# 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:**

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

**§ 7.50 Statewide competency restoration workgroup.**

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

**(1) the commissioner of mental health;**

**(2) the commissioner of the office for people with developmental disabilities;**

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

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

**(5) the executive director of the New York state association of counties;**

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

**(7) the executive director of the New York state defenders association;**

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

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

**(10) a representative from mental hygiene legal services established 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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(11) three additional members appointed by the governor, two additional members appointed by the speaker of the assembly, two additional members appointed by the temporary president of the senate, one additional member appointed by the minority leader of the assembly, and one additional member appointed by the minority leader of the senate. Members appointed pursuant to this paragraph shall include: a psychiatric examiner as defined in subdivision seven of section 730.10 of the criminal procedure law who has experience with competency restoration evaluations; a representative of law enforcement; and an individual with lived experience navigating the criminal court on behalf of a defendant who is under an order of examination.

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

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

(2) ensure access to and provision of restoration services in the least restrictive setting to restore trial competence in the most expeditious manner; and

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

(c) The report shall also include any recommendation provided by the workgroup in accordance with subdivision (e) of this section and an accounting, by county, of all patients currently in competency restoration, the length of stay in restoration, the number of competency restoration evaluations that have been ordered for each defendant, the trend in the number of defendants ordered into competency restoration, and the costs incurred/paid per county each year since January first, two thousand twenty.

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

(e) The workgroup shall consider, but is not limited to, recommendations that accomplish the following:

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

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

(3) Reduce the recidivism rate for individuals discharged from restoration services;

(4) Evaluate the competency curriculums in conjunction with the effectiveness of competency restoration to explain whether facilities are

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

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

(6) Evaluate trends in the increase or decrease in the number of defendants ordered into competency restoration, and possible explanations for such trends and reform and standardization systems as necessary and appropriate;

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

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

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