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FLOOR AMENDMENT STATEMENT:

No

LEGISLATIVE FISCAL ESTIMATE:

Yes 12-22-2016
2-13-2017

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"New law will allow some vets who break the law to skip jail for treatment," Burlington County Times, May 3, 2017

RWH/JA

§§1-6, 12, 14 &
15 -
C.2C:43-23 to
2C:43-31
§13 –
C.38A:3-6.20
§16 - Note

P.L.2017, CHAPTER 42, *approved May 1, 2017*
Senate Committee Substitute (*Second Reprint*) for
Senate, No. 307

1 AN ACT concerning offenders who are veterans or ¹[active
2 military]¹ servicemembers ¹, amending various sections of the
3 law¹ and supplementing Title 2C ¹and Title 38A¹ of the New
4 Jersey Statutes.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. ¹(New section)¹ As used in this act, P.L. , c. (C.)
10 (pending before the Legislature as this bill):

11 a. “Servicemember” means any veteran or ¹[active duty]¹
12 ¹[servicemember, including a member of the National Guard and
13 Reserve components,] enlisted person or officer of the United
14 States Armed Forces, or a reserve component thereof, or the
15 organized militia of the State of New Jersey pursuant to
16 N.J.S.38A:1-3¹ ²[who has served on active military duty in any
17 combat theater or area of hostility]².

18 b. “Eligible offense” means a non-violent petty disorderly
19 persons offense, disorderly persons offense, or crime of the ¹third
20 or¹ fourth degree.

21 c. “Eligible servicemember” means a servicemember who
22 allegedly committed an eligible offense and who has a prior
23 diagnosis of ²[service-related]² mental illness or for whom a law
24 enforcement officer or prosecutor has a reasonable ¹[certainty of]
25 belief that the person has¹ a mental illness based on behaviors ¹and
26 symptoms¹ exhibited during the commission of the offense or while
27 in custody, or based on information provided by family members or
28 associates during the investigation of the offense.

29 d. “Veterans ¹[Assistance] Diversion Resource¹ ²[Center]
30 entity²” means a ²[single]² point of access ¹ ²[and] or² referral¹ to
31 ¹case management and¹ mental health services ¹[for] ²that are²

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted December 5, 2016.

²Assembly AAP committee amendments adopted January 30, 2017.

1 currently available from federal, State and local government
2 agencies to eligible¹ servicemembers² [¹,which is¹ coordinated by
3 the] . The² New Jersey Department of Military and Veterans’
4 Affairs² shall,² pursuant to section 2 of ¹[this act] P.L. , c. (C.)
5 (pending before the Legislature as this bill)^{1 2}, prepare and
6 disseminate a directory of New Jersey Veteran’s Diversion
7 Resource entities to facilitate the diversion of eligible
8 servicemembers from the criminal justice system. The department
9 shall not be responsible for funding, developing or delivering case
10 management or mental health services to eligible servicemembers
11 under P.L. , c. (C.) (pending before the Legislature as this
12 bill)² .

13 e. “Mentor” means a volunteer former servicemember
14 ¹[assigned through] recruited by¹ the New Jersey Department of
15 Military and Veterans’ Affairs pursuant to ¹subsection (bb) of¹
16 N.J.S.38A:3-6 to assist an eligible servicemember ¹who is a
17 veteran¹ in accessing assistance to resolve the underlying problems
18 that led or contributed to the eligible servicemember’s involvement
19 with the criminal justice system.

20 f. “Mental illness” means ²[an] a mental disorder classified
21 within the current version of the² American Psychiatric Association
22 Diagnostic and Statistical Manual ²of Mental Disorders² (DSM)
23 ²[Axis I disorder resulting in significant functional impairment or
24 disruption or both in major activities of daily living]², including ²,
25 but not limited to,² ¹anxiety disorders, cognitive disorders,
26 adjustment disorders,¹ schizophrenia and other psychotic disorders,
27 bipolar disorder, depression, and ¹[post traumatic] post-traumatic¹
28 stress disorder (PTSD). ¹[Mental illness shall include addiction to
29 alcohol or controlled dangerous substances.]¹

30 ¹g. “Veteran” means any enlisted person or officer who was
31 discharged or otherwise released from active service in the United
32 States Armed Forces, or any reserve component thereof, or the
33 organized militia of New Jersey under conditions other than
34 dishonorable, or as otherwise provided in subsection p. of section 6
35 of P.L.1954, c.84 (C.43:15A-6).¹

36
37 2. ¹(New section)¹ a. There is hereby established a Statewide
38 Veterans Diversion Program that shall have the purpose of diverting
39 eligible servicemembers away from the criminal justice system and
40 into appropriate case management and ¹[treatment] mental health
41 services¹ as early as possible following an ¹[exchange involving]
42 interaction with¹ law enforcement ¹where the servicemember is
43 alleged to have committed an eligible offense¹.

1 b. The New Jersey Department of Military and Veterans'
 2 Affairs shall collaborate with the United States Department of
 3 Veterans Affairs, the United States Veterans Health Administration,
 4 United States Vet Centers, ²the New Jersey Department of Human
 5 Services² and other ¹federal,¹ State ~~and federal veteran service~~
 6 ~~entities~~ ²], and local government agencies ²[that serve veterans¹]²
 7 to ¹[develop] ²[coordinate¹ a]² ¹[single point of entry] ²prepare a
 8 directory of² Veterans Diversion Resource ²[Center¹ in each
 9 county]² ¹[for] ²entities within New Jersey.² ²[The]Each²
 10 Veterans Diversion Resource ²[Center] entity² shall serve as ²[the
 11 single] a² point of entry ²[in each county]² to facilitate the¹ ²law
 12 enforcement² diversion or referral of eligible servicemembers ¹who
 13 are veterans¹ into ¹existing case management and mental health
 14 services offered by¹ the United States Department of ¹[Veterans']
 15 Veterans¹ Affairs ¹[health care system] ¹, the ²[New Jersey
 16 Department of Military and Veterans' Affairs] New Jersey
 17 Department of Human Services² , or other appropriate case
 18 management and mental health services that are available to
 19 veterans¹ ²or persons with mental illness². ¹[The department shall
 20 also develop a single point of entry for active duty servicemembers
 21 through collaboration with the United States Armed Services health
 22 care system.]¹ ²[The] A² ¹[single point of entry] Veterans
 23 Diversion Resource ²[Center] entity² , or an agency to which an
 24 eligible servicemember is referred to by the ²[Center,¹] Veterans
 25 Diversion entity,² shall ¹[provide] be capable of providing¹
 26 screening, counseling, treatment and case management for mental
 27 health issues and other co-occurring health disorders to eligible
 28 servicemembers ¹who are veterans¹, or ¹[shall refer
 29 servicemembers to the appropriate] coordinating such¹ services
 30 ¹through the appropriate federal, State, and local government
 31 agencies that offer assistance to veterans¹. ¹[The point of entry
 32 shall also receive immediate referrals and provide relevant law
 33 enforcement, probation, or parole entities with status reports of the
 34 eligible servicemembers, when the servicemember consents, as a
 35 condition of diversion or referral] To the extent feasible, a Veterans
 36 Diversion Resource ²[Center]entity², or an agency to which an
 37 eligible servicemember is referred to by the ²[Center] entity², shall
 38 be capable of accepting emergent referrals of eligible
 39 servicemembers who are veterans and are being diverted from the
 40 criminal justice system. A Veterans Diversion Resource ²[Center]
 41 entity², or an agency to which a eligible servicemember is referred
 42 to by the ²[Center] Veterans Diversion Resource entity², that
 43 accepts the referral of an eligible servicemember who is a veteran
 44 shall be capable of providing law enforcement officials with

1 periodic status reports regarding the participation and recovery
2 progress of an eligible servicemember, when the servicemember
3 consents to the release of such information, as a condition of
4 diversion from prosecution. The department shall also ²collaborate
5 with the United States Department of Defense Military Health
6 System to coordinate a similar single point of entry to case
7 management and mental health services to support prepare a
8 similar resource directory to facilitate ² the ²law enforcement
9 diversion and referral of non-veteran eligible servicemembers ¹
10 from the criminal justice system ². The department shall ¹advise
11 provide ¹ the Attorney General ¹and, ¹ the Administrative Director
12 of the Courts ¹of the location of diversion and referral resources in
13 each county , the Commissioner of the Department of Corrections,
14 and the Chairman of the State Parole Board with a directory of
15 ²the ² Veterans Diversion Resource ²Centers ² entities ² available
16 within the State ²and or ² shall publish the directory on its
17 departmental Internet web site ¹.

18
19 3. ¹(New section) ¹ a. When a person is taken into custody for
20 an eligible offense ¹who exhibits behavior or conduct that may be
21 related to a mental illness ¹, the responding law enforcement
22 officer shall inquire as to whether the person is a servicemember ¹or
23 has ever served in the military services of the United States ¹. If the
24 ¹law enforcement officer determines that the ¹ person indicates that
25 he or she ¹ is a servicemember ¹and exhibits behavior or symptoms
26 that may be related to a mental illness ¹, the law enforcement officer
27 may proceed in accordance with ¹this act, ¹ P.L. , c. (C.)
28 (pending before the Legislature as this bill), but with a preference
29 for diversion of ¹the person to mental health services and
30 avoidance of the filing of a criminal complaint or criminal court
31 proceedings an eligible servicemember to a Veterans Diversion
32 Resource ²Center ² entity ² or other community-based mental
33 health services in lieu of filing a criminal complaint ¹. If the
34 ¹matter does not qualify for diversion alleged offense is not an
35 eligible offense ¹ or the ¹person ¹servicemember ¹ is resistant to
36 diversion, the officer may file a ¹quasi-criminal or ¹ criminal
37 complaint ¹, but . Regardless of whether an offense qualifies for
38 diversion under P.L. , c. (C.) (pending before the
39 Legislature as this bill), the officer shall ¹note the
40 servicemember's status inquire whether the person is a
41 servicemember and indicate if the person claims to be a
42 servicemember ¹ on the complaint-summons or complaint-warrant
43 at the time it is prepared ¹.

1 b. Law enforcement officers may divert an eligible
2 servicemember who ¹**[is believed]** appears¹ to have a mental illness
3 ¹**[into health care services through a Veterans Assistance Center]** to
4 a Veterans Diversion Resource ²**[Center]** entity² or other
5 community-based mental health services¹ in lieu of filing a criminal
6 ¹**[or quasi-criminal]**¹ complaint against the servicemember. A law
7 enforcement officer shall not divert an eligible servicemember ¹**[if**
8 **the]** prior to the filing of a criminal complaint if the crime or¹
9 offense involves restitution ¹**[or if]** for damages, if the crime or
10 offense involves violence or the threat of violence, if the crime or
11 offense involves the violation of any restraining order or protective
12 order involving another person, or where¹ a victim of the offense
13 objects to the diversion. ¹For the purposes of this paragraph, a
14 crime or offense involves violence or the threat of violence if the
15 victim sustains a bodily injury as defined in subsection a. of
16 N.J.S.2C:11-1, or the actor is armed with and uses a deadly weapon
17 or threatens by word or gesture to use a deadly weapon as defined
18 in subsection c. of N.J.S.2C:11-1, or threatens to inflict a bodily
19 injury.¹ If an eligible servicemember is not diverted, the officer
20 may proceed with the filing of a complaint-summons or complaint-
21 warrant pursuant to law, the Rules of Court, and the directives of
22 the Attorney General. The form of complaint shall clearly indicate
23 the person's status as a servicemember to facilitate future efforts to
24 divert eligible servicemembers from ¹**[the criminal justice system]**
25 prosecution into case management and mental health services or the
26 assignment of the servicemember to appropriate post-adjudication
27 supervisory and therapeutic services, where needed to support the
28 servicemember's recovery.

29 c. If a law enforcement officer diverts an eligible servicemember
30 to a Veterans Diversion Resource ²**[Center]** entity² or other mental
31 health service provider without filing a criminal complaint, the law
32 enforcement officer may subsequently file the complaint, subject to
33 the time limitations of N.J.S.2C:1-6, if the servicemember fails to
34 cooperate with the service provider or has subsequent interactions
35 with law enforcement¹.

36 ¹**[c.]d.**¹ Prior to the commencement of court proceedings ¹to
37 adjudicate a crime or offense¹, the court shall notify all defendants
38 present in the courtroom of the eligibility for prosecutorial
39 diversion for eligible servicemembers pursuant to ¹**[this act]**
40 P.L. , c. (C.) (pending before the Legislature as this bill)¹.

41
42 4. ¹(New section)¹ a. At any time after the filing of a ¹**[quasi-**
43 **criminal or]**¹ criminal complaint, but prior to the disposition of
44 such complaint, ¹**[a prosecutor, at the request of]** an eligible
45 servicemember, the public defender assigned to the eligible

1 servicemember, ¹or¹ the servicemember's own legal counsel¹], or
2 the prosecutor's own discretion,] may make an application to the
3 prosecutor to participate in the Veterans Diversion Program. The
4 prosecutor¹ may ¹[move before the court to postpone proceedings
5 while an eligible servicemember participates in mental health
6 intervention services] approve or conditionally approve an eligible
7 servicemember's admission into the Veterans Diversion Program.
8 An eligible servicemember may be conditionally approved for
9 admission into the program pending verification of the person's
10 veteran or servicemember status, review of the person's criminal
11 history, and consideration of the findings of a clinical assessment of
12 the person's mental health. Once admitted to the program, the
13 prosecutor may move before the court to postpone proceedings
14 while an eligible servicemember obtains a mental health assessment
15 or participates in case management and mental health services. The
16 court may grant the postponement of proceedings and release the
17 servicemember on the persons' own recognizance subject to
18 compliance with the conditions specified in the prosecutor's
19 diversion agreement. If the prosecutor's review of the person's
20 records and the clinical assessment reveals that the person does not
21 qualify for the program or if the servicemember does not comply
22 with the requirements of the diversion agreement, the prosecutor
23 may notify the court that the State is prepared to proceed with the
24 prosecution of the offense and the court shall schedule court
25 proceedings as appropriate¹.

26 b. ¹[The] (1) Except as provided in paragraph (2) of this
27 subsection, the¹ prosecutor shall have the ¹sole¹ discretion to
28 determine if an eligible ¹[offense] servicemember¹ qualifies for
29 ¹[diversion based on] and is admitted to the Veterans Diversion
30 Program pursuant P.L. , c. (C.) (pending before the
31 Legislature as this bill) after consideration of¹ the nature of the
32 eligible offense, the ¹[apparent] causative¹ relationship between
33 the ¹person's¹ diagnosed or apparent mental illness and the
34 commission of the offense, ¹the amenability of the servicemember
35 to participation in the services of the program,¹ the availability of
36 ¹case management and¹ mental health ¹[intervention]¹ services, the
37 desires of any victim, ¹[and an eligible servicemember's]the
38 person's¹ history of prior convictions ¹[. The prosecutor shall
39 consult with all victims of the eligible offense prior to considering
40 an eligible servicemembers' diversion], and the probability that
41 diversion will promote the servicemember's recovery, prevent
42 future criminal behavior, and protect public safety. ²A prosecutor
43 may also consider and approve other diversion alternatives for
44 servicemembers in lieu of the Veterans Diversion Program pursuant

1 to P.L. , c. (C.) (pending before the Legislature as this
2 bill).²

3 (2) No eligible servicemember shall be admitted to the Veterans
4 Diversion Program if the person has criminal charges pending for a
5 crime of the second degree or higher, if the crime or offense
6 involved violence or the threat of violence, or if the person was
7 previously convicted of a violent crime enumerated in subsection d.
8 of section 2 of P.L.1997, c.117 (C.2C:43-7.2). There shall be a
9 presumption against admission into the Veterans Diversion
10 Program, subject to the discretion of the prosecutor after consulting
11 with any victim, for a servicemember charged with any crime or
12 offense involving domestic violence, as defined in subsection a. of
13 section 3 of P.L.1991, c.261 (C.2C:25-19) if the defendant
14 committed the crime or offense while subject to a temporary or
15 permanent restraining order issued pursuant to the provisions of the
16 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
17 (C.2C:25-17 et al.). For purposes of this paragraph, a crime or
18 offense involves violence or the threat of violence if the victim
19 sustains a bodily injury as defined in subsection a. of N.J.S.2C:11-
20 1, or the actor is armed with and uses a deadly weapon or threatens
21 by word or gesture to use a deadly weapon as defined in subsection
22 c. of N.J.S.2C:11-1, or threatens to inflict a bodily injury.

23 (3) The prosecutor shall consult with victims of an eligible
24 offense prior to approving an eligible servicemember's admission
25 into the Veterans Diversion Program. Nothing in this subsection
26 shall be construed to alter or limit the authority or discretion of the
27 prosecutor to admit an eligible servicemember into the Veterans
28 Diversion Program which the prosecutor deems appropriate.¹

29 c. The prosecutor's ¹["authorization"] approval¹ of ¹["diversion"]
30 an application for admission into the Veterans Diversion Program¹
31 pursuant to this section shall not be conditioned on an admission or
32 plea of guilt by an eligible servicemember.

33 d. To qualify for prosecutorial diversion under this section, an
34 eligible servicemember ¹["is required to"] shall¹ agree in writing ¹to
35 the following terms, where relevant to the eligible offense¹:

36 (1) Participate in ¹case management and¹ mental health
37 ¹["intervention"]¹ services initiated through the Veterans
38 ¹["Assistance Center"] Diversion Resource ²["Center"] entity² or
39 other similar services¹ and ¹["comply"] to cooperate¹ with any
40 recommended course of treatment¹, including the use of
41 medications as prescribed and participation in counseling¹;

42 (2) Authorize¹["], periodically,"¹ the ¹case management or¹
43 mental health ¹service¹ provider to release ¹["status reports
44 regarding the servicemember's participation in mental health
45 intervention services"]¹ to the prosecutor ¹periodic status reports
46 regarding the servicemember's participation, cooperation, and

- 1 recovery progress with case management and mental health
2 services¹;
- 3 (3) Cooperate with ¹**【federal and State veterans’ services to**
4 **procure housing and employment when needed】** case management
5 service providers to procure housing, education, and employment
6 services, where appropriate¹;
- 7 (4) Pay restitution for damages that have resulted from the
8 offense;
- 9 (5) Refrain from the use of alcohol or ¹illegal¹ drugs or frequent
10 any place where alcohol or ¹illegal¹ drugs are sold and used;
- 11 (6) Refrain from the possession or use of firearms ¹or other
12 weapons¹;
- 13 (7) Refrain from further criminal activity;
- 14 (8) Refrain from any contact with a victim of the offense;
- 15 (9) Cooperate with a mentor ¹**【assigned through the Department**
16 **of Military and Veterans’ Affairs; and】** , where assigned, and the
17 United States Department of Veterans Affairs Justice Outreach
18 Specialist;¹
- 19 (10)¹Suspend the tolling of time for the purposes of the
20 servicemember’s right to a speedy trial while the servicemember is
21 participating in the program;
- 22 (11) Advise the prosecutor of any change in the servicemember’s
23 residential address or any change in the provider of case
24 management and mental health services; and
- 25 (12)¹ Any other terms and conditions related to the
26 servicemember’s recovery and public safety deemed appropriate by
27 the prosecutor.
- 28 e. The prosecutor shall determine the duration of the
29 ¹**【diversion based on status reports of participation and progress**
30 **from the mental health intervention service provider, except that the**
31 **diversion period shall not exceed two years from the date of the**
32 **agreement】** servicemember’s participation in the Veterans
33 Diversion Program, except that the servicemember’s participation in
34 the program shall not exceed two years from the date of the
35 diversion agreement. The term of the servicemember’s participation
36 shall be based on the initial clinical evaluation and
37 recommendations, status reports of the servicemember’s
38 participation, and progress reports from the case management and
39 mental health service providers, and, where assigned, the
40 servicemember’s mentor¹.
- 41 f. The servicemember shall be responsible for coordinating
42 with the ¹Veterans Diversion Resource ²**【Center】** entity² or other
43 case management and¹ mental health service provider to ensure that
44 the prosecutor receives periodic reports on the servicemember’s
45 participation ¹**【and recovery progress】** , cooperation and recovery

1 progress. The servicemember shall contact the Veterans Diversion
2 Resource ²~~Center~~ entity² or other case management and mental
3 health service provider within seven days of the date of the
4 diversion agreement¹.

5 g. The court shall ¹~~schedule a status hearing within six~~
6 ~~months from the date on when the court approved the prosecutor's~~
7 ~~request for a postponement of the proceedings to review the~~
8 ~~prosecutor's request for delayed prosecution of the offense~~ review
9 the status of the deferred prosecution of the servicemember no later
10 than six months from the date on which the court approved the
11 prosecutor's initial request for a postponement of the proceedings,
12 and, thereafter, every six months from the most recent review, to
13 consider, based on information provided by the prosecutor, whether
14 the postponement of court proceedings as requested by the
15 prosecutor should continue¹.

16 h. ¹~~If, after a minimum of six months, the prosecutor is~~
17 ~~satisfied that the servicemember has complied with the terms and~~
18 ~~conditions of the agreement and based on clinical reports, continues~~
19 ~~to make progress with mental health interventions, the prosecutor~~
20 ~~may move for the dismissal of the quasi-criminal or criminal charge~~
21 ~~against the servicemember~~ To the extent that a sufficient number
22 of mentors are available, the prosecutor or the case management
23 provider on behalf of the prosecutor, shall assign a mentor to the
24 eligible servicemember from the registry of mentors provided by
25 the Department of Military and Veterans' Affairs, except that an
26 insufficient number of mentors available for assignment shall not in
27 itself prevent a prosecutor from diverting an eligible servicemember
28 pursuant to P.L. , c. (C.) (pending before the Legislature as
29 this bill).

30 i. The prosecutor shall notify the United States Department of
31 Veterans Affairs Justice Outreach Specialist assigned to represent
32 New Jersey when an eligible servicemember who is a veteran has
33 been admitted into the Veterans Diversion Program to facilitate
34 outreach to the servicemember.

35 j. If, after a minimum of six months from the date of the
36 diversion agreement, the prosecutor is satisfied that the
37 servicemember has complied with the terms and conditions of the
38 diversion agreement, has not been the subject of any subsequent
39 criminal charges, and, based on clinical reports, continues to make
40 progress with case management services and mental health
41 recovery, the prosecutor may move before the court for the
42 dismissal of the criminal charge pending against the servicemember
43 and terminate the servicemember's participation in the Veterans
44 Diversion Program. Alternatively, the prosecutor may require that
45 the servicemember continue participation in the program until
46 sufficient evidence of progress toward recovery is available, except

1 that continued participation shall not exceed the two-year time limit
2 as provided in subsection e. of this section¹.

3 ¹~~['i.]~~¹ If, at any time, the prosecutor finds that the
4 servicemember has failed to comply with any term or condition of
5 the diversion agreement, the prosecutor ¹~~['shall']~~ may¹ notify the
6 court that the State is prepared to proceed with the prosecution of
7 the offense¹and the court shall schedule court proceedings as
8 appropriate¹.

9 ¹~~['j.]]~~¹ No fee shall be assessed to a servicemember for
10 participation in ¹~~['diversion']~~ the Veterans Diversion Program¹.

11 ¹~~['k.~~ The decision to divert an eligible servicemember pursuant
12 to this section one or more times shall rest within the discretion of
13 the prosecutor. A dismissal of charges resulting from diversion
14 pursuant to this section shall bar a servicemember's subsequent
15 eligibility for other court diversion programs, including a program
16 of supervisory treatment pursuant to N.J.S.2C:43-12, conditional
17 discharge pursuant to N.J.S.2C:36A-1, or conditional dismissal
18 pursuant to section 1 of P.L.2013, c. 158 (C.2C:43-13.1).

19 1. The dismissal of charges pursuant to this section shall not be
20 deemed a conviction for purposes of disqualifications or
21 disabilities, if any, imposed by law upon conviction of a petty
22 disorderly persons, disorderly persons offense, or a crime, but shall
23 be reported to the State Bureau of Identification criminal history
24 record information files for purposes of determining future
25 eligibility or exclusion from other court diversion programs. A
26 conditional dismissal granted pursuant to P.L.2013, c.158 (C.2C:43-
27 13.1 et al.) shall not be deemed a conviction for the purpose of
28 determining whether a second or subsequent offense has occurred
29 under any law of this State¹]

30 m. An eligible servicemember may be admitted to the Veterans
31 Diversion Program one or more times at the discretion of the
32 prosecutor, subject to the restrictions in this section, if such
33 diversion promotes the servicemember's recovery, prevents the
34 commission of future offenses, and protects the safety of the public.
35 Nothing in P.L. , c. (C.) (pending before the Legislature as
36 this bill) shall preclude an eligible servicemember from applying
37 for admission to a criminal justice diversion program, including a
38 program of supervisory treatment pursuant to N.J.S.2C:43-12,
39 conditional discharge pursuant to N.J.S.2C:36A-1, or conditional
40 dismissal pursuant to section 1 of P.L.2013, c. 158 (C.2C:43-13.1),
41 as an alternative to the Veterans Diversion Program to the extent
42 that the servicemember meets the eligibility criteria and qualifies
43 for those programs. A dismissal of a criminal complaint resulting
44 from successful participation in a Veterans Diversion Program
45 pursuant to this section shall bar a servicemember's subsequent
46 eligibility for a program of supervisory treatment pursuant to

1 N.J.S.2C:43-12, conditional discharge pursuant to N.J.S.2C:36A-1,
2 or conditional dismissal pursuant to section 1 of P.L.2013, c. 158
3 (C.2C:43-13.1); however an eligible servicemember may seek
4 subsequent admission to the Veterans Diversion Program and may
5 be admitted at the sole discretion of the prosecutor.

6 n. The dismissal of charges based on a servicemember's
7 successful participation in the Veterans Diversion Program pursuant
8 to this section shall not be deemed:

9 (1) a conviction for purposes of disqualifications or disabilities,
10 if any, imposed by law upon conviction of a petty disorderly
11 persons, disorderly persons offense, or a crime, but shall be
12 reported to the State Bureau of Identification criminal history
13 record information files for purposes of determining future
14 eligibility or exclusion from other diversion programs; or

15 (2) a conviction for the purpose of determining whether a second
16 or subsequent offense has occurred under any law of this State¹.

17
18 ²5. (New section) Nothing in P.L. , c. (C.) (pending
19 before the Legislature as this bill) shall be construed to limit or
20 constrain in any way the authority or discretion of a prosecutor to
21 divert, prosecute or pursue any other disposition of a criminal
22 matter involving a defendant who is a servicemember as defined
23 within this P.L. , c. (C.) (pending before the Legislature as
24 this bill). When considering the diversion a servicemember from
25 the criminal justice system, a prosecutor may use the Veterans
26 Diversion Program established pursuant to P.L. , c. (C.)
27 (pending before the Legislature as this bill), any other diversion
28 mechanism authorized by law, or a county-based law enforcement
29 diversion program after considering each program's restrictions, the
30 relief available to the servicemember, and the safety of any victim
31 and the public.²

32
33 ²[5.] 6.² (New section)¹ The Administrative ¹[Office]

34 Director¹ of the Courts shall develop a ¹[special supervision track]
35 differentiated mental health supervision case type¹ within the
36 Probation Division of the Superior Court for eligible
37 servicemembers who are sentenced to a term of probation
38 supervision. To the extent ¹that sufficient¹ resources are available,
39 probation officers assigned to the ¹[special track] specialized
40 caseload¹ shall be experienced in behavioral health and evidence-
41 based therapeutic interventions specifically targeted to military
42 culture and shall coordinate with ¹[volunteer]¹ mentors as well as
43 federal and State ¹[veteran and active duty servicemember] case
44 management and¹ health care providers ¹available to
45 servicemembers¹ to promote ¹[the servicemember's] ¹their
46 recovery,¹ compliance with the terms of probation and re-

1 integration into 'the community, and adjustment to' civilian life.
2 Eligible servicemembers who are sentenced to a term of probation
3 'supervision' shall be screened and assigned to '[the specialized
4 caseloads] a differentiated mental health supervision case type'
5 pursuant to procedures developed by the Administrative '[Office]
6 Director' of the Courts. 'A servicemember who is assigned to a
7 differentiated mental health supervision case type shall provide
8 written authorization for any case management or mental health
9 service provider to release to the Probation Division and the court
10 periodic status reports regarding the servicemember's participation,
11 cooperation, and recovery progress.'
12

13 ²'[6.] 7.'² N.J.S.2C:52-6 is amended to read as follows:

14 2C:52-6. Arrests not resulting in conviction.

15 a. When a person has been arrested or held to answer for a
16 crime, disorderly persons offense, petty disorderly persons offense,
17 or municipal ordinance violation under the laws of this State or of
18 any governmental entity thereof and proceedings against the person
19 were dismissed, the person was acquitted, or the person was
20 discharged without a conviction or finding of guilt, the Superior
21 Court shall, at the time of dismissal, acquittal, or discharge, or, in
22 any case set forth in paragraph (1) of this subsection, upon receipt
23 of an application from the person, order the expungement of all
24 records and information relating to the arrest or charge.

25 (1) If proceedings took place in municipal court, the municipal
26 court shall provide the person, upon request, with appropriate
27 documentation to transmit to the Superior Court to request
28 expungement pursuant to procedures developed by the
29 Administrative Office of the Courts. Upon receipt of the
30 documentation, the Superior Court shall enter an ex parte order
31 expunging all records and information relating to the person's arrest
32 or charge.

33 (2) The provisions of N.J.S.2C:52-7 through N.J.S.2C:52-14
34 shall not apply to an expungement pursuant to this subsection and
35 no fee shall be charged to the person making such application.

36 (3) An expungement under this subsection shall not be ordered
37 where the dismissal, acquittal, or discharge resulted from a plea
38 bargaining agreement involving the conviction of other charges.
39 This bar, however, shall not apply once the conviction is itself
40 expunged.

41 (4) The Superior Court shall forward a copy of the expungement
42 order to the appropriate court and to the prosecutor. The prosecutor
43 shall promptly distribute copies of the expungement order to
44 appropriate law enforcement agencies and correctional institutions
45 who have custody and control of the records specified in the order
46 so that they may comply with the requirements of N.J.S.2C:52-15.

1 (5) An expungement related to a dismissal, acquittal, or
2 discharge ordered pursuant to this subsection shall not bar any
3 future expungement.

4 (6) Where a dismissal of an offense is based on an eligible
5 servicemember's successful participation in a Veterans Diversion
6 Program pursuant to P.L. , c. (C.) (pending before the
7 Legislature as this bill), the county prosecutor, on behalf of the
8 eligible servicemember, may move before the court for the
9 expungement of all records and information relating to the arrest or
10 charge, and the diversion at the time of dismissal pursuant to this
11 section.

12 b. When a person did not apply or a prosecutor did not move
13 on behalf of an eligible servicemember for an expungement of an
14 arrest or charge not resulting in a conviction pursuant to subsection
15 a. of this section, the person may at any time following the
16 disposition of proceedings, present a duly verified petition as
17 provided in N.J.S.2C:52-7 to the Superior Court in the county in
18 which the disposition occurred praying that records of such arrest
19 and all records and information pertaining thereto be expunged. No
20 fee shall be charged to the person for applying for an expungement
21 of an arrest or charge not resulting in a conviction pursuant to this
22 subsection.

23 c. (1) Any person who has had charges dismissed against him
24 pursuant to a program of supervisory treatment pursuant to
25 N.J.S.2C:43-12, or conditional discharge pursuant to N.J.S.2C:36A-
26 1, or conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-
27 13.1 et al.), shall be barred from the relief provided in this section
28 until six months after the entry of the order of dismissal.

29 (2) A servicemember who has successfully participated in a
30 Veterans Diversion Program pursuant to P.L. , c. (C.)
31 (pending before the Legislature as this bill) may apply for
32 expungement pursuant to this section at any time following the
33 order of dismissal if an expungement was not granted at the time of
34 dismissal.

35 d. Any person who has been arrested or held to answer for a
36 crime shall be barred from the relief provided in this section where
37 the dismissal, discharge, or acquittal resulted from a determination
38 that the person was insane or lacked the mental capacity to commit
39 the crime charged.¹

40 (cf: P.L.2015, c.261, s.4)

41

42 ²**[17.]** 8.² Section 1 of P.L.2013, c.158 (C.2C:43-13.1) is
43 amended to read as follows:

44 1. Eligibility and Application. a. Whenever any defendant who
45 has not been previously convicted of any petty disorderly persons
46 offense, disorderly persons offense or crime under any law of the
47 United States, this State or any other state, and who has not

1 previously participated in conditional discharge under
2 N.J.S.2C:36A-1, supervisory treatment under N.J.S.2C:43-12, or
3 conditional dismissal under P.L.2013, c.158 (C.2C:43-13.1 et al.),
4 or a Veterans Diversion Program pursuant to P.L. , c. (C.)
5 pending before the Legislature as this bill, is charged with a petty
6 disorderly offense or disorderly persons offense except as provided
7 in subsection b. of this section, the defendant may, after a plea of
8 guilty or a finding of guilt, but prior to the entry of a judgment of
9 conviction and with appropriate notice to the prosecutor, apply to
10 the court for entry into the conditional dismissal program pursuant
11 to the requirements of P.L.2013, c.158 (C.2C:43-13.1 et al.). As a
12 condition of such application, the defendant shall submit to the
13 fingerprint identification procedures as provided in R.S.53:1-15
14 before making such application to the court to allow sufficient time
15 for verification of the defendant's criminal history by the
16 prosecutor.

17 b. (1) A defendant shall not be eligible for participation in the
18 conditional dismissal program if the offense for which the person is
19 charged involved: (a) organized criminal or gang activity; (b) a
20 continuing criminal business or enterprise; (c) a breach of the public
21 trust by a public officer or employee; (d) domestic violence as
22 defined by subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-
23 19); (e) an offense against an elderly, disabled or minor person; (f)
24 an offense involving driving or operating a motor vehicle while
25 under the influence of alcohol, intoxicating liquor, narcotic,
26 hallucinogenic or habit-producing drug; (g) a violation of animal
27 cruelty laws; or (h) any disorderly persons offense or petty
28 disorderly persons offense under chapter 35 or 36 of Title 2C.

29 (2) Nothing in this act shall preclude a defendant charged with
30 any disorderly persons offense or petty disorderly persons offense
31 under chapter 35 or 36 of Title 2C from applying to the court for
32 admission into the conditional discharge program in accordance
33 with N.J.S.2C:36A-1.

34 c. In addition to the eligibility criteria enumerated in this
35 section, the court shall consider the following factors:

- 36 (1) The nature and circumstances of the offense;
- 37 (2) The facts surrounding the commission of the offense;
- 38 (3) The motivation, age, character and attitude of the defendant;
- 39 (4) The desire of the complainant or victim to forego
40 prosecution;
- 41 (5) The needs and interests of the victim and the community;
- 42 (6) The extent to which the defendant's offense constitutes part
43 of a continuing pattern of anti-social behavior;
- 44 (7) Whether the offense is of an assaultive or violent nature,
45 whether in the act itself or in the possible injurious consequences of
46 such behavior;

1 (8) Whether the applicant's participation will adversely affect
2 the prosecution of codefendants;

3 (9) Whether diversion of the defendant from prosecution is
4 consistent with the public interest; and

5 (10) Any other factors deemed relevant by the court.¹

6 (cf: P.L.2013, c.158, s.1)

7

8 ²[~~18.~~] 9.¹ N.J.S.2C:36A-1 is amended to read as follows:

9 2C:36A-1. Conditional discharge for certain first offenses.

10 a. Whenever any person who has not previously been convicted
11 of any offense under section 20 of P.L.1970, c.226 (C.24:21-20), or
12 a disorderly persons or petty disorderly persons offense defined in
13 chapter 35 or 36 of this title or, subsequent to the effective date of
14 this title, under any law of the United States, this State or any other
15 state relating to marijuana, or stimulant, depressant, or
16 hallucinogenic drugs, and who has not previously participated in a
17 program of supervisory treatment pursuant to N.J.S.2C:43-12 or
18 conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et
19 al.), or a Veterans Diversion Program pursuant to P.L. , c. (C.)
20 pending before the Legislature as this bill), is charged with or
21 convicted of any disorderly persons offense or petty disorderly
22 persons offense under chapter 35 or 36 of this title, the court upon
23 notice to the prosecutor and subject to subsection c. of this section,
24 may on motion of the defendant or the court:

25 (1) Suspend further proceedings and with the consent of the
26 person after reference to the State Bureau of Identification criminal
27 history record information files, place him under supervisory
28 treatment upon such reasonable terms and conditions as it may
29 require; or

30 (2) After a plea of guilty or finding of guilty, and without
31 entering a judgment of conviction, and with the consent of the
32 person after proper reference to the State Bureau of Identification
33 criminal history record information files, place him on supervisory
34 treatment upon reasonable terms and conditions as it may require,
35 or as otherwise provided by law.

36 b. In no event shall the court require as a term or condition of
37 supervisory treatment under this section, referral to any residential
38 treatment facility for a period exceeding the maximum period of
39 confinement prescribed by law for the offense for which the
40 individual has been charged or convicted, nor shall any term of
41 supervisory treatment imposed under this subsection exceed a
42 period of three years. If a person is placed under supervisory
43 treatment under this section after a plea of guilty or finding of guilt,
44 the court as a term and condition of supervisory treatment shall
45 suspend the person's driving privileges for a period to be fixed by
46 the court at not less than six months or more than two years unless
47 the court finds compelling circumstances warranting an exception.

1 For the purposes of this subsection, compelling circumstances
2 warranting an exception exist if the suspension of the person's
3 driving privileges will result in extreme hardship and alternative
4 means of transportation are not available. In the case of a person
5 who at the time of placement under supervisory treatment under this
6 section is less than 17 years of age, the period of suspension of
7 driving privileges authorized herein, including a suspension of the
8 privilege of operating a motorized bicycle, shall commence on the
9 day the person is placed on supervisory treatment and shall run for a
10 period as fixed by the court of not less than six months or more than
11 two years after the day the person reaches the age of 17 years.

12 If the driving privilege of a person is under revocation,
13 suspension, or postponement for a violation of this title or Title 39
14 of the Revised Statutes at the time of the person's placement on
15 supervisory treatment under this section, the revocation, suspension
16 or postponement period imposed herein shall commence as of the
17 date of the termination of the existing revocation, suspension or
18 postponement. The court which places a person on supervisory
19 treatment under this section shall collect and forward the person's
20 driver's license to the New Jersey Motor Vehicle Commission and
21 file an appropriate report with the commission in accordance with
22 the procedure set forth in N.J.S.2C:35-16. The court shall also
23 inform the person of the penalties for operating a motor vehicle
24 during the period of license suspension or postponement as required
25 in N.J.S.2C:35-16.

26 Upon violation of a term or condition of supervisory treatment
27 the court may enter a judgment of conviction and proceed as
28 otherwise provided, or where there has been no plea of guilty or
29 finding of guilty, resume proceedings. Upon fulfillment of the terms
30 and conditions of supervisory treatment the court shall terminate the
31 supervisory treatment and dismiss the proceedings against him.
32 Termination of supervisory treatment and dismissal under this
33 section shall be without court adjudication of guilt and shall not be
34 deemed a conviction for purposes of disqualifications or
35 disabilities, if any, imposed by law upon conviction of a crime or
36 disorderly persons offense but shall be reported by the clerk of the
37 court to the State Bureau of Identification criminal history record
38 information files. Termination of supervisory treatment and
39 dismissal under this section may occur only once with respect to
40 any person. Imposition of supervisory treatment under this section
41 shall not be deemed a conviction for the purposes of determining
42 whether a second or subsequent offense has occurred under section
43 29 of P.L.1970, c.226 (C.24:21-29), chapter 35 or 36 of this title or
44 any law of this State.

45 c. Proceedings under this section shall not be available to any
46 defendant unless the court in its discretion concludes that:

1 (1) The defendant's continued presence in the community, or in
2 a civil treatment center or program, will not pose a danger to the
3 community; or

4 (2) That the terms and conditions of supervisory treatment will
5 be adequate to protect the public and will benefit the defendant by
6 serving to correct any dependence on or use of controlled
7 substances which he may manifest; and

8 (3) The person has not previously received supervisory
9 treatment under section 27 of P.L.1970, c.226 (C.24:21-27),
10 N.J.S.2C:43-12, or the provisions of this chapter.

11 d. A person seeking conditional discharge pursuant to this
12 section shall pay to the court a fee of \$75 which shall be paid to the
13 Treasurer of the State of New Jersey for deposit in the General
14 Fund. The defendant shall also be required to pay restitution, costs
15 and other assessments as provided by law. A person may apply for a
16 waiver of this fee, by reason of poverty, pursuant to the Rules
17 Governing the Courts of the State of New Jersey, or the court may
18 permit the defendant to pay the conditional discharge fee and other
19 assessments in installments or may order other alternatives pursuant
20 to section 1 of P.L.2009, c.317 (C.2B:12-23.1).¹
21 (cf: P.L2013, c.158, s.10)

22
23 ²[¹9.] 10.² N.J.S.2C:43-12 is amended to read as follows:

24 2C:43-12. Supervisory Treatment--Pretrial Intervention.

25 a. Public policy. The purpose of N.J.S.2C:43-12 through
26 N.J.S.2C:43-22 is to effectuate a Statewide program of Pretrial
27 Intervention. It is the policy of the State of New Jersey that
28 supervisory treatment should ordinarily be limited to persons who
29 have not previously been convicted of any criminal offense under
30 the laws of New Jersey, or under any criminal law of the United
31 States, or any other state when supervisory treatment would:

32 (1) Provide applicants, on an equal basis, with opportunities to
33 avoid ordinary prosecution by receiving early rehabilitative services
34 or supervision, when such services or supervision can reasonably be
35 expected to deter future criminal behavior by an applicant, and
36 when there is apparent causal connection between the offense
37 charged and the rehabilitative or supervisory need, without which
38 cause both the alleged offense and the need to prosecute might not
39 have occurred; or

40 (2) Provide an alternative to prosecution for applicants who
41 might be harmed by the imposition of criminal sanctions as
42 presently administered, when such an alternative can be expected to
43 serve as sufficient sanction to deter criminal conduct; or

44 (3) Provide a mechanism for permitting the least burdensome
45 form of prosecution possible for defendants charged with
46 "victimless" offenses, other than defendants who were public

- 1 officers or employees charged with offenses that involved or
2 touched their office or employment; or
- 3 (4) Provide assistance to criminal calendars in order to focus
4 expenditure of criminal justice resources on matters involving
5 serious criminality and severe correctional problems; or
- 6 (5) Provide deterrence of future criminal or disorderly behavior
7 by an applicant in a program of supervisory treatment.
- 8 b. (1) Admission of an applicant into a program of supervisory
9 treatment shall be measured according to the applicant's amenability
10 to correction, responsiveness to rehabilitation and the nature of the
11 offense.
- 12 (2) There shall be a presumption against admission into a
13 program of supervisory treatment for:
- 14 (a) a defendant who was a public officer or employee whose
15 offense involved or touched upon his public office or employment;
16 and
- 17 (b) a defendant charged with any crime or offense involving
18 domestic violence, as defined in subsection a. of section 3 of
19 P.L.1991, c.261 (C.2C:25-19) if the defendant committed the crime
20 or offense while subject to a temporary or permanent restraining
21 order issued pursuant to the provisions of the "Prevention of
22 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
23 al.) or if the crime or offense charged involved violence or the
24 threat of violence. For purposes of this subparagraph, a crime or
25 offense involves violence or the threat of violence if the victim
26 sustains serious or significant bodily injury as defined in subsection
27 b. or d. of N.J.S.2C:11-1, or the actor is armed with and uses a
28 deadly weapon or threatens by word or gesture to use a deadly
29 weapon as defined in subsection c. of N.J.S.2C:11-1, or threatens to
30 inflict serious or significant bodily injury.
- 31 c. The decision and reasons therefor made by the designated
32 judges (or assignment judges), prosecutors and program directors in
33 granting or denying applications for supervisory treatment, in
34 recommending and ordering termination from the program or
35 dismissal of charges, in all cases shall be reduced to writing and
36 disclosed to the applicant.
- 37 d. If an applicant desires to challenge the decision of the
38 prosecutor or program director not to recommend enrollment in a
39 program of supervisory treatment the proceedings prescribed under
40 N.J.S.2C:43-14 and in accordance with the Rules of Court shall be
41 followed.
- 42 e. Referral. At any time prior to trial but after the filing of a
43 criminal complaint, or the filing of an accusation or the return of an
44 indictment, with the consent of the prosecutor and upon written
45 recommendation of the program director, the assignment judge or a
46 judge designated by him may postpone all further proceedings
47 against an applicant and refer said applicant to a program of

1 supervisory treatment approved by the Supreme Court. Prosecutors
2 and program directors shall consider in formulating their
3 recommendation of an applicant's participation in a supervisory
4 treatment program, among others, the following criteria:

- 5 (1) The nature of the offense;
- 6 (2) The facts of the case;
- 7 (3) The motivation and age of the defendant;
- 8 (4) The desire of the complainant or victim to forego
9 prosecution;
- 10 (5) The existence of personal problems and character traits
11 which may be related to the applicant's crime and for which services
12 are unavailable within the criminal justice system, or which may be
13 provided more effectively through supervisory treatment and the
14 probability that the causes of criminal behavior can be controlled by
15 proper treatment;
- 16 (6) The likelihood that the applicant's crime is related to a
17 condition or situation that would be conducive to change through
18 his participation in supervisory treatment;
- 19 (7) The needs and interests of the victim and society;
- 20 (8) The extent to which the applicant's crime constitutes part of
21 a continuing pattern of anti-social behavior;
- 22 (9) The applicant's record of criminal and penal violations and
23 the extent to which he may present a substantial danger to others;
- 24 (10) Whether or not the crime is of an assaultive or violent
25 nature, whether in the criminal act itself or in the possible injurious
26 consequences of such behavior;
- 27 (11) Consideration of whether or not prosecution would
28 exacerbate the social problem that led to the applicant's criminal
29 act;
- 30 (12) The history of the use of physical violence toward others;
- 31 (13) Any involvement of the applicant with organized crime;
- 32 (14) Whether or not the crime is of such a nature that the value
33 of supervisory treatment would be outweighed by the public need
34 for prosecution;
- 35 (15) Whether or not the applicant's involvement with other
36 people in the crime charged or in other crime is such that the
37 interest of the State would be best served by processing his case
38 through traditional criminal justice system procedures;
- 39 (16) Whether or not the applicant's participation in pretrial
40 intervention will adversely affect the prosecution of codefendants;
41 and
- 42 (17) Whether or not the harm done to society by abandoning
43 criminal prosecution would outweigh the benefits to society from
44 channeling an offender into a supervisory treatment program.

45 The prosecutor and the court, in formulating their
46 recommendations or decisions regarding an applicant's participation

1 in a supervisory treatment program, shall give due consideration to
2 the victim's position on whether the defendant should be admitted.

3 f. Review of Supervisory Treatment Applications; Procedure
4 Upon Denial. Each applicant for supervisory treatment shall be
5 entitled to full and fair consideration of his application. If an
6 application is denied, the program director or the prosecutor shall
7 precisely state his findings and conclusion which shall include the
8 facts upon which the application is based and the reasons offered
9 for the denial. If the applicant desires to challenge the decision of a
10 program director not to recommend, or of a prosecutor not to
11 consent to, enrollment into a supervisory treatment program, a
12 motion shall be filed before the designated judge (or assignment
13 judge) authorized pursuant to the Rules of Court to enter orders.

14 g. Limitations. (1) Supervisory treatment may occur only once
15 with respect to any defendant and any person who has previously
16 received supervisory treatment under section 27 of P.L.1970, c.226
17 (C.24:21-27), a conditional discharge pursuant to N.J.S.2C:36A-1,
18 **[or]** a conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-
19 13.1 et al.), or was granted a dismissal due to successful
20 participation in the Veterans Diversion Program pursuant to P.L. ,
21 c. (C.) pending before the Legislature as this bill) shall not be
22 eligible for supervisory treatment under this section.

23 (2) Except as otherwise provided in paragraph (3) of this
24 subsection, supervisory treatment, as provided herein, shall be
25 available to a defendant irrespective of whether the defendant
26 contests his guilt of the charge or charges against him.

27 (3) Admission into supervisory treatment shall be available to
28 the following defendants only upon entering a plea of guilty: (a) a
29 defendant charged with a first or second degree crime; (b) a
30 defendant charged with any crime if the defendant had previously
31 been convicted of a first or second degree crime; (c) a defendant
32 charged with a third or fourth degree crime involving domestic
33 violence, as defined in subsection a. of section 3 of P.L.1991, c.261
34 (C.2C:25-19); or (d) a defendant charged with any disorderly
35 persons or petty disorderly persons offense involving domestic
36 violence, as defined in subsection a. of section 3 of P.L.1991, c.261
37 (C.2C:25-19) if the defendant committed the offense while subject
38 to a temporary or permanent restraining order issued pursuant to the
39 provisions of the "Prevention of Domestic Violence Act of 1991,"
40 P.L.1991, c.261 (C.2C:25-17 et al.). For any such defendant,
41 following the plea of guilty the plea shall be held in an inactive
42 status pending termination of supervisory treatment pursuant to
43 subsection d. or e. of N.J.S.2C:43-13. Upon successful completion
44 of the program of supervisory treatment the charges shall be
45 dismissed.

46 h. Termination. Termination of supervisory treatment under
47 this section shall be immediately reported to the assignment judge

1 of the county who shall forward such information to the
2 Administrative Director of the Courts.

3 i. Appointment of Program Directors; Authorized Referrals.
4 Programs of supervisory treatment and appointment of the program
5 directors require approval by the Supreme Court with the consent of
6 the assignment judge and prosecutor. Referrals of participants from
7 supervisory treatment programs may be to any public or private
8 office or agency, including but not limited to, programs within the
9 probation service of the court, offering counseling or any other
10 social service likely to aid in the rehabilitation of the participant
11 and to deter the commission of other offenses.

12 j. Health Care Professional Licensing Board Notification. The
13 program director shall promptly notify the State Board of Medical
14 Examiners when a State licensed physician or podiatrist has been
15 enrolled in a supervisory treatment program after he has been
16 charged with an offense involving drugs or alcohol.

17 The Attorney General shall develop guidelines to ensure the
18 uniform exercise of discretion by prosecutors in formulating their
19 recommendations on participation in a supervisory treatment
20 program by an applicant charged with a crime or offense involving
21 domestic violence, as defined in subsection a. of section 3 of
22 P.L.1991, c.261 (C.2C:25-19).¹

23 (cf: P.L.2015, c.98, s.4)

24

25 ²[¹10.] 11.² N.J.S. 38A:3-6 is amended to read as follows:

26 38A:3-6. Under the direction of the Governor, the Adjutant
27 General shall:

28 (a) Exercise control over the affairs of the Department of
29 Military and Veterans' Affairs and in connection therewith make
30 and issue such regulations governing the work of the Department of
31 Military and Veterans' Affairs and the conduct of its employees as
32 may, in his judgment, be necessary or desirable.

33 (b) Be the request officer of the Department of Military and
34 Veterans' Affairs within the meaning of such term as defined in
35 section 1 of P.L.1944, c.112 (C.52:27B-1).

36 (c) (Deleted by amendment, P.L.1988, c.138.)

37 (d) Command the organized militia of the State, with
38 responsibility for recruiting, mobilization, administration, training,
39 discipline, equipping, supply and general efficiency thereof. He
40 may issue such regulations and delegate such command functions as
41 he shall deem necessary. The regulations so issued shall, insofar as
42 possible, conform to the federal laws and regulations concerning the
43 same.

44 (e) Maintain the archives and be the custodian of the records
45 and papers required, by laws or regulations, to be filed with the
46 Department of Military and Veterans' Affairs.

- 1 (f) Supervise, administer and coordinate those activities of the
2 selective service system for which the Governor is responsible.
- 3 (g) Acquire by gift, grant, purchase, exchange, eminent domain,
4 or in any other lawful manner, in the name of and for the use of the
5 State of New Jersey, all those parcels of land as shall be necessary
6 for armories and other militia facilities, and supervise the design,
7 construction, alteration, maintenance and repair of said property.
- 8 (h) Establish and maintain such headquarters as may be required
9 for the militia.
- 10 (i) Exercise the powers vested in him and perform such other
11 duties and functions as required of him by the Governor and by
12 federal and State laws and regulations.
- 13 (j) Exercise all of the functions, powers and duties heretofore
14 vested in the Director of the Division on Veterans' Programs and
15 Special Services.
- 16 (k) Appoint and remove officers and other personnel employed
17 within the department, subject to the provisions of N.J.S.38A:3-8
18 and Title 11A of the New Jersey Statutes and other applicable
19 statutes, except as herein otherwise specifically provided.
- 20 (l) Have authority to organize and maintain an administrative
21 division and to assign to employment therein secretarial, clerical
22 and other assistants in the department or the Adjutant General's
23 Office for the purpose of providing centralized support to all
24 segments of the department, including budgeting, personnel
25 administration and oversight of equal opportunity programs.
- 26 (m) Perform, exercise and discharge the functions, powers and
27 duties of the department through such divisions as may be
28 established by this act or otherwise by law.
- 29 (n) Organize the work of the department in divisions not
30 inconsistent with the provisions of this act and in bureaus and other
31 organizational units as the Adjutant General may determine to be
32 necessary for efficient and effective operation.
- 33 (o) Adopt, issue and promulgate, in the name of the department,
34 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
35 (C.52:14B-1 et seq.), such rules and regulations as may be
36 authorized by law.
- 37 (p) Institute, or cause to be instituted, legal proceedings or
38 processes as necessary to properly enforce and give effect to any of
39 the Adjutant General's powers or duties.
- 40 (q) Make an annual report to the Governor and to the
41 Legislature of the department's operations, and render other reports
42 as the Governor shall from time to time request or as may be
43 required by law.
- 44 (r) Coordinate the activities of the department, and the several
45 divisions and other agencies therein, in a manner designed to
46 eliminate overlapping and duplicative functions.

- 1 (s) Integrate within the department, so far as practicable, all
2 staff services of the department and of several divisions and other
3 agencies therein.
- 4 (t) Request access to all relevant files and records of other State
5 agencies, which may be made available to the Adjutant General by
6 the head of a State agency, and request, subject to the permission of
7 the head of the State agency, any officer or employee therein to
8 provide information as necessary to assist in the performance of the
9 functions of the department.
- 10 (u) Supervise and operate the New Jersey Veterans' Memorial
11 Home-Menlo Park, the New Jersey Veterans' Memorial Home-
12 Vineland, the New Jersey Veterans' Memorial Home-Paramus and
13 the New Jersey Veterans' Memorial Cemetery-Arneytown.
- 14 (v) Supervise and operate the liaison office and the field offices
15 which serve the federal Veterans' Affairs Medical Centers.
- 16 (w) Make application for federal grants and programs, other than
17 education grants or funds.
- 18 (x) Administer the federally-funded training and rehabilitation
19 programs, except for the administration of federally-funded
20 education and training programs set forth in 38 U.S.C. s.36 et seq.
- 21 (y) Provide current information to the general public on State
22 and federal veterans' programs and benefits; create a comprehensive
23 public webpage for women veterans that includes, but is not limited
24 to, the following information: veterans' legal rights, benefits,
25 medical and insurance issues, education, the transition from active
26 service to civilian life, and other resources available to veterans.
- 27 (z) Develop and administer the New Jersey Homeless Veterans
28 Grant Program established pursuant to section 3 of P.L.2013, c.239
29 (C.38A:3-6.2b).
- 30 (aa) Encourage and facilitate the registration of each service
31 member residing in New Jersey with the United States Department
32 of Veterans Affairs, or its successor agency. Registration shall take
33 place, as appropriate, when the service member returns from
34 deployment on federal active duty or is discharged or as soon as
35 possible thereafter. The term "service member" shall mean
36 members of the New Jersey National Guard and members of the
37 United States Armed Forces, or a Reserve component thereof, when
38 the information on each member is made available to the
39 department.
- 40 (bb) Develop and coordinate a volunteer-based program
41 comprised of former **service members** servicemembers to assist
42 and mentor veterans who become involved with the criminal justice
43 system, while **the case is** criminal proceedings are pending and
44 afterward, in accessing assistance to resolve the underlying
45 problems that led or contributed to the veteran's involvement with
46 the criminal justice system including, but not limited to, offering
47 support and guidance, securing housing, employment linkages, job

1 training, education, transportation, disability compensation claims,
2 discharge status, health care and other linkages available at the local
3 State and federal level that can ease the challenge of reentry into
4 civilian life. ¹In addition, the Adjutant General shall develop a
5 registry of volunteer mentors and make the registry available
6 pursuant to ²[section 12 of]² P.L. , c. (C.) (pending
7 before the Legislature as this bill).¹

8 ²(cc) Prepare and disseminate a directory of Veterans Diversion
9 Resource Program entities currently available within New Jersey
10 pursuant to P.L. , c. (C.) (pending before the Legislature as
11 this bill).²

12 (cf: P.L.2015, c.290, s.1)

13

14 ²[¹11.] 12.² (New section) The Attorney General, in cooperation
15 with the Administrative Director of the Courts, shall prepare an
16 annual report to the Governor and, pursuant to section 2 of
17 P.L.1991, c.164 (C.52:14-19.1), to the Legislature regarding the
18 Veterans Diversion Program ²[to] and other statutory and county-
19 based law enforcement programs used to divert veterans from the
20 criminal justice system. The report shall² assist policymakers in
21 determining whether ²[the program] these diversion programs²
22 should be modified or expanded to achieve the goals of recovery for
23 ²[eligible]² servicemembers and public safety. The report shall
24 include statistics regarding the number of arrests where the person
25 indicates servicemember status; the number of ²[eligible]²
26 servicemembers accepted into the Veterans Diversion Program ²or
27 other diversion programs²; the number of servicemembers who
28 successfully completed ²[the program] these programs² ; the
29 number of servicemembers who were found guilty at court
30 proceedings; the number of servicemembers who, subsequent to
31 admission in the Veterans Diversion Program ²or other diversion
32 programs², were sentenced to a term of incarceration or probation;
33 and other relevant information and recommendations at the
34 discretion of the Attorney General.¹

35

36 ²[¹12.] 13.² (New section) ²a.² The Adjutant General of the
37 Department of Military and Veterans' Affairs shall provide county
38 prosecutors with a registry of volunteer mentors developed pursuant
39 to subsection (bb) of N.J.S.38A:3-6 to facilitate the assignment of
40 mentors to eligible servicemembers who have been admitted by the
41 prosecutor into the Veterans Diversion Program established
42 pursuant to P.L. c. (C.) (pending before the
43 Legislature as this bill). A copy of the registry shall also be
44 provided to the Administrative Director of the Courts to facilitate
45 the assignment of mentors to eligible servicemembers who have

1 been sentenced to a term of probation supervision. The registry of
2 mentors shall be periodically updated by the Department of Military
3 and Veterans' Affairs.¹

4 ²b. The Adjutant General of the Department of Military and
5 Veterans' Affairs shall also prepare and disseminate a directory of
6 Veterans Diversion Resource Program entities currently available
7 within New Jersey pursuant to P.L. _____, c. _____ (C. _____) (pending
8 before the Legislature as this bill).²

9
10 ²[¹13.] ^{14.}² (New section) The Attorney General, the
11 Administrative Director of the Courts, the Commissioner of the
12 Department of Corrections, and the Chairman of the State Parole
13 Board shall collaborate with representatives of the United States
14 Department of Veterans Affairs to identify the most efficient and
15 practical means of sharing information regarding servicemembers
16 who have been arrested, diverted, imprisoned, or placed on
17 probation or parole to assist the Department of Veterans' Affairs in
18 identifying veterans in that population to facilitate its outreach and
19 services to justice-involved veterans.¹

20
21 ²[¹14.] ^{15.}² (New section) The Attorney General, the
22 Administrative Director of the Courts, and the Adjutant General of
23 the Department of Military and Veterans' Affairs shall publish on
24 their respective websites information regarding diversion programs
25 and government-based resources available to assist justice-involved
26 veterans and servicemembers.¹

27
28 ¹[^{6.}] ²[^{15.}¹] ^{16.}² This act shall take effect on the first day of
29 the seventh month next following enactment, except that the
30 Attorney General, the Administrative ¹[Office] Director¹ of the
31 Courts, ¹and the Adjutant General of the Department of Military
32 and Veterans' Affairs¹ may take any anticipatory administrative
33 action in advance as shall be necessary for the implementation of
34 this act.

35
36
37
38
39 Creates Veterans Diversion Program to divert eligible
40 servicemembers away from criminal justice system and into
41 appropriate case management and mental health services.

SENATE, No. 307

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator JEFF VAN DREW

District 1 (Atlantic, Cape May and Cumberland)

Senator DIANE B. ALLEN

District 7 (Burlington)

Co-Sponsored by:

Senators A.R.Bucco, Cruz-Perez and Beach

SYNOPSIS

Establishes a three-year Statewide “Veterans Treatment Court Pilot Program.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 4/26/2016)

S307 VAN DREW, ALLEN

2

1 AN ACT concerning offenders who are veterans of the United States
2 Armed Services of the United States of America and
3 supplementing Title 2B of the New Jersey Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. There is hereby established a three-year Statewide “Veterans
9 Treatment Court Pilot Program,” a temporary court of limited
10 jurisdiction pursuant to Article VI, Section I, paragraph 1 of the
11 New Jersey Constitution. The Veterans Treatment Court Pilot
12 Program, a temporary court, shall have as a purpose the diversion of
13 certain nonviolent offenders who are veterans of any military
14 conflict or war in which the United States military is or has been a
15 part of, away from the criminal justice system and into appropriate
16 treatment. The Veterans Treatment Court Pilot Program shall be
17 administered by the Administrative Office of the Courts.
18

19 2. The Veterans Treatment Court Pilot Program, a temporary
20 court, shall have jurisdiction with respect to cases involving veteran
21 defendants charged with the commission of a nonviolent petty
22 disorderly persons offense, a disorderly persons offense or, a
23 nonviolent crime of the fourth degree and who suffer from mental
24 illness or who are drug or alcohol dependent.
25

26 3. a. All municipal court cases involving persons charged with
27 nonviolent petty disorderly persons offenses or disorderly persons
28 offenses and Superior Court cases involving persons charged with
29 nonviolent fourth degree crimes who preliminarily qualify for
30 admission to the Veterans Treatment Court Pilot Program shall,
31 prior to an arraignment, be assigned or transferred to that program.

32 b. A veteran defendant, who asserts the status of veteran during
33 arrest or confinement or before any court and has been charged with
34 an offense or a crime as described in subsection a. of this section
35 will be preliminarily qualified if the veteran: (1) has undergone a
36 professional diagnostic assessment to determine whether and to
37 what extent the defendant is drug or alcohol dependent and would
38 benefit from treatment; or (2) suffers from mental illness and would
39 benefit from treatment.

40 c. Motions for transfer into the Veterans Treatment Court Pilot
41 Program may be made by the defense or the prosecutor
42 accompanied by documentation or testimony in support thereof and
43 shall be heard by the judge assigned to the Veterans Treatment
44 Court Pilot Program, who shall make the final determination of a
45 veteran defendant's eligibility.

46 d. If the assigned judge determines that the veteran defendant
47 has been charged with an offense or a crime and is eligible to

1 participate, the defendant shall be eligible for the Veterans
2 Treatment Court Pilot Program.

3
4 4. As used in this act “veteran defendant” means a person: (a)
5 who suffers from a diagnosed mental illness or condition caused by
6 or related to active duty service in the United States Armed
7 Services or a Reserve component thereof; or (b) who is
8 undiagnosed as a person who suffers from a diagnosed mental
9 illness or condition caused by or related to active duty service in the
10 United States Armed Services or a Reserve component thereof, but
11 who is a veteran of any war or military conflict in which the United
12 States military is or has been a part of as defined in subsection b. of
13 N.J.S. 11A:5-1; or (c) served in the active duty service in the
14 United States Armed Service or a Reserve component thereof who
15 has undergone a professional diagnostic assessment to determine
16 whether and to what extent the defendant is drug or alcohol
17 dependent; or (d) who is a “disabled veteran” as that term is defined
18 in subsection a. of N.J.S.11A:5-1.

19
20 5. The Administrative Office of the Courts shall monitor the
21 Veterans Treatment Court Pilot Program and report to the
22 Legislature 12 months after the organization of the pilot program
23 and six months prior to the expiration of the pilot program. The
24 reports shall include the impact of the pilot program on criminal
25 sentencing and the court’s calendar and workload. The reports shall
26 also evaluate the effectiveness of the pilot program and recommend
27 whether the program should be continued or expanded.

28
29 6. The Supreme Court of New Jersey may adopt court rules
30 appropriate or necessary to effectuate the purposes of this act.

31
32 7. This act shall take effect on the first day of the third month
33 next following enactment, except the Administrative Office of the
34 Courts may take any anticipatory administrative action in advance
35 as shall be necessary for the implementation of this act, and shall
36 expire three years after the effective date.

37

38

39

STATEMENT

40

41 This bill creates a three-year Statewide Veterans Treatment
42 Court Pilot Program which will have as a purpose the diversion of
43 certain nonviolent offenders who are veterans away from the
44 criminal justice system and into appropriate treatment.

45 This pre-trial intervention program is designed to supplement the
46 Veterans Assistance Project of the Administrative Office of the
47 Courts. The Veterans Assistance Project was established in 2008 to
48 identify veterans as soon as possible after they entered the criminal

1 justice system and provide appropriate referrals to community
2 services and mentors. Currently, veterans who participate in the
3 Veterans Assistance Project may be diverted to existing programs;
4 however the Veterans Assistance Project is not a diversionary
5 program. This bill would establish the Statewide Veterans
6 Treatment Court Pilot Program, a diversionary program specifically
7 for veterans.

8 Under the bill, the Statewide Veterans Treatment Court Pilot
9 Program would be administered by the Administrative Office of the
10 Courts. The bill provides the veterans court with jurisdiction to
11 veteran defendants charged with fourth degree crimes and to
12 veteran defendants who are drug or alcohol dependent.

13 The bill provides that a veteran defendant, who asserts the status
14 of veteran during arrest or confinement or before any court, will be
15 preliminarily qualified and transferred to the program if the veteran:
16 (1) has undergone a professional diagnostic assessment to determine
17 whether and to what extent the defendant is drug or alcohol
18 dependent and would benefit from treatment; or (2) suffers from
19 mental illness and would benefit from treatment.

20 The bill defines a veteran defendant as (a) a person who suffers
21 from a diagnosed mental illness or condition caused by or related to
22 active duty service in the United States Armed Services; or (b) who
23 is undiagnosed as a person who suffers from a diagnosed mental
24 illness or condition caused by or related to active duty service in the
25 United States Armed Services, but who is a veteran of any war or
26 military conflict in which the United States military is or has been a
27 part of as defined in subsection b. of N.J.S. 11A:5-1; or (c) who is
28 a “disabled veteran” as that term is defined in subsection a. of
29 N.J.S.11A:5-1. This definitional section includes veterans who have
30 undergone a professional diagnostic assessment to determine
31 whether and to what extent the defendant is drug or alcohol
32 dependent.

33 The bill also imposes a reporting requirement. Under the bill, the
34 Administrative Office of the Courts is required to monitor the
35 Veterans Treatment Court and report to the Legislature 12 months
36 after the organization of the pilot program and six months prior to
37 the expiration of the pilot program. The reports would include the
38 impact of the pilot program on criminal sentencing and the court’s
39 calendar and workload. The reports would also evaluate the
40 effectiveness of the pilot program and recommend whether the
41 program should be continued or expanded.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 307

STATE OF NEW JERSEY

DATED: JANUARY 19, 2017

The Assembly Military and Veterans' Affairs Committee reports favorably Senate Committee Substitute for Senate Bill No. 307 (1R).

This committee substitute would create a Veterans Diversion Program with the purpose of diverting eligible servicemembers away from the criminal justice system and into appropriate case management and treatment as early as possible following an exchange involving law enforcement.

Under the substitute, "eligible servicemember" means a servicemember who allegedly committed an eligible offense and who has a prior diagnosis of service-related mental illness or for whom a law enforcement officer or prosecutor has a reasonable certainty has a mental illness based on behaviors exhibited during the commission of the offense or while in custody, or based on information provided by family members or associates during the investigation of the offense.

The substitute defines an "eligible offense" as a non-violent petty disorderly persons offense, disorderly persons offense or crime of the fourth degree.

Under the substitute, an eligible servicemember may be diverted by either a law enforcement officer or a prosecutor, depending on the circumstances.

Senate Bill No. 307 (SCS)(1R) is identical to Assembly Bill No. 4362 (1R).

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 307**

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 30, 2017

The Assembly Appropriations Committee reports favorably a Senate Committee Substitute for Senate Bill No. 307 (1R), with amendments.

As amended, this bill requires the New Jersey Department of Military and Veterans Affairs to collaborate with the United States Department of Veterans Affairs to establish a Statewide Veterans Diversion Program to divert eligible servicemembers who have committed certain offenses away from the criminal justice system and into appropriate case management and mental health services.

This committee amended the bill to clarify that the Department of Military and Veterans' Affairs' responsibilities are limited to preparing and disseminating a directory of Veterans Diversion Resource entities within New Jersey to facilitate the diversion of eligible servicemembers from the criminal justice system. The department would not be responsible for funding, developing or delivering case management or mental health services to eligible servicemembers under this bill. Each Veterans Diversion Resource entity would serve as a point of entry to facilitate the law enforcement diversion or referral of eligible servicemembers into existing case management and mental health services offered by the United States Department of Veterans Affairs, the New Jersey Department of Human Services or other appropriate case management and mental health services available to veterans or persons with mental illness.

ELIGIBILITY. The bill provides that a servicemember is eligible for admission into the program if he committed an eligible offense and has a prior diagnosis of mental illness or other indications of mental illness. An eligible offense is defined by the bill as a non-violent petty disorderly persons offense, disorderly persons offense, or crime of the third or fourth degree.

The committee amendments eliminated the language in the definition of "servicemember" which would have limited admission

to the Veterans Diversion Program to servicemembers “who served on active duty in any combat theatre or area of hostility.” The committee amendments also eliminated language from the definition of “eligible servicemember” which required a prior diagnosis of “service related” mental illness.

VETERANS DIVERSION RESOURCE ENTITY (VDR). As originally introduced, the bill would have required the New Jersey Department of Military and Veterans’ Affairs to collaborate with other federal, State and local government agencies to coordinate a Veterans Diversion Resource Center in each county.

The committee amendments eliminated all references to a “center.” The bill clarifies that the department’s responsibility is to prepare and disseminate a directory of Veterans Diversion Resource entities within New Jersey. Each Veterans Diversion Resource entity would serve *as a point of entry* to facilitate the diversion or referral of eligible servicemembers into existing case management and mental health services offered to veterans or persons with mental illness. The amendments eliminated language from the bill which required the veterans diversion program to be *the single point of entry* in each county.

Under the bill, the Veterans Diversion Resource entity or any other agency to which an eligible servicemember is referred to should be capable of providing screening, counseling, treatment and case management for mental health issues and other co-occurring health disorders to eligible servicemembers or coordinating these services through the appropriate federal, State and local government agencies that offer assistance to veterans.

A Veterans Diversion Resource entity or an agency which accepts the referral of an eligible servicemember would be required to provide law enforcement officials with periodic status reports regarding the servicemember’s participation and recovery progress, provided the servicemember consents to the release of such information. The department would also be required to provide a similar resource directory to facilitate the law enforcement diversion and referral of *non-veteran* eligible servicemembers from criminal justice system.

INTAKE PROCEDURE. Under the bill, when a person is taken into custody for an eligible offense, the responding law enforcement officer would inquire whether the person is a servicemember or has ever served in the military. If the person is a servicemember and exhibits behavior that may be related to a mental illness, the law enforcement officer may continue processing the individual with a preference for diversion to a Veterans Diversion Resource entity or other community-based mental health services in lieu of filing a criminal complaint. If the alleged offense is not an eligible offense or the servicemember is resistant to diversion, the officer may file a criminal complaint. Under the bill, a law enforcement officer cannot

divert an eligible servicemember prior to the filing of a criminal complaint if the crime or offense involves restitution for damages, if the crime or offense involves violence or the threat of violence, if the crime or offense involves the violation of any restraining order or protective order of another person, or where a victim of the offense objects to the diversion. If the servicemember is not diverted, the law enforcement officer may proceed with the filing of a criminal complaint and indicate the person's status as a servicemember.

At any time after the filing of a criminal complaint, but prior to the disposition of such complaint, an eligible servicemember, the public defender assigned to the eligible servicemember, or the servicemember's own legal counsel may make an application to the prosecutor to participate in the Veterans Diversion Program. The prosecutor may approve or conditionally approve an eligible servicemember's admission into the Veterans Diversion Program. The prosecutor would have the sole discretion to determine if an eligible servicemember qualifies for and is admitted to the Veterans Diversion Program after consideration of the nature of the eligible offense, the causative relationship between the person's diagnosed or apparent mental illness and the commission of the offense, the amenability of the servicemember to participation in the services of the program, the availability of case management and mental health services, the desires of any victim, the person's history of prior convictions and the probability that diversion will promote the servicemember's recovery, prevent future criminal behavior and protect public safety. The prosecutor would consult with the victim prior to approving a servicemember's admission into the program. The prosecutor's approval of an application would not be conditioned on an admission or guilty plea.

The committee amended the bill to allow the prosecutor to consider and approve other diversion alternatives for servicemembers in lieu of the Veterans Diversion Program established under the bill.

DISQUALIFICATION. The bill prohibits admission into the Veterans Diversion Program: (1) if the person has criminal charges pending for a crime of the second degree or higher; (2) if the crime or offense involved violence or the threat of violence; or (3) if the person was previously convicted of a violent crime enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) such as murder, vehicular homicide, kidnapping, aggravated assault, sexual assault, robbery, carjacking, and firearms trafficking. In addition, the bill provides a presumption against admission into the Veterans Diversion Program if the person is charged with any crime or offense involving domestic violence or if the person committed the crime or offense while subject to a temporary or permanent restraining order.

PROGRAM REQUIREMENTS. To qualify for the Veterans Diversion Program, an eligible servicemember shall agree in writing to certain terms and conditions. The prosecutor would determine the duration of the servicemember's participation in the program, except that the servicemember's participation in the program could not exceed two years from the date of the diversion agreement.

The bill requires the servicemember to be responsible for coordinating with the Veterans Diversion Resource entities to ensure that the prosecutor receives periodic reports on the servicemember's participation, cooperation, and recovery progress. The servicemember would be required to contact the Veterans Diversion Resource entity or other case management and mental health service provider within seven days of the date of the diversion agreement.

The court would review the status of the deferred prosecution of the servicemember no later than six months from the date on which the court approved the prosecutor's initial request for a postponement of the proceedings, and, thereafter, every six months from the most recent review, to consider, whether the postponement of court proceedings should continue. If, after a minimum of six months from the date of the diversion agreement, the prosecutor is satisfied that the servicemember has complied with the diversion agreement, has not been the subject of any subsequent criminal charges, and continues to make progress with case management services and mental health recovery, the prosecutor may move for the dismissal of the criminal charge and terminate the servicemember's participation. If, at any time, the prosecutor finds that the servicemember has failed to comply with the diversion agreement, the prosecutor may notify the court that the State is prepared to proceed with the prosecution.

The bill provides that no fee would be assessed to a servicemember for participation in the Veterans Diversion Program. An eligible servicemember may be admitted to the Veterans Diversion Program one or more times at the discretion of the prosecutor.

The dismissal of charges based on a servicemember's successful participation in the Veterans Diversion Program would not be deemed: (1) a conviction for purposes of disqualifications or disabilities but would be reported to the State Bureau of Identification criminal history record information files for purposes of determining future eligibility or exclusion from other diversion programs; or (2) a conviction for the purpose of determining whether a second or subsequent offense has occurred under any law of this State.

The committee amended the bill to clarify that nothing in the bill should be construed to limit or constrain in any way the authority or discretion of a prosecutor to divert, prosecute or pursue any other

disposition of a criminal matter involving a defendant who is a servicemember. When considering the diversion of a servicemember from the criminal justice system, a prosecutor may use the Veterans Diversion Program established under the bill, any other diversion mechanism authorized by law, or a county-based law enforcement diversion program after considering each program's restrictions, the relief available to the servicemember, and the safety of any victim and the public.

TRAINING. The bill would require the Administrative Director of the Courts to develop a differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible servicemembers who are sentenced to a term of probation supervision. To the extent that sufficient resources are available, probation officers assigned to the specialized caseload should be experienced in behavioral health and evidence-based therapeutic interventions specifically targeted to military culture. The probation officers would coordinate with mentors as well as federal and State case management and health care providers available to servicemembers to promote their recovery, compliance with the terms of probation and re-integration into the community and adjustment to civilian life.

AMENDATORY SECTIONS. The bill amends N.J.S.2C:52-6 to allow for expungement of all records and information relating to the arrest or charge dismissed based on a servicemember's successful participation in the Veterans Diversion Program.

In addition, the bill amends the PTI statute (N.J.S.2C:43-12), conditional discharge statute (N.J.S.2C:36A-1) and the conditional dismissal statute (section 1 of P.L.2013, c.158 (C.2C:43-13.1) to cross reference the Veterans Diversion Program established by the bill. Under the bill, successful completion of the Veterans Diversion Program bars the servicemember's eligibility for PTI, conditional dismissal and conditional discharge programs; however an eligible servicemember may seek subsequent admission to the Veterans Diversion Program and may be admitted at the sole discretion of the prosecutor.

MENTOR REGISTRY. The bill amends N.J.S.38A:3-6 to require the Adjutant General of the Department of Military and Veterans' Affairs to develop a registry of volunteer mentors. The registry would be available to county prosecutors and to the Administrative Director of the Courts to facilitate the assignment of mentors to persons admitted into the Veterans Diversion Program. The registry of mentors would be periodically updated by the Department of Military and Veterans' Affairs.

VETERANS DIVERSION RESOURCE DIRECTORY. The committee also amended N.J.S.38A:3-6 to require the Adjutant General of the Department of Military and Veterans' Affairs to prepare and

disseminate a directory of Veterans Diversion Resource Program entities currently available within New Jersey.

ANNUAL REPORT. As amended, the bill requires the Attorney General, with the cooperation with the Administrative Director of the Courts, to prepare an annual report to the Governor and the Legislature regarding the Veterans Diversion Program and other statutory and county-based law enforcement programs used to divert veterans from the criminal justice system. The report would assist policymakers in determining whether these diversion programs should be modified or expanded to achieve the goals of recovery for servicemembers and public safety.

In addition, the bill would require the Attorney General, the Administrative Director of the Courts, and the Adjutant General to publish on their respective websites information regarding the diversion programs and government-based resources available to assist justice-involved veterans and servicemembers.

EFFECTIVE DATE. The bill would take effect on the first day of the seventh month next following enactment, except that the Attorney General, the Administrative Director of the Courts, and the Adjutant General may take any anticipatory administrative action in advance.

As amended and reported, this bill is identical to Assembly Bill No. 4362 (1R), as amended and reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill will have an indeterminate fiscal impact on State and local expenditures.

Department of Military and Veterans' Affairs

The Department of Military and Veterans' Affairs will, along with other federal, State and local partners involved in VDRs, develop and maintain a directory of Veterans Diversion Resource entities within New Jersey. While actual expenditures will depend on the specific detail, of the implementation, it appears that the expenditures seem to be absorbable within existing departmental resources.

Administrative Office of the Courts

As a result of the bill, the Judiciary will need to modify the Electronic Court Disposition Reporting (eCDR) system, which is the Statewide electronic criminal complaint generation system accessible to all law enforcement agencies. System modifications are necessary to address the bill's required recording of servicemember status on a complaint-summons or a complaint-warrant. Initial system modifications are conservatively estimated at \$300,000.

In addition, the bill requires the Judiciary to establish a "differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible service members who are sentenced to a term of probation supervision." Unfortunately, as the Judiciary is unable to determine how many defendants

sentenced to probation supervision might qualify as an “eligible service member,” estimating the cost associated with development and implementation of a specialized category of probation supervision is not feasible.

COMMITTEE AMENDMENTS:

The amendments:

1. Clarify that the Department of Military and Veterans’ Affairs responsibility are limited to preparing and disseminating a directory of Veterans Diversion Resource Program entities currently available within New Jersey to facilitate the law enforcement diversion of eligible servicemembers from the criminal justice system. The department would not be responsible for funding, developing or delivering case management or mental health services to eligible servicemembers under this bill.
2. Clarify that a prosecutor may also consider and approve other diversion alternatives for servicemembers in lieu of the Veterans Diversion Program created under the bill.
3. Change all references to “Veterans Diversion Resource Center” to “Veterans Diversion Resource entity.” In addition, the amendments eliminate language from the bill which required the veterans diversion program to be the *single point of entry* in each county. Rather, each Veterans Diversion Resource entity would serve as *a point of entry* to facilitate the diversion or referral of eligible servicemembers into existing case management and mental health services offered to veterans or persons with mental illness.
4. Eliminate the language in the definition of “servicemember” which would have limited admission to the Veterans Diversion Program to servicemembers “who served on active duty in any combat theatre or are of hostility.”
5. Eliminate the language in the definition of “eligible servicemember” which required a prior diagnosis of “service related” mental illness.
6. Change the definition of “mental illness” to include a mental disorder classified within the current version of the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders (DSM).
7. Add a new section 5 to provide that nothing in the bill should be construed to limit or constrain in any way the authority or discretion of a prosecutor to divert, prosecute or pursue any other disposition of a criminal matter involving a defendant who is a servicemember. When considering diverting a servicemember from the criminal justice system, a prosecutor may use the Veterans Diversion Program

established, any other diversion mechanism authorized by law, or a county-based law enforcement diversion program after considering each program's restrictions, the relief available to the servicemember, and the safety of any victim and the public.

8. Renumber remaining sections and correct internal references.

SENATE MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 307

STATE OF NEW JERSEY

DATED: JUNE 9, 2016

The Senate Military and Veterans Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill No. 307.

This committee substitute would create a Veterans Diversion Program with the purpose of diverting eligible servicemembers away from the criminal justice system and into appropriate case management and treatment as early as possible following an exchange involving law enforcement.

Under the substitute, “eligible servicemember” means a servicemember who allegedly committed an eligible offense and who has a prior diagnosis of service-related mental illness or for whom a law enforcement officer or prosecutor has a reasonable certainty has a mental illness based on behaviors exhibited during the commission of the offense or while in custody, or based on information provided by family members or associates during the investigation of the offense.

The substitute defines an “eligible offense” as a non-violent petty disorderly persons offense, disorderly persons offense or crime of the fourth degree.

Under the substitute, an eligible servicemember may be diverted by either a law enforcement officer or a prosecutor, depending on the circumstances.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 307**

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2016

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 307 (SCS), with committee amendments.

As amended, this bill requires the New Jersey Department of Military and Veterans Affairs to collaborate with the United States Department of Veterans Affairs to establish a Statewide Veterans Diversion Program to divert eligible servicemembers who have committed certain offenses away from the criminal justice system and into appropriate case management and mental health services.

Eligibility. The bill provides that a servicemember is eligible for admission into the program if he committed an eligible offense and has a prior diagnosis of service-related mental illness or other indications of mental illness. An eligible offense is defined by the bill as a non-violent petty disorderly persons offense, disorderly persons offense, or crime of the third or fourth degree.

Veterans Diversion Resource Center (VDRC). Under the bill, the New Jersey Department of Military and Veterans' Affairs is to collaborate with the United States Department of Veterans Affairs, the United States Veterans Health Administration, United States Vet Centers and other federal, State, and local government agencies that serve veterans to coordinate a Veterans Diversion Resource Center (VDRC) in each county. Each VDRC is to serve as the single point of access and referral in each county to facilitate the diversion or referral of eligible servicemembers into case management and mental health services currently available from federal, State, and local government agencies. The Veterans Diversion Resource Center may be capable of providing screening, counseling, treatment, and case management for mental health issues and other co-occurring health disorders to eligible servicemembers or coordinating these services through the appropriate federal, State, and local government agencies that offer assistance to veterans.

The bill provides that a VDRC or an agency which accepts the referral of an eligible servicemember must be capable of providing

law enforcement officials with periodic status reports regarding the participation and recovery progress, when the servicemember consents to the release of such information, as a condition of diversion from prosecution. The department also is required to collaborate with the United States Department of Defense Military Health System to coordinate a single point of entry to case management and mental health services to support the diversion and referral of *non-veteran* eligible servicemembers.

Intake Procedure. Under the bill, when a person is taken into custody for an eligible offense, the responding law enforcement officer is to inquire whether the person is a servicemember or has ever served in the military. If the servicemember is not diverted, the law enforcement officer may proceed with the filing of a criminal complaint and indicate the person's status as a servicemember.

At any time after the filing of a criminal complaint, but prior to the disposition of such complaint, an eligible servicemember, the public defender assigned to the eligible servicemember, or the servicemember's own legal counsel may make an application to the prosecutor to participate in the Veterans Diversion Program. The bill provides that the prosecutor shall have the sole discretion to determine if an eligible servicemember qualifies for and is admitted to the Veterans Diversion Program after consideration of the nature of the eligible offense, the causative relationship between the person's diagnosed or apparent mental illness and the commission of the offense, the amenability of the servicemember to participation in the services of the program, the availability of case management and mental health services, the desires of any victim, the person's history of prior convictions and the probability that diversion will promote the servicemember's recovery, prevent future criminal behavior and protect public safety. The prosecutor's approval of an application is not to be conditioned on an admission or guilty plea.

Disqualification. The bill provides that an eligible servicemember shall not be admitted to the Veterans Diversion Program if the person has criminal charges pending for a crime of the second degree or higher, if the crime or offense involved violence or the threat of violence, or if the person was previously convicted of a violent crime enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2). In addition, there is a presumption against admission into the Veterans Diversion Program, subject to the discretion of the prosecutor after consulting with any victim, for a servicemember charged with; (1) any crime or offense involving domestic violence; or (2) if the person committed the crime or offense while subject to a temporary or permanent restraining order.

Program Requirements. To qualify for the Veterans Diversion Program, the bill requires an eligible servicemember to agree in writing to certain terms. The prosecutor is to determine the duration of the servicemember's participation in the program, except that the servicemember's participation in the program could not exceed two years from the date of the diversion agreement.

The bill requires the servicemember to be responsible for coordinating with the centers to ensure that the prosecutor receives periodic reports on the servicemember's participation, cooperation and recovery progress. The servicemember is required to contact the Veterans Diversion Resource Center or other case management and mental health service provider within seven days of the date of the diversion agreement.

The bill requires the court to review the status of the deferred prosecution of the servicemember no later than six months from the date on which the court approved the prosecutor's initial request for a postponement of the proceedings, and, thereafter, every six months from the most recent review, to consider, whether the postponement of court proceedings should continue. If, after a minimum of six months from the date of the diversion agreement, the prosecutor is satisfied that the servicemember has complied with the diversion agreement, has not been the subject of any subsequent criminal charges, and continues to make progress with case management services and mental health recovery, the prosecutor may for the dismissal of the criminal charge and terminate the servicemember's participation.

If, at any time, the prosecutor finds that the servicemember has failed to comply with the diversion agreement, the prosecutor may notify the court that the State is prepared to proceed with the prosecution.

The bill provides that no fee is to be assessed to a servicemember for participation in the Veterans Diversion Program. An eligible servicemember may be admitted to the Veterans Diversion Program one or more times at the discretion of the prosecutor.

The bill requires the Administrative Director of the Courts to develop a differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible servicemembers who are sentenced to a term of probation supervision.

Amendatory sections. The bill amends N.J.S.2C:52-6 concerning expungement to allow for expungement of all records and information relating to the arrest or charge dismissed pursuant based on a person's successful participation in the Veterans Diversion Program.

In addition, the bill amends the PTI statute (N.J.S.2C:43-12), conditional discharge statute (N.J.S.2C:36A-1) and the conditional

dismissal statute (section 1 of P.L.2013, c.158 (C.2C:43-13.1) to cross reference the Veterans Diversion Program established by the bill. Under the bill, successful completion of the Veterans Diversion Program bars the servicemember's eligibility for PTI, conditional dismissal and conditional discharge programs.

Mentor Registry. The bill amends N.J.S.38A:3-6 to require the Adjutant General of the Department of Military and Veterans' Affairs to develop a registry of volunteer mentors. The registry is required to be available to county prosecutors and to the Administrative Director of the Courts.

Annual Report. The bill requires the Attorney General, with the cooperation with the Administrative Director of the Courts, to prepare an annual report to the Legislature and Governor regarding the Veterans Diversion Program to assist policymakers in determining whether the program should be modified or expanded to achieve the goals of recovery for eligible servicemembers and public safety.

In addition, the bill requires the Attorney General, the Administrative Director of the Courts, and the Adjutant General to publish on their respective websites information regarding the Veterans Diversion Programs.

Effective Date. The bill takes effect on the first day of the seventh month next following enactment, except that the Attorney General, the Administrative Director of the Courts, and the Adjutant General may take any anticipatory administrative action in advance of the effective date as is necessary for implementation of the bill.

COMMITTEE AMENDMENTS:

The amendments:

-- *Section 1:* Clarify certain definitions for purposes of the bill, add a definition of "veteran," revise the definition of "eligible offense" to include a crime of the third degree, and change the name of the centers from "veterans assistance center" to "veterans diversion resource center."

-- *Section 2:* Establish the VDRC as the single point of access and referral for eligible servicemember into the Veterans Diversion Program in each county.

-- *Section 3:* Expand intake procedures for law enforcement officers.

-- *Section 4:* Clarify prosecutor's authority for approval or conditionally approval into the program.

The amendments prohibit admission into the program: (1) if the person has criminal charges pending for a crime of the second degree or higher; (2) if the crime or offense involved violence or the threat of violence; and (3) if the person was previously convicted of a violent crime enumerated in subsection d. of N.J.S. 2C:43-7.1. The amendments provide a presumption against admission into the

program if the person is charged with any crime or offense involving domestic violence and if the defendant committed the crime or offense while subject to a temporary or permanent restraining order.

The amendments require the prosecutor to consult with victims.

The amendments enumerate certain conditions for participation in the program, including suspending the tolling time for purposes of the right to a speedy trial while the servicemember participates in the program and requiring the servicemember to advise the prosecutor of any change of address or change in the provider of health services.

The amendments provide that participation in the program is not to exceed two years from the date of the agreement.

-- *Section 5*: Provides that a servicemember assigned to differentiated mental health supervision case type is to provide written authorization for any mental health service provider to release to the Probation Division and the court periodic status reports regarding the servicemember's participation, cooperation, and recovery progress with case management and mental health services.

-- *Section 6*: Amends N.J.S.2C:52-6 to provide that the prosecutor, on behalf of the eligible servicemember, may move before the court for the expungement of all records and information relating to the arrest or charge, and the diversion at the time of dismissal pursuant to this section. In addition, a servicemember who has successfully participated in a Veterans Diversion Program may apply for expungement at any time following the order of dismissal if an expungement was not granted at the time of dismissal.

-- *Section 7*: Amends P.L.2013, c158 (Conditional Dismissal program) to include references to the Veterans Diversion Program.

-- *Section 8*: Amends N.J.S.2C:36A-1 (Conditional Discharge) to include references to the Veterans Diversion Program.

-- *Section 9*: Amends N.J.S.2C:43-12 (PTI) to include references to the Veterans Diversion Program.

-- *Section 10*: Amends N.J.S.38A:3-6 to require the Adjutant General to develop a registry of volunteer mentors.

-- *Section 11*: Requires the Attorney General, with cooperation of the Administrative Director of the Courts, to prepare annual report to the Governor and the Legislature concerning the program.

-- *Section 12*: Requires the Adjutant General to provide county prosecutors with the registry of mentors. A copy of the registry is provided to the Administrative Director of the Courts.

-- *Section 13*: Requires Attorney General, the Administrative Director of the Courts, the Commissioner of the Department of Corrections, and the Chairman of the State Parole Board to collaborate with representatives of the United States Department of Veterans Affairs to identify the most efficient and practical means of sharing information regarding persons who have been arrested, diverted, imprisoned, or placed on probation or parole to assist the Department

of Veterans Affairs in identifying veterans in that population to facilitate its outreach and services to justice-involved veterans.

-- *Section 14*: Requires the Attorney General, the Administrative Director of the Courts, and the Adjutant General of the Department of Military and Veterans' Affairs to publish on their respective websites information regarding diversion programs and government resources available to assist justice-involved veterans and servicemembers.

FISCAL IMPACT:

The Office of Legislative Service (OLS) finds that the bill will have an indeterminate fiscal impact. There will be certain additional one-time and recurring annual State and local costs to implement and administer the program in accordance with the bill. There also may be a reduction in certain State and local costs to the extent that the program diverts eligible servicemembers away from the criminal justice system and into appropriate case management and mental health services that successfully address the underlying issues that contributed to the servicemember's alleged offense.

However, the OLS notes it is not possible to determine if there will be a net increase or a net decrease in these State and local costs. It is not currently known how many servicemembers may be eligible to participate in the program following enactment of the bill, or what the current cost to the State and local units may be to adjudicate similar offenses committed by eligible servicemembers under current law. Additionally, there is insufficient information to ascribe a dollars and cents savings that may be achieved to the State and local units by diverting each eligible servicemember to a program that has the potential to impact future behaviors.

LEGISLATIVE FISCAL ESTIMATE
 [First Reprint]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 307
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: DECEMBER 22, 2016

SUMMARY

- Synopsis:** Creates Veterans Diversion Program to divert eligible servicemembers away from criminal justice system and into appropriate case management and mental health services.
- Type of Impact:** Expenditure increase to the State General Fund; local government funds.
- Agencies Affected:** Department of Military and Veterans’ Affairs; Department of Law and Public Safety; Administrative Office of the Courts; local government agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
State Cost	Indeterminate - See comments below		
Local Cost	Indeterminate - See comments below		

- This bill will divert eligible servicemembers who have committed certain offenses away from the criminal justice system and into an appropriate case management and mental health services veterans’ diversion program.
- The Office of Legislative Services (OLS) estimates that this bill will have an indeterminate fiscal impact on State and local expenditures.

Department of Military and Veterans’ Affairs

- Increased costs to the Department of Military and Veterans’ Affairs will depend on how the bill is implemented, for example, using existing offices and staff, establishing new facilities, and providing or not providing in-house services. Collaboration and coordination among the federal, State and local partners will require a noticeable, additional workload to orchestrate the organization and delivery of the program and services. The additional workload may not be absorbed within existing staffing levels.



- Increased costs to provide a mentoring directory, status reports, record keeping, and publishing information about the program on the websites of the Attorney General, the Administrative Director of the Courts, and the Department of Military and Veterans' Affairs may require some additional funding or may be absorbed by the departments.

Administrative Office of the Courts

- As a result of the bill, the Judiciary will need to modify the Electronic Court Disposition Reporting (eCDR) system, which is the Statewide electronic criminal complaint generation system accessible to all law enforcement agencies. System modifications are necessary to address the bill's required recording of servicemember status on a complaint-summons or a complaint-warrant. Initial system modifications are conservatively estimated at \$300,000.
- In addition, the bill would require the Judiciary to establish a "differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible service members who are sentenced to a term of probation supervision." Unfortunately, as the Judiciary is unable to determine how many defendants sentenced to probation supervision might qualify as an "eligible service member," estimating the cost associated with development and implementation of a specialized category of probation supervision is not feasible.

Department of Law and Public Safety

- Costs to the Department of Law and Public Safety to determine the additional workload of the prosecutors under the requirements of the bill are indeterminate, and will depend on the level of expertise needed, and therefore training, for the prosecutors to make a professional determination of whether or not a veteran, who has committed a certain crime, qualifies for the diversion program. To accomplish this, prosecutors may have to work with mental health professionals which may also increase costs to pay for their services.

BILL DESCRIPTION

The First Reprint to the Senate Committee Substitute for Senate Bill No. 307 of 2016 requires the New Jersey Department of Military and Veterans Affairs to collaborate with the United States Department of Veterans Affairs to establish a Statewide Veterans Diversion Program to divert eligible servicemembers who have committed certain offenses away from the criminal justice system and into appropriate case management and mental health services.

Eligibility. The bill provides that a servicemember is eligible for admission into the program if he committed an eligible offense and has a prior diagnosis of service-related mental illness or other indications of mental illness. An eligible offense is defined by the bill as a non-violent petty disorderly persons offense, disorderly persons offense, or crime of the third or fourth degree.

Veterans Diversion Resource Center (VDRC). Under the bill, the New Jersey Department of Military and Veterans' Affairs is to collaborate with the United States Department of Veterans Affairs, the United States Veterans Health Administration, United States Vet Centers and other federal, State, and local government agencies that serve veterans to coordinate a Veterans Diversion Resource Center (VDRC) in each county. Each VDRC is to serve as the single point

of access and referral in each county to facilitate the diversion or referral of eligible servicemembers into case management and mental health services currently available from federal, State, and local government agencies. The Veterans' Diversion Resource Center may be capable of providing screening, counseling, treatment, and case management for mental health issues and other co-occurring health disorders to eligible servicemembers or coordinating these services through the appropriate federal, State, and local government agencies that offer assistance to veterans.

The bill provides that a VDRC or an agency which accepts the referral of an eligible servicemember must be capable of providing law enforcement officials with periodic status reports regarding the participation and recovery progress, when the servicemember consents to the release of such information, as a condition of diversion from prosecution. The department also is required to collaborate with the United States Department of Defense Military Health System to coordinate a single point of entry to case management and mental health services to support the diversion and referral of *non-veteran* eligible servicemembers.

Intake Procedure. Under the bill, when a person is taken into custody for an eligible offense, the responding law enforcement officer is to inquire whether the person is a servicemember or has ever served in the military. If the servicemember is not diverted, the law enforcement officer may proceed with the filing of a criminal complaint and indicate the person's status as a servicemember.

At any time after the filing of a criminal complaint, but prior to the disposition of such complaint, an eligible servicemember, the public defender assigned to the eligible servicemember, or the servicemember's own legal counsel may make an application to the prosecutor to participate in the Veterans Diversion Program. The bill provides that the prosecutor shall have the sole discretion to determine if an eligible servicemember qualifies for and is admitted to the Veterans Diversion Program after consideration of the nature of the eligible offense, the causative relationship between the person's diagnosed or apparent mental illness and the commission of the offense, the amenability of the servicemember to participation in the services of the program, the availability of case management and mental health services, the desires of any victim, the person's history of prior convictions and the probability that diversion will promote the servicemember's recovery, prevent future criminal behavior and protect public safety. The prosecutor's approval of an application is not to be conditioned on an admission or guilty plea.

Disqualification. The bill provides that an eligible servicemember shall not be admitted to the Veterans Diversion Program if the person has criminal charges pending for a crime of the second degree or higher, if the crime or offense involved violence or the threat of violence, or if the person was previously convicted of a violent crime enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2). In addition, there is a presumption against admission into the Veterans Diversion Program, subject to the discretion of the prosecutor after consulting with any victim, for a servicemember charged with; (1) any crime or offense involving domestic violence; or (2) if the person committed the crime or offense while subject to a temporary or permanent restraining order.

Program Requirements. To qualify for the Veterans Diversion Program, the bill requires an eligible servicemember to agree in writing to certain terms. The prosecutor is to determine the duration of the servicemember's participation in the program, except that the servicemember's participation in the program could not exceed two years from the date of the diversion agreement.

The bill requires the servicemember to be responsible for coordinating with the centers to ensure that the prosecutor receives periodic reports on the servicemember's participation, cooperation and recovery progress. The servicemember is required to contact the Veterans

Diversion Resource Center or other case management and mental health service provider within seven days of the date of the diversion agreement.

The bill requires the court to review the status of the deferred prosecution of the servicemember no later than six months from the date on which the court approved the prosecutor's initial request for a postponement of the proceedings, and, thereafter, every six months from the most recent review, to consider, whether the postponement of court proceedings should continue. If, after a minimum of six months from the date of the diversion agreement, the prosecutor is satisfied that the servicemember has complied with the diversion agreement, has not been the subject of any subsequent criminal charges, and continues to make progress with case management services and mental health recovery, the prosecutor may for the dismissal of the criminal charge and terminate the servicemember's participation.

If, at any time, the prosecutor finds that the servicemember has failed to comply with the diversion agreement, the prosecutor may notify the court that the State is prepared to proceed with the prosecution.

The bill provides that no fee is to be assessed to a servicemember for participation in the Veterans Diversion Program. An eligible servicemember may be admitted to the Veterans Diversion Program one or more times at the discretion of the prosecutor.

The bill requires the Administrative Director of the Courts to develop a differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible servicemembers who are sentenced to a term of probation supervision.

Amendatory sections. The bill amends N.J.S.2C:52-6 concerning expungement to allow for expungement of all records and information relating to the arrest or charge dismissed pursuant based on a person's successful participation in the Veterans Diversion Program.

In addition, the bill amends the Pretrial Intervention (PTI) statute (N.J.S.2C:43-12), conditional discharge statute (N.J.S.2C:36A-1) and the conditional dismissal statute (section 1 of P.L.2013, c.158 (C.2C:43-13.1) to cross reference the Veterans Diversion Program established by the bill. Under the bill, successful completion of the Veterans Diversion Program bars the servicemember's eligibility for PTI, conditional dismissal and conditional discharge programs.

Mentor Registry. The bill amends N.J.S.38A:3-6 to require the Adjutant General of the Department of Military and Veterans' Affairs to develop a registry of volunteer mentors. The registry is required to be available to county prosecutors and to the Administrative Director of the Courts.

Annual Report. The bill requires the Attorney General, with the cooperation with the Administrative Director of the Courts, to prepare an annual report to the Legislature and Governor regarding the Veterans Diversion Program to assist policymakers in determining whether the program should be modified or expanded to achieve the goals of recovery for eligible servicemembers and public safety.

In addition, the bill requires the Attorney General, the Administrative Director of the Courts, and the Adjutant General to publish on their respective websites information regarding the Veterans Diversion Programs.

Effective Date. The bill takes effect on the first day of the seventh month next following enactment, except that the Attorney General, the Administrative Director of the Courts, and the Adjutant General may take any anticipatory administrative action in advance of the effective date as is necessary for implementation of the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill will have an indeterminate fiscal impact on State and local expenditures

Department of Military and Veterans' Affairs

Based on informal conversations with the Department of Military and Veterans' Affairs, under the bill, the department is required to collaborate with the United States Department of Veterans Affairs, the United States Veterans Health Administration, United States Vet Centers and other federal, State, and local government agencies to coordinate a Veterans Diversion Resource Center (VDRC) in each county. Each VDRC would serve as the single point of access and referral in each county to facilitate the diversion or referral of eligible service members into case management and mental health services currently available from federal, State and local government agencies.

Increased costs to the Department of Military and Veterans' Affairs will depend on how the bill is implemented, for example, using existing offices and staff, establishing new facilities, and providing or not providing in-house services. Collaboration and coordination among the federal, State, and local partners will require a noticeable, additional workload to orchestrate the organization and delivery of the program and services. The additional workload may not be absorbed within existing staffing levels. Costs to provide a mentoring directory, status reports, tracking and record keeping, and publishing information about the program on the websites of the Attorney General, the Administrative Director of the Courts, and the Department of Military and Veterans' Affairs may require some additional funding or may be able to be absorbed by the departments.

Administrative Office of the Courts

As a result of the bill, the Judiciary will need to modify the Electronic Court Disposition Reporting (eCDR) system, which is the Statewide electronic criminal complaint generation system accessible to all law enforcement agencies. System modifications are necessary to address the bill's required recording of servicemember status on a complaint-summons or a complaint-warrant. Initial system modifications are conservatively estimated at \$300,000.

In addition, the bill would require the Judiciary to establish a "differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible service members who are sentenced to a term of probation supervision." Unfortunately, as the Judiciary is unable to determine how many defendants sentenced to probation supervision might qualify as an "eligible service member," estimating the cost associated with development and implementation of a specialized category of probation supervision is not feasible.

Prosecutors

Costs to the Department of Law and Public Safety to determine the additional workload of the prosecutors under the requirements of the bill are indeterminate, and will depend on the level of expertise needed, and therefore training, for the prosecutors to make a professional determination of whether or not a veteran, who has committed a certain crime, qualifies for the diversion program. To accomplish this, prosecutors may have to work with mental health professionals which may also increase costs to pay for their services.

Section: State Government

*Analyst: Kimberly M. Clemmensen
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE
 [Second Reprint]
 SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 307
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: MARCH 20, 2017

SUMMARY

- Synopsis:** Creates Veterans Diversion Program to divert eligible servicemembers away from criminal justice system and into appropriate case management and mental health services.
- Type of Impact:** Minimal State expenditure increase.
- Agencies Affected:** The Judiciary; Department of Military and Veterans’ Affairs; and The Department of Human Services

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
State Cost	Indeterminate Increase – See comments below		

- The Office of Legislative Services (OLS) estimate that this bill will result in an indeterminate increase in State expenditures. Most of this increase will occur in the first year of implementation.

The Judiciary

- As a result of the bill, the Administrative Office of the Courts (AOC) will need to modify the Electronic Court Disposition Reporting (eCDR) system, which is the Statewide electronic criminal complaint generation system accessible to all law enforcement agencies. System modifications are necessary to address the bill’s required recording of service member status on a complaint-summons or a complaint-warrant. Initial system modifications are informally estimated by the AOC at \$300,000.
- In addition, the bill would require the Judiciary to establish a differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible service members who are sentenced to a term of probation supervision. Neither the AOC nor the OLS have sufficient information upon which to base a forecast of the number of defendants sentenced to probation supervision who might qualify as an eligible servicemember.

Therefore, estimating the cost associated with development and implementation of a specialized category of probation supervision is not feasible.

Department of Military and Veterans' Affairs

- The OLS estimates that this bill will have a minimal fiscal impact for the Department of Military and Veterans' Affairs. The department indicates informally that expenditures to prepare and disseminate a directory of New Jersey Veteran's Diversion Resource entities, develop a registry of mentors, and publish information regarding the diversion program and government-based resources available to assist justice-involved veterans and military members will be minimal.

BILL DESCRIPTION

The Second Reprint of the Senate Committee Substitute for Senate Bill No. 307 of 2016 creates a Statewide Veterans Diversion Program to divert eligible servicemembers away from the criminal justice system and into appropriate case management and mental health services. This bill requires the New Jersey Department of Military and Veterans' Affairs to prepare and disseminate a directory of Veterans Diversion Resource entities within New Jersey to facilitate diversion of eligible members of the military and veterans who have committed certain offenses away from the criminal justice system and into appropriate case management and mental health services. The department is also required to develop a registry of volunteer mentors.

Each Veterans Diversion Resource entity would serve as a point of entry into existing case management and mental health services offered by the United States Department of Veterans Affairs, the New Jersey Department of Human Services, or other appropriate case management and mental health services available to veterans or persons with mental illness. An entity should be capable of providing screening, counseling, treatment, and case management for mental health issues and other co-occurring health disorders to eligible members of the military or veterans or coordinating these services through the appropriate federal, State and local government agencies that offer assistance to veterans. An entity would be required to provide law enforcement officials with periodic status reports regarding the person's participation and recovery progress.

Under the bill, when a person is taken into custody for an eligible offense, the responding law enforcement officer would inquire whether the person is a member of the military or a veteran. If the person exhibits behavior that may be related to a mental illness, the law enforcement officer may continue processing the person with a preference for diversion to a Veterans Diversion Resource entity or other community-based mental health services in lieu of filing a criminal complaint.

At any time after the filing of a criminal complaint, but prior to the disposition of such complaint, an eligible person or the person's legal counsel may make an application to the prosecutor to participate in diversion. The prosecutor would have the sole discretion to determine if an eligible person qualifies for diversion after considering various factors specified in the bill. The prosecutor would determine the duration of the person's participation, which could not exceed two years. The bill requires that the prosecutor receive periodic reports on the person's participation, cooperation, and recovery progress.

A law enforcement officer cannot divert an eligible person prior to the filing of a criminal complaint if the crime or offense involves restitution for damages; if the crime or offense involves violence or the threat of violence; if the crime or offense involves the violation of any restraining order or protective order of another person; or when a victim of the offense objects to the diversion. A person taken into custody is eligible for diversion if the offense is a non-violent petty disorderly persons offense, disorderly persons offense, or crime of the third or fourth degree. The bill prohibits diversion: (1) if the person has criminal charges pending for a crime of the second degree or higher; (2) if the crime or offense involved violence or the threat of violence; or (3) if the person was previously convicted of a violent crime such as murder, vehicular homicide, kidnapping, aggravated assault, sexual assault, robbery, carjacking, and firearms trafficking. In addition, the bill provides a presumption against diversion if the person is charged with any crime or offense involving domestic violence or if the person committed the crime or offense while subject to a temporary or permanent restraining order.

The court would review the status of a deferred prosecution at six-month intervals. If the prosecutor is satisfied that the person has complied with the diversion, has not been the subject of any subsequent criminal charges, and continues to make progress with case management services and mental health recovery, the prosecutor may move for the dismissal of the criminal charge and terminate the person's participation. If, at any time, the prosecutor finds that the person has failed to comply with the diversion, the prosecutor may notify the court that the State is prepared to proceed with the prosecution.

The bill prohibits the assessment of a fee to a person who participates in diversion.

The bill would require the Administrative Director of the Courts to develop a differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible members of the military or veterans who are sentenced to a term of probation supervision. To the extent that sufficient resources are available, probation officers assigned to the specialized caseload should be experienced in behavioral health and evidence-based therapeutic interventions specifically targeted to military culture. The probation officers would coordinate with mentors, as well as federal and State case management and health care providers, to promote recovery, compliance, and re-integration into the community.

In addition, the bill would require the Attorney General, the Administrative Director of the Courts, and the Adjutant General to publish on their respective websites information regarding the diversion programs and government-based resources available to assist justice-involved veterans and members of the military.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Judiciary

According to information informally provided by the AOC, a result of the bill the AOC will need to modify the Electronic Court Disposition Reporting (eCDR) system, which is the Statewide electronic criminal complaint generation system accessible to all law enforcement

agencies. System modifications are necessary to address the bill's required recording of servicemember status on a complaint-summons or a complaint-warrant. Initial system modifications are informally estimated by the AOC at \$300,000.

In addition, the bill would require the Judiciary to establish a differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible service members who are sentenced to a term of probation supervision. Neither the AOC nor the OLS have sufficient information upon which to base a forecast of the number of defendants sentenced to probation supervision might qualify as an eligible servicemember. Therefore, estimating the cost associated with development and implementation of a specialized category of probation supervision is not feasible.

Department of Military and Veterans' Affairs

The OLS estimates that this bill will have a minimal fiscal impact on State expenditures for the Department Military and Veterans' Affairs. The Department Military and Veterans' Affairs also informally indicates that expenditures to prepare and disseminate a directory of New Jersey Veteran's Diversion Resource entities, develop a registry of mentors, and publish information regarding the diversion program and government-based resources available to assist justice-involved veterans and military members will be minimal.

The OLS notes that because the bill permits but does not mandate local law enforcement agencies and county prosecutors' offices to engage differently with eligible servicemembers, no cost impact on local governments is ascribed to the bill. Depending on the number of eligible servicemembers admitted to the diversion program, the bill has the potential to reduce costs associated with prosecution and detention of criminal defendants.

Section: State Government

*Analyst: Kimberly M. Clemmensen
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 4362

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED DECEMBER 5, 2016

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman R. BRUCE LAND

District 1 (Atlantic, Cape May and Cumberland)

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

Co-Sponsored by:

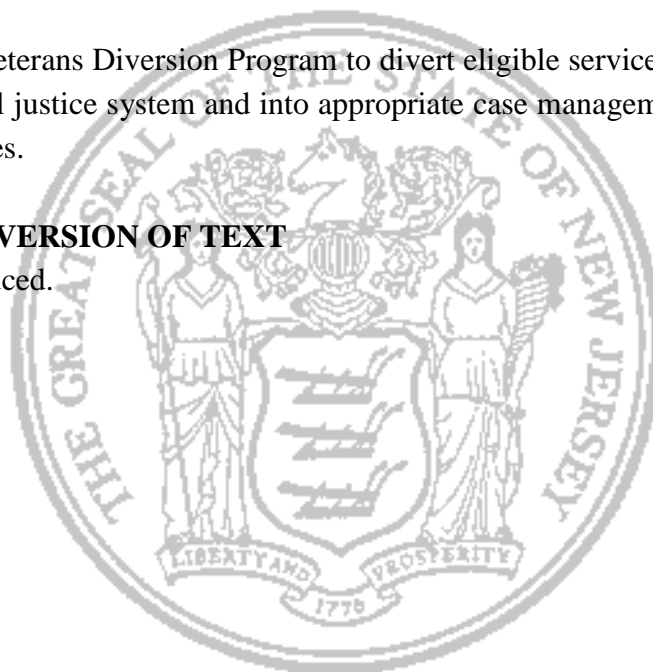
Assemblywoman Handlin and Assemblyman Holley

SYNOPSIS

Creates Veterans Diversion Program to divert eligible servicemembers away from criminal justice system and into appropriate case management and mental health services.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/20/2017)

1 AN ACT concerning offenders who are veterans or servicemembers,
2 amending various sections of the law and supplementing Title 2C
3 and Title 38A of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) As used in this act, P.L. , c. (C.)
9 (pending before the Legislature as this bill):

10 a. "Servicemember" means any veteran or enlisted person or
11 officer of the United States Armed Forces, or a reserve component
12 thereof, or the organized militia of the State of New Jersey pursuant
13 to N.J.S.38A:1-3 who has served on active military duty in any
14 combat theater or area of hostility.

15 b. "Eligible offense" means a non-violent petty disorderly
16 persons offense, disorderly persons offense, or crime of the fourth
17 degree.

18 c. "Eligible servicemember" means a servicemember who
19 allegedly committed an eligible offense and who has a prior
20 diagnosis of service-related mental illness or for whom a law
21 enforcement officer or prosecutor has a reasonable belief that the
22 person has a mental illness based on behaviors and symptoms
23 exhibited during the commission of the offense or while in custody,
24 or based on information provided by family members or associates
25 during the investigation of the offense.

26 d. "Veterans Diversion Resource Center" means a single point
27 of access and referral to case management and mental health
28 services available to eligible servicemembers developed and
29 coordinated by the New Jersey Department of Military and
30 Veterans' Affairs pursuant to section 2 of P.L. , c. (C.)
31 (pending before the Legislature as this bill).

32 e. "Mentor" means a volunteer former servicemember recruited
33 by the New Jersey Department of Military and Veterans' Affairs
34 pursuant to subsection (aa) of N.J.S.38A:3-6 to assist an eligible
35 servicemember who is a veteran in accessing assistance to resolve
36 the underlying problems that led or contributed to the eligible
37 servicemember's involvement with the criminal justice system.

38 f. "Mental illness" means an American Psychiatric Association
39 Diagnostic and Statistical Manual (DSM) Axis I disorder resulting
40 in significant functional impairment or disruption or both in major
41 activities of daily living, including anxiety disorders, cognitive
42 disorders, adjustment disorders, schizophrenia and other psychotic
43 disorders, bipolar disorder, depression, and post-traumatic stress
44 disorder (PTSD).

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 g. "Veteran" means any enlisted person or officer who was
2 discharged or otherwise released from active service in the United
3 States Armed Forces, or any reserve component thereof, or the
4 organized militia of New Jersey under conditions other than
5 dishonorable, or as otherwise provided in subsection p. of section 6
6 of P.L. 1954, c. 84 (C. 43:15A-6).

7
8 2. (New section) a. There is hereby established a Statewide
9 Veterans Diversion Program that shall have the purpose of diverting
10 eligible servicemembers away from the criminal justice system and
11 into appropriate case management and mental health services as
12 early as possible following an interaction with law enforcement
13 where the servicemember is alleged to have committed an eligible
14 offense.

15 b. The New Jersey Department of Military and Veterans'
16 Affairs shall collaborate with the United States Department of
17 Veterans Affairs, the United States Veterans Health Administration,
18 United States Vet Centers, and other federal, State, and local
19 government agencies that serve veterans to develop and coordinate
20 a Veterans Diversion Resource Center in each county. The
21 Veterans Diversion Resource Center shall serve as the single point
22 of entry in each county to facilitate the diversion or referral of
23 eligible servicemembers who are veterans into case management
24 and mental health services offered by the United States Department
25 of Veterans Affairs, the New Jersey Department of Military and
26 Veterans' Affairs, or other appropriate case management and
27 mental health services that are available to veterans. The Veterans
28 Diversion Resource Center shall be capable of providing screening,
29 counseling, treatment and case management for mental health issues
30 and other co-occurring health disorders to eligible servicemembers
31 who are veterans, or coordinating such services through the
32 appropriate federal, State, and local government agencies that offer
33 assistance to veterans. To the extent feasible, a Veterans Diversion
34 Resource Center, or an agency to which an eligible servicemember
35 is referred to by the Center, shall be capable of accepting emergent
36 referrals of eligible servicemembers who are veterans and are being
37 diverted from the criminal justice system. A Veterans Diversion
38 Resource Center, or an agency to which a eligible servicemember is
39 referred to by the Center, that accepts the referral of an eligible
40 servicemember who is a veteran shall be capable of providing law
41 enforcement officials with periodic status reports regarding the
42 participation and recovery progress of an eligible servicemember,
43 when the servicemember consents to the release of such
44 information, as a condition of diversion from prosecution. The
45 department shall also collaborate with the United States Department
46 of Defense Military Health System to develop a similar single point
47 of entry to case management and mental health services to support
48 the diversion and referral of non-veteran eligible servicemembers.

1 The department shall provide the Attorney General, the
2 Administrative Director of the Courts, the Commissioner of the
3 Department of Corrections, and the Chairman of the State Parole
4 Board with a directory of the Veterans Diversion Resource Centers
5 available within the State and shall publish the directory on its
6 departmental Internet web site.

7
8 3. (New section) a. When a person is taken into custody for an
9 eligible offense, the responding law enforcement officer shall
10 inquire as to whether the person is a servicemember or has ever
11 served in the military services of the United States. If the law
12 enforcement officer determines that the person is a servicemember
13 and exhibits behavior or symptoms that may be related to a mental
14 illness, the law enforcement officer may proceed in accordance with
15 P.L. , c. (C.) (pending before the Legislature as this bill),
16 but with a preference for diversion of an eligible servicemember to
17 a Veterans Diversion Resource Center or other community-based
18 mental health services in lieu of filing a criminal complaint. If the
19 alleged offense is not an eligible offense or the servicemember is
20 resistant to diversion, the officer may file a criminal complaint.
21 Regardless of whether an offense qualifies for diversion under
22 P.L. , c. (C.) (pending before the Legislature as this bill),
23 the officer shall inquire whether the person is a servicemember and
24 indicate if the person claims to be a servicemember on the
25 complaint-summons or complaint-warrant at the time it is prepared.

26 b. Law enforcement officers may divert an eligible
27 servicemember who appears to have a mental illness to a Veterans
28 Diversion Resource Center or other community-based mental health
29 services in lieu of filing a criminal complaint against the
30 servicemember. A law enforcement officer shall not divert an
31 eligible servicemember prior to the filing of a criminal complaint if
32 the crime or offense involves restitution for damages, if the crime or
33 offense involves violence or the threat of violence, if the crime or
34 offense involves the violation of any restraining order or protective
35 order involving another person, or where a victim of the offense
36 objects to the diversion. For the purposes of this paragraph, a crime
37 or offense involves violence or the threat of violence if the victim
38 sustains a bodily injury as defined in subsection a. of N.J.S.2C:11-
39 1, or the actor is armed with and uses a deadly weapon or threatens
40 by word or gesture to use a deadly weapon as defined in subsection
41 c. of N.J.S.2C:11-1, or threatens to inflict a bodily injury. If an
42 eligible servicemember is not diverted, the officer may proceed
43 with the filing of a complaint-summons or complaint-warrant
44 pursuant to law, the Rules of Court, and the directives of the
45 Attorney General. The form of complaint shall clearly indicate the
46 person's status as a servicemember to facilitate future efforts to
47 divert eligible servicemembers from prosecution into case
48 management and mental health services or the assignment of the

1 servicemember to appropriate post-adjudication supervisory and
2 therapeutic services, where needed to support the servicemember's
3 recovery.

4 c. If a law enforcement officer diverts an eligible
5 servicemember to a Veterans Diversion Resource Center or other
6 mental health service provider without filing a criminal complaint,
7 the law enforcement officer may subsequently file the complaint,
8 subject to the time limitations of N.J.S.2C:1-6, if the
9 servicemember fails to cooperate with the service provider or has
10 subsequent interactions with law enforcement.

11 d. Prior to the commencement of court proceedings to
12 adjudicate a crime or offense, the court shall notify all defendants
13 present in the courtroom of the eligibility for prosecutorial
14 diversion for eligible servicemembers pursuant to P.L. ,
15 c. (C.) (pending before the Legislature as this bill).

16
17 4. (New section) a. At any time after the filing of a criminal
18 complaint, but prior to the disposition of such complaint, an eligible
19 servicemember, the public defender assigned to the eligible
20 servicemember, or the servicemember's own legal counsel may
21 make an application to the prosecutor to participate in the Veterans
22 Diversion Program. The prosecutor may approve or conditionally
23 approve an eligible servicemember's admission into the Veterans
24 Diversion Program. An eligible servicemember may be
25 conditionally approved for admission into the program pending
26 verification of the person's veteran or servicemember status,
27 review of the person's criminal history, and consideration of the
28 findings of a clinical assessment of the person's mental health.
29 Once admitted to the program, the prosecutor may move before the
30 court to postpone proceedings while an eligible servicemember
31 obtains a mental health assessment or participates in case
32 management and mental health services. The court may grant the
33 postponement of proceedings and release the servicemember on the
34 persons' own recognizance subject to compliance with the
35 conditions specified in the prosecutor's diversion agreement. If the
36 prosecutor's review of the person's records and the clinical
37 assessment reveals that the person does not qualify for the program
38 or if the servicemember does not comply with the requirements of
39 the diversion agreement, the prosecutor may notify the court that
40 the State is prepared to proceed with the prosecution of the offense
41 and the court shall schedule court proceedings as appropriate.

42 b. (1) Except as provided in paragraph (2) of this subsection,
43 the prosecutor shall have the sole discretion to determine if an
44 eligible servicemember qualifies for and is admitted to the Veterans
45 Diversion Program pursuant P.L. , c. (C.) (pending before
46 the Legislature as this bill) after consideration of the nature of the
47 eligible offense, the causative relationship between the person's
48 diagnosed or apparent mental illness and the commission of the

1 offense, the amenability of the servicemember to participation in
2 the services of the program, the availability of case management
3 and mental health services, the desires of any victim, the person's
4 history of prior convictions and the probability that diversion will
5 promote the servicemember's recovery, prevent future criminal
6 behavior and protect public safety.

7 (2) No eligible servicemember shall be admitted to the Veterans
8 Diversion Program if the person has criminal charges pending for a
9 crime of the third degree or higher, if the crime or offense involved
10 violence or the threat of violence, or if the person was previously
11 convicted of a violent crime enumerated in subsection d. of section
12 2 of P.L.1997, c.117 (C.2C:43-7.2). There shall be a presumption
13 against admission into the Veterans Diversion Program, subject to
14 the discretion of the prosecutor after consulting with any victim, for
15 a servicemember charged with any crime or offense involving
16 domestic violence, as defined in subsection a. of section 3 of
17 P.L.1991, c.261 (C.2C:25-19) if the defendant committed the crime
18 or offense while subject to a temporary or permanent restraining
19 order issued pursuant to the provisions of the "Prevention of
20 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
21 al. For purposes of this paragraph, a crime or offense involves
22 violence or the threat of violence if the victim sustains a bodily
23 injury as defined in subsection a. of N.J.S.2C:11-1, or the actor is
24 armed with and uses a deadly weapon or threatens by word or
25 gesture to use a deadly weapon as defined in subsection c. of
26 N.J.S.2C:11-1, or threatens to inflict a bodily injury.

27 (3) To the extent that the victims are present at the court
28 proceedings, the prosecutor shall consult with victims of an eligible
29 offense prior to approving an eligible servicemember's admission
30 into the Veterans Diversion Program.

31 c. The prosecutor's approval of an application for admission
32 into the Veterans Diversion Program pursuant to this section shall
33 not be conditioned on an admission or plea of guilt by an eligible
34 servicemember.

35 d. To qualify for prosecutorial diversion under this section, an
36 eligible servicemember shall agree in writing to the following
37 terms, where relevant to the eligible offense:

38 (1) Participate in case management and mental health services
39 initiated through the Veterans Diversion Resource Center or other
40 similar services and to cooperate with any recommended course of
41 treatment, including the use of medications as prescribed and
42 participation in counseling;

43 (2) Authorize the case management or mental health service
44 provider to release to the prosecutor periodic status reports
45 regarding the servicemember's participation, cooperation and
46 recovery progress with case management and mental health
47 services;

- 1 (3) Cooperate with case management service providers to
- 2 procure housing, education and employment services, where
- 3 appropriate;
- 4 (4) Pay restitution for damages that have resulted from the
- 5 offense;
- 6 (5) Refrain from the use of alcohol or illegal drugs or frequent
- 7 any place where alcohol or illegal drugs are sold and used;
- 8 (6) Refrain from the possession or use of firearms or other
- 9 weapons;
- 10 (7) Refrain from further criminal activity;
- 11 (8) Refrain from any contact with a victim of the offense;
- 12 (9) Cooperate with a mentor, where assigned, and the United
- 13 States Department of Veterans Affairs Justice Outreach Specialist;
- 14 (10) Suspend the tolling of time for the purposes of the
- 15 servicemember's right to a speedy trial while the servicemember is
- 16 participating in the program;
- 17 (11) Advise the prosecutor of any change in the servicemember's
- 18 residential address or any change in the provider of case
- 19 management and mental health services; and
- 20 (12) Any other terms and conditions related to the
- 21 servicemember's recovery and public safety deemed appropriate by
- 22 the prosecutor.
- 23 e. The prosecutor shall determine the duration of the
- 24 servicemember's participation in the Veterans Diversion Program,
- 25 except that the servicemember's participation in the program shall
- 26 not exceed two years from the date of the diversion agreement. The
- 27 term of the servicemember's participation shall be based on the
- 28 initial clinical evaluation and recommendations, status reports of
- 29 the servicemember's participation and progress report from the case
- 30 management and mental health service providers and, where
- 31 assigned, the servicemember's mentor.
- 32 f. The servicemember shall be responsible for coordinating
- 33 with the Veterans Diversion Resource Center or other case
- 34 management and mental health service provider to ensure that the
- 35 prosecutor receives periodic reports on the servicemember's
- 36 participation, cooperation and recovery progress. The
- 37 servicemember shall contact the Veterans Diversion Resource
- 38 Center or other case management and mental health service
- 39 provider within seven days of the date of the diversion agreement.
- 40 g. The court shall review the status of the deferred prosecution
- 41 of the servicemember no later than six months from the date on
- 42 which the court approved the prosecutor's initial request for a
- 43 postponement of the proceedings, and, thereafter, every six months
- 44 from the most recent review, to consider, based on information
- 45 provided by the prosecutor, whether the postponement of court
- 46 proceedings as requested by the prosecutor should continue.
- 47 h. To the extent that a sufficient number of mentors are
- 48 available, the prosecutor or the case management provider on behalf

1 of the prosecutor, shall assign a mentor to the eligible service
2 member from the registry of mentors provided by the Department of
3 Military and Veterans' Affairs, except that an insufficient number
4 of mentors available for assignment shall not in itself prevent a
5 prosecutor from diverting an eligible servicemember pursuant to
6 P.L. , c. (C.) (pending before the Legislature as this bill);

7 i. The prosecutor shall notify the United States Department of
8 Veterans Affairs Justice Outreach Specialist assigned to represent
9 New Jersey when an eligible servicemember who is a veteran has
10 been admitted into the Veterans Diversion Program to facilitate
11 outreach to the servicemember.

12 j. If, after a minimum of six months from the date of the
13 diversion agreement, the prosecutor is satisfied that the
14 servicemember has complied with the terms and conditions of the
15 diversion agreement, has not been the subject of any subsequent
16 criminal charges, and, based on clinical reports, continues to make
17 progress with case management services and mental health
18 recovery, the prosecutor may move before the court for the
19 dismissal of the criminal charge pending against the servicemember
20 and terminate the servicemember's participation in the Veterans
21 Diversion Program. Alternatively, the prosecutor may require that
22 the servicemember continue participation in the program until
23 sufficient evidence of progress toward recovery is available, except
24 that continued participation shall not exceed the two-year time limit
25 as provided in subsection e. of this section.

26 k. If, at any time, the prosecutor finds that the servicemember
27 has failed to comply with any term or condition of the diversion
28 agreement, the prosecutor may notify the court that the State is
29 prepared to proceed with the prosecution of the offense and the
30 court shall schedule court proceedings as appropriate.

31 l. No fee shall be assessed to a servicemember for participation
32 in the Veterans Diversion Program.

33 m. An eligible servicemember may be admitted to the Veterans
34 Diversion Program one or more times at the discretion of the
35 prosecutor, subject to the restrictions in this section, if such
36 diversion shall promote the servicemember's recovery, prevent the
37 commission of future offenses, and protect the safety of the public.
38 Nothing in P.L. , c. (C.) (pending before the Legislature as
39 this bill) shall preclude an eligible servicemember from applying
40 for admission to a criminal justice diversion program, including a
41 program of supervisory treatment pursuant to N.J.S.2C:43-12,
42 conditional discharge pursuant to N.J.S.2C:36A-1, or conditional
43 dismissal pursuant to section 1 of P.L.2013, c. 158 (C.2C:43-13.1),
44 as an alternative to the Veterans Diversion Program to the extent
45 that the servicemember qualifies for those programs and subject to
46 the admission restrictions of those programs. A dismissal of a
47 criminal complaint resulting from successful participation in a
48 Veterans Diversion Program pursuant to this section shall bar a

1 servicemember's subsequent eligibility for a program of
2 supervisory treatment pursuant to N.J.S.2C:43-12, conditional
3 discharge pursuant to N.J.S.2C:36A-1, or conditional dismissal
4 pursuant to section 1 of P.L.2013, c. 158 (C.2C:43-13.1)); however
5 an eligible servicemember may seek subsequent admission to the
6 Veterans Diversion Program and may be admitted at the sole
7 discretion of the prosecutor.

8 n. The dismissal of charges based on a servicemember's
9 successful participation in the Veterans Diversion Program pursuant
10 to this section shall not be deemed:

11 (1) a conviction for purposes of disqualifications or disabilities,
12 if any, imposed by law upon conviction of a petty disorderly
13 persons, disorderly persons offense, or a crime, but shall be
14 reported to the State Bureau of Identification criminal history
15 record information files for purposes of determining future
16 eligibility or exclusion from other diversion programs; or

17 (2) a conviction for the purpose of determining whether a
18 second or subsequent offense has occurred under any law of this
19 State.

20

21 5. (New section) The Administrative Director of the Courts
22 shall develop a differentiated mental health supervision case type
23 within the Probation Division of the Superior Court for eligible
24 servicemembers who are sentenced to a term of probation
25 supervision. To the extent that sufficient resources are available,
26 probation officers assigned to the specialized caseload shall be
27 experienced in behavioral health and evidence-based therapeutic
28 interventions specifically targeted to military culture and shall
29 coordinate with mentors as well as federal and State case
30 management and health care providers available to servicemembers
31 to promote their recovery, compliance with the terms of probation
32 and re-integration into the community and adjustment to civilian
33 life. Eligible servicemembers who are sentenced to a term of
34 probation supervision shall be screened and assigned to a
35 differentiated mental health supervision case type pursuant to
36 procedures developed by the Administrative Director of the Courts.
37 A servicemember who is assigned to a differentiated mental health
38 supervision case type shall provide written authorization for any
39 case management or mental health service provider to release to the
40 Probation Division and the court periodic status reports regarding
41 the servicemember's participation, cooperation and recovery
42 progress.

43

44 6. N.J.S.2C:52-6 is amended to read as follows:

45 2C:52-6. Arrests not resulting in conviction.

46 a. When a person has been arrested or held to answer for a
47 crime, disorderly persons offense, petty disorderly persons offense,
48 or municipal ordinance violation under the laws of this State or of

1 any governmental entity thereof and proceedings against the person
2 were dismissed, the person was acquitted, or the person was
3 discharged without a conviction or finding of guilt, the Superior
4 Court shall, at the time of dismissal, acquittal, or discharge, or, in
5 any case set forth in paragraph (1) of this subsection, upon receipt
6 of an application from the person, order the expungement of all
7 records and information relating to the arrest or charge.

8 (1) If proceedings took place in municipal court, the municipal
9 court shall provide the person, upon request, with appropriate
10 documentation to transmit to the Superior Court to request
11 expungement pursuant to procedures developed by the
12 Administrative Office of the Courts. Upon receipt of the
13 documentation, the Superior Court shall enter an ex parte order
14 expunging all records and information relating to the person's arrest
15 or charge.

16 (2) The provisions of N.J.S.2C:52-7 through N.J.S.2C:52-14
17 shall not apply to an expungement pursuant to this subsection and
18 no fee shall be charged to the person making such application.

19 (3) An expungement under this subsection shall not be ordered
20 where the dismissal, acquittal, or discharge resulted from a plea
21 bargaining agreement involving the conviction of other charges.
22 This bar, however, shall not apply once the conviction is itself
23 expunged.

24 (4) The Superior Court shall forward a copy of the expungement
25 order to the appropriate court and to the prosecutor. The prosecutor
26 shall promptly distribute copies of the expungement order to
27 appropriate law enforcement agencies and correctional institutions
28 who have custody and control of the records specified in the order
29 so that they may comply with the requirements of N.J.S.2C:52-15.

30 (5) An expungement related to a dismissal, acquittal, or
31 discharge ordered pursuant to this subsection shall not bar any
32 future expungement.

33 (6) Where a dismissal of an offense is based on an eligible
34 servicemember's successful participation in a Veterans Diversion
35 Program pursuant to P.L. _____, c. (C. _____) (pending before the
36 Legislature as this bill), the county prosecutor, on behalf of the
37 eligible servicemember, may move before the court for the
38 expungement of all records and information relating to the arrest or
39 charge, and the diversion at the time of dismissal pursuant to this
40 section.

41 b. When a person did not apply or a prosecutor did not move
42 on behalf of an eligible servicemember for an expungement of an
43 arrest or charge not resulting in a conviction pursuant to subsection
44 a. of this section, the person may at any time following the
45 disposition of proceedings, present a duly verified petition as
46 provided in N.J.S.2C:52-7 to the Superior Court in the county in
47 which the disposition occurred praying that records of such arrest
48 and all records and information pertaining thereto be expunged. No

1 fee shall be charged to the person for applying for an expungement
2 of an arrest or charge not resulting in a conviction pursuant to this
3 subsection.

4 c. (1) Any person who has had charges dismissed against him
5 pursuant to a program of supervisory treatment pursuant to
6 N.J.S.2C:43-12, or conditional discharge pursuant to N.J.S.2C:36A-
7 1, or conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-
8 13.1 et al.), shall be barred from the relief provided in this section
9 until six months after the entry of the order of dismissal.

10 (2) A servicemember who has successfully participated in a
11 Veterans Diversion Program pursuant to P.L. , c. (C.) (pending
12 before the Legislature as this bill) may apply for expungement
13 pursuant to this section at any time following the order of dismissal
14 if an expungement was not granted at the time of dismissal.

15 d. Any person who has been arrested or held to answer for a
16 crime shall be barred from the relief provided in this section where
17 the dismissal, discharge, or acquittal resulted from a determination
18 that the person was insane or lacked the mental capacity to commit
19 the crime charged.

20 (cf: P.L.2015, c.261, s.4).

21

22 7. Section 1 of P.L. 2013, c.158 (C.2C:43-13.1) is amended to
23 read as follows:

24 1. Eligibility and Application. a. Whenever any defendant who
25 has not been previously convicted of any petty disorderly persons
26 offense, disorderly persons offense or crime under any law of the
27 United States, this State or any other state, and who has not
28 previously participated in conditional discharge under
29 N.J.S.2C:36A-1, supervisory treatment under N.J.S.2C:43-12, or
30 conditional dismissal under P.L.2013, c.158 (C.2C:43-13.1 et al.),
31 or a Veterans Diversion Program pursuant to P.L. , c. (C.)
32 pending before the Legislature as this bill), is charged with a petty
33 disorderly offense or disorderly persons offense except as provided
34 in subsection b. of this section, the defendant may, after a plea of
35 guilty or a finding of guilt, but prior to the entry of a judgment of
36 conviction and with appropriate notice to the prosecutor, apply to
37 the court for entry into the conditional dismissal program pursuant
38 to the requirements of P.L.2013, c.158 (C.2C:43-13.1 et al.). As a
39 condition of such application, the defendant shall submit to the
40 fingerprint identification procedures as provided in R.S.53:1-15
41 before making such application to the court to allow sufficient time
42 for verification of the defendant's criminal history by the
43 prosecutor.

44 b. (1) A defendant shall not be eligible for participation in the
45 conditional dismissal program if the offense for which the person is
46 charged involved: (a) organized criminal or gang activity; (b) a
47 continuing criminal business or enterprise; (c) a breach of the public
48 trust by a public officer or employee; (d) domestic violence as

1 defined by subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-
2 19); (e) an offense against an elderly, disabled or minor person; (f)
3 an offense involving driving or operating a motor vehicle while
4 under the influence of alcohol, intoxicating liquor, narcotic,
5 hallucinogenic or habit-producing drug; (g) a violation of animal
6 cruelty laws; or (h) any disorderly persons offense or petty
7 disorderly persons offense under chapter 35 or 36 of Title 2C.

8 (2) Nothing in this act shall preclude a defendant charged with
9 any disorderly persons offense or petty disorderly persons offense
10 under chapter 35 or 36 of Title 2C from applying to the court for
11 admission into the conditional discharge program in accordance
12 with N.J.S.2C:36A-1.

13 c. In addition to the eligibility criteria enumerated in this
14 section, the court shall consider the following factors:

- 15 (1) The nature and circumstances of the offense;
- 16 (2) The facts surrounding the commission of the offense;
- 17 (3) The motivation, age, character and attitude of the defendant;
- 18 (4) The desire of the complainant or victim to forego
19 prosecution;
- 20 (5) The needs and interests of the victim and the community;
- 21 (6) The extent to which the defendant's offense constitutes part
22 of a continuing pattern of anti-social behavior;
- 23 (7) Whether the offense is of an assaultive or violent nature,
24 whether in the act itself or in the possible injurious consequences of
25 such behavior;
- 26 (8) Whether the applicant's participation will adversely affect
27 the prosecution of codefendants;
- 28 (9) Whether diversion of the defendant from prosecution is
29 consistent with the public interest; and
- 30 (10) Any other factors deemed relevant by the court.

31 (cf: P.L.2013, c.158, s.1)

32

33 8. N.J.S.2C:36A-1 is amended to read as follows:

34 2C:36A-1. Conditional discharge for certain first offenses. a.
35 Whenever any person who has not previously been convicted of any
36 offense under section 20 of P.L.1970, c.226 (C.24:21-20), or a
37 disorderly persons or petty disorderly persons offense defined in
38 chapter 35 or 36 of this title or, subsequent to the effective date of
39 this title, under any law of the United States, this State or any other
40 state relating to marijuana, or stimulant, depressant, or
41 hallucinogenic drugs, and who has not previously participated in a
42 program of supervisory treatment pursuant to N.J.S.2C:43-12 or
43 conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et
44 al.), or a Veterans Diversion Program pursuant to P.L. , c. (C.)
45 pending before the Legislature as this bill, is charged with or
46 convicted of any disorderly persons offense or petty disorderly
47 persons offense under chapter 35 or 36 of this title, the court upon

1 notice to the prosecutor and subject to subsection c. of this section,
2 may on motion of the defendant or the court:

3 (1) Suspend further proceedings and with the consent of the
4 person after reference to the State Bureau of Identification criminal
5 history record information files, place him under supervisory
6 treatment upon such reasonable terms and conditions as it may
7 require; or

8 (2) After a plea of guilty or finding of guilty, and without
9 entering a judgment of conviction, and with the consent of the
10 person after proper reference to the State Bureau of Identification
11 criminal history record information files, place him on supervisory
12 treatment upon reasonable terms and conditions as it may require,
13 or as otherwise provided by law.

14 b. In no event shall the court require as a term or condition of
15 supervisory treatment under this section, referral to any residential
16 treatment facility for a period exceeding the maximum period of
17 confinement prescribed by law for the offense for which the
18 individual has been charged or convicted, nor shall any term of
19 supervisory treatment imposed under this subsection exceed a
20 period of three years. If a person is placed under supervisory
21 treatment under this section after a plea of guilty or finding of guilt,
22 the court as a term and condition of supervisory treatment shall
23 suspend the person's driving privileges for a period to be fixed by
24 the court at not less than six months or more than two years unless
25 the court finds compelling circumstances warranting an exception.
26 For the purposes of this subsection, compelling circumstances
27 warranting an exception exist if the suspension of the person's
28 driving privileges will result in extreme hardship and alternative
29 means of transportation are not available. In the case of a person
30 who at the time of placement under supervisory treatment under this
31 section is less than 17 years of age, the period of suspension of
32 driving privileges authorized herein, including a suspension of the
33 privilege of operating a motorized bicycle, shall commence on the
34 day the person is placed on supervisory treatment and shall run for a
35 period as fixed by the court of not less than six months or more than
36 two years after the day the person reaches the age of 17 years.

37 If the driving privilege of a person is under revocation,
38 suspension, or postponement for a violation of this title or Title 39
39 of the Revised Statutes at the time of the person's placement on
40 supervisory treatment under this section, the revocation, suspension
41 or postponement period imposed herein shall commence as of the
42 date of the termination of the existing revocation, suspension or
43 postponement. The court which places a person on supervisory
44 treatment under this section shall collect and forward the person's
45 driver's license to the New Jersey Motor Vehicle Commission and
46 file an appropriate report with the commission in accordance with
47 the procedure set forth in N.J.S.2C:35-16. The court shall also
48 inform the person of the penalties for operating a motor vehicle

1 during the period of license suspension or postponement as required
2 in N.J.S.2C:35-16.

3 Upon violation of a term or condition of supervisory treatment
4 the court may enter a judgment of conviction and proceed as
5 otherwise provided, or where there has been no plea of guilty or
6 finding of guilty, resume proceedings. Upon fulfillment of the terms
7 and conditions of supervisory treatment the court shall terminate the
8 supervisory treatment and dismiss the proceedings against him.
9 Termination of supervisory treatment and dismissal under this
10 section shall be without court adjudication of guilt and shall not be
11 deemed a conviction for purposes of disqualifications or
12 disabilities, if any, imposed by law upon conviction of a crime or
13 disorderly persons offense but shall be reported by the clerk of the
14 court to the State Bureau of Identification criminal history record
15 information files. Termination of supervisory treatment and
16 dismissal under this section may occur only once with respect to
17 any person. Imposition of supervisory treatment under this section
18 shall not be deemed a conviction for the purposes of determining
19 whether a second or subsequent offense has occurred under section
20 29 of P.L.1970, c.226 (C.24:21-29), chapter 35 or 36 of this title or
21 any law of this State.

22 c. Proceedings under this section shall not be available to any
23 defendant unless the court in its discretion concludes that:

24 (1) The defendant's continued presence in the community, or in
25 a civil treatment center or program, will not pose a danger to the
26 community; or

27 (2) That the terms and conditions of supervisory treatment will
28 be adequate to protect the public and will benefit the defendant by
29 serving to correct any dependence on or use of controlled
30 substances which he may manifest; and

31 (3) The person has not previously received supervisory
32 treatment under section 27 of P.L.1970, c.226 (C.24:21-27),
33 N.J.S.2C:43-12, or the provisions of this chapter.

34 d. A person seeking conditional discharge pursuant to this
35 section shall pay to the court a fee of \$75 which shall be paid to the
36 Treasurer of the State of New Jersey for deposit in the General
37 Fund. The defendant shall also be required to pay restitution, costs
38 and other assessments as provided by law. A person may apply for a
39 waiver of this fee, by reason of poverty, pursuant to the Rules
40 Governing the Courts of the State of New Jersey, or the court may
41 permit the defendant to pay the conditional discharge fee and other
42 assessments in installments or may order other alternatives pursuant
43 to section 1 of P.L.2009, c.317 (C.2B:12-23.1).

44 (cf: P.L.2013, c.158, s.10)

45

46 9. N.J.S.2C:43-12 is amended to read as follows:

47 2C:43-12. Supervisory Treatment--Pretrial Intervention.

1 a. Public policy. The purpose of N.J.S.2C:43-12 through
2 N.J.S.2C:43-22 is to effectuate a Statewide program of Pretrial
3 Intervention. It is the policy of the State of New Jersey that
4 supervisory treatment should ordinarily be limited to persons who
5 have not previously been convicted of any criminal offense under
6 the laws of New Jersey, or under any criminal law of the United
7 States, or any other state when supervisory treatment would:

8 (1) Provide applicants, on an equal basis, with opportunities to
9 avoid ordinary prosecution by receiving early rehabilitative services
10 or supervision, when such services or supervision can reasonably be
11 expected to deter future criminal behavior by an applicant, and
12 when there is apparent causal connection between the offense
13 charged and the rehabilitative or supervisory need, without which
14 cause both the alleged offense and the need to prosecute might not
15 have occurred; or

16 (2) Provide an alternative to prosecution for applicants who
17 might be harmed by the imposition of criminal sanctions as
18 presently administered, when such an alternative can be expected to
19 serve as sufficient sanction to deter criminal conduct; or

20 (3) Provide a mechanism for permitting the least burdensome
21 form of prosecution possible for defendants charged with
22 "victimless" offenses, other than defendants who were public
23 officers or employees charged with offenses that involved or
24 touched their office or employment; or

25 (4) Provide assistance to criminal calendars in order to focus
26 expenditure of criminal justice resources on matters involving
27 serious criminality and severe correctional problems; or

28 (5) Provide deterrence of future criminal or disorderly behavior
29 by an applicant in a program of supervisory treatment.

30 b. (1) Admission of an applicant into a program of supervisory
31 treatment shall be measured according to the applicant's amenability
32 to correction, responsiveness to rehabilitation and the nature of the
33 offense.

34 (2) There shall be a presumption against admission into a
35 program of supervisory treatment for:

36 (a) a defendant who was a public officer or employee whose
37 offense involved or touched upon his public office or employment;
38 and

39 (b) a defendant charged with any crime or offense involving
40 domestic violence, as defined in subsection a. of section 3 of
41 P.L.1991, c.261 (C.2C:25-19) if the defendant committed the crime
42 or offense while subject to a temporary or permanent restraining
43 order issued pursuant to the provisions of the "Prevention of
44 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
45 al.) or if the crime or offense charged involved violence or the
46 threat of violence. For purposes of this subparagraph, a crime or
47 offense involves violence or the threat of violence if the victim
48 sustains serious or significant bodily injury as defined in subsection

1 b. or d. of N.J.S.2C:11-1, or the actor is armed with and uses a
2 deadly weapon or threatens by word or gesture to use a deadly
3 weapon as defined in subsection c. of N.J.S.2C:11-1, or threatens to
4 inflict serious or significant bodily injury.

5 c. The decision and reasons therefor made by the designated
6 judges (or assignment judges), prosecutors and program directors in
7 granting or denying applications for supervisory treatment, in
8 recommending and ordering termination from the program or
9 dismissal of charges, in all cases shall be reduced to writing and
10 disclosed to the applicant.

11 d. If an applicant desires to challenge the decision of the
12 prosecutor or program director not to recommend enrollment in a
13 program of supervisory treatment the proceedings prescribed under
14 N.J.S.2C:43-14 and in accordance with the Rules of Court shall be
15 followed.

16 e. Referral. At any time prior to trial but after the filing of a
17 criminal complaint, or the filing of an accusation or the return of an
18 indictment, with the consent of the prosecutor and upon written
19 recommendation of the program director, the assignment judge or a
20 judge designated by him may postpone all further proceedings
21 against an applicant and refer said applicant to a program of
22 supervisory treatment approved by the Supreme Court. Prosecutors
23 and program directors shall consider in formulating their
24 recommendation of an applicant's participation in a supervisory
25 treatment program, among others, the following criteria:

- 26 (1) The nature of the offense;
- 27 (2) The facts of the case;
- 28 (3) The motivation and age of the defendant;
- 29 (4) The desire of the complainant or victim to forego
30 prosecution;
- 31 (5) The existence of personal problems and character traits
32 which may be related to the applicant's crime and for which services
33 are unavailable within the criminal justice system, or which may be
34 provided more effectively through supervisory treatment and the
35 probability that the causes of criminal behavior can be controlled by
36 proper treatment;
- 37 (6) The likelihood that the applicant's crime is related to a
38 condition or situation that would be conducive to change through
39 his participation in supervisory treatment;
- 40 (7) The needs and interests of the victim and society;
- 41 (8) The extent to which the applicant's crime constitutes part of
42 a continuing pattern of anti-social behavior;
- 43 (9) The applicant's record of criminal and penal violations and
44 the extent to which he may present a substantial danger to others;
- 45 (10) Whether or not the crime is of an assaultive or violent
46 nature, whether in the criminal act itself or in the possible injurious
47 consequences of such behavior;

1 (11) Consideration of whether or not prosecution would
2 exacerbate the social problem that led to the applicant's criminal
3 act;

4 (12) The history of the use of physical violence toward others;

5 (13) Any involvement of the applicant with organized crime;

6 (14) Whether or not the crime is of such a nature that the value
7 of supervisory treatment would be outweighed by the public need
8 for prosecution;

9 (15) Whether or not the applicant's involvement with other
10 people in the crime charged or in other crime is such that the
11 interest of the State would be best served by processing his case
12 through traditional criminal justice system procedures;

13 (16) Whether or not the applicant's participation in pretrial
14 intervention will adversely affect the prosecution of codefendants;
15 and

16 (17) Whether or not the harm done to society by abandoning
17 criminal prosecution would outweigh the benefits to society from
18 channeling an offender into a supervisory treatment program.

19 The prosecutor and the court, in formulating their
20 recommendations or decisions regarding an applicant's participation
21 in a supervisory treatment program, shall give due consideration to
22 the victim's position on whether the defendant should be admitted.

23 f. Review of Supervisory Treatment Applications; Procedure
24 Upon Denial. Each applicant for supervisory treatment shall be
25 entitled to full and fair consideration of his application. If an
26 application is denied, the program director or the prosecutor shall
27 precisely state his findings and conclusion which shall include the
28 facts upon which the application is based and the reasons offered
29 for the denial. If the applicant desires to challenge the decision of a
30 program director not to recommend, or of a prosecutor not to
31 consent to, enrollment into a supervisory treatment program, a
32 motion shall be filed before the designated judge (or assignment
33 judge) authorized pursuant to the Rules of Court to enter orders.

34 g. Limitations. (1) Supervisory treatment may occur only once
35 with respect to any defendant and any person who has previously
36 received supervisory treatment under section 27 of P.L.1970, c.226
37 (C.24:21-27), a conditional discharge pursuant to N.J.S.2C:36A-1,
38 [or] a conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-
39 13.1 et al.), or was granted a dismissal due to successful
40 participation in the Veterans Diversion Program pursuant to P.L. ,
41 c. (C.) pending before the Legislature as this bill) shall not be
42 eligible for supervisory treatment under this section.

43 (2) Except as otherwise provided in paragraph (3) of this
44 subsection, supervisory treatment, as provided herein, shall be
45 available to a defendant irrespective of whether the defendant
46 contests his guilt of the charge or charges against him.

47 (3) Admission into supervisory treatment shall be available to
48 the following defendants only upon entering a plea of guilty: (a) a

1 defendant charged with a first or second degree crime; (b) a
2 defendant charged with any crime if the defendant had previously
3 been convicted of a first or second degree crime; (c) a defendant
4 charged with a third or fourth degree crime involving domestic
5 violence, as defined in subsection a. of section 3 of P.L.1991, c.261
6 (C.2C:25-19); or (d) a defendant charged with any disorderly
7 persons or petty disorderly persons offense involving domestic
8 violence, as defined in subsection a. of section 3 of P.L.1991, c.261
9 (C.2C:25-19) if the defendant committed the offense while subject
10 to a temporary or permanent restraining order issued pursuant to the
11 provisions of the "Prevention of Domestic Violence Act of 1991,"
12 P.L.1991, c.261 (C.2C:25-17 et al.). For any such defendant,
13 following the plea of guilty the plea shall be held in an inactive
14 status pending termination of supervisory treatment pursuant to
15 subsection d. or e. of N.J.S.2C:43-13. Upon successful completion
16 of the program of supervisory treatment the charges shall be
17 dismissed.

18 h. Termination. Termination of supervisory treatment under
19 this section shall be immediately reported to the assignment judge
20 of the county who shall forward such information to the
21 Administrative Director of the Courts.

22 i. Appointment of Program Directors; Authorized Referrals.
23 Programs of supervisory treatment and appointment of the program
24 directors require approval by the Supreme Court with the consent of
25 the assignment judge and prosecutor. Referrals of participants from
26 supervisory treatment programs may be to any public or private
27 office or agency, including but not limited to, programs within the
28 probation service of the court, offering counseling or any other
29 social service likely to aid in the rehabilitation of the participant
30 and to deter the commission of other offenses.

31 j. Health Care Professional Licensing Board Notification. The
32 program director shall promptly notify the State Board of Medical
33 Examiners when a State licensed physician or podiatrist has been
34 enrolled in a supervisory treatment program after he has been
35 charged with an offense involving drugs or alcohol.

36 The Attorney General shall develop guidelines to ensure the
37 uniform exercise of discretion by prosecutors in formulating their
38 recommendations on participation in a supervisory treatment
39 program by an applicant charged with a crime or offense involving
40 domestic violence, as defined in subsection a. of section 3 of
41 P.L.1991, c.261 (C.2C:25-19).

42 (cf: P.L.2015, c.98, s.4).

43

44 10. N.J.S. 38A:3-6 is amended to read as follows:

45 38A:3-6. Under the direction of the Governor, the Adjutant
46 General shall:

47 (a) Exercise control over the affairs of the Department of
48 Military and Veterans' Affairs and in connection therewith make

- 1 and issue such regulations governing the work of the Department of
2 Military and Veterans' Affairs and the conduct of its employees as
3 may, in his judgment, be necessary or desirable.
- 4 (b) Be the request officer of the Department of Military and
5 Veterans' Affairs within the meaning of such term as defined in
6 section 1 of P.L.1944, c.112 (C.52:27B-1).
- 7 (c) (Deleted by amendment, P.L.1988, c.138.)
- 8 (d) Command the organized militia of the State, with
9 responsibility for recruiting, mobilization, administration, training,
10 discipline, equipping, supply and general efficiency thereof. He
11 may issue such regulations and delegate such command functions as
12 he shall deem necessary. The regulations so issued shall, insofar as
13 possible, conform to the federal laws and regulations concerning the
14 same.
- 15 (e) Maintain the archives and be the custodian of the records
16 and papers required, by laws or regulations, to be filed with the
17 Department of Military and Veterans' Affairs.
- 18 (f) Supervise, administer and coordinate those activities of the
19 selective service system for which the Governor is responsible.
- 20 (g) Acquire by gift, grant, purchase, exchange, eminent domain,
21 or in any other lawful manner, in the name of and for the use of the
22 State of New Jersey, all those parcels of land as shall be necessary
23 for armories and other militia facilities, and supervise the design,
24 construction, alteration, maintenance and repair of said property.
- 25 (h) Establish and maintain such headquarters as may be required
26 for the militia.
- 27 (i) Exercise the powers vested in him and perform such other
28 duties and functions as required of him by the Governor and by
29 federal and State laws and regulations.
- 30 (j) Exercise all of the functions, powers and duties heretofore
31 vested in the Director of the Division on Veterans' Programs and
32 Special Services.
- 33 (k) Appoint and remove officers and other personnel employed
34 within the department, subject to the provisions of N.J.S.38A:3-8
35 and Title 11A of the New Jersey Statutes and other applicable
36 statutes, except as herein otherwise specifically provided.
- 37 (l) Have authority to organize and maintain an administrative
38 division and to assign to employment therein secretarial, clerical
39 and other assistants in the department or the Adjutant General's
40 Office for the purpose of providing centralized support to all
41 segments of the department, including budgeting, personnel
42 administration and oversight of equal opportunity programs.
- 43 (m) Perform, exercise and discharge the functions, powers and
44 duties of the department through such divisions as may be
45 established by this act or otherwise by law.
- 46 (n) Organize the work of the department in divisions not
47 inconsistent with the provisions of this act and in bureaus and other

1 organizational units as the Adjutant General may determine to be
2 necessary for efficient and effective operation.

3 (o) Adopt, issue and promulgate, in the name of the department,
4 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
5 (C.52:14B-1 et seq.), such rules and regulations as may be
6 authorized by law.

7 (p) Institute, or cause to be instituted, legal proceedings or
8 processes as necessary to properly enforce and give effect to any of
9 the Adjutant General's powers or duties.

10 (q) Make an annual report to the Governor and to the
11 Legislature of the department's operations, and render other reports
12 as the Governor shall from time to time request or as may be
13 required by law.

14 (r) Coordinate the activities of the department, and the several
15 divisions and other agencies therein, in a manner designed to
16 eliminate overlapping and duplicative functions.

17 (s) Integrate within the department, so far as practicable, all
18 staff services of the department and of several divisions and other
19 agencies therein.

20 (t) Request access to all relevant files and records of other State
21 agencies, which may be made available to the Adjutant General by
22 the head of a State agency, and request, subject to the permission of
23 the head of the State agency, any officer or employee therein to
24 provide information as necessary to assist in the performance of the
25 functions of the department.

26 (u) Supervise and operate the New Jersey Veterans' Memorial
27 Home-Menlo Park, the New Jersey Veterans' Memorial Home-
28 Vineland, the New Jersey Veterans' Memorial Home-Paramus and
29 the New Jersey Veterans' Memorial Cemetery-Arneytown.

30 (v) Supervise and operate the liaison office and the field offices
31 which serve the federal Veterans' Affairs Medical Centers.

32 (w) Make application for federal grants and programs, other than
33 education grants or funds.

34 (x) Administer the federally-funded training and rehabilitation
35 programs, except for the administration of federally-funded
36 education and training programs set forth in 38 U.S.C. s.36 et seq.

37 (y) Provide current information to the general public on State
38 and federal veterans' programs and benefits; create a comprehensive
39 public webpage for women veterans that includes, but is not limited
40 to, the following information: veterans' legal rights, benefits,
41 medical and insurance issues, education, the transition from active
42 service to civilian life, and other resources available to veterans.

43 (z) Develop and administer the New Jersey Homeless Veterans
44 Grant Program established pursuant to section 3 of P.L.2013, c.239
45 (C.38A:3-6.2b).

46 (aa) Encourage and facilitate the registration of each service
47 member residing in New Jersey with the United States Department
48 of Veterans Affairs, or its successor agency. Registration shall take

1 place, as appropriate, when the service member returns from
2 deployment on federal active duty or is discharged or as soon as
3 possible thereafter. The term "service member" shall mean
4 members of the New Jersey National Guard and members of the
5 United States Armed Forces, or a Reserve component thereof, when
6 the information on each member is made available to the
7 department.

8 (bb) Develop and coordinate a volunteer-based program
9 comprised of former ~~service members~~ servicemembers to assist
10 and mentor veterans who become involved with the criminal justice
11 system, while ~~the case is~~ criminal proceedings are pending and
12 afterward, in accessing assistance to resolve the underlying
13 problems that led or contributed to the veteran's involvement with
14 the criminal justice system including, but not limited to, offering
15 support and guidance, securing housing, employment linkages, job
16 training, education, transportation, disability compensation claims,
17 discharge status, health care and other linkages available at the local
18 State and federal level that can ease the challenge of reentry into
19 civilian life. In addition, the Adjutant General shall develop a
20 registry of volunteer mentors and make the registry available
21 pursuant to section 12 of P.L. , c. (C.) (pending before the
22 Legislature as this bill).

23 (cf: P.L.2015, c.290, s.1)

24

25 11. (New section) The Attorney General, with the cooperation
26 with the Administrative Director of the Courts, shall prepare an
27 annual report to the Legislature and Governor regarding the
28 Veterans Diversion Program to assist policymakers in determining
29 whether the program should be modified or expanded to achieve the
30 goals of recovery for eligible servicemembers and public safety.
31 The report shall include statistics regarding the number of arrests
32 where the person indicates servicemember status; the number of
33 eligible servicemembers accepted into the Veterans Diversion
34 Program; the number of servicemembers who successfully
35 completed the program; the number of servicemembers who were
36 found guilty at court proceedings; the number of servicemembers
37 who, subsequent to admission in the Veterans Diversion Program,
38 were sentenced to a term of incarceration or probation; and other
39 relevant information and recommendations at the discretion of the
40 Attorney General.

41

42 12. (New section) The Adjutant General of the Department of
43 Military and Veterans' Affairs shall provide county prosecutors with
44 a registry of volunteer mentors developed pursuant to subsection
45 (bb) of N.J.S. 38A:3-6 to facilitate the assignment of mentors to
46 eligible servicemembers who have been admitted by the prosecutor
47 into the Veterans Diversion Program established pursuant to
48 P.L. c. (C.) (pending before the Legislature as this bill). A

1 copy of the registry shall also be provided to the Administrative
2 Director of the Courts to facilitate the assignment of mentors to
3 eligible servicemembers who have been sentenced to a term of
4 probation supervision. The registry of mentors shall be periodically
5 updated by the Department of Military and Veterans' Affairs.
6

7 13. (New section) The Attorney General, the Administrative
8 Director of the Courts, the Commissioner of the Department of
9 Corrections, and the Chairman of the State Parole Board shall
10 collaborate with representatives of the United States Department of
11 Veterans Affairs to identify the most efficient and practical means
12 of sharing information regarding servicemembers who have been
13 arrested, diverted, imprisoned, or placed on probation or parole to
14 assist the Department of Veterans' Affairs in identifying veterans
15 in that population to facilitate its outreach and services to justice-
16 involved veterans.
17

18 14. (New section) The Attorney General, the Administrative
19 Director of the Courts, and the Adjutant General of the Department
20 of Military and Veterans' Affairs shall publish on their respective
21 websites information regarding diversion programs and
22 government-based resources available to assist justice-involved
23 veterans and servicemembers.
24

25 15. This act shall take effect on the first day of the seventh
26 month next following enactment, except that the Attorney General,
27 the Administrative Director of the Courts, and the Adjutant General
28 of the Department of Military and Veterans' Affairs may take any
29 anticipatory administrative action in advance as shall be necessary
30 for the implementation of this act.
31

32 33 STATEMENT 34

35 This bill would require the New Jersey Department of Military
36 and Veterans Affairs to collaborate with the United States
37 Department of Veterans Affairs to establish a Statewide Veterans
38 Diversion Program to divert eligible servicemembers who have
39 committed certain offenses away from the criminal justice system
40 and into appropriate case management and mental health services.

41 *Eligibility.* The bill defines a "servicemember" as any veteran or
42 enlisted person or officer of the United States Armed Forces, or a
43 reserve component thereof, or the organized militia of the State who
44 has served on active military duty in any combat theater or area of
45 hostility. A servicemember is eligible for admission into the
46 program if he committed an eligible offense and has a prior
47 diagnosis of service-related mental illness or other indications of
48 mental illness.

1 An eligible offense includes a non-violent petty disorderly
2 persons offense, disorderly persons offense or crime of the fourth
3 degree.

4 *Veterans Diversion Resource Center (VDRC)*. Under the bill, the
5 New Jersey Department of Military and Veterans' Affairs, the
6 United States Department of Veterans Affairs, the United States
7 Veterans Health Administration, United States Vet Centers and
8 other federal, State and local government agencies that serve
9 veterans would develop and coordinate a Veterans Diversion
10 Resource Center (VDRC) in each county. Each VDRC would serve
11 as the single point of entry in each county to facilitate the diversion
12 or referral of eligible servicemembers into case management and
13 mental health services. The Veterans Diversion Resource Center
14 would be capable of providing screening, counseling, treatment and
15 case management for mental health issues and other co-occurring
16 health disorders to eligible servicemembers or coordinating such
17 services through the appropriate federal, State and local government
18 agencies that offer assistance to veterans.

19 A VDRC or an agency which accepts the referral of an eligible
20 servicemember must be capable of providing law enforcement
21 officials with periodic status reports regarding the participation and
22 recovery progress, when the servicemember consents to the release
23 of such information, as a condition of diversion from prosecution.
24 The department would also collaborate with the United States
25 Department of Defense Military Health System to develop a similar
26 single point of entry to case management and mental health services
27 to support the diversion and referral of *non-veteran* eligible
28 servicemembers.

29 *Intake Procedure*. Under the bill, when a person is taken into
30 custody for an eligible offense, the responding law enforcement
31 officer would inquire whether the person is a servicemember or has
32 ever served in the military. If the person is a servicemember and
33 exhibits behavior that may be related to a mental illness, the law
34 enforcement officer may continue processing the individual with a
35 preference for diversion to a Veterans Diversion Resource Center.
36 If the alleged offense is not an eligible offense or the
37 servicemember is resistant to diversion, the officer may file a
38 criminal complaint. A law enforcement officer shall not divert an
39 eligible servicemember prior to the filing of a criminal complaint if
40 the crime or offense involves restitution for damages, violence or
41 the threat of violence, the violation of any restraining order or
42 protective order involving another person, or where a victim of the
43 offense objects to the diversion. If the servicemember is not
44 diverted, the law enforcement officer may proceed with the filing of
45 a criminal complaint and indicate the person's status as a
46 servicemember.

47 At any time after the filing of a criminal complaint, but prior to
48 the disposition of such complaint, an eligible servicemember, the

1 public defender assigned to the eligible servicemember, or the
2 servicemember's own legal counsel may make an application to the
3 prosecutor to participate in the Veterans Diversion Program. The
4 prosecutor may approve or conditionally approve an eligible
5 servicemember's admission into the Veterans Diversion Program.
6 The prosecutor shall have the sole discretion to determine if an
7 eligible servicemember qualifies for and is admitted to the Veterans
8 Diversion Program after consideration of the nature of the eligible
9 offense, the causative relationship between the person's diagnosed
10 or apparent mental illness and the commission of the offense, the
11 amenability of the servicemember to participation in the services of
12 the program, the availability of case management and mental health
13 services, the desires of any victim, the person's history of prior
14 convictions and the probability that diversion will promote the
15 servicemember's recovery, prevent future criminal behavior and
16 protect public safety. The prosecutor's approval of an application
17 would not be conditioned on an admission or guilty plea.

18 *Disqualification.* No eligible servicemember shall be admitted
19 to the Veterans Diversion Program if the person has criminal
20 charges pending for a crime of the third degree or higher, if the
21 crime or offense involved violence or the threat of violence, or if
22 the person was previously convicted of a violent crime enumerated
23 in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2). In
24 addition, there is a presumption against admission into the Veterans
25 Diversion Program, subject to the discretion of the prosecutor after
26 consulting with any victim, for a servicemember charged with; (1)
27 any crime or offense involving domestic violence; or (2) if the
28 person committed the crime or offense while subject to a temporary
29 or permanent restraining order.

30 *Program Requirements.* To qualify for the Veterans Diversion
31 Program, an eligible servicemember shall agree in writing to the
32 following terms, where relevant to the eligible offense:

- 33 • participate in case management and mental health
34 services initiated through the VDRC or other similar
35 services and cooperate with any recommended course of
36 treatment, including the use of medications as prescribed
37 and participation in counseling;
- 38 • authorize the case management or mental health service
39 provider to release to the prosecutor periodic status
40 reports regarding the servicemember's participation,
41 cooperation and recovery progress;
- 42 • cooperate with case management service providers to
43 procure housing, education and employment services;
- 44 • pay restitution for damages that have resulted from the
45 offense;
- 46 • refrain from the use of alcohol or illegal drugs or
47 frequenting any place where alcohol or illegal drugs are
48 sold and used;

- 1 • refrain from the possession or use of firearms or other
2 weapons;
- 3 • refrain from further criminal activity;
- 4 • refrain from any contact with a victim of the offense;
- 5 • cooperate with a mentor, where assigned, and the United
6 States Department of Veterans Affairs Justice Outreach
7 Specialist;
- 8 • suspend the tolling of time for the purposes of the
9 servicemember's right to a speedy trial;
- 10 • advise the prosecutor of any change in the
11 servicemember's residential address or any change in the
12 provider of case management and mental health services;
13 and
- 14 • any other terms and conditions deemed appropriate by the
15 prosecutor.

16

17 The prosecutor would determine the duration of the
18 servicemember's participation in the program, except that the
19 servicemember's participation in the program could not exceed two
20 years from the date of the diversion agreement. The servicemember
21 would be responsible for coordinating with the centers to ensure
22 that the prosecutor receives periodic reports on the servicemember's
23 participation, cooperation and recovery progress. The
24 servicemember would be required to contact the Veterans Diversion
25 Resource Center or other case management and mental health
26 service provider within seven days of the date of the diversion
27 agreement. The court would review the status of the deferred
28 prosecution of the servicemember no later than six months from the
29 date on which the court approved the prosecutor's initial request for
30 a postponement of the proceedings, and, thereafter, every six
31 months from the most recent review, to consider, whether the
32 postponement of court proceedings should continue. If, after a
33 minimum of six months from the date of the diversion agreement,
34 the prosecutor is satisfied that the servicemember has complied with
35 the diversion agreement, has not been the subject of any subsequent
36 criminal charges, and continues to make progress with case
37 management services and mental health recovery, the prosecutor
38 may for the dismissal of the criminal charge and terminate the
39 servicemember's participation.

40 If, at any time, the prosecutor finds that the servicemember has
41 failed to comply with the diversion agreement, the prosecutor may
42 notify the court that the State is prepared to proceed with the
43 prosecution.

44 No fee would be assessed to a servicemember for participation in
45 the Veterans Diversion Program. An eligible servicemember may be
46 admitted to the Veterans Diversion Program one or more times at
47 the discretion of the prosecutor.

1 The dismissal of charges based on a servicemember's successful
2 participation in the Veterans Diversion Program would not be
3 deemed: (1) a conviction for purposes of disqualifications or
4 disabilities but shall be reported to the State Bureau of
5 Identification criminal history record information files for purposes
6 of determining future eligibility or exclusion from other diversion
7 programs; or (2) a conviction for the purpose of determining
8 whether a second or subsequent offense has occurred under any law
9 of this State.

10 In addition, the bill requires the Administrative Director of the
11 Courts to develop a differentiated mental health supervision case
12 type within the Probation Division of the Superior Court for eligible
13 servicemembers who are sentenced to a term of probation
14 supervision. Eligible servicemembers who are sentenced to a term
15 of probation supervision would be screened and assigned to a
16 differentiated mental health supervision case type pursuant to
17 procedures developed by the Administrative Director of the Courts.

18 *Amendatory sections.* The bill amends N.J.S.2C:52-6 concerning
19 expungement to allow for expungement of all records and
20 information relating to the arrest or charge dismissed pursuant
21 based on a person's successful participation in the Veterans
22 Diversion Program.

23 In addition, the bill amends the PTI statute (N.J.S.2C:43-12),
24 conditional discharge statute (N.J.S.2C:36A-1) and the conditional
25 dismissal statute (section 1 of P.L.2013, c.158 (C.2C:43-13.1) to
26 cross reference the Veterans Diversion Program established by the
27 bill. Under the bill successful completion of the Veterans Diversion
28 Program bars the servicemember's eligibility for PTI, conditional
29 dismissal and conditional discharge programs.

30 *Mentor Registry.* The bill also amends N.J.S.38A:3-6 to require the
31 Adjutant General of the Department of Military and Veterans' Affairs
32 to develop a registry of volunteer mentors. The registry would be
33 available to county prosecutors and to the Administrative Director of
34 the Courts to facilitate the assignment of mentors to persons admitted
35 into the Veterans Diversion Program. The registry of mentors would
36 be periodically updated by the Department of Military and Veterans'
37 Affairs.

38 *Annual Report.* The bill requires the Attorney General, with the
39 cooperation with the Administrative Director of the Courts, to prepare
40 an annual report to the Legislature and Governor regarding the
41 Veterans Diversion Program to assist policymakers in determining
42 whether the program should be modified or expanded to achieve the
43 goals of recovery for eligible servicemembers and public safety.

44 In addition, the bill would require the Attorney General, the
45 Administrative Director of the Courts, and the Adjutant General to
46 publish on their respective websites information regarding the
47 Veterans Diversion Programs.

1 *Effective Date.* The bill takes effect on the first day of the seventh
2 month next following enactment, except that the Attorney General, the
3 Administrative Director of the Courts, and the Adjutant General may
4 take any anticipatory administrative action in advance.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4362

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 19, 2017

The Assembly Military and Veterans' Affairs Committee reports favorably and with committee amendments Assembly, No. 4362.

As amended, this bill would require the New Jersey Department of Military and Veterans Affairs to collaborate with the United States Department of Veterans Affairs to establish a Statewide Veterans Diversion Program to divert eligible servicemembers who have committed certain offenses away from the criminal justice system and into appropriate case management and mental health services.

ELIGIBILITY. The bill defines a “servicemember” as any veteran or enlisted person or officer of the United States Armed Forces, or a reserve component thereof, or the organized militia of the State who has served on active military duty in any combat theater or area of hostility. A servicemember is eligible for admission into the program if he committed an eligible offense and has a prior diagnosis of service-related mental illness or other indications of mental illness.

As originally introduced, “eligible offense” included a non-violent petty disorderly persons offense, disorderly persons offense or crime of the fourth degree. The committee amended the bill to also include third degree crimes.

VETERANS DIVERSION RESOURCE CENTER (VDRC). Under the bill, the New Jersey Department of Military and Veterans' Affairs, the United States Department of Veterans Affairs, the United States Veterans Health Administration, United States Vet Centers and other federal, State and local government agencies that serve veterans would coordinate a Veterans Diversion Resource Center (VDRC) in each county. Each VDRC would serve as the single point of entry in each county to facilitate the diversion or referral of eligible servicemembers into case management and mental health services.

The committee amended this section to clarify that the Veterans Diversion Resource Center, or an agency to which an eligible servicemember is referred to by the Center, would be capable of

providing screening, counseling, treatment and case management for mental health issues and other co-occurring health disorders to eligible servicemembers or coordinating these services through the appropriate federal, State and local government agencies that offer assistance to veterans.

A VDRC or an agency which accepts the referral of an eligible servicemember would be required to provide law enforcement officials with periodic status reports regarding the servicemember's participation and recovery progress, provided the servicemember consents to the release of such information. The department would also be required to collaborate with the United States Department of Defense Military Health System to coordinate a single point of entry to case management and mental health services to support the diversion and referral of *non-veteran* eligible servicemembers.

INTAKE PROCEDURE. Under the bill, when a person is taken into custody for an eligible offense, the responding law enforcement officer would inquire whether the person is a servicemember or has ever served in the military. If the person is a servicemember and exhibits behavior that may be related to a mental illness, the law enforcement officer may continue processing the individual with a preference for diversion to a Veterans Diversion Resource Center. If the alleged offense is not an eligible offense or the servicemember is resistant to diversion, the officer may file a criminal complaint. Under the bill, a law enforcement officer cannot divert an eligible servicemember prior to the filing of a criminal complaint if the crime or offense involves restitution for damages, if the crime or offense involves violence or the threat of violence, if the crime or offense involves the violation of any restraining order or protective order of another person, or where a victim of the offense objects to the diversion. If the servicemember is not diverted, the law enforcement officer may proceed with the filing of a criminal complaint and indicate the person's status as a servicemember.

At any time after the filing of a criminal complaint, but prior to the disposition of such complaint, an eligible servicemember, the public defender assigned to the eligible servicemember, or the servicemember's own legal counsel may make an application to the prosecutor to participate in the Veterans Diversion Program. The prosecutor may approve or conditionally approve an eligible servicemember's admission into the Veterans Diversion Program. The prosecutor would have the sole discretion to determine if an eligible servicemember qualifies for and is admitted to the Veterans Diversion Program after consideration of the nature of the eligible offense, the causative relationship between the person's diagnosed or apparent mental illness and the commission of the offense, the amenability of the servicemember to participation in the services of the program, the availability of case management and mental health

services, the desires of any victim, the person's history of prior convictions and the probability that diversion will promote the servicemember's recovery, prevent future criminal behavior and protect public safety.

As amended, the bill requires the prosecutor to consult with the victim prior to approving a servicemember's admission into the program.

In addition, under the bill the prosecutor's approval of an application would not be conditioned on an admission or guilty plea.

DISQUALIFICATION. The bill prohibits admission into the Veterans Diversion Program: (1) if the person has criminal charges pending for a crime of the second degree or higher; (2) if the crime or offense involved violence or the threat of violence; or (3) if the person was previously convicted of a violent crime enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) such as murder, vehicular homicide, kidnapping, aggravated assault, sexual assault, robbery, carjacking, and firearms trafficking. In addition, the bill provides a presumption against admission into the Veterans Diversion Program if the person is charged with any crime or offense involving domestic violence or if the person committed the crime or offense while subject to a temporary or permanent restraining order.

PROGRAM REQUIREMENTS. To qualify for the Veterans Diversion Program, an eligible servicemember shall agree in writing to certain terms and conditions. The prosecutor would determine the duration of the servicemember's participation in the program, except that the servicemember's participation in the program could not exceed two years from the date of the diversion agreement.

The bill requires the servicemember to be responsible for coordinating with the centers to ensure that the prosecutor receives periodic reports on the servicemember's participation, cooperation, and recovery progress. The servicemember would be required to contact the Veterans Diversion Resource Center or other case management and mental health service provider within seven days of the date of the diversion agreement.

The court would review the status of the deferred prosecution of the servicemember no later than six months from the date on which the court approved the prosecutor's initial request for a postponement of the proceedings, and, thereafter, every six months from the most recent review, to consider, whether the postponement of court proceedings should continue. If, after a minimum of six months from the date of the diversion agreement, the prosecutor is satisfied that the servicemember has complied with the diversion agreement, has not been the subject of any subsequent criminal charges, and continues to make progress with case management services and mental health recovery, the prosecutor may move for

the dismissal of the criminal charge and terminate the servicemember's participation. If, at any time, the prosecutor finds that the servicemember has failed to comply with the diversion agreement, the prosecutor may notify the court that the State is prepared to proceed with the prosecution.

The bill provides that no fee would be assessed to a servicemember for participation in the Veterans Diversion Program. An eligible servicemember may be admitted to the Veterans Diversion Program one or more times at the discretion of the prosecutor.

The dismissal of charges based on a servicemember's successful participation in the Veterans Diversion Program would not be deemed: (1) a conviction for purposes of disqualifications or disabilities but would be reported to the State Bureau of Identification criminal history record information files for purposes of determining future eligibility or exclusion from other diversion programs; or (2) a conviction for the purpose of determining whether a second or subsequent offense has occurred under any law of this State.

TRAINING. The bill would require the Administrative Director of the Courts to develop a differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible servicemembers who are sentenced to a term of probation supervision. To the extent that sufficient resources are available, probation officers assigned to the specialized caseload should be experienced in behavioral health and evidence-based therapeutic interventions specifically targeted to military culture. The probation officers would coordinate with mentors as well as federal and State case management and health care providers available to servicemembers to promote their recovery, compliance with the terms of probation and re-integration into the community and adjustment to civilian life.

AMENDATORY SECTIONS. The bill amends N.J.S.2C:52-6 concerning expungement to allow for expungement of all records and information relating to the arrest or charge dismissed based on a servicemember's successful participation in the Veterans Diversion Program.

In addition, the bill amends the PTI statute (N.J.S.2C:43-12), conditional discharge statute (N.J.S.2C:36A-1) and the conditional dismissal statute (section 1 of P.L.2013, c.158 (C.2C:43-13.1) to cross reference the Veterans Diversion Program established by the bill. Under the bill successful completion of the Veterans Diversion Program bars the servicemember's eligibility for PTI, conditional dismissal and conditional discharge programs.

MENTOR REGISTRY. The bill also amends N.J.S.38A:3-6 to require the Adjutant General of the Department of Military and Veterans' Affairs to develop a registry of volunteer mentors. The registry would

be available to county prosecutors and to the Administrative Director of the Courts to facilitate the assignment of mentors to persons admitted into the Veterans Diversion Program. The registry of mentors would be periodically updated by the Department of Military and Veterans' Affairs.

ANNUAL REPORT. The bill requires the Attorney General, with the cooperation with the Administrative Director of the Courts, to prepare an annual report to the Governor and the Legislature regarding the Veterans Diversion Program to assist policymakers in determining whether the program should be modified or expanded to achieve the goals of recovery for eligible servicemembers and public safety.

In addition, the bill would require the Attorney General, the Administrative Director of the Courts, and the Adjutant General to publish on their respective websites information regarding the Veterans Diversion Programs.

EFFECTIVE DATE. The bill would take effect on the first day of the seventh month next following enactment, except that the Attorney General, the Administrative Director of the Courts, and the Adjutant General may take any anticipatory administrative action in advance.

These amendments make this bill identical to SCS for Senate Bill No.307 (1R).

COMMITTEE AMENDMENTS

The committee amended the bill to: amend the definition of "eligible offense" to include crimes of the third degree; clarify that the "veterans diversion resource center" (VDRC) would coordinate services currently available from the federal, State and local government agencies; clarify that the New Jersey Department of Military and Veterans' Affairs would coordinate with the federal and local agencies to provide screening, counseling, treatment and case management through the VDRC centers; prohibit admission into the program if the person has criminal charges pending for a crime of the second degree or higher; correct an internal cross reference; and clarify the authority of the prosecutor.

The amendments make the bill identical to Senate Bill No. 307 (SCS)(1R) of 2016-2017.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4362

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 30, 2017

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4362 (1R), with amendments.

As amended, this bill requires the New Jersey Department of Military and Veterans Affairs to collaborate with the United States Department of Veterans Affairs to establish a Statewide Veterans Diversion Program to divert eligible servicemembers who have committed certain offenses away from the criminal justice system and into appropriate case management and mental health services.

This committee amended the bill to clarify that the Department of Military and Veterans' Affairs responsibilities are limited to preparing and disseminating a directory of Veterans Diversion Resource entities within New Jersey to facilitate the diversion of eligible servicemembers from the criminal justice system. The department would not be responsible for funding, developing or delivering case management or mental health services to eligible servicemembers under this bill. Each Veterans Diversion Resource entity would serve as a point of entry to facilitate the law enforcement diversion or referral of eligible servicemembers into existing case management and mental health services offered by the United States Department of Veterans Affairs, the New Jersey Department of Human Services or other appropriate case management and mental health services available to veterans or persons with mental illness.

ELIGIBILITY. The bill provides that a servicemember is eligible for admission into the program if he committed an eligible offense and has a prior diagnosis of mental illness or other indications of mental illness. An eligible offense is defined by the bill as a non-violent petty disorderly persons offense, disorderly persons offense, or crime of the third or fourth degree.

The committee amendments eliminated the language in the definition of "servicemember" which would have limited admission to the Veterans Diversion Program to servicemembers "who served on active duty in any combat theatre or area of hostility." The committee amendments also eliminated language from the

definition of “eligible servicemember” which required a prior diagnosis of “service related” mental illness.

VETERANS DIVERSION RESOURCE ENTITY (VDR). As originally introduced, the bill would have required the New Jersey Department of Military and Veterans’ Affairs to collaborate with other federal, State and local government agencies to coordinate a Veterans Diversion Resource Center in each county.

The committee amendments eliminated all references to a “center.” The bill clarifies that the department’s responsibility is to prepare and disseminate a directory of Veterans Diversion Resource entities within New Jersey. Each Veterans Diversion Resource entity would serve *as a point of entry* to facilitate the diversion or referral of eligible servicemembers into existing case management and mental health services offered to veterans or persons with mental illness. The amendments eliminated language from the bill which required the veterans diversion program to be *the single point of entry* in each county.

Under the bill, the Veterans Diversion Resource entity or any other agency to which an eligible servicemember is referred to should be capable of providing screening, counseling, treatment and case management for mental health issues and other co-occurring health disorders to eligible servicemembers or coordinating these services through the appropriate federal, State and local government agencies that offer assistance to veterans.

A Veterans Diversion Resource entity or an agency which accepts the referral of an eligible servicemember would be required to provide law enforcement officials with periodic status reports regarding the servicemember’s participation and recovery progress, provided the servicemember consents to the release of such information. The department would also be required to provide a similar resource directory to facilitate the law enforcement diversion and referral of *non-veteran* eligible servicemembers from criminal justice system.

INTAKE PROCEDURE. Under the bill, when a person is taken into custody for an eligible offense, the responding law enforcement officer would inquire whether the person is a servicemember or has ever served in the military. If the person is a servicemember and exhibits behavior that may be related to a mental illness, the law enforcement officer may continue processing the individual with a preference for diversion to a Veterans Diversion Resource entity or other community-based mental health services in lieu of filing a criminal complaint. If the alleged offense is not an eligible offense or the servicemember is resistant to diversion, the officer may file a criminal complaint. Under the bill, a law enforcement officer cannot divert an eligible servicemember prior to the filing of a criminal complaint if the crime or offense involves restitution for damages, if the crime or offense involves violence or the threat of violence, if the crime or offense involves the violation of any restraining order or protective order of another person, or where a victim of the

offense objects to the diversion. If the servicemember is not diverted, the law enforcement officer may proceed with the filing of a criminal complaint and indicate the person's status as a servicemember.

At any time after the filing of a criminal complaint, but prior to the disposition of such complaint, an eligible servicemember, the public defender assigned to the eligible servicemember, or the servicemember's own legal counsel may make an application to the prosecutor to participate in the Veterans Diversion Program. The prosecutor may approve or conditionally approve an eligible servicemember's admission into the Veterans Diversion Program. The prosecutor would have the sole discretion to determine if an eligible servicemember qualifies for and is admitted to the Veterans Diversion Program after consideration of the nature of the eligible offense, the causative relationship between the person's diagnosed or apparent mental illness and the commission of the offense, the amenability of the servicemember to participation in the services of the program, the availability of case management and mental health services, the desires of any victim, the person's history of prior convictions and the probability that diversion will promote the servicemember's recovery, prevent future criminal behavior and protect public safety. The prosecutor would consult with the victim prior to approving a servicemember's admission into the program. The prosecutor's approval of an application would not be conditioned on an admission or guilty plea.

The committee amended the bill to allow the prosecutor to consider and approve other diversion alternatives for servicemembers in lieu of the Veterans Diversion Program established under the bill.

DISQUALIFICATION. The bill prohibits admission into the Veterans Diversion Program: (1) if the person has criminal charges pending for a crime of the second degree or higher; (2) if the crime or offense involved violence or the threat of violence; or (3) if the person was previously convicted of a violent crime enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) such as murder, vehicular homicide, kidnapping, aggravated assault, sexual assault, robbery, carjacking, and firearms trafficking. In addition, the bill provides a presumption against admission into the Veterans Diversion Program if the person is charged with any crime or offense involving domestic violence or if the person committed the crime or offense while subject to a temporary or permanent restraining order.

PROGRAM REQUIREMENTS. To qualify for the Veterans Diversion Program, an eligible servicemember shall agree in writing to certain terms and conditions. The prosecutor would determine the duration of the servicemember's participation in the program, except that the servicemember's participation in the program could not exceed two years from the date of the diversion agreement.

The bill requires the servicemember to be responsible for coordinating with the Veterans Diversion Resource entities to ensure that the prosecutor receives periodic reports on the servicemember's participation, cooperation, and recovery progress. The servicemember would be required to contact the Veterans Diversion Resource entity or other case management and mental health service provider within seven days of the date of the diversion agreement.

The court would review the status of the deferred prosecution of the servicemember no later than six months from the date on which the court approved the prosecutor's initial request for a postponement of the proceedings, and, thereafter, every six months from the most recent review, to consider, whether the postponement of court proceedings should continue. If, after a minimum of six months from the date of the diversion agreement, the prosecutor is satisfied that the servicemember has complied with the diversion agreement, has not been the subject of any subsequent criminal charges, and continues to make progress with case management services and mental health recovery, the prosecutor may move for the dismissal of the criminal charge and terminate the servicemember's participation. If, at any time, the prosecutor finds that the servicemember has failed to comply with the diversion agreement, the prosecutor may notify the court that the State is prepared to proceed with the prosecution.

The bill provides that no fee would be assessed to a servicemember for participation in the Veterans Diversion Program. An eligible servicemember may be admitted to the Veterans Diversion Program one or more times at the discretion of the prosecutor.

The dismissal of charges based on a servicemember's successful participation in the Veterans Diversion Program would not be deemed: (1) a conviction for purposes of disqualifications or disabilities but would be reported to the State Bureau of Identification criminal history record information files for purposes of determining future eligibility or exclusion from other diversion programs; or (2) a conviction for the purpose of determining whether a second or subsequent offense has occurred under any law of this State.

The committee amended the bill to clarify that nothing in the bill should be construed to limit or constrain in any way the authority or discretion of a prosecutor to divert, prosecute or pursue any other disposition of a criminal matter involving a defendant who is a servicemember. When considering the diversion of a servicemember from the criminal justice system, a prosecutor may use the Veterans Diversion Program established under the bill, any other diversion mechanism authorized by law, or a county-based law enforcement diversion program after considering each program's restrictions, the relief available to the servicemember, and the safety of any victim and the public.

TRAINING. The bill would require the Administrative Director of the Courts to develop a differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible servicemembers who are sentenced to a term of probation supervision. To the extent that sufficient resources are available, probation officers assigned to the specialized caseload should be experienced in behavioral health and evidence-based therapeutic interventions specifically targeted to military culture. The probation officers would coordinate with mentors as well as federal and State case management and health care providers available to servicemembers to promote their recovery, compliance with the terms of probation and re-integration into the community and adjustment to civilian life.

AMENDATORY SECTIONS. The bill amends N.J.S.2C:52-6 to allow for expungement of all records and information relating to the arrest or charge dismissed based on a servicemember's successful participation in the Veterans Diversion Program.

In addition, the bill amends the PTI statute (N.J.S.2C:43-12), conditional discharge statute (N.J.S.2C:36A-1) and the conditional dismissal statute (section 1 of P.L.2013, c.158 (C.2C:43-13.1) to cross reference the Veterans Diversion Program established by the bill. Under the bill, successful completion of the Veterans Diversion Program bars the servicemember's eligibility for PTI, conditional dismissal and conditional discharge programs; however an eligible servicemember may seek subsequent admission to the Veterans Diversion Program and may be admitted at the sole discretion of the prosecutor.

MENTOR REGISTRY. The bill amends N.J.S.38A:3-6 to require the Adjutant General of the Department of Military and Veterans' Affairs to develop a registry of volunteer mentors. The registry would be available to county prosecutors and to the Administrative Director of the Courts to facilitate the assignment of mentors to persons admitted into the Veterans Diversion Program. The registry of mentors would be periodically updated by the Department of Military and Veterans' Affairs.

VETERANS DIVERSION RESOURCE DIRECTORY. The committee also amended N.J.S.38A:3-6 to require the Adjutant General of the Department of Military and Veterans' Affairs to prepare and disseminate a directory of Veterans Diversion Resource Program entities currently available within New Jersey.

ANNUAL REPORT. As amended, the bill requires the Attorney General, with the cooperation with the Administrative Director of the Courts, to prepare an annual report to the Governor and the Legislature regarding the Veterans Diversion Program and other statutory and county-based law enforcement programs used to divert veterans from the criminal justice system. The report would assist policymakers in determining whether these diversion programs should be modified or expanded to achieve the goals of recovery for servicemembers and public safety.

In addition, the bill would require the Attorney General, the Administrative Director of the Courts, and the Adjutant General to publish on their respective websites information regarding the diversion programs and government-based resources available to assist justice-involved veterans and servicemembers.

EFFECTIVE DATE. The bill would take effect on the first day of the seventh month next following enactment, except that the Attorney General, the Administrative Director of the Courts, and the Adjutant General may take any anticipatory administrative action in advance.

As amended and reported, this bill is identical to Senate Bill No. 307 (SCS/1R), as amended and reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that this bill will have an indeterminate fiscal impact on State and local expenditures.

Department of Military and Veterans' Affairs

The Department of Military and Veterans' will, along with other federal, State and local partners involved in VDRs, develop and maintain a directory of Veterans Diversion Resource entities within New Jersey. While actual expenditures will depend on the specific detail, of the implementation, it appears that the expenditures seem to be absorbable within existing departmental resources.

Administrative Office of the Courts

As a result of the bill, the Judiciary will need to modify the Electronic Court Disposition Reporting (eCDR) system, which is the Statewide electronic criminal complaint generation system accessible to all law enforcement agencies. System modifications are necessary to address the bill's required recording of servicemember status on a complaint-summons or a complaint-warrant. Initial system modifications are conservatively estimated at \$300,000.

In addition, the bill requires the Judiciary to establish a "differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible service members who are sentenced to a term of probation supervision." Unfortunately, as the Judiciary is unable to determine how many defendants sentenced to probation supervision might qualify as an "eligible service member," estimating the cost associated with development and implementation of a specialized category of probation supervision is not feasible.

COMMITTEE AMENDMENTS:

The amendments:

1. Clarify that the Department of Military and Veterans' Affairs responsibility are limited to preparing and disseminating a directory of Veterans Diversion Resource Program entities currently available within New Jersey to facilitate the law enforcement diversion of eligible servicemembers from the criminal justice system. The department would not be responsible for funding, developing

or delivering case management or mental health services to eligible servicemembers under this bill.

2. Clarify that a prosecutor may also consider and approve other diversion alternatives for servicemembers in lieu of the Veterans Diversion Program created under the bill.
3. Change all references to “Veterans Diversion Resource Center” to “Veterans Diversion Resource entity.” In addition, the amendments eliminate language from the bill which required the veterans diversion program to be the *single point of entry* in each county. Rather, each Veterans Diversion Resource entity would serve as *a point of entry* to facilitate the diversion or referral of eligible servicemembers into existing case management and mental health services offered to veterans or persons with mental illness.
4. Eliminate the language in the definition of “servicemember” which would have limited admission to the Veterans Diversion Program to servicemembers “who served on active duty in any combat theatre or are of hostility.”
5. Eliminate the language in the definition of “eligible servicemember” which required a prior diagnosis of “service related” mental illness.
6. Change the definition of “mental illness” to include a mental disorder classified within the current version of the American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders (DSM).
7. Add a new section 5 to provide that nothing in the bill should be construed to limit or constrain in any way the authority or discretion of a prosecutor to divert, prosecute or pursue any other disposition of a criminal matter involving a defendant who is a servicemember. When considering diverting a servicemember from the criminal justice system, a prosecutor may use the Veterans Diversion Program established, any other diversion mechanism authorized by law, or a county-based law enforcement diversion program after considering each program’s restrictions, the relief available to the servicemember, and the safety of any victim and the public.
8. Renumber remaining sections and correct internal references.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 4362
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: DECEMBER 22, 2016

SUMMARY

- Synopsis:** Creates Veterans Diversion Program to divert eligible servicemembers away from criminal justice system and into appropriate case management and mental health services.
- Type of Impact:** Expenditure increase to the State General Fund; local government funds.
- Agencies Affected:** Department of Military and Veterans’ Affairs; Department of Law and Public Safety; Administrative Office of the Courts; local government agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
State Cost	Indeterminate - See comments below		
Local Cost	Indeterminate - See comments below		

- This bill will divert eligible servicemembers who have committed certain offenses away from the criminal justice system and into an appropriate case management and mental health services veterans’ diversion program.
- The Office of Legislative Services (OLS) estimates that this bill will have an indeterminate fiscal impact on State and local expenditures.

Department of Military and Veterans’ Affairs

- Increased costs to the Department of Military and Veterans’ Affairs will depend on how the bill is implemented, for example, using existing offices and staff, establishing new facilities, and providing or not providing in-house services. Collaboration and coordination among the federal, State and local partners will require a noticeable, additional workload to orchestrate the organization and delivery of the program and services. The additional workload may not be absorbed within existing staffing levels.

- Increased costs to provide a mentoring directory, status reports, record keeping, and publishing information about the program on the websites of the Attorney General, the Administrative Director of the Courts, and the Department of Military and Veterans' Affairs may require some additional funding or may be absorbed by the departments.

Administrative Office of the Courts

- As a result of the bill, the Judiciary will need to modify the Electronic Court Disposition Reporting (eCDR) system, which is the Statewide electronic criminal complaint generation system accessible to all law enforcement agencies. System modifications are necessary to address the bill's required recording of servicemember status on a complaint-summons or a complaint-warrant. Initial system modifications are conservatively estimated at \$300,000.
- In addition, the bill would require the Judiciary to establish a "differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible service members who are sentenced to a term of probation supervision." Unfortunately, as the Judiciary is unable to determine how many defendants sentenced to probation supervision might qualify as an "eligible service member," estimating the cost associated with development and implementation of a specialized category of probation supervision is not feasible.

Department of Law and Public Safety

- Costs to the Department of Law and Public Safety to determine the additional workload of the prosecutors under the requirements of the bill are indeterminate, and will depend on the level of expertise needed, and therefore training, for the prosecutors to make a professional determination of whether or not a veteran, who has committed a certain crime, qualifies for the diversion program. To accomplish this, prosecutors may have to work with mental health professionals which may also increase costs to pay for their services.

BILL DESCRIPTION

Assembly Bill No. 4362 of 2016 requires the New Jersey Department of Military and Veterans Affairs to collaborate with the United States Department of Veterans Affairs to establish a Statewide Veterans Diversion Program to divert eligible servicemembers who have committed certain offenses away from the criminal justice system and into appropriate case management and mental health services.

Eligibility. The bill provides that a servicemember is eligible for admission into the program if he committed an eligible offense and has a prior diagnosis of service-related mental illness or other indications of mental illness. An eligible offense is defined by the bill as a non-violent petty disorderly persons offense, disorderly persons offense, or crime of the third or fourth degree.

Veterans Diversion Resource Center (VDRC). Under the bill, the New Jersey Department of Military and Veterans' Affairs is to collaborate with the United States Department of Veterans Affairs, the United States Veterans Health Administration, United States Vet Centers and other federal, State, and local government agencies that serve veterans to coordinate a Veterans Diversion Resource Center (VDRC) in each county. Each VDRC is to serve as the single point

of access and referral in each county to facilitate the diversion or referral of eligible servicemembers into case management and mental health services currently available from federal, State, and local government agencies. The Veterans' Diversion Resource Center may be capable of providing screening, counseling, treatment, and case management for mental health issues and other co-occurring health disorders to eligible servicemembers or coordinating these services through the appropriate federal, State, and local government agencies that offer assistance to veterans.

The bill provides that a VDRC or an agency which accepts the referral of an eligible servicemember must be capable of providing law enforcement officials with periodic status reports regarding the participation and recovery progress, when the servicemember consents to the release of such information, as a condition of diversion from prosecution. The department also is required to collaborate with the United States Department of Defense Military Health System to coordinate a single point of entry to case management and mental health services to support the diversion and referral of *non-veteran* eligible servicemembers.

Intake Procedure. Under the bill, when a person is taken into custody for an eligible offense, the responding law enforcement officer is to inquire whether the person is a servicemember or has ever served in the military. If the servicemember is not diverted, the law enforcement officer may proceed with the filing of a criminal complaint and indicate the person's status as a servicemember.

At any time after the filing of a criminal complaint, but prior to the disposition of such complaint, an eligible servicemember, the public defender assigned to the eligible servicemember, or the servicemember's own legal counsel may make an application to the prosecutor to participate in the Veterans Diversion Program. The bill provides that the prosecutor shall have the sole discretion to determine if an eligible servicemember qualifies for and is admitted to the Veterans Diversion Program after consideration of the nature of the eligible offense, the causative relationship between the person's diagnosed or apparent mental illness and the commission of the offense, the amenability of the servicemember to participation in the services of the program, the availability of case management and mental health services, the desires of any victim, the person's history of prior convictions and the probability that diversion will promote the servicemember's recovery, prevent future criminal behavior and protect public safety. The prosecutor's approval of an application is not to be conditioned on an admission or guilty plea.

Disqualification. The bill provides that an eligible servicemember shall not be admitted to the Veterans Diversion Program if the person has criminal charges pending for a crime of the second degree or higher, if the crime or offense involved violence or the threat of violence, or if the person was previously convicted of a violent crime enumerated in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2). In addition, there is a presumption against admission into the Veterans Diversion Program, subject to the discretion of the prosecutor after consulting with any victim, for a servicemember charged with; (1) any crime or offense involving domestic violence; or (2) if the person committed the crime or offense while subject to a temporary or permanent restraining order.

Program Requirements. To qualify for the Veterans Diversion Program, the bill requires an eligible servicemember to agree in writing to certain terms. The prosecutor is to determine the duration of the servicemember's participation in the program, except that the servicemember's participation in the program could not exceed two years from the date of the diversion agreement.

The bill requires the servicemember to be responsible for coordinating with the centers to ensure that the prosecutor receives periodic reports on the servicemember's participation, cooperation and recovery progress. The servicemember is required to contact the Veterans

Diversion Resource Center or other case management and mental health service provider within seven days of the date of the diversion agreement.

The bill requires the court to review the status of the deferred prosecution of the servicemember no later than six months from the date on which the court approved the prosecutor's initial request for a postponement of the proceedings, and, thereafter, every six months from the most recent review, to consider, whether the postponement of court proceedings should continue. If, after a minimum of six months from the date of the diversion agreement, the prosecutor is satisfied that the servicemember has complied with the diversion agreement, has not been the subject of any subsequent criminal charges, and continues to make progress with case management services and mental health recovery, the prosecutor may for the dismissal of the criminal charge and terminate the servicemember's participation.

If, at any time, the prosecutor finds that the servicemember has failed to comply with the diversion agreement, the prosecutor may notify the court that the State is prepared to proceed with the prosecution.

The bill provides that no fee is to be assessed to a servicemember for participation in the Veterans Diversion Program. An eligible servicemember may be admitted to the Veterans Diversion Program one or more times at the discretion of the prosecutor.

The bill requires the Administrative Director of the Courts to develop a differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible servicemembers who are sentenced to a term of probation supervision.

Amendatory sections. The bill amends N.J.S.2C:52-6 concerning expungement to allow for expungement of all records and information relating to the arrest or charge dismissed pursuant based on a person's successful participation in the Veterans Diversion Program.

In addition, the bill amends the Pretrial Intervention (PTI) statute (N.J.S.2C:43-12), conditional discharge statute (N.J.S.2C:36A-1) and the conditional dismissal statute (section 1 of P.L.2013, c.158 (C.2C:43-13.1) to cross reference the Veterans Diversion Program established by the bill. Under the bill, successful completion of the Veterans Diversion Program bars the servicemember's eligibility for PTI, conditional dismissal and conditional discharge programs.

Mentor Registry. The bill amends N.J.S.38A:3-6 to require the Adjutant General of the Department of Military and Veterans' Affairs to develop a registry of volunteer mentors. The registry is required to be available to county prosecutors and to the Administrative Director of the Courts.

Annual Report. The bill requires the Attorney General, with the cooperation with the Administrative Director of the Courts, to prepare an annual report to the Legislature and Governor regarding the Veterans Diversion Program to assist policymakers in determining whether the program should be modified or expanded to achieve the goals of recovery for eligible servicemembers and public safety.

In addition, the bill requires the Attorney General, the Administrative Director of the Courts, and the Adjutant General to publish on their respective websites information regarding the Veterans Diversion Programs.

Effective Date. The bill takes effect on the first day of the seventh month next following enactment, except that the Attorney General, the Administrative Director of the Courts, and the Adjutant General may take any anticipatory administrative action in advance of the effective date as is necessary for implementation of the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill will have an indeterminate fiscal impact on State and local expenditures

Department of Military and Veterans' Affairs

Based on informal conversations with the Department of Military and Veterans' Affairs, under the bill, the department is required to collaborate with the United States Department of Veterans Affairs, the United States Veterans Health Administration, United States Vet Centers and other federal, State, and local government agencies to coordinate a Veterans Diversion Resource Center (VDRC) in each county. Each VDRC would serve as the single point of access and referral in each county to facilitate the diversion or referral of eligible service members into case management and mental health services currently available from federal, State and local government agencies.

Increased costs to the Department of Military and Veterans' Affairs will depend on how the bill is implemented, for example, using existing offices and staff, establishing new facilities, and providing or not providing in-house services. Collaboration and coordination among the federal, State, and local partners will require a noticeable, additional workload to orchestrate the organization and delivery of the program and services. The additional workload may not be absorbed within existing staffing levels. Costs to provide a mentoring directory, status reports, tracking and record keeping, and publishing information about the program on the websites of the Attorney General, the Administrative Director of the Courts, and the Department of Military and Veterans' Affairs may require some additional funding or may be able to be absorbed by the departments.

Administrative Office of the Courts

As a result of the bill, the Judiciary will need to modify the Electronic Court Disposition Reporting (eCDR) system, which is the Statewide electronic criminal complaint generation system accessible to all law enforcement agencies. System modifications are necessary to address the bill's required recording of servicemember status on a complaint-summons or a complaint-warrant. Initial system modifications are conservatively estimated at \$300,000.

In addition, the bill would require the Judiciary to establish a "differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible service members who are sentenced to a term of probation supervision." Unfortunately, as the Judiciary is unable to determine how many defendants sentenced to probation supervision might qualify as an "eligible service member," estimating the cost associated with development and implementation of a specialized category of probation supervision is not feasible.

Prosecutors

Costs to the Department of Law and Public Safety to determine the additional workload of the prosecutors under the requirements of the bill are indeterminate, and will depend on the level of expertise needed, and therefore training, for the prosecutors to make a professional determination of whether or not a veteran, who has committed a certain crime, qualifies for the diversion program. To accomplish this, prosecutors may have to work with mental health professionals which may also increase costs to pay for their services.

Section: State Government
Analyst: Kimberly M. Clemmensen
Senior Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 4362

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: FEBRUARY 13, 2017

SUMMARY

Synopsis: Creates Veterans Diversion Program to divert eligible servicemembers away from criminal justice system and into appropriate case management and mental health services.

Type of Impact: Minimal State expenditure increase.

Agencies Affected: The Judiciary; Department of Military and Veterans' Affairs

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>
State Cost	Indeterminate Increase – See comments below		

- The Office of Legislative Services (OLS) estimate that this bill will result in an indeterminate increase in State expenditures. Most of this increase will occur in the first year of implementation.

The Judiciary

- As a result of the bill, the Administrative Office of the Courts (AOC) will need to modify the Electronic Court Disposition Reporting (eCDR) system, which is the Statewide electronic criminal complaint generation system accessible to all law enforcement agencies. System modifications are necessary to address the bill's required recording of service member status on a complaint-summons or a complaint-warrant. Initial system modifications are informally estimated by the AOC at \$300,000.
- In addition, the bill would require the Judiciary to establish a differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible service members who are sentenced to a term of probation supervision. Neither the AOC nor the OLS have sufficient information upon which to base a forecast of the number of defendants sentenced to probation supervision who might qualify as an eligible servicemember. Therefore, estimating the cost associated with development and implementation of a specialized category of probation supervision is not feasible.

Department of Military and Veterans' Affairs

- The Office of Legislative Services estimates that this bill will have a minimal fiscal impact for the Department of Military and Veterans' Affairs. The department indicates informally that expenditures to prepare and disseminate a directory of New Jersey Veteran's Diversion Resource entities, develop a registry of mentors, and publish information regarding the diversion program and government-based resources available to assist justice-involved veterans and military members will be minimal.

BILL DESCRIPTION

Assembly Bill No. 4362 (2R) of 2016 creates a Statewide Veterans Diversion Program to divert eligible servicemembers away from the criminal justice system and into appropriate case management and mental health services. This bill requires the New Jersey Department of Military and Veterans' Affairs to prepare and disseminate a directory of Veterans Diversion Resource entities within New Jersey to facilitate diversion of eligible members of the military and veterans who have committed certain offenses away from the criminal justice system and into appropriate case management and mental health services. The department is also required to develop a registry of volunteer mentors.

Each Veterans Diversion Resource entity would serve as a point of entry into existing case management and mental health services offered by the United States Department of Veterans Affairs, the New Jersey Department of Human Services, or other appropriate case management and mental health services available to veterans or persons with mental illness. An entity should be capable of providing screening, counseling, treatment, and case management for mental health issues and other co-occurring health disorders to eligible members of the military or veterans or coordinating these services through the appropriate federal, State and local government agencies that offer assistance to veterans. An entity would be required to provide law enforcement officials with periodic status reports regarding the person's participation and recovery progress.

Under the bill, when a person is taken into custody for an eligible offense, the responding law enforcement officer would inquire whether the person is a member of the military or a veteran. If the person exhibits behavior that may be related to a mental illness, the law enforcement officer may continue processing the person with a preference for diversion to a Veterans Diversion Resource entity or other community-based mental health services in lieu of filing a criminal complaint.

At any time after the filing of a criminal complaint, but prior to the disposition of such complaint, an eligible person or the person's legal counsel may make an application to the prosecutor to participate in diversion. The prosecutor would have the sole discretion to determine if an eligible person qualifies for diversion after considering various factors specified in the bill. The prosecutor would determine the duration of the person's participation, which could not exceed two years. The bill requires that the prosecutor receive periodic reports on the person's participation, cooperation, and recovery progress.

A law enforcement officer cannot divert an eligible person prior to the filing of a criminal complaint if the crime or offense involves restitution for damages; if the crime or offense involves violence or the threat of violence; if the crime or offense involves the violation of any restraining order or protective order of another person; or when a victim of the offense objects to the diversion. A person taken into custody is eligible for diversion if the offense is a non-violent petty disorderly persons offense, disorderly persons offense, or crime of the

third or fourth degree. The bill prohibits diversion: (1) if the person has criminal charges pending for a crime of the second degree or higher; (2) if the crime or offense involved violence or the threat of violence; or (3) if the person was previously convicted of a violent crime such as murder, vehicular homicide, kidnapping, aggravated assault, sexual assault, robbery, carjacking, and firearms trafficking. In addition, the bill provides a presumption against diversion if the person is charged with any crime or offense involving domestic violence or if the person committed the crime or offense while subject to a temporary or permanent restraining order.

The court would review the status of a deferred prosecution at six-month intervals. If the prosecutor is satisfied that the person has complied with the diversion, has not been the subject of any subsequent criminal charges, and continues to make progress with case management services and mental health recovery, the prosecutor may move for the dismissal of the criminal charge and terminate the person's participation. If, at any time, the prosecutor finds that the person has failed to comply with the diversion, the prosecutor may notify the court that the State is prepared to proceed with the prosecution.

The bill prohibits the assessment of a fee to a person who participates in diversion.

The bill would require the Administrative Director of the Courts to develop a differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible members of the military or veterans who are sentenced to a term of probation supervision. To the extent that sufficient resources are available, probation officers assigned to the specialized caseload should be experienced in behavioral health and evidence-based therapeutic interventions specifically targeted to military culture. The probation officers would coordinate with mentors, as well as federal and State case management and health care providers, to promote recovery, compliance, and re-integration into the community.

In addition, the bill would require the Attorney General, the Administrative Director of the Courts, and the Adjutant General to publish on their respective websites information regarding the diversion programs and government-based resources available to assist justice-involved veterans and members of the military.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Judiciary

According to information informally provided by the AOC, a result of the bill the AOC will need to modify the Electronic Court Disposition Reporting (eCDR) system, which is the Statewide electronic criminal complaint generation system accessible to all law enforcement agencies. System modifications are necessary to address the bill's required recording of servicemember status on a complaint-summons or a complaint-warrant. Initial system modifications are informally estimated by the AOC at \$300,000.

In addition, the bill would require the Judiciary to establish a differentiated mental health supervision case type within the Probation Division of the Superior Court for eligible service

members who are sentenced to a term of probation supervision. Neither the AOC nor the OLS have sufficient information upon which to base a forecast of the number of defendants sentenced to probation supervision might qualify as an eligible servicemember. Therefore, estimating the cost associated with development and implementation of a specialized category of probation supervision is not feasible.

Department of Military and Veterans' Affairs

The OLS estimates that this bill will have a minimal fiscal impact on State expenditures for the Department Military and Veterans' Affairs. The Department Military and Veterans' Affairs also informally indicates that expenditures to prepare and disseminate a directory of New Jersey Veteran's Diversion Resource entities, develop a registry of mentors, and publish information regarding the diversion program and government-based resources available to assist justice-involved veterans and military members will be minimal.

The OLS notes that because the bill permits but does not mandate local law enforcement agencies and county prosecutors' offices to engage differently with eligible servicemembers, no cost impact on local governments is ascribed to the bill. Depending on the number of eligible servicemembers admitted to the diversion program, the bill has the potential to reduce costs associated with prosecution and detention of criminal defendants.

Section: State Government
Analyst: Kimberly M. Clemmensen
Senior Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Christie Takes Action On Pending Legislation

Monday, May 1, 2017

Tags: [Addiction Taskforce](#)
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 ...

Trenton, NJ - Governor Chris Christie signed into law today several bills to empower New Jersey's military members and veterans, including a bipartisan initiative to create the "Veterans Diversion Program."

The new law, S-307/A-4362 (Van Drew, Allen/Andrzejczak, Mazzeo, Land, Tucker, Benson, Bramnick), requires the New Jersey Department of Military and Veterans Affairs to collaborate with its federal counterpart and develop a statewide program providing appropriate case management and mental health services to eligible military service members who have committed nonviolent offenses. The department will publicize a directory of existing federal and State case management and mental health program locations, which will serve as points of entry to facilitate support and services.

"It is impossible to imagine the courage, sacrifices and experiences of the men and women who put their lives on the line to protect the American people and our freedom," Governor Christie said. "This critical legislation gives back by supporting New Jersey's military service members when they need it most and when their lives depend on it. This new program will strengthen families and communities, by empowering veterans with individualized, holistic care and steering them clear of the criminal justice system."

Other military and veterans' bills signed by Governor Christie today require the Department of Military and Veterans Affairs (DMAVA) to develop an informational website for Gold Star families; require DMAVA to notify local county veterans' affairs offices and State veterans service offices of the death of a New Jersey or other service member whose surviving beneficiary resides in the State in order to inform the beneficiaries of federal and state benefits and creates a designated Gold Star family member liaison for each county veterans' office; and, retains eligibility for New Jersey National Guard members or reserve components of the U.S. Armed Forces called to active federal military service who met maximum age requirements at the closing date of civil service examinations.

Governor Christie also took action on the following bills:

BILL SIGNINGS:

S-158/A-3631 (Madden, Cruz-Perez/Quijano, Schaer, Vainieri Huttler, Zwicker, Mukherji, Daniels) - Permits holding companies of eligible New Jersey emerging technology companies to receive investments under "New Jersey Angel Investor Tax Credit Act"

S-227/A-963 (Holzapfel, Allen/Wolfe, McGuckin, Dancer) - Requires DOT, NJTA, and SJTA to use only native vegetation for landscaping, land management, reforestation, or habitat restoration

S-518/A-4452 (Beck/Downey, Houghtaling, Benson, Mukherji, Vainieri Huttler) - Requires sanitation vehicles display flashing lights in certain circumstances and imposes conditions on drivers approaching sanitation vehicles displaying flashing lights; designated as "Michael Massey's Law"

S-724/A-3604 (Cruz-Perez, Allen/Eustace, Wolfe, Mukherji) - Establishes "Integrated Roadside Vegetation Management Program"

S-792/A-1271 (Sarlo/ Caride, Schaer, Pintor Marin) - Permits newly created regional school districts or enlarging regional school districts to determine apportionment methodology for their boards of education on basis other than population

S-913/A-3404 (Codey, Vitale/Burzichelli, Coughlin, Schaer, Singleton) - Permits hospitals to establish system for making performance-based incentive payments to physicians

S-1059/A-4462 (Diegnan/Lagana, Vainieri Huttie, Mukherji) - Permits amusement games license to be issued to holder of alcoholic beverage special concessionaire permit at certain airports; allows licensees to offer electronic amusements under certain circumstances

S-1398/A-1447 (Weinberg, Gill/Lampitt, Spencer, Vainieri Huttie, McKeon, Mukherji, Holley, Caride, Downey) - Expands infertility coverage under certain health insurance plans

S-1404/A-4423 (Weinberg/Johnson, Benson, Mukherji, Handlin) - Requires governmental affairs agents to disclose on notice of representation form compensation amount received from State or local government entities; requires notice to be posted on Internet site of Election Law Enforcement Commission

S-1475/A-3304 (Ruiz, Vitale/Vainieri Huttie, Mukherji, Holley, Jimenez) - Establishes three-year Medicaid home visitation demonstration project

S-1634/A-3991 (Turner, Stack/Muoio, Wimberly, Johnson, Pintor Marin, Mukherji) - Requires housing authority to advertise when applications are being accepted for housing assistance waiting lists online

S-1761/A-4473 (Rice, Cunningham, Pou/Johnson, Wimberly, Pintor Marin) - Directs Community College Consortium for Workforce and Economic Development to promote basic skills training through organizations dedicated to the economic empowerment of specific segments of society, such as the African American Chamber of Commerce

S-1825/A-3432 (Sarlo, Cruz-Perez, Gordon/Greenwald, Lampitt, Benson, Caride, Chiaravalloti) - Establishes task force to study and make recommendations concerning mobility and support services needs of NJ adults with autism spectrum disorder

S-1856/A-3846 (Pou, Allen/Phoebus, Tucker, Space) - Provides for retained eligibility for members of NJ National Guard or reserve component of US Armed Forces called to active federal military service who met maximum age requirement at closing date of civil service examination

S-2286/A-3083 (Weinberg, Gordon/Vainieri Huttie, Eustace, Johnson) - Establishes Mike Adler Aphasia Task Force to assess needs of persons with aphasia, and their families, and ensure adequate provision of support services and information thereto

S-2414/A-4056 (Scutari/Jimenez, Eustace, Giblin, McKnight) - Requires "Massage and Bodywork Therapist Licensing Act" to require certain class study and examination requirements

S-2856/A-4402 (Beach, Madden/Greenwald, Andrzejczak, Johnson, Rible, Jones, Land, Houghtaling, Benson) - Requires DMVA to notify county veterans' affairs office of death of certain military service members; requires office to have Gold Star liaisons

S-2857/A-4403 (Beach, Madden/Greenwald, Rible, Land, Johnson, Mazzeo, Andrzejczak, Houghtaling, Benson) - Requires Adjutant General to create informational webpage for Gold Star families

S-2868/A-4501 (Pou, Sarlo/Sumter, Wimberly) - Increases value of Economic Redevelopment and Growth Grant program residential tax credits to \$823 million; restricts \$105 million of tax credits to qualified residential projects and mixed use parking projects

S-3015/A-4623 (Rice, Ruiz/Sumter, Oliver, Schaer, Pintor Marin) - Requires study of program allowing community service in lieu of paying motor vehicle surcharges

SJR-49/AJR-106 (Ruiz, Oroho/Phoebus, Pintor Marin, Space, McKnight, Schepisi) - Designates third week in September of each year as Go Gold for Kids with Cancer Awareness Week"

SJR-75/AJR- 122 (Rice, Codey/Oliver, Giblin, Chiaravalloti, Sumter, Quijano, McKnight) - Establishes "Disparity in State Procurement Study Commission"

BILLS VETOED:

S-596/A-3422 (Cunningham, Greenstein, Sweeney/Benson, Mukherji, Muoio, Holley, Sumter, Downey, Lampitt, Oliver, Danielsen, Wimberly) - **CONDITIONAL** - Establishes compensation program for law enforcement officers and certain other employees injured while performing official duties

S-690/A-2921 (Gordon, Beach, Eustace, Houghtaling, Pinkin, Mazzeo) - **CONDITIONAL** - Increases flexibility, clarity, and available tools of optional municipal consolidation process

SCS for S-895/ACS for A-2182 (Lesniak, Beck, Cunningham/Sumter, Holley, Oliver, Jones, Wimberly) - **CONDITIONAL** - "Earn Your Way Out Act"; requires DOC to develop inmate reentry plan; establishes administrative parole release for certain inmates; requires study and report by DOC on fiscal impact

S-956/A-2202 (Gordon, Bateman/Eustace, Zwicker, O'Scanlon, Downey, Wisniewski, Pinkin) - **CONDITIONAL** - Authorizes special emergency appropriations for the payment of certain expenses incurred by municipalities to implement a municipal consolidation

S-2844/A-4425 (Vitale, Codey/Vainieri Huttie, Muoio, Eustace, Space, Benson) - **CONDITIONAL** - Eliminates certificate of need requirement for inpatient hospital beds for treatment of psychiatric and substance use disorder dual

diagnosis

**S-3041/ACS for A-2338 (Lesniak/Benson, Vainieri Huttle, Eustace, Gusciora, Mukherji, Jimenez) -
CONDITIONAL** - Revises "Pet Purchase Protection Act" to establish new requirements for pet dealers and pet shops

**S-3048/A-4520 (Weinberg, Turner, Greenstein/McKeon, Singleton, Moriarty, Quijano, Johnson, Benson) -
CONDITIONAL** - Requires candidates for President and Vice-President of United States to disclose federal income tax returns to appear on ballot; prohibits Electoral College electors from voting for candidates who fail to file income tax returns

###

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