

# STATE OF NEW YORK

989

2017-2018 Regular Sessions

## IN ASSEMBLY

January 10, 2017

Introduced by M. of A. RICHARDSON -- read once and referred to the  
Committee on Correction

AN ACT to amend the correction law and the executive law, in relation to  
limiting the segregated confinement of persons in a correctional  
facility with serious mental illness

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

1 Section 1. Paragraphs (c), (d), (e) and (f) of subdivision 6 of  
2 section 137 of the correction law are relettered paragraphs (e), (f),  
3 (g) and (h) and two new paragraphs (c) and (d) are added and subpara-  
4 graph (i) of paragraph (f), as added by chapter 1 of the laws of 2008  
5 and such paragraph as relettered by this section, is amended to read as  
6 follows:

7 (c) Inmates shall not be in segregated confinement for reason of  
8 discipline, detention, administrative segregation, protective custody,  
9 keeplock, or any other reason for admission, unless they have engaged in  
10 highly dangerous, violent or serious escape-related behavior while  
11 incarcerated in that facility;

12 (d) Confinement in segregated confinement shall be limited to not more  
13 than ninety days, except for an inmate whose behavior exposes a pattern  
14 of extreme violence or danger to himself or others and, provided that  
15 for those confined longer than ninety days, there shall be a review  
16 every ninety days by an independent review board, to be known as the  
17 inmate's special housing unit review council to determine whether  
18 continued segregated confinement is warranted and necessary. Such coun-  
19 cil shall be composed of seven members appointed by the governor with  
20 the advice and consent of the senate. One member shall be an attorney  
21 admitted to practice law in this state, one member shall be a mental  
22 health professional, one member shall be a criminal justice expert  
23 appointed from within employees of the state university system, and one  
24 member shall be a former inmate;

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

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(i) Except as set forth in clause (E) of subparagraph (ii) of this paragraph, the department, in consultation with mental health clinicians, shall divert to a residential mental health treatment unit, or shall remove inmates with serious mental illness from segregated confinement, whether such serious mental illness, as defined in paragraph ~~[(e)]~~ (g) of this subdivision, ~~[from segregated confinement, where such confinement could potentially be for a period in excess of thirty days, to a residential mental health treatment unit]~~ preceded such confinement or developed during the course of such confinement. Nothing in this paragraph shall be deemed to prevent the disciplinary process from proceeding in accordance with department rules and regulations for disciplinary hearings.

§ 2. Section 500-k of the correction law, as amended by chapter 2 of the laws of 2008, is amended to read as follows:

§ 500-k. Treatment of inmates. Subdivisions five and six of section one hundred thirty-seven of this chapter, except paragraphs ~~[(d)]~~ (f) and ~~[(e)]~~ (g) of subdivision six of such section, relating to the treatment of inmates in state correctional facilities are applicable to inmates confined in county jails; except that the report required by paragraph ~~[(f)]~~ (h) of subdivision six of such section shall be made to a person designated to receive such report in the rules and regulations of the state commission of correction, or in any county or city where there is a department of ~~correction~~ correctional services, to the head of such department.

§ 3. Subdivision 24 of section 553 of the executive law, as added by section 3 of part A of chapter 501 of the laws of 2012, is amended to read as follows:

24. To monitor and make recommendations regarding the quality of care provided to inmates with serious mental illness, including those who are in a residential mental health treatment unit or segregated confinement in facilities operated by the department of corrections and community supervision, and oversee compliance with paragraphs ~~[(d)]~~ (f) and ~~[(e)]~~ (g) of subdivision six of section one hundred thirty-seven, and section four hundred one of the correction law. Such responsibilities shall be carried out in accordance with section four hundred one-a of the correction law;

§ 4. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such date.