



NEW YORK STATE SENATOR

Anna M. Kaplan

Senator Anna M. Kaplan Intros Bill Giving Courts Options When Dealing With Individuals With Mental Illness and/or Substance Use Disorder

Senator Anna M. Kaplan

January 14, 2020

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ALBANY, NY (January 13, 2020) -- Senator Anna M. Kaplan (D-Great Neck) has introduced new legislation ([S.7242](#)) to establish a process for those accused of non-bailable offenses to undergo pre-trial mental health and substance abuse evaluations as a condition of release.

The bill, [S.7242](#), was written in consultation with law enforcement and mental health experts, to address the problem of individuals suffering from mental illness or substance use disorder being returned to the community following arrest without necessary intervention to address underlying issues that threaten the safety of the individual, and potentially the community. It also establishes a surcharge on bail to create a dedicated stream of funding to pay for pre-trial services to ensure that associated costs aren't passed on to localities.

Senator Anna M. Kaplan said "When someone accused of a crime is suffering from mental illness or experiencing substance use disorder, they shouldn't be forced back out on the street where they could end up re-offending, hurting themselves, or hurting others. My bill empowers judges, prosecutors, defense attorneys, and family members to petition the court for a mental health evaluation, so that these people can get the help they need, and not end up back out on the street without care."

Suffolk County Sheriff Errol D. Toulon, Jr. said, "Very often substance abuse and mental instability is at the root of criminal behavior. Robberies and burglaries are often committed in an attempt to fuel a drug habit; and sometimes assaults and

harassing acts are a result of untreated mental illness. I applaud and wholeheartedly support Senator Anna Kaplan's legislation to establish a 'Pretrial Mental Health and Substance Abuse Services Bail Fund' to address these issues. It's innovative, self-funded, and I believe it will enhance public safety."

Section 1 of the bill amends Section 550.10 of the criminal procedure law allowing prosecution, defense counsel, family members of the accused, mental health professionals and others to petition for an individual charged with a crime not subject to bail to be referred for a mental health and/or substance abuse evaluation, and if after such evaluation, it is determined that the accused requires treatment for such a diagnosis, the court may order compliance with such treatment as a condition of release pending trial.

Further, the bill imposes a surcharge in the amount of one percent to be collected on every cash bail or bail bond authorized in bailable cases, and all fees collected will be deposited in a "Pretrial Mental Health and Substance Abuse Services Bail Fund" to be established in the joint custody of the Commissioner of Taxation and Finance and the State Comptroller.

Funds in the Pretrial Mental Health and Substance Abuse Services Bail Fund may only be expended for the reimbursement to counties for expenses incurred by such counties for pretrial mental health and/or substance abuse evaluations and treatment.

Jeffrey L. Reynolds, Ph.D, CEAP, SAP, President & CEO, Family and Children's Association, said "A large percentage of those who commit crimes are struggling with a diagnosable mental health condition or substance use disorder. While those conditions are best treated in community settings, an arrest and subsequent confinement can interrupt a pattern of life-threatening behaviors and provide a path to treatment and eventual recovery. As one of Long Island's largest behavioral health providers, we at FCA enthusiastically support Senator Anna Kaplan's legislation which will ensure that those at risk receive professional evaluations and direct linkages to care. This solution-focused proposal comes with an identified funding stream, includes a potential role for concerned family members and puts clinical assessments in the hands of professionals. That's a formula for protecting both public health and safety and we thank Senator Kaplan for her steady leadership."

Steve Chassman LCSW, CASAC, Executive Director of the Long Island Council on Alcoholism and Drug Dependence, Inc., said "As New York State addresses and acclimates to much needed criminal justice and bail reform, The Long Island Council on Alcoholism and Drug Dependence (LICADD) commends Senator Kaplan for advocating that mental health interventions and treatment options exist for New Yorkers who, historically, have been entangled in the criminal justice system void of treatment and opportunities for recovery. LICADD supports Senator Anna Kaplan in all her efforts to ensure that individuals and families with substance use disorders (SUD) and other mental health conditions are afforded opportunities for treatment."

Keith Scott, Director of Education at The Safe Center LI, said "Senator Kaplan has been an advocate of responsible legislation. This legislation is a vital step forwards to ensure the safety of all New Yorkers. Many times, our criminal justice system can be the intervention that saves a life. We need to allow our judges to mandate mental health assessments to reduce the risk of re-offending, hurting one-self, or hurting others."

related legislation

[2019-S7242](#)

[bail reform](#), [Criminal Justice Reform](#), [Mental Illness](#), [substance use disorders](#)

- Introduced
 - ◦ In Committee Assembly
 - ◦ In Committee Senate
- ◦ On Floor Calendar Assembly
- ◦ On Floor Calendar Senate
- ◦ Passed Assembly
- ◦ Passed Senate
- Delivered to Governor
- Signed By Governor
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[Relates to pretrial mental health and substance abuse evaluations and treatment for certain defendants and establishes the pretrial mental health and substance abuse](#)

[services bail fund](#)

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In Senate Committee [Codes](#)

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Do you support this bill?