STATE OF NEW YORK

8260--A

2021-2022 Regular Sessions

IN ASSEMBLY

August 25, 2021

Introduced by M. of A. WEPRIN, O'DONNELL -- read once and referred to the Committee on Correction -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to the removal of incarcerated individuals 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:

Section 1. Subparagraph (i) of paragraph d of subdivision 6 of section 137 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

(i) Except as set forth in clause (E) of subparagraph (ii) of this paragraph, the department, in consultation with mental health clinicians, shall divert or remove **an** incarcerated [~~individuals~~] **individual who at any time has been diagnosed** with **a** serious mental illness, as defined in **subparagraphs (i), (iii), (iv) and (v) of** paragraph (e) 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. 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. Subparagraph (i) of paragraph d of subdivision 6 of section 137 of the correction law, as separately amended by chapters 93 and 322 of the laws of 2021, is amended to read as follows:

(i) Except as set forth in clause (E) of subparagraph (ii) of this paragraph, the department, in consultation with mental health clinicians, shall divert or remove **an** incarcerated [~~individuals~~] **individual who at any time has been diagnosed** with **a** serious mental illness, as defined in **subparagraphs (i), (iii), (iv) and (v) of** paragraph (e) of

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

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this subdivision, from segregated confinement or confinement in a residential rehabilitation unit, where such confinement could potentially be for a period in excess of thirty days, to a residential mental health treatment unit. Nothing in this paragraph shall be deemed to prevent the disciplinary process from proceeding in accordance with department rules and regulations for disciplinary hearings.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that if chapter 93 of the laws of 2021 shall not have taken effect on or before such date then section two of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2021, takes effect.