STATE OF NEW YORK

3735

2017-2018 Regular Sessions

IN ASSEMBLY

January 30, 2017

Introduced by M. of A. AUBRY, COLTON, MONTESANO -- Multi-Sponsored by -- M. of A. BRONSON, COOK, MAGEE, PERRY -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to conforming civil immunity protection for officers or employees of the office of mental health, with the protections afforded to others who serve in correctional facilities operated by the department of correctional services

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 24 of the correction law, as added by chapter 283 of the laws of 1972, subdivision 1 as amended by section 11 of subpart A of part C of chapter 62 of the laws of 2011, and subdivision 3 as amended by chapter 466 of the laws of 1978, is amended to read as follows:

§ 24. Civil actions against department personnel **and personnel of the office of mental health in department facilities**. 1. No civil action shall be brought in any court of the state, except by the attorney general on behalf of the state, against any officer or employee of the department, which for purposes of this section shall include members of the state board of parole, **or any officer or employee of the office of mental health who provides services in a program for the treatment of mentally ill inmates established pursuant to section four hundred one of this chapter,** in his or her personal capacity, for damages arising out of any act done or the failure to perform any act within the scope of the employment and in the discharge of the duties by such officer or employee.

2. Any claim for damages arising out of any act done or the failure to perform any act within the scope of the employment and in the discharge of the duties of any officer or employee of the department**, or any officer or employee of the office of mental health who provides services in a program for the treatment of mentally ill inmates established pursuant**

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

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to section four hundred one of this chapter, shall be brought and maintained in the court of claims as a claim against the state.

3. This section shall apply with respect to claims arising on or after the effective date of this section.

§ 2. This act shall take effect immediately, and the provisions of this act shall apply with respect to claims arising on or after such date.