

STATE OF NEW YORK

2719

2025-2026 Regular Sessions

IN ASSEMBLY

January 22, 2025

Introduced by M. of A. RAJKUMAR -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, the social services law, the correction law, the judiciary law, the public health law and the administrative code of the city of New York, in relation to enacting the "empire state of mind act" to address the treatment of persons with mental illness; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and to repeal certain provisions of the correction law relating to certain limitations of community treatment facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. This act shall be known and may be cited as the "empire
2 state of mind act".
- 3 § 2. Subdivisions 3 and 20 of section 1.03 of the mental hygiene law,
4 subdivision 3 as amended by chapter 281 of the laws of 2019, subdivision
5 20 as added by chapter 978 of the laws of 1977, are amended to read as
6 follows:
- 7 3. "Mental disability" means mental illness, intellectual disability,
8 or developmental disability~~[, or an addictive disorder as defined in~~
9 ~~this section]~~.
- 10 20. "Mental illness" means an affliction with a mental disease or
11 mental condition which is manifested by a disorder or disturbance in
12 behavior, feeling, thinking, or judgment to such an extent that the
13 person afflicted requires care, treatment and rehabilitation; or an
14 addictive disorder as defined in this section.
- 15 § 3. Section 9.01 of the mental hygiene law, as amended by chapter 723
16 of the laws of 1989, the seventh undesignated paragraph as amended by
17 chapter 595 of the laws of 2000, is amended to read as follows:

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

LBD06324-01-5

1 § 9.01 Definitions.

2 As used in this article:

3 (a) "in need of care and treatment" means that a person has a mental
4 illness for which in-patient care and treatment in a hospital or other
5 facility, or receipt of services pursuant to this chapter or the social
6 services law, is appropriate.7 (b) "in need of involuntary care and treatment" means that a person
8 has a mental illness for which care and treatment as a patient in a
9 hospital is essential to [~~such person's welfare~~] prevent such person
10 from engaging in behavior likely to result in serious harm, and whose
11 judgment is so impaired that [~~he~~] such person is unable to understand
12 the need for such care and treatment.13 (c) "likelihood to result in serious harm" or "likely to result in
14 serious harm" means [~~(a)~~] 1. a substantial risk of physical harm to the
15 person as manifested by threats of or attempts at suicide or serious
16 bodily harm or other conduct demonstrating that the person is dangerous
17 to [~~himself or herself~~] themselves, or [~~(b)~~] 2. a substantial risk of
18 physical harm to other persons as manifested by [~~homicidal or other~~
19 violent behavior by which others are placed in reasonable fear of seri-
20 ous physical harm] threats of, attempts at, or perpetration of violence,
21 or possessing a weapon or an object that can be utilized as a weapon and
22 using such weapon or object in a manner consistent with a use that would
23 produce imminent physical harm to themselves or others; for the purposes
24 of this section, noncompliance with instructions from any police offi-
25 cer, peace officer, or person engaged in homelessness intervention or
26 behavioral health services in the absence of other threatening behavior
27 shall not constitute reasonable fear of serious physical harm; nor shall
28 the fashioning of any body part, or handling of any object that is not a
29 firearm or component thereof in such a manner consistent with operating
30 a firearm, constitute reasonable fear of serious physical harm.31 (d) "need for retention" means that a person who has been admitted to
32 a hospital pursuant to this article is in need of involuntary care and
33 treatment in a hospital for a further period.34 (e) "record" of a patient shall consist of admission, transfer or
35 retention papers and orders, and accompanying data required by this
36 article and by the regulations of the commissioner.37 (f) "director of community services" means the director of community
38 services for the mentally disabled appointed pursuant to article forty-
39 one of this chapter.40 (g) "qualified psychiatrist" means a physician licensed to practice
41 medicine in New York state who: [~~(a)~~] 1. is a diplomate of the American
42 board of psychiatry and neurology or is eligible to be certified by that
43 board; or [~~(b)~~] 2. is certified by the American osteopathic board of
44 neurology and psychiatry or is eligible to be certified by that board.45 (h) "patient advocate" means an individual or organization with exper-
46 tise in behavioral health and homelessness intervention services that
47 provides assistance and representation to a patient receiving health-
48 care, in support of such person's welfare.49 (i) "Empath unit" means a facility that provides emergency treatment
50 to patients with mental illness without unnecessary long-term admission.51 § 4. Section 7.17 of the mental hygiene law is amended by adding a new
52 subdivision (h) to read as follows:53 (h) The commissioner shall establish at least one empath unit, as such
54 term is defined in section 9.01 of this title, in each county in the
55 state.

1 § 5. Paragraph 2 of subdivision (a) of section 9.48 of the mental
2 hygiene law, as added by chapter 408 of the laws of 1999, is amended to
3 read as follows:

4 (2) The directors of assisted outpatient treatment programs shall
5 ensure the timely delivery of services described in paragraph one of
6 subdivision (a) of section 9.60 of this article pursuant to any court
7 order issued under such section. Directors of assisted outpatient treat-
8 ment programs shall immediately commence corrective action upon receiv-
9 ing notice from program coordinators, that services are not being
10 provided in a timely manner. Such directors shall inform the program
11 coordinator of such corrective action. Assertive community treatment
12 team services which have been court ordered or otherwise directed under
13 this article shall be provided within thirty days of such order or
14 determination of eligibility.

15 § 6. Paragraph 2 of subdivision (b) of section 9.27 of the mental
16 hygiene law, as amended by chapter 343 of the laws of 1985, is amended
17 and a new paragraph 12 is added to read as follows:

18 2. the [~~father or mother, husband or wife, brother or sister,~~] parent
19 or legal guardian, spouse, sibling or the child of any such person or
20 the nearest available relative.

21 12. a behavioral health services expert acting as an agent of the city
22 or county in which any such person may be.

23 § 7. Section 9.27 of the mental hygiene law is amended by adding a new
24 subdivision (j) to read as follows:

25 (j) A patient subject to an involuntary admission under this article
26 shall be entitled to be placed in a room with a window and access to a
27 restroom, and shall not be physically restrained unless such patient is
28 determined to be dangerous.

29 § 8. Subdivisions (a) and (d) of section 9.33 of the mental hygiene
30 law, as amended by chapter 789 of the laws of 1985, are amended to read
31 as follows:

32 (a) If the director shall determine that a patient admitted upon an
33 application supported by medical certification, for whom there is no
34 court order authorizing retention for a specified period, is in need of
35 retention or transfer to the jurisdiction of the department for
36 retention in a hospital operated by the state or to a private facility
37 having an appropriate operating certificate, and if such patient does
38 not agree to remain in such hospital as a voluntary patient or agree to
39 such transfer, the director shall apply to the supreme court or the
40 county court in the county where the hospital is located for an order
41 authorizing continued retention. Such application shall be made no later
42 than sixty days from the date of involuntary admission on application
43 supported by medical certification or thirty days from the date of an
44 order denying an application for patient's release pursuant to section
45 9.31, whichever is later; and the hospital is authorized to retain the
46 patient or transfer such patient to the jurisdiction of the department
47 for retention in a hospital operated by the state or a private facility
48 having an appropriate operating certificate for such further period
49 during which the hospital is authorized to make such application or
50 during which the application may be pending. The director shall cause
51 written notice of such application to be given the patient and a copy
52 thereof shall be given personally or by mail to the persons required by
53 this article to be served with notice of such patient's initial admis-
54 sion and to the mental hygiene legal service. Such notice shall state
55 that a hearing may be requested and that failure to make such a request
56 within five days, excluding Sunday and holidays, from the date that the

1 notice was given to the patient will permit the entry without a hearing
2 of an order authorizing retention or transfer.

3 (d) If the director of a hospital, in which a patient is retained
4 pursuant to the foregoing subdivisions of this section, shall determine
5 that the condition of such patient requires [~~his~~] further retention in a
6 hospital or transfer to a private facility having an appropriate operat-
7 ing certificate, [~~he~~] the director shall, if such patient does not agree
8 to remain in such hospital as a voluntary patient or does not agree to a
9 transfer, apply during the period of retention authorized by the last
10 order of the court to the supreme court or the county court in the coun-
11 ty where the hospital is located for an order authorizing further
12 continued retention or the transfer of such patient. The procedures for
13 obtaining any order pursuant to this subdivision shall be in accordance
14 with the provisions of the foregoing subdivisions of this section;
15 provided that the patient or anyone on [~~his~~] their behalf or the mental
16 hygiene legal service may request that the patient be brought personally
17 before the court, in which case the court shall not grant an order for
18 periods of one year or longer unless such patient shall have appeared
19 personally before the court. The period for continued retention pursuant
20 to the first order obtained under this subdivision shall authorize
21 further continued retention of the patient for not more than one year
22 from the date of the order. The period for the further continued
23 retention of the patient authorized by any subsequent order under this
24 subdivision shall be for periods not to exceed two years each from the
25 date of the order.

26 § 9. Section 9.03 of the mental hygiene law, as amended by chapter 351
27 of the laws of 2021, is amended to read as follows:

28 § 9.03 Admission to a hospital.

29 (a) Unless otherwise specifically provided for by statute, a person
30 with a mental illness shall be admitted to a hospital as an in-patient
31 only pursuant to the provisions of this article, except that chemically
32 dependent patients may be admitted to chemical dependence facilities
33 operated by such hospitals under contract or agreement with the office
34 of [~~alcoholism and substance abuse~~] addiction services and supports
35 in accordance with the provisions of article twenty-two of this chapter.
36 The section of the mental hygiene law under which a patient is admitted
37 or under which any change of legal status is subsequently effected shall
38 be stated in the patient's record.

39 (b) A patient admitted pursuant to this article shall be assigned a
40 patient advocate within twenty-four hours of such admission. Such
41 patient advocate may be an employee of the city or county in which the
42 hospital or facility is located, or an employee of a homeless inter-
43 vention services organization, or a family member of the patient.

44 § 10. Section 33.27 of the mental hygiene law is amended by adding a
45 new subdivision (d) to read as follows:

46 (d) Within twenty-four hours of admission to any facility operated or
47 licensed by the office of mental health a patient shall be informed of
48 their right to file a complaint with the ombudsman.

49 § 11. Section 33.27 of the mental hygiene law is amended by adding a
50 new subdivision (e) to read as follows:

51 (e) The office of the independent substance use disorder and mental
52 health ombudsman shall annually publish a report on involuntary admis-
53 sions that shall include the demographics of people admitted, the number
54 of complaints to the office, the due process for people admitted, the
55 nature of services provided after discharges, and the mental health and
56 housing stability outcomes of involuntary admissions.

1 § 12. The mental hygiene law is amended by adding a new section 22.13
2 to read as follows:

3 § 22.13 Medically recommended treatment.

4 Any addictive disorder services pursuant to this article shall include
5 medically recommended treatment by a person licensed to practice medi-
6 cine as set forth in article one hundred thirty-one of the education
7 law.

8 § 13. Section 29.07 of the mental hygiene law, subdivision (b) as
9 amended by chapter 37 of the laws of 2011, is amended to read as
10 follows:

11 § 29.07 Commissioner's powers over admissions to department facilities.

12 (a) [~~The commissioner may by order defer admissions to~~] If the commis-
13 sioner shall determine that overcrowding exists in any facility in the
14 department when the total number of patients therein exceeds its capaci-
15 ty to an extent which will not permit adequate care and treatment to be
16 provided patients, such commissioner shall authorize admission to another
17 facility with an appropriate operating certificate. The commissioner
18 may not defer admissions unless there is a state declaration of disaster
19 emergency pursuant to article two-B of the executive law.

20 (b) If the commissioner shall determine that overcrowding exists in
21 the department schools, [~~he~~] the commissioner may, within the amounts
22 appropriated therefor, authorize admission for care and treatment of any
23 person with a developmental disability to a designated facility approved
24 for such purposes by the commissioner. The patient and any liable rela-
25 tives shall be liable for payment of fees in accordance with article
26 forty-three of this chapter.

27 § 14. Subdivision (a) of section 9.47 of the mental hygiene law, as
28 amended by section 15 of chapter 351 of the laws of 2021, is amended to
29 read as follows:

30 (a) All directors of community services, health officers, and social
31 services officials, as defined by the social services law, are charged
32 with the duty of seeing that all persons with a mental illness within
33 their respective communities who are in need of or request medically
34 recommended care and treatment [~~at a hospital~~] are admitted to a hospi-
35 tal or other facility, or receive other services pursuant to the
36 provisions of this article or the social services law. Social services
37 officials and health officers shall notify the director of community
38 services of any such person coming to their attention. Pending the
39 determination of the condition of an alleged person with a mental
40 illness, it shall be the duty of the director of community services and,
41 if there be no such director, of the local health officer to provide for
42 the proper care of such person [~~in a suitable facility~~].

43 § 15. The opening paragraph of section 9.47 of the mental hygiene law,
44 as amended by section 16 of chapter 351 of the laws of 2021, is amended
45 to read as follows:

46 All directors of community services, health officers, and social
47 services officials, as defined by the social services law, are charged
48 with the duty of seeing that all persons with a mental illness within
49 their respective communities who are in need of or request medically
50 recommended care and treatment [~~at a hospital~~] are admitted to a hospi-
51 tal or other facility, or receive other services pursuant to the
52 provisions of this article or the social services law. Social services
53 officials and health officers shall notify the director of community
54 services of any such person coming to their attention. Pending the
55 determination of the condition of an alleged person with a mental
56 illness, it shall be the duty of the director of community services and,

1 if there be no such director, of the local health officer to provide for
2 the proper care of such person [~~in a suitable facility~~].

3 § 16. Subdivision (d) of section 9.37 of the mental hygiene law, as
4 amended by chapter 357 of the laws of 1991 and as relettered by chapter
5 343 of the laws of 1996, is amended to read as follows:

6 (d) After signing the application, the director of community services
7 or the director's designee shall be authorized and empowered to take
8 into custody, detain, transport, and provide temporary care for any such
9 person. Upon the written request of such director or the director's
10 designee it shall be the duty of a person or persons with expertise in
11 behavioral health and homeless intervention services to take into custo-
12 dy and transport any such person as requested and directed by such
13 director or designee. Such person or persons may request and shall
14 receive the accompaniment of peace officers, when acting pursuant to
15 their special duties, or police officers who are members of the state
16 police or of an authorized police department or force or of a sheriff's
17 department [~~to take into custody and transport any such person as~~
18 ~~requested and directed by such director or designee~~]. No officer shall
19 use coercive force to take a person into custody or pursue any such
20 person who flees unless directed by a person with expertise in behav-
21 ioral health, or homeless intervention services and, if so directed,
22 must refrain from any further coercion or pursuit at such direction;
23 provided, however, that this shall not apply to detaining a person
24 engaging in behavior likely to result in serious harm. Upon the written
25 request of such director or designee, an ambulance service, as defined
26 in subdivision two of section three thousand one of the public health
27 law, is authorized to transport any such person.

28 § 17. Intentionally omitted.

29 § 18. The mental hygiene law is amended by adding a new section 7.10
30 to read as follows:

31 § 7.10 Regulation and quality control of services for individuals with
32 severe mental illness.

33 This article sets forth provisions enabling the commissioner to regu-
34 late and assure the consistent high quality of treatment and services
35 provided within the state to its citizens with severe mental illness.
36 The commissioner shall evaluate mental health and behavioral health
37 outcomes, as well as issuance of treatment plans pursuant to section
38 29.13 of this chapter. The commissioner may adopt and promulgate any
39 regulation reasonably necessary to implement and effectively exercise
40 the powers and perform the duties conferred by this article. This arti-
41 cle shall govern the operation of programs, provision of services and
42 the facilities hereinafter described and the commissioner's powers and
43 authority with respect thereto.

44 § 19. Subdivision (n) of section 19.07 of the mental hygiene law, as
45 added by chapter 762 of the laws of 2022, is relettered subdivision (o)
46 and a new subdivision (p) is added to read as follows:

47 (p) The office shall not adopt any regulations on the dispensing of
48 opioid agonists, including but not limited to methadone, which would
49 result in additional limitations to access, continuing treatment,
50 dosing, and dispensing for home use, beyond those enumerated in federal
51 law and any waivers issued by the federal government.

52 § 20. Section 29.13 of the mental hygiene law is amended by adding two
53 new subdivisions (c) and (d) to read as follows:

54 (c) The director of each facility, in conjunction with a patient advo-
55 cate, shall conduct follow up investigation to ensure compliance with
56 patient treatment plans.

1 (d) The commissioner may suspend, revoke, or limit the operating
2 certificate of any facility found not to be providing medically recom-
3 ended treatment plans pursuant to this section.

4 § 21. Subdivision (k) of section 29.15 of the mental hygiene law, as
5 amended by chapter 433 of the laws of 1976, is amended to read as
6 follows:

7 (k) 1. No patient shall be discharged or conditionally released until
8 such patient and the patient advocate approve the written treatment plan
9 developed under section 29.13 of this article. No patient shall be
10 required, as a condition precedent to [~~his~~] discharge, to agree to the
11 terms of a written [~~service~~] treatment plan. If after the advisability
12 of following the program proposed in the written [~~service~~] treatment
13 plan has been explained to the patient who has been discharged or who is
14 to be discharged, such patient expresses [~~his~~] their objection to such
15 program or any part thereof, a notation of such objection shall be made
16 in the patient's records.

17 2. A patient with a mental illness diagnosis may request and shall be
18 entitled to receive inpatient or outpatient treatment recommended for
19 such condition, irrespective of the ability of such person to pay. For
20 the purposes of such treatment, a patient may be relocated to another
21 facility having an appropriate operating certificate. In the absence of
22 documentation of a mental illness diagnosis, attestation by the patient
23 shall serve as presumptive evidence of such condition.

24 3. Upon discharge or conditional release, a patient shall be entitled
25 to costs of transportation either to their place of usual residence, or
26 another requested destination, if a social services official, in consul-
27 tation with a patient advocate, determines that such person will have
28 adequate support for their welfare.

29 § 22. Intentionally omitted.

30 § 23. Section 29.19 of the mental hygiene law, as amended by chapter
31 408 of the laws of 1999, is amended to read as follows:

32 § 29.19 Powers and duties [~~of peace officers acting pursuant to their~~
33 ~~special duties and police officers~~] to apprehend, restrain,
34 and transport persons to facilities.

35 A person who has been committed or admitted to a department facility
36 or a hospital licensed or operated by the office of mental health and
37 who has been reported as escaped therefrom or from lawful custody, or
38 who resists or evades lawful custody; and any patient for whom the
39 director of a hospital operated by the office of mental health, or the
40 director's designee, has terminated a conditional release and ordered
41 such patient to return to such facility; and any patient for whom a
42 director of an assisted outpatient treatment program, as defined in
43 subdivision (a) of section 9.60 of this chapter, or the director's
44 designee, or anyone designated pursuant to section 9.37 of this chapter,
45 has directed the removal to a hospital pursuant to subdivision (n) of
46 section 9.60 of this chapter, may be apprehended, restrained, trans-
47 ported to, and returned to such school or hospital by any person or
48 persons with expertise in behavioral health and homeless intervention
49 services, who may request the assistance of a peace officer, acting
50 pursuant to [~~his~~] their special duties, or any police officer who is a
51 member of an authorized police department or force or of a sheriff's
52 department, and it shall be the duty of any such officer to assist any
53 representative of a department or licensed facility, or an assisted
54 outpatient treatment program, to take into custody any such person or
55 patient upon the request of such representative, director or designee.
56 No officer shall use coercive force to take a person into custody or

pursue any such person who flees unless directed by a person with expertise in behavioral health, or homeless intervention services, and if so directed must refrain from any further coercion or pursuit at such direction; provided, however, that this shall not apply to detaining a person engaging in behavior likely to result in serious harm.

§ 24. Section 29.19 of the mental hygiene law, as amended by chapter 843 of the laws of 1980, is amended to read as follows:

§ 29.19 Powers and duties of peace officers acting pursuant to their special duties and police officers to apprehend, restrain, and transport persons to facilities.

A person who has been committed or admitted to a department facility and who has been reported as escaped therefrom or from lawful custody, or who resists or evades lawful custody, may be apprehended, restrained, transported to, and returned to such school or hospital by any person or persons with expertise in behavioral health and homeless intervention services, who may request the assistance of a peace officer, acting pursuant to [~~his~~] their special duties, or any police officer, and it shall be the duty of any such officer to assist any representative of a department facility to take into custody any such person upon the request of such representative. No officer shall use coercive force to take a person into custody or pursue any such person who flees unless directed by a person with expertise in behavioral health, or homeless intervention services, and if so directed must refrain from any further coercion or pursuit at such direction; provided, however, that this shall not apply to detaining a person engaging in behavior likely to result in serious harm.

§ 25. Subdivisions (c) and (e) of section 29.27 of the mental hygiene law, as amended by chapter 322 of the laws of 2021, are amended to read as follows:

(c) An incarcerated individual-patient may be retained for care and treatment in the facility designated by the commissioner for the period stated in the order committing the incarcerated individual-patient to the custody of the department unless sooner transferred or discharged in accordance with law. If the incarcerated individual-patient requires inpatient care and treatment for mental illness beyond such authorized period such person may request and shall receive medically recommended services, irrespective of ability to pay. If such person does not voluntarily accept treatment, the director of the facility where [~~he or she is~~] they are kept in custody shall apply for an order of retention or subsequent orders of retention in accordance with the procedures set forth in article nine of this chapter for the retention of patients. The provisions of this chapter applying to the rights of patients with respect to notices, hearings, judicial review, writ of habeas corpus, and the services of the mental hygiene legal service shall apply to incarcerated individual-patients except that in no case shall an incarcerated individual-patient be discharged or released from custody prior to the time that such incarcerated individual-patient has completed [~~his or her~~] their term of imprisonment or that [~~his or her~~] their release from custodial confinement in the correctional facility or jail from which [~~he or she~~] such individual was delivered to the department has been duly authorized.

(e) When the director of the facility in which the incarcerated individual-patient is in custody finds that the incarcerated individual-patient is no longer mentally ill or no longer requires hospitalization for care and treatment, [~~he or she~~] they shall so notify the incarcerated individual-patient and commissioner of corrections and community

1 supervision or, in the case of an incarcerated individual-patient coming
 2 from a jail or correctional institution operated by local government,
 3 the officer in charge of the jail or correctional institution from which
 4 the incarcerated individual-patient was committed. The commissioner of
 5 corrections and community supervision or such officer, as the case may
 6 be, shall immediately arrange to take such incarcerated individual-pa-
 7 tient into custody and return [~~him or her~~] them to a correctional facil-
 8 ity or to the jail or correctional institution operated by local govern-
 9 ment. Upon return to the correctional institution, such incarcerated
 10 individual shall be eligible for review for merit termination of
 11 sentence and discharge from presumptive release, parole, conditional
 12 release and release to post-release supervision pursuant to section
 13 two hundred five of the correction law.

14 § 26. Subdivision 1 of section 43 of the social services law, as
 15 amended by chapter 458 of the laws of 1986, is amended and a new subdivi-
 16 sion 12 is added to read as follows:

17 1. [~~Within the limits of funds available in the homeless housing and~~
 18 ~~assistance fund, the~~] The commissioner is hereby authorized to enter
 19 into contracts with municipalities to provide state financial assistance
 20 for the project costs attributable to the establishment of homeless
 21 housing projects. The municipalities that enter into contracts with the
 22 commissioner shall undertake the establishment of the homeless housing
 23 project or shall contract with a not-for-profit corporation or charita-
 24 ble organization to undertake the project, pursuant to this article.

25 12. No later than five years after the effective date of this subdivi-
 26 sion, no municipality, not-for-profit corporation or subsidiary thereof,
 27 public corporation or charitable organization or subsidiary thereof
 28 shall operate, enter into or renew a contract for any homeless housing
 29 project intended for occupancy more than thirty days other than a shel-
 30 ter composed of single room occupancy units.

31 § 27. Subdivision 5 of section 45 of the social services law, as
 32 amended by chapter 349 of the laws of 1994, is amended to read as
 33 follows:

34 5. "Single room occupancy unit" shall mean a private room providing
 35 living and sleeping space for no more than two persons or one family
 36 with access to bathing and toilet facilities, within a building or
 37 portion thereof which is operated by an eligible applicant[~~, provided,~~
 38 ~~however, that in no event shall such unit be located in:~~

- 39 ~~(a) hotels, motels or other dwellings occupied transiently;~~
- 40 ~~(b) shelters for families or adults, as defined by the commissioner;~~
- 41 ~~(c) residential facilities or institutions which are required to be~~
- 42 ~~licensed by any state agency;~~
- 43 ~~(d) college or school dormitories;~~
- 44 ~~(e) clubhouses;~~
- 45 ~~(f) housing intended for use primarily or exclusively by the employees~~
- 46 ~~of a single company or institution; or~~
- 47 ~~(g) convents or monasteries].~~

48 The unit itself may contain a kitchen and/or a bathroom.

49 § 28. Subdivision 4 of section 81 of the social services law, as
 50 amended by chapter 863 of the laws of 1977, is amended to read as
 51 follows:

52 4. Such annual reports shall include an itemized statement of all
 53 money received by the social services official and all money expended
 54 [~~by him~~], and a detailed statement in regard to the recipients of public
 55 assistance and care, and outcomes of homeless persons served that shall
 56 include but is not limited to housing stability, behavioral health

1 outcomes, and employment. Town and city social services officers shall
2 furnish the county commissioner with all data, relating to their work
3 and persons in receipt of public assistance and care, necessary to
4 enable the county commissioner to make the reports required by the
5 department.

6 § 29. Section 71-a of the correction law, as amended by chapter 322 of
7 the laws of 2021, is amended to read as follows:

8 § 71-a. Transitional accountability plan. Upon admission of an incar-
9 cerated individual committed to the custody of the department under an
10 indeterminate or determinate sentence of imprisonment, the department
11 shall develop a transitional accountability plan. Such plan shall be a
12 comprehensive, dynamic and individualized case management plan based on
13 the programming and treatment needs of the incarcerated individual. The
14 purpose of such plan shall be to promote the rehabilitation of the
15 incarcerated individual and their successful and productive reentry and
16 reintegration into society upon release. To that end, such plan shall be
17 used to prioritize programming and treatment services for the incar-
18 ated individual during incarceration and any period of community super-
19 vision. The commissioner [~~may~~] shall consult with the office of mental
20 health, the office of [~~alcoholism and substance abuse~~] addiction
21 services and supports, the board of parole, the department of health,
22 and other appropriate agencies in the development of transitional case
23 management plans.

24 § 30. Paragraph (c) of subdivision 6 of section 72-a of the correction
25 law is REPEALED.

26 § 31. Section 5 of chapter 554 of the laws of 1986, amending the
27 correction law and the penal law relating to providing for community
28 treatment facilities and establishing the crime of absconding from the
29 community treatment facility, as amended by section 22 of part A of
30 chapter 55 of the laws of 2023, is amended to read as follows:

31 § 5. This act shall take effect immediately and shall remain in full
32 force and effect until September 1, [~~2025~~] 2027, and provided further
33 that the commissioner of correctional services shall report each January
34 first and July first during such time as this legislation is in effect,
35 to the [~~chairmen~~] chair of the senate crime victims, crime and
36 correction committee, the senate codes committee, the assembly
37 correction committee, and the assembly codes committee, the number of
38 individuals who are released to community treatment facilities during
39 the previous six-month period, including the total number for each date
40 at each facility who are not residing within the facility, but who are
41 required to report to the facility on a daily or less frequent basis.

42 § 32. Subdivisions 5 and 15 of section 201 of the correction law,
43 subdivision 5 as amended by chapter 484 of the laws of 2022, subdivision
44 15 as added by section 32 of subpart A of part C of chapter 62 of the
45 laws of 2011, are amended to read as follows:

46 5. The department shall assist incarcerated individuals eligible for
47 community supervision and individuals who are on community supervision
48 to secure employment, educational or vocational training, [~~and~~] housing
49 and treatment pursuant to the mental hygiene law. Any program the
50 department requires a person on community supervision to take as a
51 condition of such supervision shall not unreasonably interfere with such
52 person's employment, educational or vocational training schedule unless
53 such program is a residential treatment program.

54 15. The commissioner shall provide an annual report to the temporary
55 president of the senate, the speaker of the assembly, the minority lead-
56 er of the senate and minority leader of the assembly, commencing January

1 first, two thousand twelve. Such report shall include but not be limited
2 to the number of persons: released to community supervision and the
3 release type; supervised on community supervision during the preceding
4 year; whose community supervision was revoked; returned to incarceration
5 for conviction of a new felony committed while on community supervision;
6 transferred out of state pursuant to the Interstate Compact for Adult
7 Supervision. In addition, the commissioner shall provide information on
8 behavioral health and housing outcomes, and other available information
9 regarding community supervision to the temporary president of the
10 senate, the speaker of the assembly, the minority leader of the senate
11 and minority leader of the assembly upon request.

12 § 33. Section 205 of the correction law is amended by adding a new
13 subdivision 1-a to read as follows:

14 1-a. A merit termination may be granted if it is determined by the
15 department that such person cannot be reasonably expected to reoffend if
16 provided services pursuant to the social services law or the mental
17 hygiene law, and such person is not on presumptive release, parole,
18 conditional release or release to post-release supervision from a term
19 of imprisonment imposed for any of the following offenses, or for an
20 attempt to commit any of the following offenses:

21 (a) murder in the first degree;

22 (b) unlawful imprisonment in the first degree, kidnapping in the first
23 degree, or kidnapping in the second degree, in which the victim is less
24 than seventeen years old and the offender is not the parent of the
25 victim;

26 (c) an offense defined in article two hundred thirty of the penal law
27 involving the prostitution of a person less than nineteen years old; or

28 (d) an offense defined in article two hundred sixty-three of the penal
29 law.

30 § 34. Paragraph (c) of subdivision 1 of section 273 of the correction
31 law, as added by section 1 of part SS of chapter 56 of the laws of 2009,
32 is amended to read as follows:

33 (c) having verified community ties in one of the following areas:
34 employment, permanent residence or receipt of homeless intervention
35 services and family.

36 § 35. Subdivision 6 of section 400 of the correction law, as added by
37 chapter 766 of the laws of 1976, is amended to read as follows:

38 (6) "Mental illness" means an affliction with a mental disease or
39 mental condition which is manifested by a disorder or disturbance in
40 behavior, feeling, thinking, or judgment to such an extent that the
41 person afflicted requires care and treatment; or an addictive disorder
42 as defined in the mental hygiene law.

43 § 36. Section 401 of the correction law is amended by adding a new
44 subdivision 1-a to read as follows:

45 1-a. A mental health clinician, or the highest ranking facility secu-
46 rity supervisor in consultation with a mental health clinician who has
47 interviewed the incarcerated individual, may determine that such incar-
48 cerated individual can receive therapeutic programming and/or mental
49 health treatment in an outpatient facility with an appropriate operating
50 certificate while living out-of-cell if such incarcerated person is
51 reasonably safe to be at-large. Such determination shall be documented
52 in writing.

53 § 37. Subdivision 6 of section 401 of the correction law, as separate-
54 ly amended by section 9 of part NNN of chapter 59 and chapter 322 of the
55 laws of 2021, is amended to read as follows:

1 6. The department shall ensure that the curriculum for new correction
2 officers, and other new department staff who will regularly work in
3 programs providing mental health treatment for incarcerated individuals,
4 shall include at least eight hours of training about the types and symp-
5 toms of mental illnesses, the goals of mental health treatment, the
6 prevention of suicide and training in how to effectively and safely
7 manage incarcerated individuals with mental illness. Such training may
8 be provided by the office of mental health or the justice center for the
9 protection of people with special needs. All department staff who are
10 transferring into a residential mental health treatment unit shall
11 receive a minimum of eight additional hours of such training, and eight
12 hours of annual training as long as they work in such a unit. All secu-
13 rity, program services, mental health and medical staff with direct
14 incarcerated individual contact shall receive training each year regard-
15 ing identification of, and care for, incarcerated individuals with
16 mental illnesses. The department shall provide additional training on
17 these topics on an ongoing basis as it deems appropriate. All staff
18 working in a residential mental health treatment unit shall also receive
19 the training mandated in paragraph (n) of subdivision six of section one
20 hundred thirty-seven of this chapter. All department staff shall have
21 the obligation to report signs of mental illness to a supervisor.

22 § 38. Subdivisions 1, 2, 3, 9 and 10 of section 402 of the correction
23 law, as amended by chapter 351, subdivisions 1, 2, 3 and 9 as separately
24 amended by chapter 322 of the laws of 2021, are amended and a new subdi-
25 vision 12-a is added to read as follows:

26 1. ~~Whenever the~~ The physician of any correctional facility, any
27 county penitentiary, county jail or workhouse, any reformatory for
28 women, or of any other correctional institution, shall ~~report in writ-~~
29 ~~ing to the superintendent that~~ conduct a personal examination and
30 review medical records of any person undergoing a sentence of imprison-
31 ment or adjudicated to be a youthful offender or juvenile delinquent
32 confined therein within five days of such person's incarceration, and
33 every twelve months thereafter. If the physician determines that the
34 incarcerated person has, in ~~his or her~~ such physician's opinion, a
35 mental illness, ~~such superintendent shall apply to a judge of the coun-~~
36 ~~ty court or justice of the supreme court in the county to cause an exam-~~
37 ~~ination to be made of such person by two examining physicians. Such~~
38 ~~physicians shall be designated by the judge to whom the application is~~
39 ~~made.]~~ such physician shall cause an examination to be made of such
40 person by a second examining physician within twenty-four hours. Each
41 such physician, if satisfied, after a personal examination, that such
42 incarcerated individual has a mental illness and in need of care and
43 treatment, shall make a certificate to such effect. ~~Before making such~~
44 ~~certificate, however, he or she shall consider alternative forms of care~~
45 ~~and treatment available during confinement in such correctional facili-~~
46 ~~ty, penitentiary, jail, reformatory or correctional institution that~~
47 ~~might be adequate to provide for such incarcerated individual's needs~~
48 ~~without requiring hospitalization.]~~ If the examining physician knows
49 that the person ~~he or she is~~ they are examining has been under prior
50 treatment, ~~he or she~~ such physician shall, insofar as possible,
51 consult with the physician or psychologist furnishing such prior treat-
52 ment prior to making ~~his or her~~ such certificate.

53 2. In the city of New York, ~~if~~ within five days of an individual's
54 incarceration and every twelve months thereafter, the physician of a
55 workhouse, city prison, jail, penitentiary or reformatory ~~reports in~~
56 ~~writing to the superintendent of such institution that a prisoner~~

1 ~~confined therein, serving a sentence of imprisonment, in his or her~~
2 ~~opinion~~ shall conduct a personal examination and review medical records
3 of such incarcerated individual. If, in the opinion of such physician,
4 the incarcerated individual has a mental illness, or if medical records
5 for such incarcerated individual document diagnosis of an ongoing seri-
6 ous mental illness, the superintendent of said institution shall either
7 transfer said ~~prisoner~~ incarcerated individual to Bellevue or Kings
8 county hospital for observation as to ~~his or her~~ such individual's
9 mental condition by two examining physicians or shall secure two examin-
10 ing physicians to make such examination and review medical records in
11 ~~his~~ the institution. Each such physician, if satisfied after a
12 personal examination ~~and~~, observation, and review of medical records
13 that the ~~prisoner~~ individual has a mental illness ~~and~~ in need of
14 care and treatment, shall make a certificate to such effect. ~~Before~~
15 ~~making such certificate, however, he or she shall consider alternative~~
16 ~~forms of care and treatment available during confinement in such correc-~~
17 ~~tional facility, penitentiary, jail, reformatory or correctional insti-~~
18 ~~tution that might be adequate to provide for such incarcerated individ-~~
19 ~~ual's needs without requiring hospitalization.~~ If the examining
20 physician knows that the person ~~he or she is~~ they are examining has
21 been under prior treatment, ~~he or she~~ they shall, insofar as possible,
22 consult with the physician or psychologist furnishing such prior treat-
23 ment prior to making ~~his or her~~ such certificate.

24 3. Upon such certificates of the examining physicians being so made,
25 it shall be delivered to the superintendent who, if the incarcerated
26 individual does not agree to voluntary admission, shall thereupon apply
27 by petition forthwith to a judge of the county court or justice of the
28 supreme court in the county, annexing such certificate to ~~his or her~~
29 their petition, for an order committing such incarcerated individual to
30 a hospital for persons with a mental illness or outpatient facility with
31 an appropriate operating certificate. Upon every such application for
32 such an order of commitment, notice thereof in writing, of at least five
33 days, together with a copy of the petition, shall be served personally
34 upon the alleged person with a mental illness, and in addition thereto
35 such notice and a copy of the petition shall be served upon either the
36 ~~wife, the husband, the father or mother~~ spouse, parent or other near-
37 est relative of such alleged person with a mental illness, if there be
38 any such known relative within the state; and if not, such notice shall
39 be served upon any known friend of such alleged person with a mental
40 illness within the state. If there be no such known relative or friend
41 within the state, the giving of such notice shall be dispensed with, but
42 in such case the petition for the commitment shall recite the reasons
43 why service of such notice on a relative or friend of the alleged person
44 with a mental illness was dispensed with and, in such case, the order
45 for commitment shall recite why service of such a notice on a relative
46 or friend of the alleged person with a mental illness was dispensed
47 with. Copies of the notice, the petition and the certificates of the
48 examining physicians shall also be given the mental hygiene legal
49 service. The mental hygiene legal service shall inform the incarcerated
50 individual and, in proper cases, others interested in the incarcerated
51 individual's welfare, of the procedures for placement in a hospital or
52 outpatient facility having an appropriate operating certificate and of
53 the incarcerated individual's right to have a hearing, to have judicial
54 review with a right to a jury trial, to be represented by counsel and to
55 seek an independent medical opinion. The mental hygiene legal service

1 shall have personal access to such incarcerated individual for such
2 purposes.

3 9. Except as provided in subdivision two of this section pertaining to
4 [~~prisoners~~] incarcerated individuals confined in the city of New York,
5 an incarcerated individual of a correctional facility or a county jail
6 may be admitted on an emergency basis to the Central New York Psychiatric
7 Center upon the certification by two examining physicians, including
8 physicians employed by the office of mental health and associated with
9 the correctional facility in which such incarcerated individual is
10 confined, that the incarcerated individual suffers from a mental illness
11 which is likely to result in serious harm to [~~himself, herself~~] themselves
12 or others as defined in subdivision (a) of section 9.39 of the mental
13 hygiene law. Any person so committed shall be delivered by the superintendent
14 within a twenty-four hour period, to the director of the
15 appropriate hospital as designated in the rules and regulations of the
16 office of mental health. Upon delivery of such person to a hospital
17 operated by the office of mental health, if such person does not agree
18 to voluntary admission, a proceeding under this section shall immediately
19 be commenced.

20 10. If the director of a hospital for persons with a mental illness
21 shall deem that the condition of such person with a mental illness
22 requires [~~his~~] further retention in a hospital [~~he~~] the director shall,
23 during the period of retention authorized by the last order of the
24 court, apply to the supreme court or county court in the county where
25 such hospital is located, for an order authorizing continued retention
26 of such person with a mental illness. The procedures for obtaining any
27 order pursuant to this subdivision shall be in accordance with the
28 provisions of the mental hygiene law for the retention of involuntary
29 patients. A person may be discharged before the end of any sentence or
30 period of retention if the director determines it is medically appropriate
31 and such person is not likely to reoffend.

32 12-a. Prior to discharge, the facility director shall provide the
33 department with a treatment plan deemed medically appropriate and that
34 supports the housing stability and economic well-being of such person,
35 and the department, in consultation with the department of health must
36 approve such plan. If the director determines that no plan is needed,
37 they shall provide a written attestation to that effect.

38 § 39. Subdivision 4 of section 404 of the correction law, as amended
39 by chapter 322 of the laws of 2021, is amended to read as follows:

40 4. Every incarcerated individual who has received mental health treatment
41 pursuant to this article within three years of [~~his or her~~] their
42 anticipated release date from a state correctional facility shall be
43 provided with mental health discharge planning and, when necessary, [~~an~~
44 ~~appointment with a mental health professional~~] a course of treatment in
45 the community [~~who can prescribe~~] that can include prescription medications
46 following discharge and sufficient mental health medications and
47 prescriptions to bridge the period between discharge and such time as
48 such mental health professional may assume care of the patient. Incarcerated
49 individuals who have refused mental health treatment may also be
50 provided mental health discharge planning and any necessary appointment
51 with a mental health professional.

52 § 40. Subdivision 5 of section 201 of the correction law, as amended
53 by chapter 484 of the laws of 2022, is amended to read as follows:

54 5. The department shall assist incarcerated individuals eligible for
55 community supervision and individuals who are on community supervision
56 to secure employment, educational or vocational training, mental health

1 treatment, and housing. Any program the department requires a person on
2 community supervision to take as a condition of such supervision shall
3 not unreasonably interfere with such person's employment, educational or
4 vocational training schedule unless such program is a residential treat-
5 ment program.

6 § 41. The judiciary law is amended by adding a new article 5-c to read
7 as follows:

8 ARTICLE 5-C

9 MENTAL HEALTH COURTS

10 Section 178. Establishment of mental health courts.

11 178-a. Transfer of actions or proceedings to superior mental
12 health courts.

13 178-b. Transfer of actions or proceedings to local mental health
14 courts.

15 178-c. Procedure in a superior mental health court or local
16 mental health court upon transfer of actions or
17 proceedings thereto.

18 178-d. Reports.

19 § 178. Establishment of mental health courts. 1. Following consulta-
20 tion with the presiding justice of the appropriate appellate division,
21 the chief administrator of the courts shall establish mental health
22 courts in supreme court or county court ("superior mental health
23 courts") in any county and assign one or more justices or judges to
24 preside therein. Each superior mental health court shall have as its
25 purpose the hearing and determination of:

26 (a) criminal cases that are commenced in the superior court and that
27 are identified by the court as appropriate for disposition by a superior
28 mental health court; and

29 (b) criminal cases that are commenced in other courts of the county,
30 and that are identified as appropriate for disposition by a superior
31 mental health court and transferred to that court as provided for in
32 section one hundred seventy-eight-a of this article.

33 2. Where necessary to best utilize available court and community
34 resources for actions or proceedings involving defendants with mental
35 health problems, the chief administrator of the courts shall establish
36 mental health courts in one or more city or district courts or town or
37 village justice courts in such county, and assign one or more justices
38 or judges to preside therein. Each local mental health court shall have
39 as its purpose the hearing and determination of criminal actions or
40 proceedings that are commenced in a city or district court or town or
41 village justice court that are identified as appropriate for disposition
42 by a local mental health court and transferred to that court as provided
43 for in section one hundred seventy-eight-b of this article.

44 § 178-a. Transfer of actions or proceedings to superior mental health
45 courts. 1. (a) A local criminal court in a county in which a superior
46 mental health court has been established may, upon motion of the defend-
47 ant and with the consent of the district attorney, cause copies of
48 papers and other documents filed in such local criminal court in
49 connection with a criminal action or proceeding pending therein to be
50 sent to the superior mental health court:

51 (i) upon or after arraignment of the defendant on a local criminal
52 court accusatory instrument by which such action or proceeding was
53 commenced; or

54 (ii) upon or after commencement of a proceeding brought against the
55 defendant for the violation of a condition of a sentence of probation or
56 a sentence of conditional discharge.

1 (b) Not later than five days following receipt of the papers and other
2 documents, where there is a reasonable belief that a defendant has a
3 severe mental illness, the justice or judge presiding in the superior
4 mental health court shall review the medical records of such defendant
5 and shall cause a psychiatric evaluation of such defendant. If the
6 defendant is determined to have a severe mental illness, the justice or
7 judge presiding in the court shall order transfer, of the action or
8 proceeding to the superior mental health court, all originating papers
9 shall be sent from the originating court to the superior mental health
10 court, and all further proceedings shall be conducted therein. If the
11 justice or judge determines that a transfer of the action or proceeding
12 would not promote the administration of justice, they shall notify the
13 local criminal court from which the reference was received of such
14 determination, whereupon all further proceedings in such action or
15 proceeding shall be conducted in accordance with law.

16 2. (a) At any time while a criminal action or proceeding is pending in
17 a superior court in a county in which a superior mental health court has
18 been established, including a proceeding brought against defendant for
19 the violation of a condition of a sentence of probation or a sentence of
20 conditional discharge, a judge or justice of the court in which the
21 action or proceeding is pending may, upon motion of the defendant and
22 with the consent of the district attorney, cause copies of papers and
23 other documents filed in such court in connection with the action or
24 proceeding to be sent to the judge or justice presiding in the superior
25 mental health court for review of the appropriateness of the transfer.

26 (b) Not later than five business days following receipt of the papers
27 and other documents, the judge or justice presiding in the superior
28 mental health court shall determine whether or not a transfer of the
29 action or proceeding to the court would promote the administration of
30 justice. If such judge or justice determines that it would:

31 (i) such judge or justice, if sitting in supreme court, may order such
32 transfer, in which event the action or proceeding shall be referred for
33 disposition to the superior mental health court, all original papers
34 shall be sent to the superior mental health court, and all further
35 proceedings in such action or proceeding shall be conducted therein; or

36 (ii) such judge or justice, if sitting in county court, shall so noti-
37 fy the judge of the court who caused the papers and other documents to
38 be sent to them, and such justice may thereupon order such transfer, in
39 which event the action or proceeding shall be referred for disposition
40 to the superior mental health court, all original papers shall be sent
41 from the originating court to the superior mental health court, and all
42 further proceedings in such action or proceeding shall be conducted
43 therein. If the judge or justice presiding in the superior mental health
44 court determines that a transfer of the action or proceeding would not
45 promote the administration of justice, such judge or justice shall noti-
46 fy the originating court of such determination, whereupon all further
47 proceedings in such action or proceeding shall be conducted in accord-
48 ance with law.

49 3. Upon transfer of an action or proceeding to a mental health court,
50 a judge or justice, with the advice and consent of a psychiatrist and a
51 social services official, may order inpatient medical treatment, outpa-
52 tient treatment, or other medically recommended treatment, and may order
53 monitoring for compliance. Failure to comply with any such order may
54 result in a new hearing. Failure to comply with any such order shall not
55 be grounds for incarceration, probation, or fines.

1 4. Upon transfer of an action or proceeding to a mental health court,
2 the defendant shall be notified of social services available to them.

3 § 178-b. Transfer of actions or proceedings to local mental health
4 courts. 1. A local criminal court in a county in which a local mental
5 health court has been established may, upon motion of the defendant and
6 with the consent of the district attorney, cause copies of papers and
7 other documents filed in such local criminal court in connection with a
8 criminal action or proceeding therein to be sent to the local mental
9 health court:

10 (a) upon or after arraignment of a defendant on a local criminal court
11 accusatory instrument by which such action or proceeding was commenced;
12 or

13 (b) upon or after commencement of a proceeding brought against a
14 defendant for the violation of a condition of a sentence of probation or
15 a sentence of conditional discharge.

16 2. Not later than five days following receipt of the papers and other
17 documents, the justice or judge presiding in the local mental health
18 court, in consultation with the justice or judge in the court of origin,
19 shall review the medical records of such defendant and shall cause a
20 psychiatric evaluation of such defendant. If the defendant is determined
21 to have a severe mental illness, the justice or judge presiding in the
22 court shall order transfer, of the action or proceeding shall be trans-
23 ferred to the local mental health court, all originating papers shall
24 then be sent from the court of origin to the local mental health court,
25 and all further proceedings shall be conducted therein. If the presiding
26 justice or judge in the local mental health court or the justice or
27 judge presiding in the court of origin determines that a transfer of the
28 action or proceeding would not promote the administration of justice,
29 the action or proceeding will not be transferred and all further
30 proceedings in such action or proceeding shall be conducted in accord-
31 ance with law.

32 3. Upon transfer of an action or proceeding to a mental health court,
33 a judge or justice, with the advice and consent of a psychiatrist and a
34 social services official, may order inpatient medical treatment, outpa-
35 tient treatment, or other medically recommended treatment, and may order
36 monitoring for compliance. Failure to comply with any such order may
37 result in a new hearing. Failure to comply with any such order shall not
38 be grounds for incarceration, probation, or fines.

39 4. Upon transfer of an action or proceeding to a mental health court,
40 the defendant shall be notified of social services available to them.

41 § 178-c. Procedure in a superior mental health court or local mental
42 health court upon transfer of actions or proceedings thereto. Each
43 action or proceeding transferred to a superior court and referred for
44 disposition to a superior mental health court thereof and each action
45 transferred to a local court and referred for disposition in a local
46 mental health court thereof shall be subject to the same substantive and
47 procedural law as would have applied had there been no transfer.

48 § 178-d. Reports. Every five years the office of court administration
49 shall produce a report on outcomes on defendants in mental health courts
50 which shall include, but not be limited to, subsequent arrests, behav-
51 ioral health outcomes, and housing stability of such defendants.

52 § 42. Intentionally omitted.

53 § 43. Subdivision 1 of section 602 of the public health law is amended
54 by adding a new subdivision (g) to read as follows:

55 (g) Mental health services.

1 § 44. The administrative code of the city of New York is amended by
2 adding two new sections 21-335 and 21-336 to read as follows:

3 § 21-335 Mobile devices and post office boxes. 1. Every homeless
4 person, or one individual in a family which is identified as homeless
5 shall be entitled to a mobile phone capable of at least Short Message
6 Service (SMS) and electronic mail.

7 2. Every homeless person, or one individual in a family which is iden-
8 tified as homeless shall be entitled to a post office box or other mail-
9 ing address.

10 § 21-336 Shelter systems study. At least once every five years, the
11 commissioner shall undertake a dynamic study on needed improvements to
12 the shelter system. Such study shall be conducted by following the
13 attempts of at least five contracted persons, posing as homeless indi-
14 viduals, as they attempt to seek permanent housing and services. The
15 commissioner shall produce a report on those processes and make recom-
16 mendations for improvements.

17 § 45. Section 17-199.26 of the administrative code of the city of New
18 York, as added by local law number 108 of the city of New York for the
19 year 2023, and as renumbered by local law number 100 for the city of New
20 York for the year 2024, is amended to read as follows:

21 § 17-199.26 Mental health and behavioral health services outreach and
22 education. The department shall establish and implement an outreach and
23 education campaign to raise public awareness about programs that provide
24 low-cost and no-cost mental health services to New Yorkers who do not
25 qualify for or cannot afford health insurance based on federal guide-
26 lines. Such outreach and education shall include, as applicable, an
27 explanation of how individuals may access such services, including, but
28 not limited to, through referrals from primary care providers. The mate-
29 rials for such outreach and education campaign shall be made available
30 in English and the designated citywide languages, as defined in section
31 23-1101. The department shall provide pamphlets and conspicuously
32 display information on the program in all city agency buildings,
33 schools, shelters, and at hospitals operated by the New York city health
34 and hospitals corporation.

35 § 46. The administrative code of the city of New York is amended by
36 adding a new section 21-304.1 to read as follows:

37 § 21-304.1 Application; process. 1. To the maximum extent possible,
38 the commissioner shall develop a single application for all programs
39 under this chapter, or, in the alternative, a process whereby the infor-
40 mation provided by an applicant in a single application can be populated
41 into other applications.

42 2. To the maximum extent possible, an application for services shall
43 not be closed due to a missed appointment or other noncompliance.

44 § 47. Section 21-314 of the administrative code of the city of New
45 York, as added by local law number 57 for the city of New York for the
46 year 1998, and as renumbered by local law number 19 for the city of New
47 York for the year 1999, is amended to read as follows:

48 § 21-314 Case management services. [~~The~~] Within fourteen days of
49 admission, the commissioner shall provide case management services to
50 all persons assigned to stay at the department's facilities or the
51 facilities of organizations contracting with the department who are
52 either waiting for the department to determine their eligibility for
53 shelter or are receiving such shelter. Such case management services
54 shall include, but not be limited to, assistance obtaining (a) medical
55 treatment, (b) federal, state and local government documents including,
56 but not limited to, birth certificates, marriage licenses, and housing

1 records, and (c) food, medicine and other necessary supplies; and shall
2 address issues such as domestic violence, child abuse and mental
3 illness[~~, when needed~~] by transferring such persons to medically recom-
4 mended treatment. To this end, an examining physician will perform a
5 psychiatric evaluation and review medical records of each such person,
6 and shall refer such person to medically recommended treatment.

7 § 48. Paragraphs 1, 10 and 11 of subdivision b of section 21-332 of
8 the administrative code of the city of New York, as added by local law
9 number 62 of the city of New York for the year 2023, are amended and a
10 new paragraph 12 is added to read as follows:

11 1. The right to shelter, which shall not be contingent upon a person
12 undergoing addictive disorder services;

13 10. The requirement that a shelter comply with the environmental stan-
14 dards set forth in section 491.18 of title 18 of the New York codes,
15 rules and regulations and section 900.18 of such title, as applicable;
16 [~~and~~]

17 11. The right to mental health treatment;

18 12. The right to a mobile phone and a post office box or other mailing
19 address; and

20 13. Any other information the department deems appropriate.

21 § 49. Severability. If any clause, sentence, paragraph, subdivision,
22 section or part of this act shall be adjudged by any court of competent
23 jurisdiction to be invalid, such judgment shall not affect, impair, or
24 invalidate the remainder thereof, but shall be confined in its operation
25 to the clause, sentence, paragraph, subdivision, section or part thereof
26 directly involved in the controversy in which such judgment shall have
27 been rendered. It is hereby declared to be the intent of the legislature
28 that this act would have been enacted even if such invalid provisions
29 had not been included herein.

30 § 50. This act shall take effect on the first of January next succeed-
31 ing the date on which it shall have become a law; provided that:

32 (a) the amendments to section 9.48 of the mental hygiene law made by
33 section five of this act shall not affect the expiration and repeal of
34 such section and shall expire and be deemed repealed therewith;

35 (b) the amendments to subdivision (a) of section 9.47 of the mental
36 hygiene law made by section fourteen of this act shall be subject to the
37 expiration and reversion of such subdivision when upon such date the
38 provisions of section fifteen of this act shall take effect;

39 (c) the amendments to section 29.19 of the mental hygiene law made by
40 section twenty-three of this act shall be subject to the expiration and
41 reversion of such section when upon such date the provisions of section
42 twenty-four of this act shall take effect; and

43 (d) provided, however, that if local law number 100 of the city of New
44 York for the year 2024 shall not have taken effect on or before such
45 date then section forty-five of this act shall take effect on the same
46 date and in the same manner as such local law of the laws of 2024 takes
47 effect.