STATE OF NEW YORK

8192

2023-2024 Regular Sessions

IN ASSEMBLY

October 27, 2023

Introduced by M. of A. DE LOS SANTOS -- read once and referred to the Committee on Correction

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:

Section 1. Subparagraph (i) of paragraph d of subdivision 6 of section 137 of the correction law, as separately amended by chapters 93 and 322 of the laws of 2021, is amended to read as follows:

(i) Except as set forth in clause (E) of subparagraph (ii) of this paragraph, the department, in consultation with mental health clinicians, shall divert or remove incarcerated individuals **who at any time have been diagnosed** with **a** serious mental illness, as defined in **subparagraphs (i), (iii), (iv) and (v) of** paragraph (e) of this subdivision, from segregated confinement or confinement in a residential rehabilitation unit, where such confinement could potentially be for a period in excess of thirty days, to a residential mental health treatment unit. Nothing in this paragraph shall be deemed to prevent the disciplinary process from proceeding in accordance with department rules and regulations for disciplinary hearings.

§ 2. Subparagraph (i) of paragraph e of subdivision 6 of section 137 of the correction law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

(i) he or she has [~~a current diagnosis of, or is diagnosed at the initial or any subsequent assessment conducted during the incarcerated individual's segregated confinement with,~~] **been diagnosed at any time with** one or more of the following types of Axis I diagnoses, as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, and such diagnoses shall be made based upon

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

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all relevant clinical factors, including but not limited to symptoms related to such diagnoses:

(A) schizophrenia (all sub-types),

(B) delusional disorder,

(C) schizophreniform disorder,

(D) schizoaffective disorder,

(E) brief psychotic disorder,

(F) substance-induced psychotic disorder (excluding intoxication and withdrawal),

(G) psychotic disorder not otherwise specified,

(H) major depressive disorders, or

(I) bipolar disorder I and II;

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.