

STATE OF NEW YORK

3103--A

2023-2024 Regular Sessions

IN SENATE

January 27, 2023

Introduced by Sen. BRISPORT -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- 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 incarcer-
15 ated individual during incarceration and any period of community super-
16 vision. 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 incar-
22 cerated individual's transitional accountability plan. Such mental

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

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1 health reentry services shall begin the first week upon admission of an
2 incarcerated individual to a correctional facility. Mental health
3 reentry services shall include, but not be limited to: (i) behavioral
4 health screening and assessment; (ii) clinical intervention for any
5 mental health issues related to the trauma of incarceration; (iii)
6 mental health and trauma screenings within sixty days of being committed
7 to the custody of the department. Where an incarcerated individual would
8 benefit from trauma oriented therapy, the mental health reentry services
9 shall include trauma oriented therapy. If an incarcerated individual is
10 at a facility which cannot provide proper mental health reentry services
11 to the incarcerated individual, the incarcerated individual shall be
12 transferred within seven days to a facility with the capacity to provide
13 the incarcerated individual with his or her proper mental health reentry
14 services.

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

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

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

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

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

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

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

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

53 (i) Mental health services;
54 (ii) Therapeutic programs including nontraditional therapies like
55 yoga, meditation, and physical therapy;
56 (iii) Family counseling;

- 1 (iv) Housing information;
2 (v) Job placement information; and
3 (vi) Money management assistance.

4 § 4. The department of corrections and community supervision shall
5 submit a report on the state of mental health care services in the
6 corrections system, including local jails, which shall include, but not
7 be limited to, an assessment of the degree to which the federal
8 substance abuse and mental health services administration's guidance for
9 trauma-informed approach to mental health has been implemented to the
10 governor, the temporary president of the senate, and the speaker of the
11 assembly no later than December 31, 2024.

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