

30:4-82.1 to 82.3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4-82.1 to 30.4-82.3

(Prisoners--
mental health
treatment--require
state to develop
programs)

LAWS OF: 1986

CHAPTER: 71

Bill No: S622

Sponsor(s): Bassano

Date Introduced: Pre-filed

Committee: Assembly: Health & Human Resources

Senate: Institutions, Health and Welfare

Amended during passage: Yes A amendments during passage
denoted by asterisks.

Date of Passage: Assembly: June 23, 1986

Senate: February 3, 1986

Date of Approval: August 5, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

Report, referred to in statements, not released as of 12-1-89.

8-5-86

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SENATE, No. 622**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator BASSANO

AN ACT concerning certain mentally ill persons and supplementing chapter 4 of Title 30 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. It is found and declared:

2 a. That a significant number of ****[persons convicted of**
3 **crimes]**** ***inmates*** in ****[this State and sentenced to impris-**
4 **onment]**** ***State-owned or operated correctional facilities***
5 suffer from mental illness requiring treatment either in the form
5A of counseling or ****[confinement in a psychiatric hospital]**** ***in-*
5B *patient treatment*** during the period of their incarceration.

6 b. That because of prison overcrowding, a lack of resources, and
7 the inability of the Department of Human Services and the Depart-
8 ment of Corrections to agree on a policy to provide adequate and
9 appropriate mental health services to these persons, ****[inmates**
10 **and parolees]**** ***they*** are not receiving the mental health
10A treatment they need.

11 c. That the inability of the two departments to agree on policy
12 is attributable to their separate missions, the Department of Human
13 Services being constituted to provide treatment and not security,
14 and the Department of Corrections being constituted to provide
15 secure custody and not treatment.

16 d. That mentally ill inmates who do not receive treatment present
17 a danger to other inmates and to corrections officers while they are
18 incarcerated and pose a threat to their families and to other citizens
19 of the State when they are released.

20 e. That the existing procedures of the Division of Mental Health

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 printed in italics thus is new matter

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted January 23, 1986.**

****—Assembly committee amendments adopted June 9, 1986.**

21 and Hospitals in the Department of Human Services and of the
 22 Department of Corrections, as well as existing laws, seem to pro-
 23 vide sufficient authority to enable the two State agencies to alleviate
 24 the problems caused by the lack of treatment made available to
 25 mentally ill inmates.

1 2. The Commissioner of the Department of Human Services
 2 ***[and]*** ****[*,*]**** *and* the Commissioner of Corrections
 3 ****[and the Public Advocate]**** shall formulate a plan to provide
 4 adequate and appropriate mental health services to ****[persons**
 5 convicted of criminal offenses and sentenced to incarceration]**
 5A *inmates* in *State-owned or operated* correctional facilities
 5B **[in this State]**.

6 The plan shall include, but need not be limited to, the following:

7 a. Procedures for identifying a person in need of mental health
 8 services when the person is initially admitted to a *State-owned*
 9 *or operated* correctional facility **[in this State,]** *and*
 10 while the person is confined therein**[**, when the person is con-
 11 sidered for release on parole, and while the person is released on
 11A parole]**]**;

12 b. Procedures for providing a mental health evaluation to a per-
 13 son identified under subsection a. of this section to determine
 14 whether the person is in need of mental health services;

15 c. Procedures for providing to a person evaluated to be in need
 16 under subsection b. of this section, adequate and appropriate
 17 mental health treatment;

18 d. Enumeration of the types of mental health treatment that
 19 may be provided to a person evaluated to be in need under sub-
 20 section b. of this section, which types of treatment shall include,
 21 but need not be limited to, individual or group counseling, treat-
 22 ment with prescription drugs, and confinement in a secure hospital
 23 setting.

24 e. Procedures for terminating the treatment provided under
 25 subsection c. of this section when it is no longer needed by the
 26 person receiving it;

27 f. Procedures for insuring cooperation between the Department
 28 of Corrections and the Department of Human Services at all
 29 personnel levels and at every stage of identification, evaluation,
 30 treatment and termination of treatment so that adequate and ap-
 31 propriate mental health services are provided;

32 g. Procedures for biennial review and revision of the plan de-
 33 veloped under this section.

1 3. The plan required under section 2 of this act shall be formu-
 2 lated no later than the 181st day after the effective date of this

3 act. Pursuant to the "Administrative Procedure Act," P. L. 1968,
 4 c. 410 (C. 52:14B-1 et seq.), the Commissioner of the Department
 5 of Human Services ***[and]*** ****[*,*]**** **and** the Commissioner
 6 of Corrections ****[and the Public Advocate]**** jointly shall adopt
 7 regulations establishing the procedures formulated under the plan
 8 required by section 2 of this act.

1 4. The Commissioner of the Department of Human Services
 2 ***[and]*** ****[*,*]**** **and** the Commissioner of Corrections
 3 ****[and the Public Advocate]**** jointly shall report to the Senate
 4 Institutions, Health and Welfare Committee ***[and]*** *,* the Gen-
 5 eral Assembly ***[Corrections,]*** Health and Human **Resources**
 6 ***[Services]*** Committee *and the General Assembly Law, Public
 7 *Safety and Corrections Committee** no later than the 181st day
 8 after the effective date of this act. The report shall contain an
 9 explanation of the plan required under section 2 of this act, justi-
 10 fications for the plan's provisions, and recommendations for any
 11 legislation deemed to be necessary for the implementation of the
 12 plan.

1 5. This act shall take effect immediately.

HANDICAPPED—MENTAL AND PHYSICAL

Requires Commissioners of Human Services and Corrections to
 formulate plan to provide appropriate mental health services to
 State inmates.

6 **and the Public Advocate** jointly shall adopt regulations estab-
 7 lishing the procedures formulated under the plan required by
 8 section 2 of this act.

1 4. The Commissioner of the Department of Human Services
 2 ***[and]*** **,* the Commissioner of Corrections *and the Public*
 3 *Advocate** jointly shall report to the Senate Institutions, Health
 4 and Welfare Committee and the General Assembly Corrections,
 5 Health and Human Services Committee no later than 181st day
 6 after the effective date of this act. The report shall contain an
 7 explanation of the plan required under section 2 of this act, justifi-
 8 cations for the plan's provisions, and recommendations for any
 9 legislation deemed to be necessary for the implementation of the
 10 plan.

1 5. This act shall take effect immediately.

STATEMENT

This bill requires that the Commissioner of the Department of Human Services, the Commissioner of Corrections and the Public Advocate formulate a plan to provide adequate and appropriate mental health treatment to persons convicted of criminal offenses and sentenced to incarceration in this State.

The bill requires that the plan be formulated no later than the 181st day after the act becomes effective. The Commissioner of the Department of Human Services and the Commissioner of Corrections and the Public Advocate are required to jointly report to the Senate Institutions, Health and Welfare Committee and the General Assembly Corrections, Health and Human Services Committee on the plan and on any recommendations for legislation deemed to be necessary for its implementation.

This bill is needed because mentally ill persons who are in the legal custody of the Commissioner of Corrections as inmates of correctional facilities or as parolees often are not identified, evaluated, or provided with mental health services. This lack of services stems in part from the inability of the Department of Human Services and the Department of Corrections to work together for the benefit of the mentally ill person. As a consequence of not receiving much needed treatment, inmates who are released from incarceration continue to pose a threat to their families and to other citizens of the State.

5622(1986)

ASSEMBLY HEALTH AND HUMAN RESOURCES
COMMITTEE

STATEMENT TO

[OFFICIAL COPY REPRINT]

SENATE, No. 622

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 5, 1986

The Assembly Health and Human Resources Committee reports favorably Senate Bill No. 622 OCR with committee amendments.

As amended by the committee, this bill requires the Commissioners of Human Services and Corrections to formulate a plan to provide adequate and appropriate mental health services to inmates in State-owned or operated correctional facilities and to present a joint report on the plan to the Senate Institutions, Health and Welfare Committee, the General Assembly Health and Human Resources Committee and the General Assembly Law, Public Safety and Corrections Committee no later than the 181st day following the effective date of the bill. The report is to include an explanation of the plan, justifications for its provisions and recommendations for any legislation deemed necessary to implement the plan.

The committee amended the bill to specify that the plan to provide mental health services shall be directed only towards inmates in State-owned or operated correctional facilities during their period of incarceration, and to delete the Public Advocate from the provisions of the bill.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO Senate Bill No. 622 Sca

DATED: January 23, 1986

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill No. 622 with committee amendments.

As amended, this bill requires the Commissioner of Human Services, the Commissioner of Corrections and the Public Advocate to formulate a plan to provide adequate and appropriate mental health treatment to persons convicted of criminal offenses and sentenced to incarceration in the State.

This bill requires that the plan be formulated within six months of the effective date of the act. The Commissioners of Human Services and Corrections and the Public Advocate are required to jointly report to the Senate Institutions, Health and Welfare Committee and the General Assembly Health and Human Resources and Law, Public Safety and Corrections Committees on the plan and on any recommendations for legislation deemed to be necessary for its implementation.

The committee adopted technical amendments to conform the name of the General Assembly standing committee on human services to its current name. The committee also amended the bill to expand the commissioners' reporting requirement to the Legislature to include the General Assembly Law, Public Safety and Corrections Committee which now has jurisdiction over corrections issues.

This bill is similar to Senate Bill No. 3248 OCR of 1985. The committee favorably reported Senate Bill No. 3248 in August 1985 with amendments. These amendments are incorporated in Senate Bill No. 622.

This bill was prefiled for introduction in the 1986-87 session pending technical review. As reported the bill includes the changes required by technical review which has been performed.