

STATE OF NEW YORK

1327

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. SIMON, FORREST, LEVENBERG -- Multi-Sponsored by
-- M. of A. CRUZ, GONZALEZ-ROJAS, LUPARDO, OTIS, ROSENTHAL -- read
once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to releasing individuals charged with a crime under non-monetary bail conditions in order to receive mental health screening or be admitted to a hospital as a result of a mental illness which is likely to result in harm to such individual or others; and to repeal subdivision 3-c of section 500.10 of the criminal procedure law relating to the release for mental health assessment and evaluation and involuntary commitment pending release

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

1 Section 1. Subdivision 3-c of section 500.10 of the criminal procedure
2 law is REPEALED.
3 § 2. Paragraph (f) of subdivision 3-a of section 500.10 of the criminal
4 procedure law, as amended by section 1 of subpart A of part VV of
5 chapter 56 of the laws of 2023, is amended to read as follows:
6 (f) that the principal be referred to a pretrial services agency for
7 placement in mandatory programming, including:
8 (i) counseling[-];
9 (ii) treatment, including but not limited to [~~mental health and~~] chem-
10 ical dependence treatment[-and];
11 (iii) intimate partner violence intervention programs[-]; and
12 (iv) mental health treatment. The court may expeditiously employ
13 available resources for mental health screening including but not limit-
14 ed to a mobile crisis response provider or similar entity in the court-
15 house. With regard to mental health treatment:
16 (1) Where applicable, the court may refer the principal to a crisis
17 stabilization center or direct that the principal be removed to a hospi-
18 tal pursuant to subdivisions (a) and (b) of section 9.43 of the mental

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

LBD02681-01-5

1 hygiene law[+]. For purposes of this subparagraph, where the court
2 proceeds pursuant to subdivision (a) of section 9.43 of the mental
3 hygiene law, the court is not required to and shall not make a determi-
4 nation with respect to whether the crime has been committed or whether
5 there is sufficient cause to believe the principal is guilty thereof.

6 (2) If it appears to the court on the basis of evidence presented to
7 it that the person has or may have a mental illness which is likely to
8 result in serious harm to such person or others, the court may either
9 (A) permit the person to present themselves to any hospital specified in
10 subdivision (a) of section 9.39 of the mental hygiene law or any compre-
11 hensive psychiatric emergency program specified in subdivision (a) of
12 section 9.40 of the mental hygiene law, for the person to make an appli-
13 cation for admission to the hospital as a voluntary patient pursuant to
14 section 9.13 of the mental hygiene law; or (B) issue a civil order
15 directing their removal to any hospital specified in subdivision (a) of
16 section 9.39 of the mental hygiene law or any comprehensive psychiatric
17 emergency program specified in subdivision (a) of section 9.40 of the
18 mental hygiene law, that is willing to receive such person for a deter-
19 mination, by the director of such hospital or program, whether such
20 person should be retained therein pursuant to section 9.39 or section
21 9.40 of the mental hygiene law, as appropriate.

22 (3) If the court orders removal to a hospital for immediate psychiat-
23 ric assessment, the principal may be taken by an entity, including but
24 not limited to, an ambulance service, as defined in subdivision two of
25 section three thousand one of the public health law, any peace officer,
26 when acting pursuant to their special duties, or police officer who is a
27 member of the state police or of an authorized police department or
28 force, or of a sheriff's department, to any hospital specified in subdivi-
29 vision (a) of section 9.39 of the mental hygiene law or any comprehen-
30 sive psychiatric emergency program specified in subdivision (a) of
31 section 9.40 of the mental hygiene law.

32 (4) Discharge and aftercare planning, including supportive housing
33 referrals, shall be provided consistent with federal and state law,
34 including but not limited to subdivision (g) of section 29.15 of the
35 mental hygiene law and to the extent that it has the ability to, the
36 hospital will take appropriate steps so that community placement
37 services are provided consistent with federal and state law. Discharge
38 planning shall begin at admission and continue throughout the course of
39 the principal's hospitalization until the principal is discharged.

40 (5) If the principal has met the discharge criteria they shall be
41 discharged and offered a clinically appropriate discharge plan in
42 accordance with, but not limited to subdivision (g) of section 29.15 of
43 the mental hygiene law.

44 (6) If the principal is a child, then any order for voluntary or
45 involuntary assessment shall be done in accordance with section two
46 hundred fifty-one of the family court act.

47 (7) The court can, as a condition of release, adjourn to a treatment
48 court for the possibility of evaluation.

49 (8) Conditions of release may not be revoked solely based on noncom-
50 pliance with treatment or clinically appropriate discharge plan or
51 aftercare plan;

52 § 3. Paragraphs (i) and (j) of subdivision 3-a of section 500.10 of
53 the criminal procedure law, paragraph (i) as added and paragraph (j) as
54 amended by section 1 of part UU of chapter 56 of the laws of 2020, are
55 amended and a new paragraph (k) is added to read as follows:

1 (i) that the principal obey conditions set by the court addressed to
2 the safety of a victim of a family offense as defined in section 530.11
3 of this title including conditions that may be requested by or on behalf
4 of the victim; [~~and~~]

5 (j) that, when it is shown pursuant to paragraph (a) of subdivision
6 four of section 510.40 of this title that no other realistic non-mone-
7 tary condition or set of non-monetary conditions will suffice to reason-
8 ably assure the principal's return to court, the principal's location be
9 monitored with an approved electronic monitoring device, in accordance
10 with such subdivision four of section 510.40 of this title[~~;~~]; and

11 (k) any clinical record or clinical information produced as a part of
12 the assessment, service or treatment plans required pursuant to subpara-
13 graph (iv) of paragraph (f) of this subdivision, or any clinical record
14 or clinical information used or produced in a proceeding conducted under
15 subparagraph (iv) of paragraph (f) of this subdivision, shall be consid-
16 ered confidential and shall not be considered part of the public record,
17 and access to such records shall be limited in accordance with applica-
18 ble federal and state privacy laws. Such information shall not be used
19 as part of the criminal proceeding and shall be expunged upon resolution
20 of the case.

21 § 4. This act shall take effect immediately.