

STATE OF NEW YORK

3992

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

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

AN ACT to amend the correction law, in relation to the removal of inmates diagnosed with mental illness to a residential mental health treatment unit

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

1 Section 1. Subparagraph (i) of paragraph d of subdivision 6 of section
2 137 of the correction law, as added by chapter 1 of the laws of 2008, is
3 amended to read as follows:

4 (i) Except as set forth in clause (E) of subparagraph (ii) of this
5 paragraph, the department, in consultation with mental health clini-
6 cians, shall divert or remove [~~inmates~~] an inmate who at any time has
7 been diagnosed with a serious mental illness, as defined in subpara-
8 graphs (i), (iii), (iv) and (v) of paragraph (e) of this subdivision,
9 from segregated confinement, where such confinement could potentially be
10 for a period in excess of thirty days, to a residential mental health
11 treatment unit. Nothing in this paragraph shall be deemed to prevent
12 the disciplinary process from proceeding in accordance with department
13 rules and regulations for disciplinary hearings.

14 § 2. Subparagraph (i) of paragraph e of subdivision 6 of section 137
15 of the correction law, as added by chapter 1 of the laws of 2008, is
16 amended to read as follows:

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

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

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- 1 (A) schizophrenia (all sub-types),
 - 2 (B) delusional disorder,
 - 3 (C) schizophreniform disorder,
 - 4 (D) schizoaffective disorder,
 - 5 (E) brief psychotic disorder,
 - 6 (F) substance-induced psychotic disorder (excluding intoxication and
 - 7 withdrawal),
 - 8 (G) psychotic disorder not otherwise specified,
 - 9 (H) major depressive disorders, or
 - 10 (I) bipolar disorder I and II;
- 11 § 3. This act shall take effect on the thirtieth day after it shall
- 12 have become a law.