

# STATE OF NEW YORK

8923

## IN SENATE

April 29, 2022

Introduced by Sen. BRISPORT -- 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 requiring mental health services for incarcerated individuals with post-traumatic prison disorder

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "Post-traumatic prison disorder Shawanna W76337 act".

3 § 2. Section 71-a of the correction law, as amended by chapter 322 of  
4 the laws of 2021, is amended to read as follows:

5 § 71-a. Transitional accountability plan. 1. Upon admission of an  
6 incarcerated individual committed to the custody of the department under  
7 an indeterminate or determinate sentence of imprisonment, the department  
8 shall develop a transitional accountability plan. Such plan shall be a  
9 comprehensive, dynamic and individualized case management plan based on  
10 the programming and treatment needs of the incarcerated individual. The  
11 purpose of such plan shall be to promote the rehabilitation of the  
12 incarcerated individual and their successful and productive reentry and  
13 reintegration into society upon release. To that end, such plan shall be  
14 used to prioritize programming and treatment services for the incarcerated  
15 individual during incarceration and any period of community supervision.  
16 The commissioner may consult with the office of mental health,  
17 the office of ~~[alcoholism and substance abuse]~~ addiction services and  
18 supports, the board of parole, the department of health, and other  
19 appropriate agencies in the development of transitional case management  
20 plans.

21 2. (a) Mental health reentry services shall be included in an incarcerated individual's transitional accountability plan. Such mental  
22 health reentry services shall begin the first week upon admission of an  
23 incarcerated individual to a correctional facility. Mental health  
24 reentry services shall include, but not be limited to: (i) behavioral  
25 health screening and assessment; (ii) clinical intervention for post-  
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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traumatic prison disorder; (iii) mental health and trauma screenings within sixty days of being committed to the custody of the department. Where an incarcerated individual would benefit from trauma oriented therapy, the mental health reentry services shall include trauma oriented therapy. If an incarcerated individual is at a facility which cannot provide proper mental health reentry services to the incarcerated individual, the incarcerated individual shall be transferred within seven days to a facility with the capacity to provide the incarcerated individual with his or her proper mental health reentry services.

(b) A registered organization or representative who provides mental health reentry services shall be an outside vendor who employs or is a registered therapist, psychiatrist, psychologist, social worker or nurse who specializes in trauma and utilizes culturally sensitive techniques.

3. The department shall invest, develop and adopt policies and procedures to create training for all prison personnel for basic competencies in mental health trauma as a result of post-traumatic prison disorder.

4. The department shall submit a report including, but not limited to, the number of incarcerated individuals screened for mental health and trauma and the number of incarcerated individuals receiving therapy or clinical intervention with information on the types of therapy or clinical intervention such incarcerated individuals are receiving to the governor, the temporary president of the senate, and the speaker of the assembly no later than December thirty-first of each year.

§ 3. Section 78 of the correction law, as added by section 81-b of part WWW of chapter 59 of the laws of 2017, is amended to read as follows:

§ 78. Discharge plans. (a) The department, in consultation with the office of children and family services, shall provide discharge plans for juvenile offenders and adolescent offenders who are released to parole or post-release supervision, which are tailored to address their individual needs. Such plans shall include services designed to promote public safety and the successful and productive reentry of such adolescents into society.

(b) The department shall provide discharge plans for all incarcerated individuals which are tailored to address the incarcerated individual's individual needs upon reentry and reintegration into society upon release. Such discharge plans shall include, but not be limited to:

(i) Completed Medicaid enrollment, if eligible;  
(ii) Medications sufficient to allow the incarcerated individual to transition to a post-release location; and  
(iii) Written coordination between the department and health care providers including, but not limited to, the transfer of patient records to a health care provider for the service of the releasee.

(c) An incarcerated individual who receives clinical intervention for post-traumatic prison disorder under section seventy-one-a of this article shall receive the following upon reentry and reintegration into society upon release:

(i) Mental health services;  
(ii) Therapeutic programs including nontraditional therapies like yoga, meditation, and physical therapy;  
(iii) Family counseling;  
(iv) Housing information;  
(v) Job placement information; and  
(vi) Money management assistance.

§ 4. The department of corrections and community supervision shall submit a report on the state of mental health care services in the

1 corrections system, including local jails, which shall include, but not  
2 be limited to, an assessment of the degree to which the federal  
3 substance abuse and mental health services administration's guidance for  
4 trauma-informed approach to mental health has been implemented to the  
5 governor, the temporary president of the senate, and the speaker of the  
6 assembly no later than December thirty-first, two thousand twenty-two.  
7 § 5. This act shall take effect on the ninetieth day after it shall  
8 have become a law. Effective immediately, the addition, amendment  
9 and/or repeal of any rule or regulation necessary for the implementation  
10 of this act on its effective date are authorized to be made and  
11 completed on or before such effective date.