A prisoner admitted to a psychiatric hospital pursuant to section 9.27, 9.37 or 9.39 of the mental hygiene law may be retained at the hospital pursuant to the provisions of the mental hygiene law until he has improved sufficiently in his mental illness so that hospitalization is no longer necessary or until ordered by the court to be returned to the jail whichever comes first and in either event, the prisoner shall thereupon be returned to jail. The cost of the care and treatment of such prisoners in the hospital shall be defrayed in accordance with the provisions of the mental hygiene law in such cases provided.

From the time of admission of a prisoner to a hospital under this section the retention of such prisoner for care and treatment shall be subject to the provisions for notice, hearing, review and judicial approval of continued retention or transfer and continued retention provided by article nine of the mental hygiene law for the admission and retention of involuntary patients.

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