

STATE OF NEW YORK

5584--A

2023-2024 Regular Sessions

IN SENATE

March 8, 2023

Introduced by Sen. COMRIE -- 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 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 amended by chapter 322 of the laws of 2021, is amended to read as
3 follows:

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

15 § 2. Subdivision 4 of section 505 of the correction law, as amended by
16 chapter 322 of the laws of 2021, is amended to read as follows:

17 4. Nothing in this section shall preclude an incarcerated individual
18 from consenting on his or her own behalf to any medical, dental or
19 mental health services and treatment where otherwise authorized by law
20 to do so. To the extent practicable, any incarcerated individual who is
21 receiving mental health services or participating in a program estab-
22 lished pursuant to section four hundred one of this chapter shall not
23 have the time spent participating in such mental health services or

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

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1 programs deducted from any other activity time such incarcerated indi-
2 vidual receives. Activity time shall include but not be limited to the
3 time allowed for: exercise, meals, visits, educational programs and any
4 other activity or program time an incarcerated individual receives.
5 § 3. This act shall take effect immediately.