

# STATE OF NEW YORK

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7193

2023-2024 Regular Sessions

## IN ASSEMBLY

May 12, 2023

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Introduced by M. of A. DILAN -- 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:

1 Section 1. Subparagraph (i) of paragraph d of subdivision 6 of section  
2 137 of the correction law, as separately amended by chapters 93 and 322  
3 of the laws of 2021, is amended to read as follows:

4 (i) Except as set forth in clause (E) of subparagraph (ii) of this  
5 paragraph, the department, in consultation with mental health clini-  
6 cians, shall divert or remove an incarcerated [~~individuals~~] individual  
7 who at any time has been diagnosed with a serious mental illness, as  
8 defined in subparagraphs (i), (iii), (iv) and (v) of paragraph (e) of  
9 this subdivision, from segregated confinement or confinement in a resi-  
10 dential rehabilitation unit, where such confinement could potentially be  
11 for a period in excess of thirty days, to a residential mental health  
12 treatment unit. Nothing in this paragraph shall be deemed to prevent the  
13 disciplinary process from proceeding in accordance with department rules  
14 and regulations for disciplinary hearings.

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

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

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