

STATE OF NEW YORK

10309

IN SENATE

May 12, 2026

Introduced by Sen. BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to a statewide competency restoration workgroup; and providing for the repeal of such provisions upon the expiration thereof

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

1 Section 1. The mental hygiene law is amended by adding a new section
2 7.50 to read as follows:

3 § 7.50 Statewide competency restoration workgroup.

4 (a) There is hereby established a statewide competency restoration
5 workgroup. The commissioner of the office of mental health and the
6 commissioner of the office for people with developmental disabilities
7 shall convene the statewide competency restoration workgroup which shall
8 consist of nineteen members each of whom may appoint a designee as
9 follows:

10 (1) the commissioner of mental health;

11 (2) the commissioner of the office for people with developmental disa-
12 bilities;

13 (3) the chief administrative judge of the courts;

14 (4) the chair of the New York state conference of local mental hygiene
15 directors;

16 (5) the executive director of the New York state association of coun-
17 ties;

18 (6) the president of the district attorneys association of the state
19 of New York;

20 (7) the executive director of the New York state defenders associ-
21 ation;

22 (8) the president of the New York state sheriffs association;

23 (9) a representative from the New York city health and hospitals
24 corporation;

25 (10) a representative from mental hygiene legal services established
26 under article forty-seven of this chapter; and

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

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1 (11) three additional members appointed by the governor, two addi-
2 tional members appointed by the speaker of the assembly, two additional
3 members appointed by the temporary president of the senate, one addi-
4 tional member appointed by the minority leader of the assembly, and one
5 additional member appointed by the minority leader of the senate.
6 Members appointed pursuant to this paragraph shall include: a psychiat-
7 ric examiner as defined in subdivision seven of section 730.10 of the
8 criminal procedure law who has experience with competency restoration
9 evaluations; a representative of law enforcement; and an individual with
10 lived experience navigating the criminal court on behalf of a defendant
11 who is under an order of examination.

12 (b) The workgroup shall submit a preliminary report to the governor,
13 temporary president of the senate, and speaker of the assembly no later
14 than December thirtieth, two thousand twenty-six. The preliminary report
15 shall provide short-term solutions that can be accomplished no later
16 than April first, two thousand twenty-seven. The workgroup shall submit
17 a more comprehensive report to the governor, temporary president of the
18 senate, and speaker of the assembly no later than June thirtieth, two
19 thousand twenty-seven, providing medium-term solutions that can be
20 accomplished no later than January tenth, two thousand twenty-eight, and
21 long-term solutions that can be accomplished no later than January
22 tenth, two thousand twenty-nine, and aim to do the following:

23 (1) improve the efficiency and effectiveness of the competency resto-
24 ration process as it relates to defendants who are being evaluated and
25 receiving restoration under article seven hundred thirty of the criminal
26 procedure law;

27 (2) ensure access to and provision of restoration services in the
28 least restrictive setting to restore trial competence in the most expedi-
29 tious manner; and

30 (3) develop processes to ensure that deferred legal proceedings can
31 resume without undue delays, avoid utilizing restoration to competency
32 services for the provision of long-term mental health treatment, and
33 initiate prompt transfer to an appropriate state facility for long-term
34 treatment if it is determined that the individual cannot be restored to
35 competency.

36 (c) The report shall also include any recommendation provided by the
37 workgroup in accordance with subdivision (e) of this section and an
38 accounting, by county, of all patients currently in competency restora-
39 tion, the length of stay in restoration, the number of competency resto-
40 ration evaluations that have been ordered for each defendant, the trend
41 in the number of defendants ordered into competency restoration, and the
42 costs incurred/paid per county each year since January first, two thou-
43 sand twenty.

44 (d) The workgroup shall convene, no later than ninety days following
45 the effective date of this section, and shall meet as frequently as its
46 business may require. Members shall receive no compensation for their
47 participation but shall be reimbursed for expenses actually and neces-
48 sarily incurred in the performance of their duties.

49 (e) The workgroup shall consider, but is not limited to, recommenda-
50 tions that accomplish the following:

51 (1) Reduce the total number of defendants in restoration services;

52 (2) Reduce the lengths of stay defendants in restoration services;

53 (3) Reduce the recidivism rate for individuals discharged from resto-
54 ration services;

55 (4) Evaluate the competency curriculums in conjunction with the effec-
56 tiveness of competency restoration to explain whether facilities are

1 delivering the appropriate treatment and education to effectively and
2 efficiently restore competency to stand trial while suggesting reforms
3 to systems or statutes to improve efficiency and effectiveness;

4 (5) Expand treatment options for defendants in restoration services,
5 such as outpatient community-based restoration programs, tailored
6 curriculumms for diagnoses, and state hospital beds;

7 (6) Evaluate trends in the increase or decrease in the number of
8 defendants ordered into competency restoration, and possible explana-
9 tions for such trends and reform and standardization systems as neces-
10 sary and appropriate;

11 (7) Improve coordination between state and local government, law
12 enforcement, district attorneys, and courts to facilitate an effective
13 and efficient system to evaluate defendants and, where appropriate,
14 restore defendants to competency; and

15 (8) Evaluate and assess financial models for funding restoration
16 services to ensure appropriate allocation between county and state.

17 § 2. This act shall take effect immediately and shall expire and be
18 deemed repealed one year after such effective date.