

30:4-80.8 to 80.11

LEGISLATIVE HISTORY CHECKLIST

NJSA 30:4-80.8 to 30:4-80.11

Laws of 1976 Chapter 108

Bill No. S333

Sponsor(s) Menza & others

Date Introduced Pre-filed

Committee: Assembly Institutions, Health & Welfare

Senate Institutions, Health & Welfare

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks.

Date of passage: Assembly August 5, 1976

Senate April 12, 1976

Date of approval October 29, 1976

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

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10/4/76

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senators MENZA, HIRKALA, LIPMAN and HAGEDORN

AN ACT to amend *and supplement* "An act providing for the expunging from the records of certain courts of the records of commitments to mental institutions in certain cases," approved July 25, 1953 (P. L. 1953, c. 268).

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

1 1. Section 1 of P. L. 1953, c. 268 (C. 30:4-80.8) is amended to
2 read as follows:

3 1. Any person who has been, or shall be, committed, by order of
4 any court or by voluntary commitment, to any **[mental]** institution
5 *or facility providing mental health services* and who was, or shall
6 be, discharged from such institution *or facility* as recovered **[and**
7 who has not, or shall not, have been again committed to such an
8 institution**]** may**[, after the lapse of 10 years from the date of**
9 **such discharge,]** apply to the court by which such commitment was
10 made by verified petition setting forth the facts and praying for
11 the relief provided for in this act.

1 2. Section 2 of P. L. 1953, c. 268 (C. 30:4-80.9) is amended to
2 read as follows:

3 2. Upon reading and filing such petition, the court shall by
4 order fix a time, not less than 10 nor more than 30 days thereafter,
5 for the hearing of such matter, a copy of which order shall be
6 served upon the county adjuster of the county and upon the medical
7 director of the **[mental]** institution *or facility* to which such person
8 was committed and at the time so appointed, or to which it may
9 be adjourned, the court shall hear the matter and if no reason
10 appears to the contrary, an order shall be made directing the clerk
11 of the court to expunge such commitment from the records of the
12 court.

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

1 3. Section 3 of P. L. 1953, c. 268 (C. 30:4-80.10) is amended to
2 read as follows:

3 3. This act shall not apply to any case in which the commitment
4 resulted from a determination that the defendant was not guilty
5 of a crime, because of insanity *or from a determination that he*
6 *was incompetent to stand trial.*

1 *4. (New section) *If an order expunging such commitment is*
2 *granted, the commitment shall be deemed not to have occurred and*
3 *the petitioner may answer accordingly any question relating to its*
4 *occurrence.**

1 ***[4.]*** *5.* This act shall take effect immediately.

SENATE, No. 333

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senators MENZA, HIRKALA, LIPMAN and HAGEDORN

AN ACT to amend "An act providing for the expunging from the records of certain courts of the records of commitments to mental institutions in certain cases," approved July 25, 1953 (P. L. 1953, c. 268).

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

1 1. Section 1 of P. L. 1953, c. 268 (C. 30:4-80.8) is amended to
2 read as follows:

3 1. Any person who has been, or shall be, committed, by order of
4 any court or by voluntary commitment, to any **[mental]** institution
5 *or facility providing mental health services* and who was, or shall
6 be, discharged from such institution *or facility* as recovered **[and**
7 who has not, or shall not, have been again committed to such an
8 institution**]** may**[**, after the lapse of 10 years from the date of
9 such discharge,**]** apply to the court by which such commitment was
10 made by verified petition setting forth the facts and praying for
11 the relief provided for in this act.

1 2. Section 2 of P. L. 1953, c. 268 (C. 30:4-80.9) is amended to
2 read as follows:

3 2. Upon reading and filing such petition, the court shall by
4 order fix a time, not less than 10 nor more than 30 days thereafter,
5 for the hearing of such matter, a copy of which order shall be
6 served upon the county adjuster of the county and upon the medical
7 director of the **[mental]** institution *or facility* to which such person
8 was committed and at the time so appointed, or to which it may
9 be adjourned, the court shall hear the matter and if no reason
10 appears to the contrary, an order shall be made directing the clerk
11 of the court to expunge such commitment from the records of the
12 court.

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

S 333 (1976)

2

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2 read as follows:

3 3. This act shall not apply to any case in which the commitment
4 resulted from a determination that the defendant was not guilty
5 of a crime, because of insanity or from a determination that he
6 was incompetent to stand trial.

1 4. This act shall take effect immediately.

STATEMENT

This bill changes the process of expungement of court records of persons committed to mental institutions and facilities by allowing the person to apply to the court upon his discharge instead of waiting 10 years to apply. This bill does not change the 10-year waiting period for a person involuntarily committed for a criminal act.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
SENATE, No. 333

STATE OF NEW JERSEY

DATED: MARCH 29, 1976

The bill changes the process of expungement of court records of persons committed to mental institutions and facilities by allowing a person to apply to the court upon his discharge instead of waiting 10 years to apply. The bill does not change the 10-year waiting period for a person involuntarily committed for a criminal act.

The committee added a new section to the bill permitting a petitioner to omit any reference to commitment when responding to questions on applications or when providing a personal history. A similar provision exists with respect to expungement of an arrest record when a proceeding is dismissed or there is an acquittal (C. 2A:85-21).

ASSEMBLY INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO
SENATE, No. 333

[OFFICIAL COPY REPRINT]

—◆—
STATE OF NEW JERSEY
—◆—

DATED: MAY 24, 1976

The committee finds that the Senate Committee Statement appended to the bill adequately explains the purpose and provisions of the bill and the Senate committee amendments.

The Assembly committee agreed with the intent of this bill, to allow certain persons committed to mental institutions and facilities to apply to the court for expungement upon discharge rather than after a 10-year waiting period, and released the bill without amendment.