

# STATE OF NEW YORK

2058

2021-2022 Regular Sessions

## IN SENATE

January 19, 2021

Introduced by Sen. SEPULVEDA -- 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, 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

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

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