

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:

1 Section 1. Subparagraph (i) of paragraph d of subdivision 6 of section
2 137 of the correction law, as amended by chapter 322 of the laws of
3 2021, is 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 an incarcerated [~~individuals~~] individual
7 who at any time has been diagnosed with a serious mental illness, as
8 defined in subparagraphs (i), (iii), (iv) and (v) of paragraph (e) of
9 this subdivision, from segregated confinement, where such confinement
10 could potentially be for a period in excess of thirty days, to a resi-
11 dential mental health treatment unit. Nothing in this paragraph shall be
12 deemed to prevent the disciplinary process from proceeding in accordance
13 with department rules and regulations for disciplinary hearings.

14 § 2. Subparagraph (i) of paragraph d of subdivision 6 of section 137
15 of the correction law, as separately amended by chapters 93 and 322 of
16 the laws of 2021, is amended to read as follows:

17 (i) Except as set forth in clause (E) of subparagraph (ii) of this
18 paragraph, the department, in consultation with mental health clini-
19 cians, shall divert or remove an incarcerated [~~individuals~~] individual
20 who at any time has been diagnosed with a serious mental illness, as
21 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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1 this subdivision, from segregated confinement or confinement in a resi-
2 dential rehabilitation unit, where such confinement could potentially be
3 for a period in excess of thirty days, to a residential mental health
4 treatment unit. Nothing in this paragraph shall be deemed to prevent the
5 disciplinary process from proceeding in accordance with department rules
6 and regulations for disciplinary hearings.

7 § 3. This act shall take effect on the thirtieth day after it shall
8 have become a law; provided, however, that if chapter 93 of the laws of
9 2021 shall not have taken effect on or before such date then section two
10 of this act shall take effect on the same date and in the same manner as
11 such chapter of the laws of 2021, takes effect.