

30:4-80.8

LEGISLATIVE HISTORY CHECKLIST

(Mental patients - Expungement of commitment record - clarify terms)

NJSA 30:4-80.8

LAWS OF 1978

CHAPTER 163

Bill No. A708

Sponsor(s) Shapiro

Date Introduced February 14, 1978

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Judiciary

Amended during passage Yes

~~XX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly May 4, 1978

Senate October 19, 1978

Date of approval December 7, 1978

Following statements are attached if available:

Sponsor statement Yes ~~XX~~

Committee Statement: Assembly Yes ~~XX~~

Senate Yes ~~XX~~

Fiscal Note ~~XXX~~ No

Veto message ~~XXX~~ No

Message on signing Yes ~~XX~~

Following were printed:

Reports ~~XXX~~ No

Hearings ~~XXX~~ No

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9/1/78

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APPROVED 12-7-78

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 708

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

By Assemblyman SHAPIRO

Referred to Committee on Judiciary, Law, Public Safety
and Defense

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 institution or facility
5 providing mental health services and who was, or shall be, dis-
6 charged from such institution or facility **[as recovered]** ****[and**
7 **recover]**** ****as recovered****, or whose illness upon discharge, or
8 subsequent thereto, is substantially improved or in substantial
9 remission, may apply to the court by which such commitment was
10 made, or, if voluntarily committed, to the county court **in the*
11 *county in which the person resides,** by verified petition setting
12 forth the facts and praying for the relief provided for in this act.

1 2. This act shall take effect immediately.

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

ASSEMBLY, No. 708

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

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5 providing mental health services and who was, or shall be, dis-
6 charged from such institution or facility **[as recovered]** *and re-*
7 *cover, or whose illness upon discharge, or subsequent thereto, is*
8 *substantially improved or in substantial remission,* may apply to
9 the court by which such commitment was made, *or, if voluntarily*
10 *committed, to the county court* by verified petition setting forth the
11 facts and praying for the relief provided for in this act.

1 2. This act shall take effect immediately.

STATEMENT

This bill clarifies the terms under which mental patients may have the record of their commitment expunged. The law currently states only that patients must be "recovered", without defining what recovery is. This bill amends the law to require that patients must be discharged in an improved condition or in a condition of remission before being eligible for expungement.

The bill also clarifies the existing law by stating that patients who are voluntarily committed must apply to the county court for expungement of their records. The existing law gives voluntarily committed patients the right to expungement but is not clear as to where they should go for a ruling on expungement.

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

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 708
with Assembly committee amendments

—◆—
STATE OF NEW JERSEY
—◆—

DATED: APRIL 17, 1978

This bill clarifies the terms under which mental patients may have the record of their commitment expunged. The law currently states only that patients must be "recovered", without defining what recovery is. This bill amends the law to require that patients must be discharged in an improved condition or in a condition of remission before being eligible for expungement.

The bill also clarifies the existing law by stating that patients who are voluntarily committed must apply to the county court for expungement of their records. The existing law gives voluntarily committed patients the right to expungement but is not clear as to where they should go for a ruling on expungement.

The committee amendment provides that the expungement application may be made to the county court in the county in which the applicant resides.

ASSEMBLY COMMITTEE AMENDMENT TO
ASSEMBLY, No. 708

STATE OF NEW JERSEY

ADOPTED APRIL 17, 1978

Amend page 1, section 1, line 10, after "court", insert "in the county in which the person resides,".

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 708

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

By Assemblyman SHAPIRO

Referred to Committee on Judiciary, Law, Public Safety
and Defense

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:*

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2 read as follows:

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4 any court or by voluntary commitment, to any institution or facility
5 providing mental health services and who was, or shall be, dis-
6 charged from such institution or facility **[as recovered]** and re-
7 cover, or whose illness upon discharge, or subsequent thereto, is
8 substantially improved or in substantial remission, may apply to
9 the court by which such commitment was made, or, if voluntarily
10 committed, to the county court *in the county in which the person
11 resides,* by verified petition setting forth the facts and praying for
12 the relief provided for in this act.

1 2. This act shall take effect immediately.

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

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 708

—◆—
STATE OF NEW JERSEY
—◆—

DATED: SEPTEMBER 25, 1978

This bill clarifies the terms under which mental patients may have the record of their commitment expunged. The law currently states only that patients must be "recovered", without defining what recovery is. This bill amends the law to require that patients must be discharged in an improved condition or in a condition of remission before being eligible for expungement.

The bill also clarifies the existing law by stating that patients who are voluntarily committed must apply to the county court for expungement of their records. The existing law gives voluntarily committed patients the right to expungement but is not clear as to where they should go for a ruling on expungement.

The committee made a grammatical change in the bill for the purpose of clarification.

SENATE COMMITTEE AMENDMENT TO
ASSEMBLY, No. 708
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED SEPTEMBER 25, 1978

Amend page 1, section 1, lines 6 and 7, omit "and recover", insert
"as recovered".

[SENATE REPRINT]

ASSEMBLY, No. 708

[OFFICIAL COPY REPRINT]

with Senate committee amendment adopted September 25, 1978

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

By Assemblyman SHAPIRO

Referred to Committee on Judiciary, Law, Public Safety
and Defense

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).

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10 made, or, if voluntarily committed, to the county court **in the*
11 *county in which the person resides,** by verified petition setting
12 forth the facts and praying for the relief provided for in this act.

1 2. This act shall take effect immediately.

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is not enacted and is intended to be omitted in the law.**

12-7-78

-2-

A-708, sponsored by Assemblyman Peter Shapiro (D-Essex), which clarifies the terms under which mental patients may have the record of their commitment expunged.

The prior law states only that patients must be "recovered" without actually defining the word recovered. A-708 amends the law to permit former patients of mental institutions to apply for expungement if they were discharged as "recovered" or whose illness subsequent to discharge was "substantially improved or in substantial remission."

The bill also specifically identifies the county court as the court to which patients who were voluntarily committed must apply for expungement of their records. However, since today is the effective date of the court merger approved by the voters in November, the Superior Court automatically becomes the designated court for application for expungement in lieu of the county court.

A-1256, sponsored by Assemblyman George Otlowski (D-Middlesex), which allows for the appointment of a deputy chief of county detectives in Middlesex and Union Counties

A-1557, sponsored by Assemblyman Richard Van Wager (D-Monmouth), which amends the State Tax Uniform Procedure Law by making any unauthorized disclosure a misdemeanor, including disclosures by former officers or employees engaged in the administration of any state tax law.

The bill provides specific penalties of a fine not to exceed \$1,000 or imprisonment not to exceed one year or both. The amendment brings New Jersey's penalty statute into compliance with the requirements of the Internal Revenue Code.

S-210, sponsored by Senator Carmen Orechio (D-Essex) which makes community residences housing developmentally disabled persons a permitted use in all residential districts of a municipality.

Although the bill provides that municipal zoning ordinances may require a conditional use permit for community residences housing more than six developmentally disabled persons, excluding resident staff, the requirements imposed for the issuance of a conditional use permit must be reasonably related to the health, safety and welfare of the residents of the district.

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