

2C:35-15

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

"Alcohol & Drug Abuse Program
for the Deaf"

NJSA: 2C:35-15

LAWS OF: 1995 **CHAPTER:** 318

BILL NO: S1054

SPONSOR(S): Ewing

DATE INTRODUCED: May 12, 1994

COMMITTEE: **ASSEMBLY** Appropriations

SENATE: Budget, Health

AMENDED DURING PASSAGE: Yes Amendments during passage
Second reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** December 21, 1995

SENATE: October 19, 1995

DATE OF APPROVAL: January 5, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes 11-21-94 & 6-16-94

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[SECOND REPRINT]

SENATE, No. 1054

STATE OF NEW JERSEY

INTRODUCED MAY 12, 1994

By Senator EWING

1 AN ACT establishing an "Alcohol and Drug Abuse Program for
2 the Deaf, Hard of Hearing and Disabled," ²amending
3 N.J.S.2C:35-15,² supplementing Title 26 of the Revised
4 Statutes and making an appropriation therefor.

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

8 1. The Legislature finds and declares that: there is growing
9 evidence that people with deafness, hearing loss or other
10 disabilities are at greater risk of being involved with alcohol or
11 other drugs of abuse than the general population; the deaf and
12 hard of hearing have a communication disability which prevents
13 them from receiving and communicating information that would
14 enable them to make more informed decisions about their own
15 use, abuse or addiction to alcohol and other drugs; and the
16 combined impact of physical impairment, attitudinal and
17 architectural barriers, societal discrimination and the
18 psychological stresses that accompany disability may create a
19 special vulnerability for substance abuse in people with
20 disabilities.

21 The Legislature further finds and declares that: few
22 rehabilitation centers and professionals working with the deaf,
23 hard of hearing and other disabled persons are adequately
24 prepared or trained to identify, recognize or deal with the signs
25 of substance abuse; and New Jersey needs the development of
26 specialized services for people with disabilities who abuse, misuse
27 and are addicted to alcohol and other drugs.

28 2. The ¹[Assistant]¹ Commissioner of ¹[the Division of
29 Alcoholism, Drug Abuse and Addiction Services in the
30 Department of]¹ Health shall establish an "Alcohol and Drug
31 Abuse Program for the Deaf, Hard of Hearing and Disabled" in
32 consultation with the program advisory committee established
33 pursuant to this ²[act] section and in consultation with and after
34 review by the Governor's Council on Alcoholism and Drug Abuse².

35 There is established a program advisory committee to advise
36 the ¹[assistant]¹ commissioner on the establishment of the
37 "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing
38 and Disabled." The members of the ¹[advisory] advisory¹
39 committee shall be appointed by the ¹[assistant]¹ commissioner
40 and shall consist of five members who are either deaf, hard of
41 hearing, or disabled¹, two members of the public with an interest
42 in issues relating to alcohol and drug abuse¹ and one

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:

¹ Senate SHH committee amendments adopted June 16, 1994.

² Assembly ASC committee amendments adopted November 20, 1995.

1 representative each from the Governor's Council on Alcoholism
2 and Drug Abuse, the Developmental Disabilities Council, ²the
3 Division of Vocational Rehabilitation Services in the Department
4 of Labor² and the Division of the Deaf and Hard of Hearing in the
5 Department of Human Services. ¹The commissioner shall serve
6 as an ex officio member of the committee.¹

7 3. The program shall include, but not be limited to: providing
8 public awareness of, and developing advocacy efforts for, the
9 deaf and hard of hearing and other disabled persons who are in
10 need of treatment services for alcoholism and drug abuse, and
11 developing treatment modalities and specialized training
12 programs for this population. The ¹[Assistant Commissioner of
13 the Division of Alcoholism, Drug Abuse and Addiction Services in
14 the Department of Health] commissioner¹ shall incorporate the
15 services of community-based agencies to develop and implement
16 this program.

17 4. The ¹[Assistant Commissioner of the Division of
18 Alcoholism, Drug Abuse and Addiction Services] commissioner¹
19 shall adopt rules and regulations necessary to carry out the
20 purposes of this act pursuant to the "Administrative Procedure
21 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

22 ²5. N.J.S.2C:35-15 is amended to read as follows:

23 a. In addition to any disposition authorized by this title, the
24 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any
25 other statute indicating the dispositions that can be ordered for
26 an adjudication of delinquency, every person convicted of or
27 adjudicated delinquent for a violation of any offense defined in
28 this chapter or chapter 36 of this title shall be assessed for each
29 such offense a penalty fixed at:

- 30 (1) \$3,000.00 in the case of a crime of the first degree;
- 31 (2) \$2,000.00 in the case of a crime of the second degree;
- 32 (3) \$1,000.00 in the case of a crime of the third degree;
- 33 (4) \$750.00 in the case of a crime of the fourth degree;
- 34 (5) \$500.00 in the case of a disorderly persons or petty
35 disorderly persons offense.

36 Every person placed in supervisory treatment pursuant to the
37 provisions of N.J.S.2C:36A-1 or N.J.S.2C:43-12 for a violation of
38 any offense defined in this chapter or chapter 36 of this title
39 shall be assessed the penalty prescribed herein and applicable to
40 the degree of the offense charged, except that the court shall not
41 impose more than one such penalty regardless of the number of
42 offenses charged. If the person is charged with more than one
43 offense, the court shall impose as a condition of supervisory
44 treatment the penalty applicable to the highest degree offense
45 for which the person is charged.

46 All penalties provided for in this section shall be in addition to
47 and not in lieu of any fine authorized by law or required to be
48 imposed pursuant to the provisions of N.J.S.2C:35-12.

49 b. All penalties provided for in this section shall be collected
50 as provided for collection of fines and restitutions in section 3 of
51 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the
52 Department of the Treasury as provided in subsection c. of this
53 section.

54 c. All moneys collected pursuant to this section shall be

1 forwarded to the Department of the Treasury to be deposited in a
 2 nonlapsing revolving fund to be known as the "Drug Enforcement
 3 and Demand Reduction Fund." Monies in the fund shall be
 4 appropriated by the Legislature on an annual basis for the
 5 purposes of funding in the following order of priority: (1) the
 6 Alliance to Prevent Alcoholism and Drug Abuse and its
 7 administration by the Governor's Council on Alcoholism and Drug
 8 Abuse; (2) the "Alcoholism and Drug Abuse Program for the Deaf,
 9 Hard of Hearing and Disabled" established pursuant to section 2
 10 of P.L. , c. (C.)(now pending before the Legislature as this
 11 bill); and (3) other alcohol and drug abuse programs [and shall not
 12 be used to fund administrative costs].

13 Moneys appropriated for the purpose of funding the
 14 "Alcoholism and Drug Abuse Program for the Deaf, Hard of
 15 Hearing and Disabled" shall not be used to supplant monies that
 16 are available to the Department of Health as of the effective
 17 date of P.L. , c. (C.)(now pending before the Legislature as
 18 this bill), and that would otherwise have been made available to
 19 provide alcoholism and drug abuse services for the deaf, hard of
 20 hearing and disabled, nor shall the moneys be used for the
 21 administrative costs of the program.

22 d. (Deleted by amendment, P.L.1991, c.329).

23 e. The court may suspend the collection of a penalty imposed
 24 pursuant to this section; provided the defendant agrees to enter a
 25 residential drug rehabilitation program approved by the court;
 26 and further provided that the defendant agrees to pay for all or
 27 some portion of the costs associated with the rehabilitation
 28 program. In this case, the collection of a penalty imposed
 29 pursuant to this section shall be suspended during the defendant's
 30 participation in the approved rehabilitation program. Upon
 31 successful completion of the program, the defendant may apply
 32 to the court to reduce the penalty imposed pursuant to this
 33 section by any amount actually paid by the defendant for his
 34 participation in the program. The court shall not reduce the
 35 penalty pursuant to this subsection unless the defendant
 36 establishes to the satisfaction of the court that he has
 37 successfully completed the rehabilitation program. If the
 38 defendant's participation is for any reason terminated before his
 39 successful completion of the rehabilitation program, collection of
 40 the entire penalty imposed pursuant to this section shall be
 41 enforced. Nothing in this section shall be deemed to affect or
 42 suspend any other criminal sanctions imposed pursuant to this
 43 chapter or chapter 36 of this title.²

44 (cf: 1991, c.329, s.14)

45 ²[5.] 6.² There is appropriated \$350,000 from the "Drug
 46 Enforcement and Demand Reduction Fund" established pursuant
 47 to N.J.S.2C:35-15 to the Department of Health to effectuate the
 48 purposes of this act.

49 ²[6.] 7.² This act shall take effect immediately.

50

51

52

53 Establishes an "Alcohol and Drug Abuse Program for the Deaf,
 54 Hard of Hearing and Disabled," appropriates \$350,000.

1 programs for this population. The Assistant Commissioner of the
2 Division of Alcoholism, Drug Abuse and Addiction Services in the
3 Department of Health shall incorporate the services of
4 community-based agencies to develop and implement this
5 program.

6 4. The Assistant Commissioner of the Division of Alcoholism,
7 Drug Abuse and Addiction Services shall adopt rules and
8 regulations necessary to carry out the purposes of this act
9 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
10 (C.52:14B-1 et seq.).

11 5. There is appropriated \$350,000 from the "Drug Enforcement
12 and Demand Reduction Fund" established pursuant to
13 N.J.S.2C:35-15 to the Department of Health to effectuate the
14 purposes of this act.

15 6. This act shall take effect immediately.

16
17
18 SPONSORS' STATEMENT

19
20 This bill establishes an "Alcohol and Drug Abuse Program for
21 the Deaf, Hard of Hearing and Disabled" in the Division of
22 Alcoholism, Drug Abuse and Addiction Services in the
23 Department of Health. The bill directs the Assistant
24 Commissioner of the Division of Alcoholism, Drug Abuse and
25 Addiction Services to establish the program in consultation with
26 an advisory committee created for the purposes of establishing
27 this program, which shall consist of five members who are either
28 deaf, hard of hearing, or disabled and one representative each
29 from the Governor's Council on Alcoholism and Drug Abuse, the
30 Developmental Disabilities Council, and the Division of the Deaf
31 and Hard of Hearing in the Department of Human Services.

32 The program shall include, but not be limited to: providing
33 public awareness of, and developing advocacy efforts for, the
34 deaf and hard of hearing and other disabled persons who are in
35 need of treatment services for alcoholism and drug abuse, and
36 developing treatment modalities and specialized training
37 programs for this population.

38 The bill includes a \$350,000 appropriation to the Department of
39 Health from the "Drug Enforcement and Demand Reduction
40 Fund" established pursuant to N.J.S.2C:35-15.

41
42
43
44
45 Establishes an "Alcohol and Drug Abuse Program for the Deaf,
46 Hard of Hearing and Disabled," appropriates \$350,000.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[SECOND REPRINT]

SENATE, No. 1054

STATE OF NEW JERSEY

DATED: DECEMBER 14, 1995

The Assembly Appropriations Committee reports favorably Senate Bill No. 1054 (2R).

Senate Bill No. 1054 (2R) establishes an "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" in the Department of Health. The bill directs the Commissioner of Health to establish the program in consultation with the Governor's Council on Alcoholism and Drug Abuse and with an 11-member advisory committee created for the purposes of establishing this program. The advisory committee shall be appointed by the commissioner and shall consist of five members who are either deaf, hard of hearing, or disabled, two public members and one representative each from the Governor's Council on Alcoholism and Drug Abuse, the Developmental Disabilities Council, the Division of Vocational Rehabilitation Services in the Department of Labor and the Division of the Deaf and Hard of Hearing in the Department of Human Services. The commissioner shall be an ex officio member of the committee.

The program shall include, but not be limited to: providing public awareness of, and developing advocacy efforts for, the deaf and hard of hearing and other disabled persons who are in need of treatment services for alcoholism and drug abuse, and developing treatment modalities and specialized training programs for this population.

FISCAL IMPACT:

The bill includes a \$350,000 appropriation to the Department of Health from the "Drug Enforcement and Demand Reduction Fund" established pursuant to N.J.S.2C:35-15 to carry out the purposes of the bill.

The bill sets priorities for the appropriation of moneys from this fund: first, the Alliance to Prevent Alcoholism and Drug Abuse and its administration by the Governor's Council on Alcoholism and Drug Abuse; second, the Alcoholism and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled created pursuant to this bill; and finally, other alcohol and drug abuse programs.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1054

STATE OF NEW JERSEY

DATED: NOVEMBER 21, 1994

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1054.

Senate Bill No. 1054 establishes an "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" in the Department of Health. The bill directs the Commissioner of Health to establish the program in consultation with an 11-member advisory committee created by the bill.

The program will provide public awareness of, and develop advocacy efforts for, the deaf and hard of hearing and other disabled persons who are in need of treatment services for alcoholism and drug abuse, and will develop treatment and specialized training programs.

FISCAL IMPACT

The bill appropriates \$350,000 to the Department of Health from the "Drug Enforcement and Demand Reduction Fund" (DEDR) (N.J.S.2C:35-15) for the program purposes.

A fiscal note prepared by the Office of Legislative Services (OLS) on this bill states that the Department of Health (DOH) and the Office of Management and Budget estimated the cost of the bill to be \$350,000 in each of the next three fiscal years.

OLS notes that allocating \$350,000 from DEDR for the purposes of this bill may divert monies from other alcohol and drug abuse programs supported by DEDR, assuming that there is no increase in the total amount of revenues collected by the fund.

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 1054

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 16, 1994

The Senate Health Committee favorably reports Senate Bill No. 1054 with committee amendments.

As amended by committee, this bill establishes an "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" in the Department of Health. The bill directs the Commissioner of Health to establish the program in consultation with an 11-member advisory committee created for the purposes of establishing this program. The advisory committee shall be appointed by the commissioner and shall consist of five members who are either deaf, hard of hearing, or disabled, two public members and one representative each from the Governor's Council on Alcoholism and Drug Abuse, the Developmental Disabilities Council, and the Division of the Deaf and Hard of Hearing in the Department of Human Services. The commissioner shall be an ex officio member of the committee.

The program shall include, but not be limited to: providing public awareness of, and developing advocacy efforts for, the deaf and hard of hearing and other disabled persons who are in need of treatment services for alcoholism and drug abuse, and developing treatment modalities and specialized training programs for this population.

The bill includes a \$350,000 appropriation to the Department of Health from the "Drug Enforcement and Demand Reduction Fund" established pursuant to N.J.S.2C:35-15 to carry out the purposes of the bill.

The committee amended the bill to provide that the Commissioner of Health, rather than the Assistant Commissioner of the Division of Alcoholism, Drug Abuse and Addiction Services, shall establish the program. Amendments also add the Commissioner of Health as an ex officio member and two public members to the advisory committee.

FISCAL NOTE TO
[FIRST REPRINT]
SENATE, No. 1054

STATE OF NEW JERSEY

DATED: October 27, 1994

Senate Bill No. 1054 (1R) of 1994 establishes an "Alcohol and Drug Abuse Program for the Deaf, Hard of Hearing and Disabled" in the Department of Health (DOH) and an 11-member advisory committee appointed by the commissioner of health. The program would include, but not be limited, to the following: providing public awareness of and developing advocacy efforts for, the deaf and hard of hearing and other disabled persons who are in need of treatment services and developing treatment modalities and specialized training programs for this population. The bill appropriates \$350,000 from the Drug Enforcement and Demand Reduction Fund (DEDR) to implement the legislation.

DOH and the Office of Management and Budget (OMB) have estimated the cost of the legislation at \$350,000 in each of the next three fiscal years.

The Office of Legislative Services (OLS) notes that existing alcohol and drug abuse grants awarded by DOH do not preclude services to the deaf and hard of hearing and other disabled persons and that such persons, while few in number, are being served by existing alcohol and drug abuse program. The amount currently being expended on services to the deaf and hard of hearing and other disabled persons is not readily available in existing contract or expenditure information. OLS has no information as to the numbers of deaf, hard of hearing and disabled persons who require, but do not receive, alcohol and drug abuse services; DOH has not provided any data on the subject.

OLS further notes that allocating \$350,000 from DEDR to provide services to the deaf and hard of hearing and other disabled persons may divert monies from other alcohol and drug abuse programs supported by DEDR, assuming that there is no increase in the total amount of revenues collected by the fund.

This fiscal note has been prepared pursuant to P.L.1980, c.67.