

30:4-25.13

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2006 **CHAPTER:** 5

NJSA: 30:4-25.13 (Establishes procedures for placement of individuals in
Division of Developmental Disabilities Moderate Security Unit)

BILL NO: S1047 (Substituted for A956)

SPONSOR(S) Vitale and others

DATE INTRODUCED: January 17, 2006

COMMITTEE: **ASSEMBLY:**

SENATE: Health, Human Services and Senior Citizens

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** March 16, 2006

SENATE: March 13, 2006

DATE OF APPROVAL: April 11, 2006

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

S1047

[SPONSOR'S STATEMENT](#): (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: No

A956

[SPONSOR'S STATEMENT](#): (Begins on page 4 of original bill) [Yes](#)

[COMMITTEE STATEMENT](#): **ASSEMBLY:** [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

“Action in Trenton” 1-27-2006, Star-Ledger, p. 23. Final Edition.

KBP

P.L. 2006, CHAPTER 5, *approved April 11, 2006*
Senate, No. 1047

1 **AN ACT** concerning certain Division of Developmental Disabilities
2 facilities and 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. As used in this act:

8 "Division" means the Division of Developmental Disabilities in
9 the Department of Human Services.

10 "Moderate Security Unit," hereafter referred to as "MSU," means
11 a specialized, institutional treatment facility authorized and
12 established by the Director of the Division of Developmental
13 Disabilities in the Department of Human Services, which is: used as
14 an alternative to detention in a correctional facility or as a
15 residential requirement for probation; and characterized primarily
16 by physical security for the confinement of males, 18 years of age
17 or older, who are adjudicated to be dangerous to self, others or
18 property and in need of a highly structured, therapeutic treatment
19 program.
20

21 2. An individual shall not be admitted to the MSU unless the
22 admission is ordered by a court of competent jurisdiction pursuant
23 to this act; an individual shall not be permitted to voluntarily admit
24 himself to the MSU.
25

26 3. The procedures provided in this section shall be implemented
27 prior to admission of an individual to the MSU.

28 a. If the division is advised by a court of competent jurisdiction
29 that an individual who may be developmentally disabled is involved
30 in a criminal proceeding before the court, the division shall
31 determine whether the individual is eligible for functional services
32 provided by the division in accordance with sections 13 through 16
33 of P.L.1965, c.59 (C.30:4-25.1 through 30:4-25.4) and P.L.1985,
34 c.145 (C.30:6D-23 et seq.).

35 If the division determines that the individual is not eligible for
36 services provided by the division, the individual may request a
37 hearing to contest the decision pursuant to the "Administrative
38 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

39 b. If the individual is determined eligible for services provided
40 by the division, the director of the division shall request the
41 Director of the MSU to determine whether the individual is

1 appropriate for, and will benefit from, admission to the MSU and
2 whether a vacancy exists at the facility.

3 c. (1) If the individual is appropriate for, and will benefit from,
4 admission to the MSU, and if a vacancy exists at the facility, the
5 Director of the MSU shall so advise the court and request an order
6 to require the individual to be housed at and participate in the
7 program at the MSU.

8 (2) If the Director of the MSU is not certain about the
9 appropriateness of the admission of the individual, the director may
10 recommend that the court order that the individual be admitted to
11 the MSU for a time-specified period to evaluate the individual's
12 appropriateness for the program at the MSU.

13

14 4. a. After the Director of the MSU advises the court that the
15 individual may be admitted to the facility, in accordance with the
16 provisions of subsection c. of section 3 of this act, the court may
17 order the individual:

18 (1) to be housed at and participate in the program at the MSU as
19 a condition of probation;

20 (2) to be housed at and participate in the program at the MSU
21 until disposition of pending criminal charges against the individual;
22 or

23 (3) to be housed at and participate in the program at the MSU,
24 and to be committed to the custody of the Commissioner of Human
25 Services, in accordance with the provisions of N.J.S.2C:4-6, if the
26 court finds that the individual is unfit to proceed.

27 b. The Director of the MSU shall notify the individual's legal
28 guardian and his legal representative, if applicable, of the date of
29 admission to the MSU.

30

31 5. a. The court shall review its order to admit an individual to
32 the MSU at least every six months. The court shall notify the
33 Director of the MSU of the date of the review at least 30 days prior
34 to that date.

35 b. The Director of the MSU shall, seven days prior to the court
36 review, report to the court in writing regarding the status and
37 progress of the individual admitted to the MSU, and shall send a
38 copy of the report to the individual or his legal guardian, his legal
39 representative, if applicable, the county prosecutor and any other
40 person as ordered by the court.

41 c. (1) In the case of an individual admitted to the MSU as a
42 condition of probation, the Director of the MSU may, as he
43 determines appropriate, recommend to the court in his report that
44 the individual be transferred to a less restrictive environment.

45 (2) The court may modify its order concerning probation in
46 accordance with the recommendation of the Director of the MSU.

47 (3) If the order is modified, any further reports to the court
48 required pursuant to this section shall be provided by the

1 appropriate division employee or service provider.
2

3 6. a. An individual shall be released from the MSU when his
4 probation period or his commitment to the custody of the
5 Commissioner of Human Services ends or upon disposition of
6 pending criminal charges.

7 b. Prior to the individual's release date, the Director of the MSU
8 and the director of the division, or his designee, shall develop a plan
9 of appropriate division services to be provided or made available to
10 the individual after his release from the MSU.

11 c. Before an individual who has committed a sexually violent
12 offense as defined in section 3 of P.L.1998, c.71 (C.30:4-27.26) is
13 released from the MSU, the Director of the MSU shall require that
14 the individual be evaluated by a psychiatrist for referral for
15 commitment under P.L.1998, c.71 (C.30:4-27.24 et seq.).
16

17 7. Nothing in this act shall be construed to limit the authority of
18 the court to commit a person to the custody of the Commissioner of
19 Human Services in accordance with the provisions of section 13 of
20 P.L.1965, c.59 (C.30:4-25.1) for admission to functional services in
21 an environment that is less restrictive than that of the MSU.
22

23 8. The Commissioner of Human Services shall adopt rules and
24 regulations, pursuant to the "Administrative Procedure Act,"
25 P.L.1968, c.410 (C.52:14B-1 et seq.), to carry out the purposes of
26 this act.
27

28 9. This act shall take effect on the 90th day after enactment, but
29 the Commissioner of Human Services may take such anticipatory
30 administrative action in advance as shall be necessary for the
31 implementation of the act.
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STATEMENT

35

36 This bill provides that an individual shall not be admitted to the
37 Moderate Security Unit (MSU) operated by the Division of
38 Developmental Disabilities in the Department of Human Services
39 unless the admission is ordered by a court of competent jurisdiction.
40 An individual shall not be permitted to voluntarily admit himself to
41 the MSU.

42 The MSU is a specialized treatment facility at New Lisbon
43 Developmental Center that is used as an alternative to detention in a
44 correctional facility or as a residential requirement for probation. It
45 is characterized primarily by physical security for the confinement
46 of males, 18 years of age or older, who are adjudicated to be
47 dangerous to self, others or property and in need of a highly
48 structured, therapeutic treatment program. The bill sets forth the

- 1 procedures that must be followed prior to and following the
2 admission of an individual to the MSU.
- 3 • If the division is advised by a court of competent jurisdiction
4 that an individual who may be developmentally disabled is
5 involved in a criminal proceeding before the court, the division
6 shall determine whether the individual is eligible for functional
7 services provided by the division in accordance with
8 N.J.S.A.30:4-25.1 through 30:4-25.4 and 30:6D-23 et seq. If
9 the division determines that the individual is not eligible for
10 services, the individual may request a hearing to contest the
11 decision.
 - 12 • If the individual is determined eligible for services provided by
13 the division, director of the division shall request the Director of
14 the MSU to determine whether the individual is appropriate for,
15 and will benefit from, admission to the MSU, and whether a
16 vacancy exists at the facility.
 - 17 • If the individual is appropriate for, and will benefit from,
18 admission to the MSU and a vacancy exists at the facility, the
19 Director of the MSU shall so advise the court and request an
20 order to require the individual to be housed at and participate in
21 the program at the MSU.
 - 22 • If the Director of the MSU is not certain about the
23 appropriateness of the admission of the individual, the director
24 may recommend that the court order that the individual be
25 admitted to the MSU for a time-specified period to evaluate the
26 individual's appropriateness for the program at the MSU.
 - 27 • After the Director of the MSU advises the court that a vacancy
28 exists at the MSU and the individual may be admitted to the
29 facility, the court may order the individual:
 - 30 -- to be housed at and participate in the program at the MSU as
31 a condition of probation;
 - 32 -- to be housed at and participate in the program at the MSU
33 until disposition of pending criminal charges against the
34 individual; or
 - 35 -- to be housed at and participate in the program at the MSU,
36 and to be committed to the custody of the Commissioner of
37 Human Services, in accordance with the provisions of
38 N.J.S.A.2C:4-6, if the court finds that the individual is unfit to
39 proceed.
 - 40 • The MSU shall notify the individual's legal guardian and his
41 legal representative, if applicable, of the date of admission.
 - 42 • The court shall review its order to admit an individual to the
43 MSU at least every six months, and shall notify the Director of
44 the MSU of the date of the review at least 30 days prior to that
45 date. The Director of the MSU shall, seven days prior to the
46 court review, report to the court in writing regarding the status
47 and progress of the individual, and send a copy of the report to
48 the individual or his legal guardian, his legal representative, if

1 applicable, the county prosecutor and any other person as
2 ordered by the court. In the case of an individual admitted to
3 the MSU as a condition of probation, the Director of the MSU
4 may, as he determines appropriate, recommend to the court in
5 his report that the individual be transferred to a less restrictive
6 environment, and the court may modify its order concerning
7 probation in accordance with this recommendation.

- 8 • An individual may be released from the MSU when the time
9 period of the individual's probation or the commitment to the
10 custody of the Commissioner of Human Services ends or upon
11 disposition of criminal charges.
- 12 • Prior to the individual's scheduled release date, the Director of
13 the MSU and the director of the division, or his designee, shall
14 develop a plan of appropriate division services to be provided or
15 made available to the individual after his release from the MSU.
- 16 • Before an individual who has committed a sexually violent
17 offense is released from the MSU, the Director of the MSU shall
18 require that the individual be evaluated by a psychiatrist for
19 referral for commitment under the "New Jersey Sexually Violent
20 Predator Act."

21 The procedures required in this bill are intended to codify into
22 law the policy of the Division of Developmental Disabilities, as
23 provided in Division Circular #16, regarding admission into the
24 division's MSU.

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29 Establishes procedures for placement of individuals in Division
30 of Developmental Disabilities Moderate Security Unit.

SENATE, No. 1047

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 17, 2006

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Assemblyman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Assemblyman GUY R. GREGG

District 24 (Sussex, Hunterdon and Morris)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Co-Sponsored by:

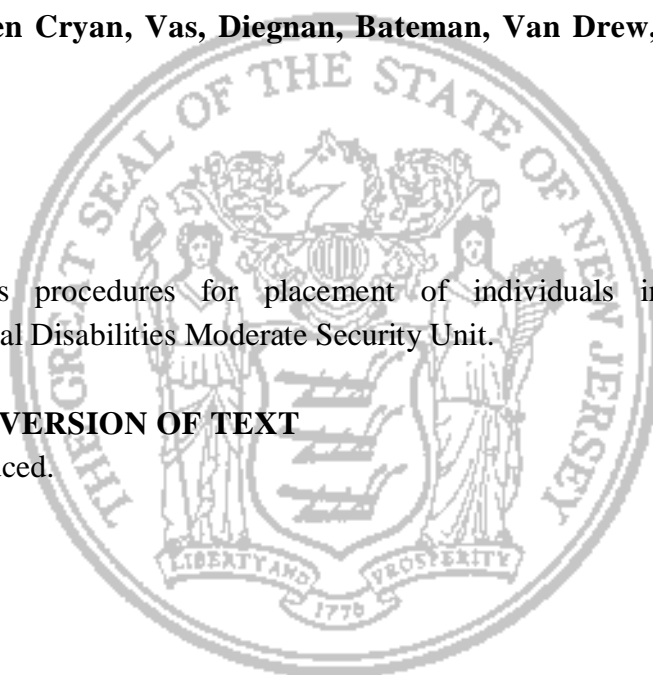
Assemblymen Cryan, Vas, Diegnan, Bateman, Van Drew, Connors and Conaway

SYNOPSIS

Establishes procedures for placement of individuals in Division of Developmental Disabilities Moderate Security Unit.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/17/2006)

1 AN ACT concerning certain Division of Developmental Disabilities
2 facilities and 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:

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7 1. As used in this act:

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9 the Department of Human Services.

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12 established by the Director of the Division of Developmental
13 Disabilities in the Department of Human Services, which is: used as
14 an alternative to detention in a correctional facility or as a
15 residential requirement for probation; and characterized primarily
16 by physical security for the confinement of males, 18 years of age
17 or older, who are adjudicated to be dangerous to self, others or
18 property and in need of a highly structured, therapeutic treatment
19 program.

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21 2. An individual shall not be admitted to the MSU unless the
22 admission is ordered by a court of competent jurisdiction pursuant
23 to this act; an individual shall not be permitted to voluntarily admit
24 himself to the MSU.

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26 3. The procedures provided in this section shall be implemented
27 prior to admission of an individual to the MSU.

28 a. If the division is advised by a court of competent jurisdiction
29 that an individual who may be developmentally disabled is involved
30 in a criminal proceeding before the court, the division shall
31 determine whether the individual is eligible for functional services
32 provided by the division in accordance with sections 13 through 16
33 of P.L.1965, c.59 (C.30:4-25.1 through 30:4-25.4) and P.L.1985,
34 c.145 (C.30:6D-23 et seq.).

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38 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

39 b. If the individual is determined eligible for services provided
40 by the division, the director of the division shall request the
41 Director of the MSU to determine whether the individual is
42 appropriate for, and will benefit from, admission to the MSU and
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45 admission to the MSU, and if a vacancy exists at the facility, the
46 Director of the MSU shall so advise the court and request an order
47 to require the individual to be housed at and participate in the
48 program at the MSU.

1 (2) If the Director of the MSU is not certain about the
2 appropriateness of the admission of the individual, the director may
3 recommend that the court order that the individual be admitted to
4 the MSU for a time-specified period to evaluate the individual's
5 appropriateness for the program at the MSU.

6
7 4. a. After the Director of the MSU advises the court that the
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9 provisions of subsection c. of section 3 of this act, the court may
10 order the individual:

11 (1) to be housed at and participate in the program at the MSU as
12 a condition of probation;

13 (2) to be housed at and participate in the program at the MSU
14 until disposition of pending criminal charges against the individual;
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16 (3) to be housed at and participate in the program at the MSU,
17 and to be committed to the custody of the Commissioner of Human
18 Services, in accordance with the provisions of N.J.S.2C:4-6, if the
19 court finds that the individual is unfit to proceed.

20 b. The Director of the MSU shall notify the individual's legal
21 guardian and his legal representative, if applicable, of the date of
22 admission to the MSU.

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24 5. a. The court shall review its order to admit an individual to
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26 Director of the MSU of the date of the review at least 30 days prior
27 to that date.

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29 review, report to the court in writing regarding the status and
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32 representative, if applicable, the county prosecutor and any other
33 person as ordered by the court.

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35 condition of probation, the Director of the MSU may, as he
36 determines appropriate, recommend to the court in his report that
37 the individual be transferred to a less restrictive environment.

38 (2) The court may modify its order concerning probation in
39 accordance with the recommendation of the Director of the MSU.

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45 probation period or his commitment to the custody of the
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47 pending criminal charges.

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1 and the director of the division, or his designee, shall develop a plan
2 of appropriate division services to be provided or made available to
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5 offense as defined in section 3 of P.L.1998, c.71 (C.30:4-27.26) is
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7 the individual be evaluated by a psychiatrist for referral for
8 commitment under P.L.1998, c.71 (C.30:4-27.24 et seq.).
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10 7. Nothing in this act shall be construed to limit the authority of
11 the court to commit a person to the custody of the Commissioner of
12 Human Services in accordance with the provisions of section 13 of
13 P.L.1965, c.59 (C.30:4-25.1) for admission to functional services in
14 an environment that is less restrictive than that of the MSU.
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16 8. The Commissioner of Human Services shall adopt rules and
17 regulations, pursuant to the "Administrative Procedure Act,"
18 P.L.1968, c.410 (C.52:14B-1 et seq.), to carry out the purposes of
19 this act.
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21 9. This act shall take effect on the 90th day after enactment, but
22 the Commissioner of Human Services may take such anticipatory
23 administrative action in advance as shall be necessary for the
24 implementation of the act.
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26
27 STATEMENT
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29 This bill provides that an individual shall not be admitted to the
30 Moderate Security Unit (MSU) operated by the Division of
31 Developmental Disabilities in the Department of Human Services
32 unless the admission is ordered by a court of competent jurisdiction.
33 An individual shall not be permitted to voluntarily admit himself to
34 the MSU.

35 The MSU is a specialized treatment facility at New Lisbon
36 Developmental Center that is used as an alternative to detention in a
37 correctional facility or as a residential requirement for probation. It
38 is characterized primarily by physical security for the confinement
39 of males, 18 years of age or older, who are adjudicated to be
40 dangerous to self, others or property and in need of a highly
41 structured, therapeutic treatment program. The bill sets forth the
42 procedures that must be followed prior to and following the
43 admission of an individual to the MSU.

- 44 • If the division is advised by a court of competent jurisdiction
45 that an individual who may be developmentally disabled is
46 involved in a criminal proceeding before the court, the division
47 shall determine whether the individual is eligible for functional
48 services provided by the division in accordance with

- 1 N.J.S.A.30:4-25.1 through 30:4-25.4 and 30:6D-23 et seq. If
2 the division determines that the individual is not eligible for
3 services, the individual may request a hearing to contest the
4 decision.
- 5 • If the individual is determined eligible for services provided by
6 the division, director of the division shall request the Director of
7 the MSU to determine whether the individual is appropriate for,
8 and will benefit from, admission to the MSU, and whether a
9 vacancy exists at the facility.
 - 10 • If the individual is appropriate for, and will benefit from,
11 admission to the MSU and a vacancy exists at the facility, the
12 Director of the MSU shall so advise the court and request an
13 order to require the individual to be housed at and participate in
14 the program at the MSU.
 - 15 • If the Director of the MSU is not certain about the
16 appropriateness of the admission of the individual, the director
17 may recommend that the court order that the individual be
18 admitted to the MSU for a time-specified period to evaluate the
19 individual's appropriateness for the program at the MSU.
 - 20 • After the Director of the MSU advises the court that a vacancy
21 exists at the MSU and the individual may be admitted to the
22 facility, the court may order the individual:
 - 23 -- to be housed at and participate in the program at the MSU as
24 a condition of probation;
 - 25 -- to be housed at and participate in the program at the MSU
26 until disposition of pending criminal charges against the
27 individual; or
 - 28 -- to be housed at and participate in the program at the MSU,
29 and to be committed to the custody of the Commissioner of
30 Human Services, in accordance with the provisions of
31 N.J.S.A.2C:4-6, if the court finds that the individual is unfit to
32 proceed.
 - 33 • The MSU shall notify the individual's legal guardian and his
34 legal representative, if applicable, of the date of admission.
 - 35 • The court shall review its order to admit an individual to the
36 MSU at least every six months, and shall notify the Director of
37 the MSU of the date of the review at least 30 days prior to that
38 date. The Director of the MSU shall, seven days prior to the
39 court review, report to the court in writing regarding the status
40 and progress of the individual, and send a copy of the report to
41 the individual or his legal guardian, his legal representative, if
42 applicable, the county prosecutor and any other person as
43 ordered by the court. In the case of an individual admitted to
44 the MSU as a condition of probation, the Director of the MSU
45 may, as he determines appropriate, recommend to the court in
46 his report that the individual be transferred to a less restrictive
47 environment, and the court may modify its order concerning
48 probation in accordance with this recommendation.

- 1 • An individual may be released from the MSU when the time
2 period of the individual's probation or the commitment to the
3 custody of the Commissioner of Human Services ends or upon
4 disposition of criminal charges.
- 5 • Prior to the individual's scheduled release date, the Director of
6 the MSU and the director of the division, or his designee, shall
7 develop a plan of appropriate division services to be provided or
8 made available to the individual after his release from the MSU.
- 9 • Before an individual who has committed a sexually violent
10 offense is released from the MSU, the Director of the MSU shall
11 require that the individual be evaluated by a psychiatrist for
12 referral for commitment under the "New Jersey Sexually Violent
13 Predator Act."

14 The procedures required in this bill are intended to codify into
15 law the policy of the Division of Developmental Disabilities, as
16 provided in Division Circular #16, regarding admission into the
17 division's MSU.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 1047

STATE OF NEW JERSEY

DATED: JANUARY 26, 2006

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 1047.

This bill provides that an individual shall not be admitted to the Moderate Security Unit (MSU) operated by the Division of Developmental Disabilities in the Department of Human Services unless the admission is ordered by a court of competent jurisdiction. An individual shall not be permitted to voluntarily admit himself to the MSU.

The MSU is a specialized treatment facility at New Lisbon Developmental Center that is used as an alternative to detention in a correctional facility or as a residential requirement for probation. It is characterized primarily by physical security for the confinement of males, 18 years of age or older, who are adjudicated to be dangerous to self, others or property and in need of a highly structured, therapeutic treatment program. The bill sets forth the procedures that must be followed prior to and following the admission of an individual to the MSU.

- If the division is advised by a court of competent jurisdiction that an individual who may be developmentally disabled is involved in a criminal proceeding before the court, the division shall determine whether the individual is eligible for functional services provided by the division in accordance with N.J.S.A.30:4-25.1 through 30:4-25.4 and 30:6D-23 et seq. If the division determines that the individual is not eligible for services, the individual may request a hearing to contest the decision.
- If the individual is determined eligible for services provided by the division, the director of the division shall request the Director of the MSU to determine whether the individual is appropriate for, and will benefit from, admission to the MSU, and whether a vacancy exists at the facility.
- If the individual is appropriate for, and will benefit from, admission to the MSU and a vacancy exists at the facility, the Director of the MSU shall so advise the court and request an

order to require the individual to be housed at and participate in the program at the MSU.

- If the Director of the MSU is not certain about the appropriateness of the admission of the individual, the director may recommend that the court order that the individual be admitted to the MSU for a time-specified period to evaluate the individual's appropriateness for the program at the MSU.
- After the Director of the MSU advises the court that a vacancy exists at the MSU and the individual may be admitted to the facility, the court may order the individual:
 - to be housed at and participate in the program at the MSU as a condition of probation;
 - to be housed at and participate in the program at the MSU until disposition of pending criminal charges against the individual; or
 - to be housed at and participate in the program at the MSU, and to be committed to the custody of the Commissioner of Human Services, in accordance with the provisions of N.J.S.A.2C:4-6, if the court finds that the individual is unfit to proceed.
- The MSU shall notify the individual's legal guardian and his legal representative, if applicable, of the date of admission.
- The court shall review its order to admit an individual to the MSU at least every six months, and shall notify the Director of the MSU of the date of the review at least 30 days prior to that date. The Director of the MSU shall, seven days prior to the court review, report to the court in writing regarding the status and progress of the individual, and send a copy of the report to the individual or his legal guardian, his legal representative, if applicable, the county prosecutor and any other person as ordered by the court. In the case of an individual admitted to the MSU as a condition of probation, the Director of the MSU may, as he determines appropriate, recommend to the court in his report that the individual be transferred to a less restrictive environment, and the court may modify its order concerning probation in accordance with this recommendation.
- An individual may be released from the MSU when the time period of the individual's probation or the commitment to the custody of the Commissioner of Human Services ends or upon disposition of criminal charges.
- Prior to the individual's scheduled release date, the Director of the MSU and the director of the division, or his designee, shall develop a plan of appropriate division services to be provided or made available to the individual after his release from the MSU.
- Before an individual who has committed a sexually violent offense is released from the MSU, the Director of the MSU shall require that the individual be evaluated by a psychiatrist for referral for commitment under the "New Jersey Sexually Violent Predator Act."

The procedures required in this bill are intended to codify into law the policy of the Division of Developmental Disabilities, as provided in Division Circular #16, regarding admission into the division's MSU.

This bill is identical to Assembly Bill No.956 (Munoz), which is pending before the Assembly Human Services Committee.

ASSEMBLY, No. 956

STATE OF NEW JERSEY

212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Assemblyman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Assemblyman UPENDRA J. CHIVUKULA

District 17 (Middlesex and Somerset)

Co-Sponsored by:

Assemblymen Cryan, Vas, Diegnan, Bateman and Van Drew

SYNOPSIS

Establishes procedures for placement of individuals in Division of Developmental Disabilities Moderate Security Unit.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 1/27/2006)

1 AN ACT concerning certain Division of Developmental Disabilities
2 facilities and 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. As used in this act:

8 "Division" means the Division of Developmental Disabilities in
9 the Department of Human Services.

10 "Moderate Security Unit," hereafter referred to as "MSU," means
11 a specialized, institutional treatment facility authorized and
12 established by the Director of the Division of Developmental
13 Disabilities in the Department of Human Services, which is: used as
14 an alternative to detention in a correctional facility or as a
15 residential requirement for probation; and characterized primarily
16 by physical security for the confinement of males, 18 years of age
17 or older, who are adjudicated to be dangerous to self, others or
18 property and in need of a highly structured, therapeutic treatment
19 program.

20

21 2. An individual shall not be admitted to the MSU unless the
22 admission is ordered by a court of competent jurisdiction pursuant
23 to this act; an individual shall not be permitted to voluntarily admit
24 himself to the MSU.

25

26 3. The procedures provided in this section shall be implemented
27 prior to admission of an individual to the MSU.

28 a. If the division is advised by a court of competent jurisdiction
29 that an individual who may be developmentally disabled is involved
30 in a criminal proceeding before the court, the division shall
31 determine whether the individual is eligible for functional services
32 provided by the division in accordance with sections 13 through 16
33 of P.L.1965, c.59 (C.30:4-25.1 through 30:4-25.4) and P.L.1985,
34 c.145 (C.30:6D-23 et seq.).

35 If the division determines that the individual is not eligible for
36 services provided by the division, the individual may request a
37 hearing to contest the decision pursuant to the "Administrative
38 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

39 b. If the individual is determined eligible for services provided
40 by the division, the director of the division shall request the
41 Director of the MSU to determine whether the individual is
42 appropriate for, and will benefit from, admission to the MSU and
43 whether a vacancy exists at the facility.

44 c. (1) If the individual is appropriate for, and will benefit from,
45 admission to the MSU, and if a vacancy exists at the facility, the
46 Director of the MSU shall so advise the court and request an order
47 to require the individual to be housed at and participate in the
48 program at the MSU.

1 (2) If the Director of the MSU is not certain about the
2 appropriateness of the admission of the individual, the director may
3 recommend that the court order that the individual be admitted to
4 the MSU for a time-specified period to evaluate the individual's
5 appropriateness for the program at the MSU.

6
7 4. a. After the Director of the MSU advises the court that the
8 individual may be admitted to the facility, in accordance with the
9 provisions of subsection c. of section 3 of this act, the court may
10 order the individual:

11 (1) to be housed at and participate in the program at the MSU as
12 a condition of probation;

13 (2) to be housed at and participate in the program at the MSU
14 until disposition of pending criminal charges against the individual;

15 or

16 (3) to be housed at and participate in the program at the MSU,
17 and to be committed to the custody of the Commissioner of Human
18 Services, in accordance with the provisions of N.J.S.2C:4-6, if the
19 court finds that the individual is unfit to proceed.

20 b. The Director of the MSU shall notify the individual's legal
21 guardian and his legal representative, if applicable, of the date of
22 admission to the MSU.

23
24 5. a. The court shall review its order to admit an individual to
25 the MSU at least every six months. The court shall notify the
26 Director of the MSU of the date of the review at least 30 days prior
27 to that date.

28 b. The Director of the MSU shall, seven days prior to the court
29 review, report to the court in writing regarding the status and
30 progress of the individual admitted to the MSU, and shall send a
31 copy of the report to the individual or his legal guardian, his legal
32 representative, if applicable, the county prosecutor and any other
33 person as ordered by the court.

34 c. (1) In the case of an individual admitted to the MSU as a
35 condition of probation, the Director of the MSU may, as he
36 determines appropriate, recommend to the court in his report that
37 the individual be transferred to a less restrictive environment.

38 (2) The court may modify its order concerning probation in
39 accordance with the recommendation of the Director of the MSU.

40 (3) If the order is modified, any further reports to the court
41 required pursuant to this section shall be provided by the
42 appropriate division employee or service provider.

43
44 6. a. An individual shall be released from the MSU when his
45 probation period or his commitment to the custody of the
46 Commissioner of Human Services ends or upon disposition of
47 pending criminal charges.

48 b. Prior to the individual's release date, the Director of the MSU

1 and the director of the division, or his designee, shall develop a plan
2 of appropriate division services to be provided or made available to
3 the individual after his release from the MSU.

4 c. Before an individual who has committed a sexually violent
5 offense as defined in section 3 of P.L.1998, c.71 (C.30:4-27.26) is
6 released from the MSU, the Director of the MSU shall require that
7 the individual be evaluated by a psychiatrist for referral for
8 commitment under P.L.1998, c.71 (C.30:4-27.24 et seq.).
9

10 7. Nothing in this act shall be construed to limit the authority of
11 the court to commit a person to the custody of the Commissioner of
12 Human Services in accordance with the provisions of section 13 of
13 P.L.1965, c.59 (C.30:4-25.1) for admission to functional services in
14 an environment that is less restrictive than that of the MSU.
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16 8. The Commissioner of Human Services shall adopt rules and
17 regulations, pursuant to the "Administrative Procedure Act,"
18 P.L.1968, c.410 (C.52:14B-1 et seq.), to carry out the purposes of
19 this act.
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21 9. This act shall take effect on the 90th day after enactment, but
22 the Commissioner of Human Services may take such anticipatory
23 administrative action in advance as shall be necessary for the
24 implementation of the act.
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27 STATEMENT
28

29 This bill provides that a person is not to be admitted to the
30 Moderate Security Unit (MSU) at the New Lisbon Developmental
31 Center unless the admission is ordered by a court of competent
32 jurisdiction.

33 The MSU is a specialized facility at New Lisbon Developmental
34 Center, operated by the Division of Developmental Disabilities
35 (DDD) in the Department of Human Services, which is used as an
36 alternative to incarceration in a correctional facility. The MSU is
37 characterized primarily by physical security for the confinement of
38 males, 18 years of age or older, who are adjudicated to be
39 dangerous to self, others or property and in need of a highly
40 structured therapeutic treatment program.

41 The bill sets forth the following procedures that must be
42 followed prior to and following the admission of an individual to
43 the MSU:

- 44 • If DDD is advised by a court of competent jurisdiction that an
45 individual who may be developmentally disabled is involved in
46 a criminal proceeding before the court, DDD is to determine
47 whether the individual is eligible for functional services
48 provided by DDD in accordance with N.J.S.A.30:4-25.1 through

- 1 25.4 and N.J.S.A.30:6D-23 et seq. If DDD determines that the
2 individual is not eligible for services, the individual may request
3 a hearing to contest the decision;
- 4 • If the individual is determined eligible for services provided by
5 DDD, the director of DDD is to request the Director of the MSU
6 to determine whether the individual is appropriate for and will
7 benefit from admission to the MSU, and whether a vacancy
8 exists at the facility;
 - 9 • If the individual is appropriate for admission to the MSU, and if
10 a vacancy exists, the Director of the MSU is to so advise the
11 court and request an order to require the individual to be housed
12 at and participate in the program at the MSU;
 - 13 • If the Director of the MSU is not certain about the
14 appropriateness of the individual's admission, the director may
15 recommend that the court order the individual to be admitted to
16 the MSU for a time-specified period to evaluate the individual's
17 appropriateness for the program at the MSU;
 - 18 • After the Director of the MSU advises the court that the
19 individual may be admitted to the facility, the court may order
20 the individual:
 - 21 -- to be housed at and participate in the program at the MSU as
22 a condition of probation;
 - 23 -- to be housed at and participate in the program at the MSU
24 until disposition of pending criminal charges against the
25 individual; or
 - 26 -- to be housed at and participate in the program at the MSU,
27 and to be committed to the custody of the Commissioner of
28 Human Services.
 - 29 • The Director of the MSU is to notify the individual's legal
30 guardian, and legal representative if applicable, of the date of
31 admission.
 - 32 • The court is to review its order to admit an individual to the
33 MSU at least every six months, and to notify the Director of the
34 MSU of the date of the review at least 30 days prior to that date.
 - 35 • The Director of the MSU is to report to the court in writing,
36 seven days prior to the court review, regarding the status and
37 progress of the individual admitted to the MSU, and to send a
38 copy of the report to the individual or his legal guardian, his
39 legal representative, if applicable, the county prosecutor and any
40 other person as ordered by the court.
 - 41 • In the case of an individual admitted to the MSU as a condition
42 of probation:
 - 43 -- the Director of the MSU may recommend to the court in his
44 report that the individual be transferred to a less restrictive
45 environment; and
 - 46 -- the court may modify its order concerning probation in
47 accordance with the recommendation of the Director of the

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 956

STATE OF NEW JERSEY

DATED: JANUARY 26, 2006

The Assembly Human Services Committee reports favorably Assembly Bill No. 956.

This bill provides that an individual shall not be admitted to the Moderate Security Unit (MSU) operated by the Division of Developmental Disabilities in the Department of Human Services unless the admission is ordered by a court of competent jurisdiction. An individual shall not be permitted to voluntarily admit himself to the MSU.

The MSU is a specialized treatment facility at New Lisbon Developmental Center that is used as an alternative to detention in a correctional facility or as a residential requirement for probation. It is characterized primarily by physical security for the confinement of males, 18 years of age or older, who are adjudicated to be dangerous to self, others or property and in need of a highly structured, therapeutic treatment program. The bill sets forth the procedures that must be followed prior to and following the admission of an individual to the MSU.

- If the division is advised by a court of competent jurisdiction that an individual who may be developmentally disabled is involved in a criminal proceeding before the court, the division shall determine whether the individual is eligible for functional services provided by the division in accordance with N.J.S.A.30:4-25.1 through 30:4-25.4 and 30:6D-23 et seq. If the division determines that the individual is not eligible for services, the individual may request a hearing to contest the decision.
- If the individual is determined eligible for services provided by the division, the director of the division shall request the Director of the MSU to determine whether the individual is appropriate for, and will benefit from, admission to the MSU, and whether a vacancy exists at the facility.
- If the individual is appropriate for, and will benefit from, admission to the MSU and a vacancy exists at the facility, the Director of the MSU shall so advise the court and request an order to require the individual to be housed at and participate in the program at the MSU.
- If the Director of the MSU is not certain about the

appropriateness of the admission of the individual, the director may recommend that the court order that the individual be admitted to the MSU for a time-specified period to evaluate the individual's appropriateness for the program at the MSU.

- After the Director of the MSU advises the court that a vacancy exists at the MSU and the individual may be admitted to the facility, the court may order the individual:
 - to be housed at and participate in the program at the MSU as a condition of probation;
 - to be housed at and participate in the program at the MSU until disposition of pending criminal charges against the individual; or
 - to be housed at and participate in the program at the MSU, and to be committed to the custody of the Commissioner of Human Services, in accordance with the provisions of N.J.S.A.2C:4-6, if the court finds that the individual is unfit to proceed.
- The MSU shall notify the individual's legal guardian and his legal representative, if applicable, of the date of admission.
- The court shall review its order to admit an individual to the MSU at least every six months, and shall notify the Director of the MSU of the date of the review at least 30 days prior to that date. The Director of the MSU shall, seven days prior to the court review, report to the court in writing regarding the status and progress of the individual, and send a copy of the report to the individual or his legal guardian, his legal representative, if applicable, the county prosecutor and any other person as ordered by the court. In the case of an individual admitted to the MSU as a condition of probation, the Director of the MSU may, as he determines appropriate, recommend to the court in his report that the individual be transferred to a less restrictive environment, and the court may modify its order concerning probation in accordance with this recommendation.
- An individual may be released from the MSU when the time period of the individual's probation or the commitment to the custody of the Commissioner of Human Services ends or upon disposition of criminal charges.
- Prior to the individual's scheduled release date, the Director of the MSU and the director of the division, or his designee, shall develop a plan of appropriate division services to be provided or made available to the individual after his release from the MSU.
- Before an individual who has committed a sexually violent offense is released from the MSU, the Director of the MSU shall require that the individual be evaluated by a psychiatrist for referral for commitment under the "New Jersey Sexually Violent Predator Act."

The procedures required in this bill are intended to codify into law the policy of the Division of Developmental Disabilities, as provided in Division Circular #16, regarding admission into the division's MSU.

This bill is identical to Senate Bill No. 1047 (Vitale) which was reported favorably by the Senate Health, Human Services and Senior Citizens Committee on this date.

This bill was prefiled for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.