§ 33.15 Habeas corpus.

(a) A person retained by a facility or the department or a relative or friend on his behalf is entitled to a writ of habeas corpus to question the cause and legality of detention upon proper application.

(b) Upon the return of such a writ of habeas corpus, the court shall examine the facts concerning the person's alleged mental disability and detention. The evidence shall include the clinical record of the patient and medical or other testimony as required by the court. The court may review the admission and retention of the person pursuant to the provisions of this chapter. The court shall discharge the person so retained if it finds that he is not mentally disabled or that he is not in need of further retention for in-patient care and treatment.

(c) In a subsequent application for a writ, any party to the proceeding may introduce evidence or records from a prior hearing or trial and such records shall have the same force and effect as testimonial evidence.

(d) The application for a writ of habeas corpus and the proceedings upon it shall follow the procedure set forth in article seventy of the civil practice law and rules.

(e) The director of the facility where the person is detained shall forthwith notify the mental hygiene legal service of any such application for a writ and provide it with information as to the case.