STATE OF NEW YORK

4048

2017-2018 Regular Sessions

IN ASSEMBLY

January 31, 2017

Introduced by M. of A. WEPRIN, O'DONNELL, AUBRY -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to holding inmates that suffer from mental illness for emergency purposes

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

Section 1. Subdivision 9 of section 402 of the correction law, as amended by chapter 164 of the laws of 1986, is amended to read as follows:

9. Except as provided in subdivision two **of this section** pertaining to prisoners confined in the city of New York, an inmate of a correctional facility or a county jail may be admitted on an emergency basis to the Central New York Psychiatric Center upon the certification by two examining physicians, including physicians employed by the office of mental health and associated with the correctional facility in which such inmate is confined, that the inmate suffers from a mental illness which is likely to result in serious harm to himself or others as defined in subdivision (a) of section 9.39 of the mental hygiene law. Any person so committed shall be delivered by the superintendent within a twenty-four hour period, to the director of the appropriate hospital as designated in the rules and regulations of the office of mental health. Upon delivery of such person to a hospital operated by the office of mental health, a proceeding under this section shall immediately be commenced**, provided, however, that after such emergency has resolved such person may be held without court order for further in-patient treatment pursuant to sections 9.13 and 9.15 of the mental hygiene law**.

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

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

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