STATE OF NEW YORK

5297

2017-2018 Regular Sessions

IN SENATE

March 20, 2017

Introduced by Sen. ORTT -- (at request of the Justice Center for the Protection of People with Special Needs) -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the social services law and the penal law, in relation to enhancing protections for persons with disabilities from sexual abuse

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

Section 1. Subdivision 9 of section 488 of the social services law, as added by section 1 of part B of chapter 501 of the laws of 2012, is amended to read as follows:

9. "Person receiving services," or "service recipient" shall mean an individual who resides or is an inpatient in a residential facility or who receives services from a facility or provider agency**; or an individual who has resided in or received services from a facility or provider agency within the prior six months of the date of an alleged reportable incident, and the allegation of a reportable incident involves a post-discharge relationship between the service recipient and a custodian that violates the facility or provider agency's policies, rules or regulations**.

§ 2. Subdivision 13 of section 130.00 of the penal law, as amended by chapter 230 of the laws of 2004, is amended to read as follows:

13. "Mental health care provider" shall mean a licensed physician, licensed psychologist, registered professional nurse, licensed clinical social worker or a licensed master social worker under the supervision of a physician, psychologist or licensed clinical social worker**, or a credentialed alcoholism and substance abuse counselor**.

§ 3. 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.

LBD10125-02-7