STATE OF NEW YORK

465

2023-2024 Regular Sessions

IN SENATE

January 4, 2023

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and 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.