



**VETO MESSAGE:** Yes

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"State creates law enforcement assisted programs for addicts," Associated Press State Wire: New Jersey, October 26, 2016

"New law will help police help addicts," Asbury Park Press, October 26, 2016

"State creates law enforcement assisted programs for addicts," New Jersey Herald, October 26, 2016

"Cops to offer addicts additional 'points of access' help under new N.J. law," NorthJersey.com, October 26, 2016

"New law will help police addicts," Daily Record, October 27, 2016

RWH/JA

P.L.2016, CHAPTER 58, *approved October 26, 2016*  
Assembly, No. 3744 (*First Reprint*)  
**(CORRECTED COPY)**

1 AN ACT concerning substance abuse recovery assistance and  
2 supplementing Title 30 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that: a. According to the  
8 Centers for Disease Control and Prevention, the rate of heroin and  
9 opioid-related deaths in the United States has nearly tripled since  
10 2010.

11 b. New Jersey's overdose death rate is currently more than  
12 three times the national rate, and overdose is the leading cause of  
13 accidental death in the State.

14 c. Data show that treatment for heroin and opioid addictions  
15 have become spread evenly across all of the State's demographics.

16 d. Increasing access to treatment without fear of arrest or law  
17 enforcement action is essential to persuade those who suffer from  
18 addiction to receive the treatment they need.

19 e. In certain parts of the State and in other jurisdictions,  
20 increased access to treatment has resulted from collaborative efforts  
21 of law enforcement, community professionals, and volunteers  
22 providing support to those who need additional assistance in  
23 seeking treatment.

24 f. The establishment of law enforcement assisted addiction and  
25 recovery <sup>1</sup>referral<sup>1</sup> programs would provide additional support  
26 necessary to assist many of those who need treatment by  
27 encouraging those suffering from heroin and opioid addiction to  
28 seek recovery; helping to distribute life-saving drugs to prevent and  
29 treat overdoses; and connecting people suffering from heroin and  
30 opioid addiction with treatment programs and facilities.

31

32 2. The Director of the Division of Mental Health and Addiction  
33 Services in the Department of Human Services, in consultation with  
34 the Attorney General, shall provide for the establishment, upon the  
35 request of the department or force, of a law enforcement assisted  
36 addiction and recovery <sup>1</sup>referral<sup>1</sup> program in accordance with

**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:

<sup>1</sup>Assembly amendments adopted in accordance with Governor's  
recommendations September 8, 2016.

1 section <sup>1</sup>~~4~~ <sup>5</sup> of P.L. , c. (C. ) (pending before the  
2 Legislature as this bill) <sup>1</sup>~~in any county police department or force~~  
3 established pursuant to N.J.S.40A:14-106, or municipal police  
4 department or force established pursuant to N.J.S.40A:14-118<sup>1</sup>. In  
5 providing for the establishment of these programs, the director  
6 shall:

7 a. prescribe by regulation requirements for a law enforcement  
8 department to establish, or otherwise authorize the operation within  
9 that department, of a law enforcement assisted addiction and  
10 recovery <sup>1</sup>referral<sup>1</sup> program;

11 b. develop and implement guidelines for the recruitment and  
12 training of law enforcement officers and personnel, volunteers, and  
13 treatment providers to participate in the program <sup>1</sup>, provided that law  
14 enforcement officers may refer or transport program participants to a  
15 program volunteer or to a treatment provider for substance abuse  
16 recovery services, health care services, including mental health  
17 services, medication-assisted drug treatment services, and other  
18 substance abuse treatment services but shall not be involved in the  
19 provision of such services<sup>1</sup> ;

20 c. support and facilitate, to the maximum extent practicable,  
21 the linkage of law enforcement assisted addiction and recovery  
22 <sup>1</sup>referral<sup>1</sup> programs to facilities and programs that may provide  
23 appropriate substance abuse recovery services, health care services,  
24 including mental health services, medication-assisted drug  
25 treatment services, and other substance abuse treatment services to  
26 program participants;

27 d. coordinate with law enforcement officials, personnel, and  
28 program volunteers to ensure that individuals seeking to participate  
29 in the program are treated with respect, care, and compassion <sup>1</sup>,  
30 and are reassured that assistance will be provided<sup>1</sup> ;

31 e. establish eligibility requirements for participation in the  
32 program which shall include, but not be limited to, the provisions of  
33 P.L. , c. (C. ) (pending before the Legislature as this bill);  
34 <sup>1</sup>~~and~~<sup>1</sup>

35 f. develop and implement procedures for determining  
36 eligibility to participate in the program, including, but not limited  
37 to, conducting a wanted person check pursuant to section 1 of  
38 P.L.2003, c.282 (C.30:4-91.3c) on each potential program  
39 participant <sup>1</sup>; and

40 g. provide procedures for maintaining the confidentiality of  
41 information pertaining to the identity, diagnosis, treatment and  
42 health information of any program participant<sup>1</sup> .

43

44 <sup>1</sup>3. Upon approval by the governing body of the county or  
45 municipality, as the case may be, a county police department or force  
46 established pursuant to N.J.S.40A:14-106 or municipal police  
47 department or force established pursuant to N.J.S.40A:14-118 may

1 participate in a law enforcement assisted addiction and recovery  
2 referral program established in accordance with P.L. , c. (C. )  
3 (pending before the Legislature as this bill). Law enforcement officers  
4 participating in a law enforcement assisted addiction and recovery  
5 referral program established pursuant to this section may refer or  
6 transport program participants to a program volunteer for support,  
7 guidance and assistance, and may transport program participants to a  
8 treatment provider for substance abuse recovery services or health care  
9 services, but shall not otherwise be involved in the provision of such  
10 services.<sup>1</sup>

11  
12 <sup>1</sup>[3.] <sup>1</sup>4. a. For any individual who enters a law enforcement  
13 department seeking to participate in a law enforcement assisted  
14 addiction and recovery <sup>1</sup>referral program, the chief law  
15 enforcement officer or a designee shall determine if the individual  
16 is currently under a sentence of probation. If an individual is  
17 determined to be on probation, any placement pursuant to the  
18 program shall be coordinated with the individual's probation  
19 officer.

20 b. An individual shall be ineligible to participate in the  
21 program if:

22 (1) the individual is required to register as a sex offender  
23 pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2);

24 (2) the individual has an outstanding arrest warrant or pending  
25 criminal charges;

26 (3) the individual is under 18 years of age and does not have the  
27 consent of a parent or guardian; or

28 (4) the chief law enforcement officer or a designee expresses the  
29 reasonable belief that the officer, personnel, or others could be  
30 seriously harmed by the individual.

31 c. If at any time the individual is determined to be in need of  
32 medical assistance, the law enforcement officer or personnel shall  
33 immediately seek emergency medical assistance for the individual.

34  
35 <sup>1</sup>[4.] <sup>1</sup>5. A law enforcement assisted addiction and recovery  
36 <sup>1</sup>referral program established pursuant to P.L. , c. (C. )  
37 (pending before the Legislature as this bill) shall comply with the  
38 following requirements:

39 a. Individuals who <sup>1</sup>voluntarily enter a law enforcement  
40 department and request help with their addiction pursuant to the law  
41 enforcement assisted addiction and recovery <sup>1</sup>referral program  
42 shall immediately be screened for eligibility to participate <sup>1</sup>pursuant  
43 to the criteria set forth in section 4 of P.L. , c. (C. ) (pending  
44 before the Legislature as this bill)<sup>1</sup> .

45 b. Eligibility for participation is specifically and exclusively  
46 limited to individuals who <sup>1</sup>voluntarily enter a law enforcement  
47 department to request assistance with their addiction.

1 c. All law enforcement personnel having contact with an  
2 individual who enters a law enforcement department and requests  
3 assistance pursuant to the program shall be professional,  
4 compassionate, and understanding at all times.

5 d. If, at the time of requesting assistance pursuant to the  
6 program or upon being accepted to participate in the program<sup>1</sup>, an  
7 individual who<sup>1</sup> is in possession of a controlled dangerous  
8 substance, controlled dangerous substance analog, or drug  
9 paraphernalia <sup>1</sup> ], the individual] and advises a law enforcement  
10 officer of that possession and voluntarily surrenders the substance,  
11 analog or paraphernalia to the law enforcement officer<sup>1</sup> shall not be  
12 criminally charged] arrested, charged, prosecuted or convicted for:

13 (1) obtaining, possessing, using, being under the influence of, or  
14 failing to make lawful disposition of a controlled dangerous substance  
15 or controlled substance analog pursuant to subsection a., b. or c. of  
16 N.J.S.2C:35-10;

17 (2) acquiring or obtaining possession of a controlled dangerous  
18 substance or controlled substance analog by fraud pursuant to  
19 N.J.S.2C:35-13;

20 (3) unlawfully possessing a controlled dangerous substance that  
21 was lawfully prescribed or dispensed pursuant to N.J.S.2C:35-24; or

22 (4) using or possessing with intent to use drug paraphernalia  
23 pursuant to N.J.S.2C:36-2 or for having under his control or  
24 possessing a hypodermic syringe, hypodermic needle, or any other  
25 instrument adapted for the use of a controlled dangerous substance or a  
26 controlled substance analog pursuant to subsection a. of N.J.S.2C:36-  
27 6<sup>1</sup>.

28 The materials shall be collected and secured for later destruction  
29 in accordance with established procedures.

30 e. A person shall not question the individual in an effort to  
31 collect intelligence, determine the origins of any controlled  
32 dangerous substance, controlled dangerous substance analog, or  
33 drug paraphernalia relinquished by the individual, or take any other  
34 action which may discourage individuals from seeking to participate  
35 in the program without fear of arrest or law enforcement action <sup>1</sup>;  
36 provided, however, that nothing in this subsection shall preclude the  
37 individual from voluntarily providing information concerning the  
38 origins of any controlled dangerous substance, controlled dangerous  
39 substance analog, or drug paraphernalia relinquished by the  
40 individual<sup>1</sup>.

41 f. The law enforcement officer or personnel having initial  
42 contact with the individual shall immediately notify the chief law  
43 enforcement officer or designee that an individual is requesting  
44 assistance with the individual's addiction.

45 g. The chief law enforcement officer or designee shall initiate  
46 intake procedures and inform a program volunteer that an intake is  
47 occurring and request the volunteer to respond to the law

1 enforcement department. The individual shall be notified of the  
2 volunteer's estimated arrival time.

3 h. The volunteer shall provide emotional support and guidance  
4 to the individual, explore treatment options, and attempt to identify  
5 a program or facility which can assist the individual. If possible,  
6 the volunteer shall remain with the individual until the individual  
7 has been formally admitted to treatment, including at the law  
8 enforcement department, hospital, or intake location for the  
9 treatment facility.

10 i. If the volunteer, after contacting all possible sources of  
11 treatment, is unable to place the individual, the volunteer shall give  
12 the individual a plan to continue attempting to obtain assistance  
13 prior to the individual leaving the law enforcement department. The  
14 volunteer shall make every effort to find a safe place for the  
15 individual upon departure.

16 j. Participation in the program shall be voluntary. If an  
17 individual subsequently elects not to request assistance or continue  
18 with the program, the individual shall be permitted to depart.

19 k. If at any time during participation in the program or  
20 attempting to participate in the program an individual who has  
21 relinquished a controlled dangerous substance, controlled dangerous  
22 substance analog, or drug paraphernalia withdraws the request for  
23 assistance or elects to discontinue participation in the program, the  
24 individual shall not be charged with a crime or offense for  
25 possessing the items they have already relinquished.

26 <sup>1</sup>l. Information pertaining to the identity, diagnosis, treatment or  
27 health of any program participant shall be confidential and shall not be  
28 disclosed to any person except to the extent that it may be necessary to  
29 carry out the purposes of P.L. , c. (C. ) (pending before the  
30 Legislature as this bill), or upon the express consent of the program  
31 participant, or as otherwise required by law or court order.<sup>1</sup>  
32

33 <sup>1</sup>6. a. A county or municipal entity, official or employee that  
34 approves participation in a law enforcement assisted addiction and  
35 recovery referral program in accordance with P.L. , c. (C. ),  
36 shall not, as a result of any acts or omissions, be subject to any  
37 criminal or civil liability related to approval of participation in the  
38 law enforcement assisted addiction and recovery referral program.

39 b. A county or municipal law enforcement department, chief  
40 law enforcement officer, officer or personnel, volunteer or  
41 treatment provider, that participates in good faith in a law  
42 enforcement assisted addiction and recovery referral program in  
43 accordance with P.L. , c. (C. ), shall not, as a result of any  
44 acts or omissions, be subject to any criminal or civil liability related  
45 to participation in the law enforcement assisted addiction and  
46 recovery referral program.<sup>1</sup>

1       <sup>1</sup>**[5.] 7.**<sup>1</sup> This act shall take effect on the first day of the fourth  
2 month following enactment.

3

4

5

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6

7       Establishes law enforcement assisted addiction and recovery  
8 referral programs.



# ASSEMBLY, No. 3744

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MAY 19, 2016

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman RALPH R. CAPUTO**

**District 28 (Essex)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Senator RICHARD J. CODEY**

**District 27 (Essex and Morris)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Assemblymen Holley, Houghtaling and Senator Madden**

**SYNOPSIS**

Establishes law enforcement assisted addiction and recovery programs.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 7/1/2016)**

1 AN ACT concerning substance abuse recovery assistance and  
2 supplementing Title 30 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that:

8 a. According to the Centers for Disease Control and  
9 Prevention, the rate of heroin and opioid-related deaths in the  
10 United States has nearly tripled since 2010.

11 b. New Jersey's overdose death rate is currently more than  
12 three times the national rate, and overdose is the leading cause of  
13 accidental death in the State.

14 c. Data show that treatment for heroin and opioid addictions  
15 have become spread evenly across all of the State's demographics.

16 d. Increasing access to treatment without fear of arrest or law  
17 enforcement action is essential to persuade those who suffer from  
18 addiction to receive the treatment they need.

19 e. In certain parts of the State and in other jurisdictions,  
20 increased access to treatment has resulted from collaborative efforts  
21 of law enforcement, community professionals, and volunteers  
22 providing support to those who need additional assistance in  
23 seeking treatment.

24 f. The establishment of law enforcement assisted addiction and  
25 recovery programs would provide additional support necessary to  
26 assist many of those who need treatment by encouraging those  
27 suffering from heroin and opioid addiction to seek recovery;  
28 helping to distribute life-saving drugs to prevent and treat  
29 overdoses; and connecting people suffering from heroin and opioid  
30 addiction with treatment programs and facilities.

31

32 2. The Director of the Division of Mental Health and Addiction  
33 Services in the Department of Human Services, in consultation with  
34 the Attorney General, shall provide for the establishment, upon the  
35 request of the department or force, of a law enforcement assisted  
36 addiction and recovery program in accordance with section 4 of  
37 P.L. , c. (C. ) (pending before the Legislature as this bill) in  
38 any county police department or force established pursuant to  
39 N.J.S.40A:14-106, or municipal police department or force  
40 established pursuant to N.J.S.40A:14-118. In providing for the  
41 establishment of these programs, the director shall:

42 a. prescribe by regulation requirements for a law enforcement  
43 department to establish, or otherwise authorize the operation within  
44 that department, of a law enforcement assisted addiction and  
45 recovery program;

46 b. develop and implement guidelines for the recruitment and  
47 training of law enforcement officers and personnel, volunteers, and  
48 treatment providers to participate in the program;

1 c. support and facilitate, to the maximum extent practicable,  
2 the linkage of law enforcement assisted addiction and recovery  
3 programs to facilities and programs that may provide appropriate  
4 substance abuse recovery services, health care services, including  
5 mental health services, medication-assisted drug treatment services,  
6 and other substance abuse treatment services to program  
7 participants;

8 d. coordinate with law enforcement officials, personnel, and  
9 program volunteers to ensure that individuals seeking to participate  
10 in the program are treated with respect, care, and compassion, and  
11 are reassured that assistance will be provided;

12 e. establish eligibility requirements for participation in the  
13 program which shall include, but not be limited to, the provisions of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill);  
15 and

16 f. develop and implement procedures for determining  
17 eligibility to participate in the program, including, but not limited  
18 to, conducting a wanted person check pursuant to section 1 of  
19 P.L.2003, c.282 (C.30:4-91.3c) on each potential program  
20 participant.

21  
22 3. a. For any individual who enters a law enforcement  
23 department seeking to participate in a law enforcement assisted  
24 addiction and recovery program, the chief law enforcement officer  
25 or a designee shall determine if the individual is currently under a  
26 sentence of probation. If an individual is determined to be on  
27 probation, any placement pursuant to the program shall be  
28 coordinated with the individual's probation officer.

29 b. An individual shall be ineligible to participate in the  
30 program if:

31 (1) the individual is required to register as a sex offender  
32 pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2);

33 (2) the individual has an outstanding arrest warrant or pending  
34 criminal charges;

35 (3) the individual is under 18 years of age and does not have the  
36 consent of a parent or guardian; or

37 (4) the chief law enforcement officer or a designee expresses the  
38 reasonable belief that the officer, personnel, or others could be  
39 seriously harmed by the individual.

40 c. If at any time the individual is determined to be in need of  
41 medical assistance, the law enforcement officer or personnel shall  
42 immediately seek emergency medical assistance for the individual.

43  
44 4. A law enforcement assisted addiction and recovery program  
45 established pursuant to P.L. , c. (C. ) (pending before the  
46 Legislature as this bill) shall comply with the following  
47 requirements:

1 a. Individuals who enter a law enforcement department and  
2 request help with their addiction pursuant to the law enforcement  
3 assisted addiction and recovery program shall immediately be  
4 screened for eligibility to participate.

5 b. Eligibility for participation is specifically and exclusively  
6 limited to individuals who enter a law enforcement department to  
7 request assistance with their addiction.

8 c. All law enforcement personnel having contact with an  
9 individual who enters a law enforcement department and requests  
10 assistance pursuant to the program shall be professional,  
11 compassionate, and understanding at all times.

12 d. If, at the time of requesting assistance pursuant to the  
13 program, an individual is in possession of a controlled dangerous  
14 substance, controlled dangerous substance analog, or drug  
15 paraphernalia, the individual shall not be criminally charged. The  
16 materials shall be collected and secured for later destruction in  
17 accordance with established procedures.

18 e. A person shall not question the individual in an effort to  
19 collect intelligence, determine the origins of any controlled  
20 dangerous substance, controlled dangerous substance analog, or  
21 drug paraphernalia relinquished by the individual, or take any other  
22 action which may discourage individuals from seeking to participate  
23 in the program without fear of arrest or law enforcement action.

24 f. The law enforcement officer or personnel having initial  
25 contact with the individual shall immediately notify the chief law  
26 enforcement officer or designee that an individual is requesting  
27 assistance with the individual's addiction.

28 g. The chief law enforcement officer or designee shall initiate  
29 intake procedures and inform a program volunteer that an intake is  
30 occurring and request the volunteer to respond to the law  
31 enforcement department. The individual shall be notified of the  
32 volunteer's estimated arrival time.

33 h. The volunteer shall provide emotional support and guidance  
34 to the individual, explore treatment options, and attempt to identify  
35 a program or facility which can assist the individual. If possible,  
36 the volunteer shall remain with the individual until the individual  
37 has been formally admitted to treatment, including at the law  
38 enforcement department, hospital, or intake location for the  
39 treatment facility.

40 i. If the volunteer, after contacting all possible sources of  
41 treatment, is unable to place the individual, the volunteer shall give  
42 the individual a plan to continue attempting to obtain assistance  
43 prior to the individual leaving the law enforcement department. The  
44 volunteer shall make every effort to find a safe place for the  
45 individual upon departure.

46 j. Participation in the program shall be voluntary. If an  
47 individual subsequently elects not to request assistance or continue  
48 with the program, the individual shall be permitted to depart.

1 k. If at any time during participation in the program or  
2 attempting to participate in the program an individual who has  
3 relinquished a controlled dangerous substance, controlled dangerous  
4 substance analog, or drug paraphernalia withdraws the request for  
5 assistance or elects to discontinue participation in the program, the  
6 individual shall not be charged with a crime or offense for  
7 possessing the items they have already relinquished.

8  
9 5. This act shall take effect on the first day of the fourth month  
10 following enactment.

11  
12  
13 STATEMENT

14  
15 This bill requires the Director of the Division of Mental Health  
16 and Addiction Services in the Department of Human Services to  
17 provide for the establishment of law enforcement assisted addiction  
18 and recovery programs in law enforcement departments throughout  
19 the State.

20 The nation's overdose deaths related to heroin and opioid  
21 addiction have increased dramatically in recent years, and in New  
22 Jersey, the overdose death rate is currently three times the national  
23 rate. In an effort to increase access to treatment for heroin and  
24 opioid addiction, certain law enforcement departments in New  
25 Jersey and in other jurisdictions have worked with community  
26 professionals and volunteers to provide additional support to those  
27 who need it.

28 This bill provides for the establishment of these law enforcement  
29 assisted addiction and recovery programs in law enforcement  
30 departments throughout the State. Under the bill, the director, in  
31 consultation with the Attorney General, is required to prescribe by  
32 regulation requirements for county and municipal law enforcement  
33 departments to establish or authorize the operation of a program  
34 within their departments; develop and implement guidelines for the  
35 recruitment and training of law enforcement officers, volunteers,  
36 and treatment providers to participate in the program; support and  
37 facilitate the linkage of law enforcement assisted addiction and  
38 recovery programs to facilities and programs that provide  
39 appropriate substance abuse recovery services and health care  
40 services; coordinate with law enforcement officials and program  
41 volunteers to ensure that individuals seeking to participate in the  
42 program are treated with respect, care, and compassion, and are  
43 reassured that assistance will be provided; establish requirements  
44 for an individual to be eligible for participation in the program; and  
45 develop and implement procedures for determining eligibility  
46 requirements for the program.

47 All law enforcement assisted addiction and recovery programs  
48 are required to comply with the requirements set forth under the

1 bill. These requirements are similar to requirements associated with  
2 programs that have been established in Massachusetts, as well as in  
3 Newton and New Brunswick, New Jersey. By increasing access to  
4 treatment without fear of arrest or law enforcement action, these  
5 law enforcement assisted addiction and recovery programs have  
6 helped a number of people suffering from substance abuse obtain  
7 the treatment they need.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3744

# STATE OF NEW JERSEY

DATED: JUNE 6, 2016

The Assembly Judiciary Committee reports favorably Assembly Bill No. 3744.

This bill requires the Director of the Division of Mental Health and Addiction Services in the Department of Human Services to provide for the establishment of law enforcement assisted addiction and recovery programs in law enforcement departments throughout the State.

The nation's overdose deaths related to heroin and opioid addiction have increased dramatically in recent years, and in New Jersey, the overdose death rate is currently three times the national rate. In an effort to increase access to treatment for heroin and opioid addiction, certain law enforcement departments in New Jersey and in other jurisdictions have worked with community professionals and volunteers to provide additional support to those who need it.

This bill provides for the establishment of these law enforcement assisted addiction and recovery programs in law enforcement departments throughout the State. Under the bill, the director, in consultation with the Attorney General, is required to prescribe by regulation requirements for county and municipal law enforcement departments to establish or authorize the operation of a program within their departments; develop and implement guidelines for the recruitment and training of law enforcement officers, volunteers, and treatment providers to participate in the program; support and facilitate the linkage of law enforcement assisted addiction and recovery programs to facilities and programs that provide appropriate substance abuse recovery services and health care services; coordinate with law enforcement officials and program volunteers to ensure that individuals seeking to participate in the program are treated with respect, care, and compassion, and are reassured that assistance will be provided; establish requirements for an individual to be eligible for participation in the program; and develop and implement procedures for determining eligibility requirements for the program.

All law enforcement assisted addiction and recovery programs are required to comply with the requirements set forth under the bill as follows:

- eligibility is limited to individuals who enter a law enforcement department and request help with their addiction. Such

individuals shall be immediately be screened for eligibility to participate;

- an individual seeking assistance who is in possession of any controlled dangerous substance (CDS) or drug paraphernalia shall not be criminally charged and the materials shall be collected and secured for later destruction in accordance with established procedures;
- an individual seeking assistance shall not be questioned in an effort to collect intelligence, determine the origins of the CDS or drug paraphernalia, nor shall any other action be taken which may discourage the individual from seeking assistance;
- the law enforcement officer or personnel having initial contact with the individual seeking assistance shall immediately notify the chief law enforcement officer or his designee;
- the chief law enforcement officer or his designee shall initiate intake procedures and inform a program volunteer of the intake and request that the volunteer respond;
- the volunteer shall provide support and guidance and explore treatment options and attempt to identify a program or facility which can assist the individual, and if possible the volunteer shall remain with the individual until he has been admitted to treatment;
- if the volunteer is unable to place the individual, the volunteer shall give the individual a plan to continue attempting to obtain assistance prior to the individual leaving the law enforcement department and shall make every effort to find a safe place for the individual upon departure; and
- program participation is on a voluntary basis and if any individual discontinues the program he shall be permitted to depart and shall not be charged with a crime or offense for possessing the items he already relinquished.

These requirements are similar to those associated with programs that have been established in Massachusetts and Maine.



**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 3744**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

DATED: JUNE 28, 2016

**SUMMARY**

**Synopsis:** Establishes law enforcement assisted addiction and recovery programs.

**Type of Impact:** Possible expenditure increase from the General Fund. Optional expenditure increases at county and municipal police departments.

**Agencies Affected:** Division of Mental Health and Addiction Services; Attorney General; county and local law enforcement agencies.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Years 1-3</u></b>
<b>State Cost</b>	Possible minimal increase.
<b>Local Cost</b>	Optional increase at local agencies' discretion.

- The Office of Legislative Services (OLS) is not able to determine the number of law enforcement agencies that would establish addiction and recovery programs under the bill, or the number of individuals who may participate. Participating law enforcement agencies may, at their option, incur costs related to screening for eligibility and performing intake procedures, collecting and securing any controlled dangerous substances individuals may possess upon arrival at the law enforcement agency, coordinating volunteers, and providing training to participating law enforcement officers and volunteers.
- Some costs may be incurred by the Division of Mental Health and Addiction Services (DMHAS) and the Office of Attorney General to develop rules and guidelines for the program, though these costs can most likely be accommodated within the agencies' regular operating budgets. The OLS assumes that the DMHAS would support and facilitate linking treatment programs to participants through its current contract with Rutgers University Behavioral Health Care, with no significant change in the cost.
- Although the bill intends to promote access to treatment services for substance use disorder, it does not provide for any expansion of treatment capacity. Thus, the OLS assumes that no additional costs related to the provision of treatment services will be incurred as a result of the bill.

## **BILL DESCRIPTION**

Assembly Bill No. 3744 of 2016 requires the Director of the Division of Mental Health and Addiction Services in the Department of Human Services to provide for the establishment of law enforcement assisted addiction and recovery programs in law enforcement departments throughout the State.

This bill provides for the establishment of these law enforcement assisted addiction and recovery programs in law enforcement departments throughout the State. Under the bill, the director, in consultation with the Attorney General, is required to prescribe by regulation requirements for county and municipal law enforcement departments to establish or authorize the operation of a program within their departments; develop and implement guidelines for the recruitment and training of law enforcement officers, volunteers, and treatment providers to participate in the program; support and facilitate the linkage of law enforcement assisted addiction and recovery programs to facilities and programs that provide appropriate substance abuse recovery services and health care services; coordinate with law enforcement officials and program volunteers to ensure that individuals seeking to participate in the program are treated with respect, care, and compassion, and are reassured that assistance will be provided; establish requirements for an individual to be eligible for participation in the program; and develop and implement procedures for determining eligibility requirements for the program.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS is not able to determine the number of law enforcement agencies that would establish addiction and recovery programs under the bill, or the number of individuals who may participate. Participating law enforcement agencies may, at their option, incur costs related to screening for eligibility and performing intake procedures, collecting and securing any controlled dangerous substances individuals may possess upon arrival at the law enforcement agency, coordinating volunteers, and providing training to participating law enforcement officers and volunteers.

Some costs may be incurred by the DMHAS and the Office of Attorney General to develop rules and guidelines for the program, though these costs can most likely be accommodated within the agencies' regular operating budgets. The OLS assumes that the DMHAS would support and facilitate linking treatment programs to participants through its current "Interim Managing Entity" contract with Rutgers University Behavioral Health Care, which provides similar services for individuals seeking treatment for a substance use disorder through existing State-funded programs. The marginal impact of the bill on the cost of that contract is likely to be negligible.

The OLS notes that, although the bill intends to promote access to treatment services for substance use disorder, it does not provide for any expansion of treatment capacity. Thus, the OLS assumes that no additional costs related to the provision of treatment services will be incurred as a result of the bill.

*Section: Human Services*

*Analyst: David Drescher  
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.).

# LEGISLATIVE FISCAL ESTIMATE

Corrected Copy

[First Reprint]

**ASSEMBLY, No. 3744**

## **STATE OF NEW JERSEY 217th LEGISLATURE**

DATED: SEPTEMBER 19, 2016

### SUMMARY

- Synopsis:** Establishes law enforcement assisted addiction and recovery referral programs.
- Type of Impact:** Possible expenditure increase from the General Fund. Optional expenditure increases at county and municipal police departments.
- Agencies Affected:** Division of Mental Health and Addiction Services; Attorney General; county and local law enforcement agencies.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Years 1-3</u></b>
<b>State Cost</b>	Possible minimal increase.
<b>Local Cost</b>	Optional increase at local agencies' discretion.

- The Office of Legislative Services (OLS) is not able to determine the number of law enforcement agencies that would establish addiction and recovery referral programs under the bill, or the number of individuals who may participate. Participating law enforcement agencies may, at their option, incur costs related to screening for eligibility and performing intake procedures, collecting and securing any controlled dangerous substances individuals may possess upon arrival at the law enforcement agency, coordinating volunteers, and providing training to participating law enforcement officers and volunteers.
- Some costs may be incurred by the Division of Mental Health and Addiction Services (DMHAS) and the Office of Attorney General to develop rules and guidelines for the program, though these costs can most likely be accommodated within the agencies' regular operating budgets. The OLS assumes that the DMHAS would support and facilitate linking treatment programs to participants through its current contract with Rutgers University Behavioral Health Care, with no significant change in the cost.
- Although the bill intends to promote access to treatment services for substance use disorder, it does not provide for any expansion of treatment capacity. Thus, the OLS assumes that no additional costs related to the provision of treatment services will be incurred as a result of the bill.

## **BILL DESCRIPTION**

The Corrected Copy to Assembly Bill No. 3744 (1R) of 2016 requires the Director of the Division of Mental Health and Addiction Services in the Department of Human Services to provide for the establishment of law enforcement assisted addiction and recovery referral programs in law enforcement departments throughout the State.

Under the bill, the director, in consultation with the Attorney General, is required to prescribe by regulation requirements for county and municipal law enforcement departments to establish or authorize the operation of a program within their departments; develop and implement guidelines for the recruitment and training of law enforcement officers, volunteers, and treatment providers to participate in the program; support and facilitate the linkage of law enforcement assisted addiction and recovery programs to facilities and programs that provide appropriate substance abuse recovery services and health care services; coordinate with law enforcement officials and program volunteers to ensure that individuals seeking to participate in the program are treated with respect, care, and compassion; establish requirements for an individual to be eligible for participation in the program; develop and implement procedures for determining eligibility requirements for the program; and provide procedures for maintaining the confidentiality of information pertaining to the identity, diagnosis, treatment, and health information of any program participant.

The bill provides that a county or municipal police force, may participate in a program with the approval of the governing body of the county or municipality. Law enforcement officers participating in the program may refer or transport program participants to a program volunteer or a treatment provider, but otherwise would not be involved in the provision of services.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS is not able to determine the number of law enforcement agencies that would establish addiction and recovery referral programs under the bill, or the number of individuals who may participate. Participating law enforcement agencies may, at their option, incur costs related to screening for eligibility and performing intake procedures, collecting and securing any controlled dangerous substances individuals may possess upon arrival at the law enforcement agency, coordinating volunteers, and providing training to participating law enforcement officers and volunteers.

Some costs may be incurred by the DMHAS and the Office of Attorney General to develop rules and guidelines for the program, though these costs can most likely be accommodated within the agencies' regular operating budgets. The OLS assumes that the DMHAS would support and facilitate linking treatment programs to participants through its current "Interim Managing Entity" contract with Rutgers University Behavioral Health Care, which provides similar services for individuals seeking treatment for a substance use disorder through existing State-funded programs. The marginal impact of the bill on the cost of that contract is likely to be negligible.

The OLS notes that, although the bill intends to promote access to treatment services for substance use disorder, it does not provide for any expansion of treatment capacity. Thus, the OLS assumes that no additional costs related to the provision of treatment services will be incurred as a result of the bill.

*Section: Human Services*

*Analyst: David Drescher  
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.).

# SENATE, No. 2330

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 9, 2016

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex and Morris)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Senators Madden and Pou**

**SYNOPSIS**

Establishes law enforcement assisted addiction and recovery programs.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/21/2016)**

1 AN ACT concerning substance abuse recovery assistance and  
2 supplementing Title 30 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that:

8 a. According to the Centers for Disease Control and  
9 Prevention, the rate of heroin and opioid-related deaths in the  
10 United States has nearly tripled since 2010.

11 b. New Jersey's overdose death rate is currently more than  
12 three times the national rate, and overdose is the leading cause of  
13 accidental death in the State.

14 c. Data show that treatment for heroin and opioid addictions  
15 have become spread evenly across all of the State's demographics.

16 d. Increasing access to treatment without fear of arrest or law  
17 enforcement action is essential to persuade those who suffer from  
18 addiction to receive the treatment they need.

19 e. In certain parts of the State and in other jurisdictions,  
20 increased access to treatment has resulted from collaborative efforts  
21 of law enforcement, community professionals, and volunteers  
22 providing support to those who need additional assistance in  
23 seeking treatment.

24 f. The establishment of law enforcement assisted addiction and  
25 recovery programs would provide additional support necessary to  
26 assist many of those who need treatment by encouraging those  
27 suffering from heroin and opioid addiction to seek recovery;  
28 helping to distribute life-saving drugs to prevent and treat  
29 overdoses; and connecting people suffering from heroin and opioid  
30 addiction with treatment programs and facilities.

31

32 2. The Director of the Division of Mental Health and Addiction  
33 Services in the Department of Human Services, in consultation with  
34 the Attorney General, shall provide for the establishment, upon the  
35 request of the department or force, of a law enforcement assisted  
36 addiction and recovery program in accordance with section 4 of  
37 P.L. , c. (C. ) (pending before the Legislature as this bill) in  
38 any county police department or force established pursuant to  
39 N.J.S.40A:14-106, or municipal police department or force  
40 established pursuant to N.J.S.40A:14-118. In providing for the  
41 establishment of these programs, the director shall:

42 a. prescribe by regulation requirements for a law enforcement  
43 department to establish, or otherwise authorize the operation within  
44 that department, of a law enforcement assisted addiction and  
45 recovery program;

46 b. develop and implement guidelines for the recruitment and  
47 training of law enforcement officers and personnel, volunteers, and  
48 treatment providers to participate in the program;



1 c. support and facilitate, to the maximum extent practicable,  
2 the linkage of law enforcement assisted addiction and recovery  
3 programs to facilities and programs that may provide appropriate  
4 substance abuse recovery services, health care services, including  
5 mental health services, medication-assisted drug treatment services,  
6 and other substance abuse treatment services to program  
7 participants;

8 d. coordinate with law enforcement officials, personnel, and  
9 program volunteers to ensure that individuals seeking to participate  
10 in the program are treated with respect, care, and compassion, and  
11 are reassured that assistance will be provided;

12 e. establish eligibility requirements for participation in the  
13 program which shall include, but not be limited to, the provisions of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill);  
15 and

16 f. develop and implement procedures for determining  
17 eligibility to participate in the program, including, but not limited  
18 to, conducting a wanted person check pursuant to section 1 of  
19 P.L.2003, c.282 (C.30:4-91.3c) on each potential program  
20 participant.

21  
22 3. a. For any individual who enters a law enforcement  
23 department seeking to participate in a law enforcement assisted  
24 addiction and recovery program, the chief law enforcement officer  
25 or a designee shall determine if the individual is currently under a  
26 sentence of probation. If an individual is determined to be on  
27 probation, any placement pursuant to the program shall be  
28 coordinated with the individual's probation officer.

29 b. An individual shall be ineligible to participate in the  
30 program if:

31 (1) the individual is required to register as a sex offender  
32 pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2);

33 (2) the individual has an outstanding arrest warrant or pending  
34 criminal charges;

35 (3) the individual is under 18 years of age and does not have the  
36 consent of a parent or guardian; or

37 (4) the chief law enforcement officer or a designee expresses the  
38 reasonable belief that the officer, personnel, or others could be  
39 seriously harmed by the individual.

40 c. If at any time the individual is determined to be in need of  
41 medical assistance, the law enforcement officer or personnel shall  
42 immediately seek emergency medical assistance for the individual.

43  
44 4. A law enforcement assisted addiction and recovery program  
45 established pursuant to P.L. , c. (C. ) (pending before the  
46 Legislature as this bill) shall comply with the following  
47 requirements:

1 a. Individuals who enter a law enforcement department and  
2 request help with their addiction pursuant to the law enforcement  
3 assisted addiction and recovery program shall immediately be  
4 screened for eligibility to participate.

5 b. Eligibility for participation is specifically and exclusively  
6 limited to individuals who enter a law enforcement department to  
7 request assistance with their addiction.

8 c. All law enforcement personnel having contact with an  
9 individual who enters a law enforcement department and requests  
10 assistance pursuant to the program shall be professional,  
11 compassionate, and understanding at all times.

12 d. If, at the time of requesting assistance pursuant to the  
13 program, an individual is in possession of a controlled dangerous  
14 substance, controlled dangerous substance analog, or drug  
15 paraphernalia, the individual shall not be criminally charged. The  
16 materials shall be collected and secured for later destruction in  
17 accordance with established procedures.

18 e. A person shall not question the individual in an effort to  
19 collect intelligence, determine the origins of any controlled  
20 dangerous substance, controlled dangerous substance analog, or  
21 drug paraphernalia relinquished by the individual, or take any other  
22 action which may discourage individuals from seeking to participate  
23 in the program without fear of arrest or law enforcement action.

24 f. The law enforcement officer or personnel having initial  
25 contact with the individual shall immediately notify the chief law  
26 enforcement officer or designee that an individual is requesting  
27 assistance with the individual's addiction.

28 g. The chief law enforcement officer or designee shall initiate  
29 intake procedures and inform a program volunteer that an intake is  
30 occurring and request the volunteer to respond to the law  
31 enforcement department. The individual shall be notified of the  
32 volunteer's estimated arrival time.

33 h. The volunteer shall provide emotional support and guidance  
34 to the individual, explore treatment options, and attempt to identify  
35 a program or facility which can assist the individual. If possible,  
36 the volunteer shall remain with the individual until the individual  
37 has been formally admitted to treatment, including at the law  
38 enforcement department, hospital, or intake location for the  
39 treatment facility.

40 i. If the volunteer, after contacting all possible sources of  
41 treatment, is unable to place the individual, the volunteer shall give  
42 the individual a plan to continue attempting to obtain assistance  
43 prior to the individual leaving the law enforcement department. The  
44 volunteer shall make every effort to find a safe place for the  
45 individual upon departure.

46 j. Participation in the program shall be voluntary. If an  
47 individual subsequently elects not to request assistance or continue  
48 with the program, the individual shall be permitted to depart.

1 k. If at any time during participation in the program or  
2 attempting to participate in the program an individual who has  
3 relinquished a controlled dangerous substance, controlled dangerous  
4 substance analog, or drug paraphernalia withdraws the request for  
5 assistance or elects to discontinue participation in the program, the  
6 individual shall not be charged with a crime or offense for  
7 possessing the items they have already relinquished.

8  
9 5. This act shall take effect on the first day of the fourth month  
10 following enactment.

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STATEMENT

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19

This bill requires the Director of the Division of Mental Health and Addiction Services in the Department of Human Services to provide for the establishment of law enforcement assisted addiction and recovery programs in law enforcement departments throughout the State.

20 The nation's overdose deaths related to heroin and opioid  
21 addiction have increased dramatically in recent years, and in New  
22 Jersey, the overdose death rate is currently three times the national  
23 rate. In an effort to increase access to treatment for heroin and  
24 opioid addiction, certain law enforcement departments in New  
25 Jersey and in other jurisdictions have worked with community  
26 professionals and volunteers to provide additional support to those  
27 who need it.

28 This bill provides for the establishment of these law enforcement  
29 assisted addiction and recovery programs in law enforcement  
30 departments throughout the State. Under the bill, the director, in  
31 consultation with the Attorney General, is required to prescribe by  
32 regulation requirements for county and municipal law enforcement  
33 departments to establish or authorize the operation of a program  
34 within their departments; develop and implement guidelines for the  
35 recruitment and training of law enforcement officers, volunteers,  
36 and treatment providers to participate in the program; support and  
37 facilitate the linkage of law enforcement assisted addiction and  
38 recovery programs to facilities and programs that provide  
39 appropriate substance abuse recovery services and health care  
40 services; coordinate with law enforcement officials and program  
41 volunteers to ensure that individuals seeking to participate in the  
42 program are treated with respect, care, and compassion, and are  
43 reassured that assistance will be provided; establish requirements  
44 for an individual to be eligible for participation in the program; and  
45 develop and implement procedures for determining eligibility  
46 requirements for the program.

47 All law enforcement assisted addiction and recovery programs  
48 are required to comply with the requirements set forth under the

**S2330 CODEY, VITALE**

6

1 bill. These requirements are similar to requirements associated with  
2 programs that have been established in Massachusetts, as well as in  
3 Newton and New Brunswick, New Jersey. By increasing access to  
4 treatment without fear of arrest or law enforcement action, these  
5 law enforcement assisted addiction and recovery programs have  
6 helped a number of people suffering from substance abuse obtain  
7 the treatment they need.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 2330

# STATE OF NEW JERSEY

DATED: JUNE 20, 2016

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2330.

Senate Bill No. 2330 requires the Director of the Division of Mental Health and Addiction Services in the Department of Human Services to provide for the establishment of law enforcement assisted addiction and recovery programs in law enforcement departments throughout the State.

According to the sponsor, the nation's overdose deaths related to heroin and opioid addiction have dramatically increased in recent years, and in New Jersey, the overdose death rate is currently three times the national rate. In an effort to increase access to treatment for heroin and opioid addiction, certain law enforcement departments in New Jersey and in other jurisdictions have worked with community professionals and volunteers to provide additional support to those who need it.

This bill provides for the establishment of these law enforcement assisted addiction and recovery programs in law enforcement departments throughout the State. Under the bill, the director, in consultation with the Attorney General, is required to prescribe by regulation requirements for county and municipal law enforcement departments to establish or authorize the operation of a program within their departments; develop and implement guidelines for the recruitment and training of law enforcement officers, volunteers, and treatment providers to participate in the program; support and facilitate the linkage of law enforcement assisted addiction and recovery programs to facilities and programs that provide appropriate substance abuse recovery services and health care services; coordinate with law enforcement officials and program volunteers to ensure that individuals seeking to participate in the program are treated with respect, care, and compassion, and are reassured that assistance will be provided; establish requirements for an individual to be eligible for participation in the program; and develop and implement procedures for determining eligibility requirements for the program.

All law enforcement assisted addiction and recovery programs are required to comply with the requirements set forth under the bill. According to the sponsor, these requirements are similar to requirements associated with programs that have been established in

Massachusetts, as well as in Newton and New Brunswick, New Jersey. By increasing access to treatment without fear of arrest or law enforcement action, these law enforcement assisted addiction and recovery programs have helped a number of people suffering from substance abuse obtain the treatment they need.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 2330

# STATE OF NEW JERSEY

DATED: JUNE 23, 2016

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2330.

This bill requires the Director of the Division of Mental Health and Addiction Services in the Department of Human Services to provide for the establishment, upon the request of a municipal or county police department or force, of law enforcement assisted addiction and recovery programs in those law enforcement departments throughout the State.

Under the bill, the director, in consultation with the Attorney General, is required to prescribe by regulation requirements for county and municipal law enforcement departments to establish or authorize the operation of a program within their departments; develop and implement guidelines for the recruitment and training of law enforcement officers, volunteers, and treatment providers to participate in the program; support and facilitate the linkage of law enforcement assisted addiction and recovery programs to facilities and programs that provide appropriate substance abuse recovery services and health care services; coordinate with law enforcement officials and program volunteers to ensure that individuals seeking to participate in the program are treated with respect, care, and compassion, and are reassured that assistance will be provided; establish requirements for an individual to be eligible for participation in the program; and develop and implement procedures for determining eligibility requirements for the program. All law enforcement assisted addiction and recovery programs are required to comply with the requirements set forth under the bill.

According to the sponsor, these requirements are similar to requirements associated with programs that have been established in Massachusetts, as well as in Newton and New Brunswick, New Jersey. By increasing access to treatment without fear of arrest or law enforcement action, these law enforcement assisted addiction and recovery programs have helped a number of people suffering from substance abuse obtain the treatment they need.

#### FISCAL IMPACT:

The Office of Legislative Services is not able to determine the number of law enforcement agencies that will establish programs or

the number of individuals that may participate if a program is offered by a law enforcement agency. Costs that may be incurred include costs for staff of the Division of Mental Health Services in consultation with Attorney General, to establish the program; promulgate or prescribe regulations; develop and implement guidelines for recruiting and training law enforcement officers, volunteers, and treatment providers; and to support and facilitate linking programs to participants; and establish eligibility requirements. Costs to law enforcement agencies may include screening for eligibility and intake procedures, collecting and securing any controlled dangerous substances individuals may possess upon arrival at the law enforcement agency, coordinating volunteers, and providing the appropriate training to law enforcement officers and volunteers.



**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 2330**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

DATED: JUNE 28, 2016

**SUMMARY**

**Synopsis:** Establishes law enforcement assisted addiction and recovery programs.

**Type of Impact:** Possible expenditure increase from the General Fund. Optional expenditure increases at county and municipal police departments.

**Agencies Affected:** Division of Mental Health and Addiction Services; Attorney General; county and local law enforcement agencies.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Years 1-3</u></b>
<b>State Cost</b>	Possible minimal increase.
<b>Local Cost</b>	Optional increase at local agencies' discretion.

- The Office of Legislative Services (OLS) is not able to determine the number of law enforcement agencies that would establish addiction and recovery programs under the bill, or the number of individuals who may participate. Participating law enforcement agencies may, at their option, incur costs related to screening for eligibility and performing intake procedures, collecting and securing any controlled dangerous substances individuals may possess upon arrival at the law enforcement agency, coordinating volunteers, and providing training to participating law enforcement officers and volunteers.
- Some costs may be incurred by the Division of Mental Health and Addiction Services (DMHAS) and the Office of Attorney General to develop rules and guidelines for the program, though these costs can most likely be accommodated within the agencies' regular operating budgets. The OLS assumes that the DMHAS would support and facilitate linking treatment programs to participants through its current contract with Rutgers University Behavioral Health Care, with no significant change in the cost.
- Although the bill intends to promote access to treatment services for substance use disorder, it does not provide for any expansion of treatment capacity. Thus, the OLS assumes that no additional costs related to the provision of treatment services will be incurred as a result of the bill.

## **BILL DESCRIPTION**

Senate Bill No. 2330 of 2016 requires the Director of the Division of Mental Health and Addiction Services in the Department of Human Services to provide for the establishment of law enforcement assisted addiction and recovery programs in law enforcement departments throughout the State.

This bill provides for the establishment of these law enforcement assisted addiction and recovery programs in law enforcement departments throughout the State. Under the bill, the director, in consultation with the Attorney General, is required to prescribe by regulation requirements for county and municipal law enforcement departments to establish or authorize the operation of a program within their departments; develop and implement guidelines for the recruitment and training of law enforcement officers, volunteers, and treatment providers to participate in the program; support and facilitate the linkage of law enforcement assisted addiction and recovery programs to facilities and programs that provide appropriate substance abuse recovery services and health care services; coordinate with law enforcement officials and program volunteers to ensure that individuals seeking to participate in the program are treated with respect, care, and compassion, and are reassured that assistance will be provided; establish requirements for an individual to be eligible for participation in the program; and develop and implement procedures for determining eligibility requirements for the program.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS is not able to determine the number of law enforcement agencies that would establish addiction and recovery programs under the bill, or the number of individuals who may participate. Participating law enforcement agencies may, at their option, incur costs related to screening for eligibility and performing intake procedures, collecting and securing any controlled dangerous substances individuals may possess upon arrival at the law enforcement agency, coordinating volunteers, and providing training to participating law enforcement officers and volunteers.

Some costs may be incurred by the DMHAS and the Office of Attorney General to develop rules and guidelines for the program, though these costs can most likely be accommodated within the agencies' regular operating budgets. The OLS assumes that the DMHAS would support and facilitate linking treatment programs to participants through its current "Interim Managing Entity" contract with Rutgers University Behavioral Health Care, which provides similar services for individuals seeking treatment for a substance use disorder through existing State-funded programs. The marginal impact of the bill on the cost of that contract is likely to be negligible.

The OLS notes that, although the bill intends to promote access to treatment services for substance use disorder, it does not provide for any expansion of treatment capacity. Thus, the OLS assumes that no additional costs related to the provision of treatment services will be incurred as a result of the bill.

*Section: Human Services*

*Analyst: David Drescher  
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.).

**ASSEMBLY BILL NO. 3744**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3744 with my recommendations for reconsideration.

All too often persons afflicted with the disease of addiction have negative interactions with the criminal justice system. This bill presents an opportunity to create a positive relationship between law enforcement agencies and those individuals suffering from addiction by allowing police departments to become a point of access for addiction assistance and recovery.

My Administration has worked diligently to combat the heroin and opioid abuse epidemic afflicting so many in our nation and our State and make treatment more accessible. We have expanded drug courts and the lifesaving Narcan program statewide, extended legal protections to those individuals helping drug overdose victims, supported criminal justice reform, increased participation in the Prescription Monitoring Program to prevent "doctor shopping," and codified the Project Medicine Drop program to ensure secure drop off locations for unused prescription drugs. We are also in the process of reopening a correctional facility as a drug treatment center for inmates with addictions. Most recently, we established a comprehensive expungement application to give successful graduates of the Drug Court Program a fresh start by eliminating multiple crimes related to a person's drug addiction from their criminal record.

This bill would continue to improve upon access and assistance for those suffering from addiction, helping them to obtain treatment and re-enter society as productive members.

However, to ensure that the program functions most effectively to help persons suffering from addiction, and not as a way to avoid prosecution for serious crimes, I recommend several amendments to the bill. These clarifications will enhance the program and safeguard public safety.

Accordingly, I herewith return Assembly Bill No. 3744 and recommend that it be amended as follows:

<u>Page 2, Section 2, Line 36:</u>	After "recovery" insert "referral"
<u>Page 2, Section 2, Line 36:</u>	Delete "4" and insert "5"
<u>Page 2, Section 2, Line 37:</u>	Delete "in"
<u>Page 2, Section 2, Lines 38-39:</u>	Delete in their entirety
<u>Page 2, Section 2, Line 40:</u>	Delete "established pursuant to N.J.S.40A:14-118"
<u>Page 2, Section 2, Line 45:</u>	After "recovery" insert "referral"
<u>Page 2, Section 2, Line 48:</u>	After "program" insert ", provided that law enforcement officers may refer or transport program participants to a program volunteer or to a treatment provider for substance abuse recovery services, health care services, including mental health services, medication-assisted drug treatment services, and other substance abuse treatment services but shall not be involved in the provision of such services"
<u>Page 3, Section 2, Line 2:</u>	After "recovery" insert "referral"
<u>Page 3, Section 2, Line 10:</u>	After "compassion" delete ", and" and insert ";"
<u>Page 3, Section 2, Line 11:</u>	Delete in its entirety
<u>Page 3, Section 2, Line 15:</u>	Delete in its entirety
<u>Page 3, Section 2, Line 20:</u>	After "participant" insert "; and g. provide procedures for maintaining the confidentiality of information pertaining to the

identity, diagnosis, treatment and health information of any program participant"

Page 3, Line 21:

Insert "3. Upon approval by the governing body of the county or municipality, as the case may be, a county police department or force established pursuant to N.J.S.40A:14-106 or municipal police department or force established pursuant to N.J.S.40A:14-118 may participate in a law enforcement assisted addiction and recovery support program established in accordance with P.L. , c. (C. ) (pending before the Legislature as this bill). Law enforcement officers participating in a law enforcement assisted addiction and recovery support program established pursuant to this section may refer or transport program participants to a program volunteer for support, guidance and assistance, and may transport program participants to a treatment provider for substance abuse recovery services or health care services, but shall not otherwise be involved in the provision of such services."

Page 3, Section 3, Line 22:

Delete "3." and insert "4."

Page 3, Section 3, Line 24:

After "recovery" insert "referral"

Page 3, Section 4, Line 44:

Delete "4." and insert "5."

Page 3, Section 4, Line 44:

After "recovery" insert "referral"

Page 4, Section 4, Line 1:

After "who" insert "voluntarily"

Page 4, Section 4, Line 4:

After "participate" insert "pursuant to the criteria set forth in section 4 of P.L. , c. (C. ) (pending before the Legislature as this bill)"

Page 4, Section 4, Line 6:

After "who" insert "voluntarily"

- Page 4, Section 4, Line 13: After "program" insert "or upon being accepted to participate in the program"
- Page 4, Section 4, Line 13: After "individual" insert "who"
- Page 4, Section 4, Line 15: Delete ", the individual" and insert "and advises a law enforcement officer of that possession and voluntarily surrenders the substance, analog or paraphernalia to the law enforcement officer"
- Page 4, Section 4, Line 15: Delete "criminally charged" and insert "arrested, charged, prosecuted or convicted for: (1) obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of a controlled dangerous substance or controlled substance analog pursuant to subsection a., b. or c. of N.J.S.2C:35-10; (2) acquiring or obtaining possession of a controlled dangerous substance or controlled substance analog by fraud pursuant to N.J.S.2C:35-13; (3) unlawfully possessing a controlled dangerous substance that was lawfully prescribed or dispensed pursuant to N.J.S.2C:35-24; or (4) using or possessing with intent to use drug paraphernalia pursuant to N.J.S.2C:36-2 or for having under his control or possessing a hypodermic syringe, hypodermic needle, or any other instrument adapted for the use of a controlled dangerous substance or a controlled substance analog pursuant to subsection a. of N.J.S.2C:36-6"
- Page 4, Section 4, Line 23: After "action" insert "; provided, however, that nothing in this subsection shall preclude the individual from voluntarily providing information concerning the origins of any controlled

dangerous substance,  
controlled dangerous  
substance analog, or drug  
paraphernalia relinquished by  
the individual"

Page 5, Section 4, Line 7:

After "relinquished." insert  
"1. Information pertaining to  
the identity, diagnosis,  
treatment or health of any  
program participant shall be  
confidential and shall not be  
disclosed to any person  
except to the extent that it  
may be necessary to carry out  
the purposes of P.L. , c.  
(C. ) (pending before the  
Legislature as this bill), or  
upon the express consent of  
the program participant, or  
as otherwise required by law  
or court order."

Page 5, Line 8:

Insert "6. a. A county or  
municipal entity, official or  
employee that approves  
participation in a law  
enforcement assisted  
addiction and recovery  
referral program in  
accordance with P.L. , c.  
(C. ), shall not, as a  
result of any acts or  
omissions, be subject to any  
criminal or civil liability  
related to approval of  
participation in the law  
enforcement assisted  
addiction and recovery  
referral program.

b. A county or municipal law  
enforcement department, chief  
law enforcement officer,  
officer or personnel,  
volunteer or treatment  
provider, that participates  
in good faith in a law  
enforcement assisted  
addiction and recovery  
referral program in  
accordance with P.L. , c.  
(C. ), shall not, as a  
result of any acts or  
omissions, be subject to any  
criminal or civil liability  
related to participation in  
the law enforcement assisted  
addiction and recovery  
referral program."

Page 5, Section 5, Line 9:

Delete "5." and insert "7."



[seal]

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Thomas P. Scrivo

Chief Counsel to the Governor

**CORRECTED COPY**

**ASSEMBLY BILL NO. 3744**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 3744 with my recommendations for reconsideration.

All too often persons afflicted with the disease of addiction have negative interactions with the criminal justice system. This bill presents an opportunity to create a positive relationship between law enforcement agencies and those individuals suffering from addiction by allowing police departments to become a point of access for addiction assistance and recovery.

My Administration has worked diligently to combat the heroin and opioid abuse epidemic afflicting so many in our nation and our State and make treatment more accessible. We have expanded drug courts and the lifesaving Narcan program statewide, extended legal protections to those individuals helping drug overdose victims, supported criminal justice reform, increased participation in the Prescription Monitoring Program to prevent "doctor shopping," and codified the Project Medicine Drop program to ensure secure drop off locations for unused prescription drugs. We are also in the process of reopening a correctional facility as a drug treatment center for inmates with addictions. Most recently, we established a comprehensive expungement application to give successful graduates of the Drug Court Program a fresh start by eliminating multiple crimes related to a person's drug addiction from their criminal record.

This bill would continue to improve upon access and assistance for those suffering from addiction, helping them to

obtain treatment and re-enter society as productive members. However, to ensure that the program functions most effectively to help persons suffering from addiction, and not as a way to avoid prosecution for serious crimes, I recommend several amendments to the bill. These clarifications will enhance the program and safeguard public safety.

Accordingly, I herewith return Assembly Bill No. 3744 and recommend that it be amended as follows:

<u>Page 2, Section 1, Line 25:</u>	After "recovery" insert "referral"
<u>Page 2, Section 2, Line 36:</u>	After "recovery" insert "referral"
<u>Page 2, Section 2, Line 36:</u>	Delete "4" and insert "5"
<u>Page 2, Section 2, Line 37:</u>	Delete "in"
<u>Page 2, Section 2, Lines 38-39:</u>	Delete in their entirety
<u>Page 2, Section 2, Line 40:</u>	Delete "established pursuant to N.J.S.40A:14-118"
<u>Page 2, Section 2, Line 45:</u>	After "recovery" insert "referral"
<u>Page 2, Section 2, Line 48:</u>	After "program" insert ", provided that law enforcement officers may refer or transport program participants to a program volunteer or to a treatment provider for substance abuse recovery services, health care services, including mental health services, medication-assisted drug treatment services, and other substance abuse treatment services but shall not be involved in the provision of such services"
<u>Page 3, Section 2, Line 2:</u>	After "recovery" insert "referral"
<u>Page 3, Section 2, Line 10:</u>	After "compassion" delete ", and" and insert ";"
<u>Page 3, Section 2, Line 11:</u>	Delete in its entirety
<u>Page 3, Section 2, Line 15:</u>	Delete in its entirety

Page 3, Section 2, Line 20:

After "participant" insert ";  
and g. provide procedures for  
maintaining the  
confidentiality of  
information pertaining to the  
identity, diagnosis,  
treatment and health  
information of any program  
participant"

Page 3, Line 21:

Insert "3. Upon approval by  
the governing body of the  
county or municipality, as  
the case may be, a county  
police department or force  
established pursuant to  
N.J.S.40A:14-106 or municipal  
police department or force  
established pursuant to  
N.J.S.40A:14-118 may  
participate in a law  
enforcement assisted  
addiction and recovery  
referral program established  
in accordance with P.L. , c.  
(C. ) (pending before the  
Legislature as this bill).  
Law enforcement officers  
participating in a law  
enforcement assisted  
addiction and recovery  
referral program established  
pursuant to this section may  
refer or transport program  
participants to a program  
volunteer for support,  
guidance and assistance, and  
may transport program  
participants to a treatment  
provider for substance abuse  
recovery services or health  
care services, but shall not  
otherwise be involved in the  
provision of such services."

Page 3, Section 3, Line 22:

Delete "3." and insert "4."

Page 3, Section 3, Line 24:

After "recovery" insert  
"referral"

Page 3, Section 4, Line 44:

Delete "4." and insert "5."

Page 3, Section 4, Line 44:

After "recovery" insert  
"referral"

Page 4, Section 4, Line 1:

After "who" insert  
"voluntarily"

Page 4, Section 4, Line 3:

After "recovery" insert  
"referral"

- Page 4, Section 4, Line 4: After "participate" insert "pursuant to the criteria set forth in section 4 of P.L. , c. (C. ) (pending before the Legislature as this bill)"
- Page 4, Section 4, Line 6: After "who" insert "voluntarily"
- Page 4, Section 4, Line 13: After "program" insert "or upon being accepted to participate in the program"
- Page 4, Section 4, Line 13: After "individual" insert "who"
- Page 4, Section 4, Line 15: Delete ", the individual" and insert "and advises a law enforcement officer of that possession and voluntarily surrenders the substance, analog or paraphernalia to the law enforcement officer"
- Page 4, Section 4, Line 15: Delete "criminally charged" and insert "arrested, charged, prosecuted or convicted for: (1) obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of a controlled dangerous substance or controlled substance analog pursuant to subsection a., b. or c. of N.J.S.2C:35-10; (2) acquiring or obtaining possession of a controlled dangerous substance or controlled substance analog by fraud pursuant to N.J.S.2C:35-13; (3) unlawfully possessing a controlled dangerous substance that was lawfully prescribed or dispensed pursuant to N.J.S.2C:35-24; or (4) using or possessing with intent to use drug paraphernalia pursuant to N.J.S.2C:36-2 or for having under his control or possessing a hypodermic syringe, hypodermic needle, or any other instrument adapted for the use of a controlled dangerous substance or a controlled substance analog pursuant to subsection a. of N.J.S.2C:36-6"

Page 4, Section 4, Line 23:

After "action" insert "; provided, however, that nothing in this subsection shall preclude the individual from voluntarily providing information concerning the origins of any controlled dangerous substance, controlled dangerous substance analog, or drug paraphernalia relinquished by the individual"

Page 5, Section 4, Line 7:

After "relinquished." insert "1. Information pertaining to the identity, diagnosis, treatment or health of any program participant shall be confidential and shall not be disclosed to any person except to the extent that it may be necessary to carry out the purposes of P.L. , c. (C. ) (pending before the Legislature as this bill), or upon the express consent of the program participant, or as otherwise required by law or court order."

Page 5, Line 8:

Insert "6. a. A county or municipal entity, official or employee that approves participation in a law enforcement assisted addiction and recovery referral program in accordance with P.L. , c. (C. ), shall not, as a result of any acts or omissions, be subject to any criminal or civil liability related to approval of participation in the law enforcement assisted addiction and recovery referral program.

b. A county or municipal law enforcement department, chief law enforcement officer, officer or personnel, volunteer or treatment provider, that participates in good faith in a law enforcement assisted addiction and recovery referral program in accordance with P.L. , c. (C. ), shall not, as a result of any acts or

omissions, be subject to any criminal or civil liability related to participation in the law enforcement assisted addiction and recovery referral program."

Page 5, Section 5, Line 9:

Delete "5." and insert "7."

[seal]

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Thomas P. Scrivo

Chief Counsel to the Governor

# Governor Christie Signs Legislation Strengthening State's Fight Against Addiction

Wednesday, October 26, 2016 Tags: [Bill Action](#)

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**Trenton, NJ** – Governor Chris Christie today signed legislation to enhance and expand addiction treatment opportunities and improve relationships between law enforcement officers and those suffering from addiction.

"All too often people afflicted with the disease of addiction have negative, counterproductive and repeated interactions with the criminal justice system," Governor Christie said. "This new law allows police officers —often the first people to discover nonviolent drug offenders in their worst state — to become a point of access for help and recovery. This law improves upon access and assistance for those suffering from addiction, helping them to obtain treatment and re-enter society as productive members."

Drug overdose death rates in New Jersey have been reported this year as multiple times higher than increasing national rates.

A-3744/S-2330 (McKeon, Vainieri Huttler, Caputo, Jasey, Downey/Codey, Vitale), with the governor's recommendations from an August conditional veto, provides for the establishment of these law enforcement-assisted addiction and recovery programs in law enforcement departments throughout the State. Under this new law, the Director of Mental Health and Addiction Services, in consultation with the Attorney General, will prescribe by regulation requirements for county and municipal law enforcement departments to establish a program within their departments; develop and implement guidelines for the recruitment and training of law enforcement officers, volunteers, and treatment providers to participate in the program; support and facilitate the linkage of law enforcement assisted addiction and recovery programs to facilities and programs that provide appropriate substance abuse recovery services and health care services; coordinate with law enforcement officials and program volunteers to ensure that individuals seeking to participate in the program are treated with respect, care, and compassion, and are reassured that assistance will be provided; establish requirements for an individual to be eligible for participation in the program; and develop and implement procedures for determining eligibility requirements for the program.

This reform is the latest lifesaving action taken by Governor Christie's administration, to go along with drug court expansion; statewide Narcan and recovery coach program implementation; new legal protections for those helping drug overdose victims; criminal justice reform to put nonviolent offenders on a path to recovery and productivity; the conversion of a correctional facility into a drug treatment center for inmates with addictions; and increased participation in the multistate Prescription Monitoring Program to prevent doctor shopping.

###

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12/5/2017

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