

STATE OF NEW YORK

6058--B

2023-2024 Regular Sessions

IN ASSEMBLY

March 31, 2023

Introduced by M. of A. SOLAGES, L. ROSENTHAL, WEPRIN, BURDICK, ARDILA, EPSTEIN, TAYLOR, FORREST -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 requiring mental health services for incarcerated individuals with mental health issues related to the trauma of incarceration

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 "Shawanna's law (W76337)".
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

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

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1 appropriate agencies in the development of transitional case management
2 plans.

3 2. Mental health reentry services shall be included in an incarcerated
4 individual's transitional accountability plan. Such mental health
5 reentry services shall begin the first week upon admission of an incar-
6 cerated individual to a correctional facility and such services shall be
7 provided by licensed therapists, psychiatrists, psychologists, social
8 workers, or nurses in permanent competitive positions in the classified
9 service of the state who specialize in trauma and utilize culturally
10 sensitive techniques. Mental health reentry services shall include, but
11 not be limited to: (i) behavioral health screening and assessment; (ii)
12 clinical intervention for any mental health issues related to the trauma
13 of incarceration; (iii) mental health and trauma screenings within sixty
14 days of being committed to the custody of the department. Where an
15 incarcerated individual would benefit from trauma oriented therapy, the
16 mental health reentry services shall include trauma oriented therapy.
17 If an incarcerated individual is at a facility which cannot provide
18 proper mental health reentry services to the incarcerated individual,
19 the incarcerated individual shall be transferred within seven days to a
20 facility with the capacity to provide the incarcerated individual with
21 his or her proper mental health reentry services.

22 3. The department shall invest, develop and adopt policies and proce-
23 dures to create training for all prison personnel for basic competencies
24 in mental health trauma as a result of incarceration.

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

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

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

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

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

52 (c) An incarcerated individual who receives clinical intervention for
53 trauma related to incarceration under section seventy-one-a of this
54 article shall receive the following upon reentry and reintegration into
55 society upon release:

56 (i) Mental health services;

- 1 (ii) Therapeutic programs including nontraditional therapies like
- 2 yoga, meditation, and physical therapy;
- 3 (iii) Family counseling;
- 4 (iv) Alcohol and substance abuse disorder treatment services;
- 5 (v) HIV/AIDS services;
- 6 (vi) Education and vocational training;
- 7 (vii) Housing information;
- 8 (viii) Job placement information; and
- 9 (ix) Money management assistance.

10 § 4. The department of corrections and community supervision shall
11 submit a report on the state of mental health care services in the
12 corrections system, including local jails, which shall include, but not
13 be limited to, an assessment of the degree to which the federal
14 substance abuse and mental health services administration's guidance for
15 trauma-informed approach to mental health has been implemented to the
16 governor, the temporary president of the senate, and the speaker of the
17 assembly no later than December 31, 2025.

18 § 5. This act shall take effect on the ninetieth day after it shall
19 have become a law. Effective immediately, the addition, amendment
20 and/or repeal of any rule or regulation necessary for the implementation
21 of this act on its effective date are authorized to be made and
22 completed on or before such effective date.