STATE OF NEW YORK

2445

2017-2018 Regular Sessions

IN SENATE

January 13, 2017

Introduced by Sen. HAMILTON -- 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 and the executive law, in relation to prohibiting the housing of persons in segregated confinement; and to repeal certain provisions of the correction law relating thereto

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

Section 1. The correction law is amend by adding a new section 120-a to read as follows;

§ 120-a. Segregated confinement prohibited. Notwithstanding any other provision of law, no person housed or confined in a correctional facility shall be placed in segregated confinement. For purposes of this section the term "correctional facility" shall have the same meaning set forth in subdivision three of section forty of this chapter and the term "segregated confinement" shall have the same meaning set forth in subdivision twenty-three of section two of this chapter.

§ 2. Subdivision 23 of section 2 of the correction law, as added by chapter 1 of the laws of 2008, is amended to read as follows:

23. "Segregated confinement" means the disciplinary confinement of an inmate in a special housing unit or in a separate keeplock housing unit. Special housing units and separate keeplock units are housing units that consist of cells grouped so as to provide separation from the general population[~~, and may be used to house inmates confined pursuant to the disciplinary procedures described in regulations~~].

§ 3. Subdivision 24 of section 2 of the correction law, as added by chapter 1 of the laws of 2008, is amended to read as follows:

24. "Joint case management committee" means a committee composed of staff from the department and the office of mental health. Such a committee shall be established at each level one and level two facility. Each committee shall consist of at least two clinical staff of the

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

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office of mental health and two officials of the department. The purpose of such committee shall be to review, monitor and coordinate the behavior and treatment plan of any inmate who is placed in [~~segregated confinement or~~] a residential mental health treatment unit and who is receiving services from the office of mental health.

§ 4. Paragraph (d) of subdivision 6 of section 137 of the correction law is REPEALED.

§ 5. The opening paragraph of subparagraph (i) of paragraph (e) of subdivision 6 of section 137 of the correction law, as added by chapter 1 of the laws of 2008, is amended to read as follows:

he or she has a current diagnosis of[~~, or is diagnosed at the initial or any subsequent assessment conducted during the inmate's segregated confinement with,~~] one or more of the following types of Axis I diagnoses, as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, and such diagnoses shall be made based upon all relevant clinical factors, including but not limited to symptoms related to such diagnoses:

§ 6. Subparagraph (vi) of paragraph (e) of subdivision 6 of section 137 of the correction law is REPEALED.

§ 7. Subdivision 5 of section 401 of the correction law is REPEALED.

§ 8. Subdivision 2 of section 401-a of the correction law is REPEALED.

§ 9. Subdivision 3 of section 401-a of the correction law, as amended by section 6 of part A of chapter 501 of the laws of 2012, is amended to read as follows:

3. The justice center shall appoint an advisory committee on psychiatric correctional care ("committee"), which shall be composed of independent mental health experts and mental health advocates, and may include family members of former inmates with serious mental illness. Such committee shall advise the justice center on its oversight responsibilities pursuant to this section. The committee may also make recommendations to the justice center regarding improvements to prison-based mental health care. Nothing in this subdivision shall be deemed to authorize members of the committee to have access to a correctional or mental hygiene facility or any part of such a facility. Provided, however, newly appointed members of the advisory committee shall be provided with a tour of [~~a segregated confinement unit and~~] a residential mental health treatment unit, as selected by the commissioner. Any such tour shall be arranged on a date and at a time selected by the commissioner and upon such terms and conditions as are within the sole discretion of the commissioner.

§ 10. 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) and (e) 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;

§ 11. This act shall take effect immediately.