

4965

2015-2016 Regular Sessions

I N   S E N A T E

April 24, 2015

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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:

1     Section 1. Paragraph a of subdivision 2 of section 508 of the  
2     correction law, as amended by chapter 283 of the laws of 2002, and such  
3     subdivision as renumbered by chapter 33 of the laws of 2009, is amended  
4     to read as follows:  
5     2. a. If a physician to a jail or in case of a vacancy a physician  
6     acting as such and the warden or jailer certify in writing that a pris-  
7     oner confined in a jail either in a civil cause or upon a criminal  
8     charge is in such a state of mental health that he is in need of invol-  
9     untary care and treatment and in their opinion should be removed to a  
10    psychiatric hospital for treatment, the warden or jailer shall imme-  
11    diately notify the director who shall have the responsibility for  
12    providing treatment for such prisoner. If such director after examina-  
13    tion of the prisoner by an examining physician designated by him shall  
14    determine that such prisoner is in need of involuntary care and treat-  
15    ment, the director shall file an application for the involuntary hospi-  
16    talization of such prisoner pursuant to article nine of the mental  
17    hygiene law in a hospital operated by the department of mental hygiene  
18    or in the case of a prisoner confined in a jail in a city or county  
19    which maintains or operates a general hospital containing a psychiatric  
20    prison ward approved by the department of mental hygiene to such prison  
21    ward for care and treatment or to any other psychiatric hospital if such  
22    prison ward is filled to capacity. Such application shall be supported  
23    by the certificate of two physicians in accordance with the requirements  
24    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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1 shall be admitted forthwith to the hospital in which such application is  
2 filed, and the procedures of the mental hygiene law governing the hospi-  
3 talization of such prisoner. The jailer or warden having custody of the  
4 prisoner shall deliver the prisoner to the hospital with which the  
5 director has filed the application. If such jailer or warden shall  
6 certify that such prisoner has a mental illness which is likely to  
7 result in serious harm to himself or others and for which care in a  
8 psychiatric hospital is appropriate such jailer or warden shall effect  
9 the admission of such prisoner to a hospital forthwith in accordance  
10 with the provisions of section 9.37 or 9.39 of the mental hygiene law  
11 and the hospital shall admit such prisoner. Upon admission of the pris-  
12 oner, pursuant to section 9.37 or 9.39 of the mental hygiene law, the  
13 jailer or warden shall notify the director, the prisoner's attorney, and  
14 his family, where information about the family is available. WHERE THE  
15 PRISONER IS A SEX OFFENDER, AS DEFINED PURSUANT TO SUBDIVISION ONE OF  
16 SECTION ONE HUNDRED SIXTY-EIGHT-A OF THIS CHAPTER, THE JAILER OR WARDEN  
17 SHALL ALSO NOTIFY THE DISTRICT ATTORNEY WHO PROSECUTED THE SEX OFFENDER  
18 OF THE TRANSFER TO THE PSYCHIATRIC HOSPITAL. While the prisoner is in  
19 the hospital he shall remain in the custody under sufficient guard of  
20 the jailer or warden in charge of the jail from which he came. A prison-  
21 er admitted to a psychiatric hospital pursuant to section 9.27, 9.37 or  
22 9.39 of the mental hygiene law may be retained at the hospital pursuant  
23 to the provisions of the mental hygiene law until he has improved suffi-  
24 ciently in his mental illness so that hospitalization is no longer  
25 necessary or until ordered by the court to be returned to the jail  
26 whichever comes first and in either event, the prisoner shall thereupon  
27 be returned to jail. The cost of the care and treatment of such prison-  
28 ers in the hospital shall be defrayed in accordance with the provisions  
29 of the mental hygiene law in such cases provided.

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

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