

STATE OF NEW YORK

4114

2021-2022 Regular Sessions

IN SENATE

February 2, 2021

Introduced by Sen. COMRIE -- 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 providing an incarcerated individual time for mental health services

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

1 Section 1. Subdivision 4 of section 140 of the correction law, as
2 added by chapter 516 of the laws of 1995, is amended to read as follows:

3 4. Nothing in this section shall preclude an [~~inmate~~] incarcerated
4 individual from consenting on his or her own behalf to any medical,
5 dental or mental health service and treatment where otherwise authorized
6 by law to do so. Any incarcerated individual who is receiving mental
7 health services or participating in a program established pursuant to
8 section four hundred one of this chapter shall not have the time spent
9 participating in such mental health services or programs deducted from
10 any other activity time such incarcerated individual receives. Activity
11 time shall include but not be limited to the time allowed for: exercise,
12 meals, visits, educational programs and any other activity or program
13 time an incarcerated individual receives.

14 § 2. Subdivision 4 of section 505 of the correction law, as added by
15 chapter 437 of the laws of 2013, is amended to read as follows:

16 4. Nothing in this section shall preclude an [~~inmate~~] incarcerated
17 individual from consenting on his or her own behalf to any medical,
18 dental or mental health services and treatment where otherwise author-
19 ized by law to do so. Any incarcerated individual who is receiving
20 mental health services or participating in a program established pursu-
21 ant to section four hundred one of this chapter shall not have the time
22 spent participating in such mental health services or programs deducted
23 from any other activity time such incarcerated individual receives.
24 Activity time shall include but not be limited to the time allowed for:
25 exercise, meals, visits, educational programs and any other activity or
26 program time an incarcerated individual receives.

27 § 3. This act shall take effect immediately.

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

LBD08842-01-1