

2A:85-5.1

LEGISLATIVE FACT SHEET

ON *Attempt to commit suicide -
no longer criminal offense*

N.J.R.S. 2A:85-5.1

(Repeals ~~2A:85-5.1~~) L1957, c.34

LAWS OF 1971

CHAPTER 450 Feb. 16, 1972

SENATE

ASSEMBLY 265

INTRODUCED *Pre-filed*

BY *Jay, Deverin*

STATEMENT

YES

NO

AMENDED DURING PASSAGE

YES

NO

HEARING

VETO

See "Commentary" below from

NJ
KA6.2
2B
1971a

*N. J. Criminal Law Revision Commission.
Final Report. New Jersey Penal Code, vol. II.
Commentary § 2C:11-6 "Attempted Suicide", p.16*

§ 2C:11-6. COMMENTARY

1. *Attempted Suicide.* The common law treated both suicide and attempted suicide as a crime. See *State v. Carney*, 69 N.J.L. 478 (Sup. Ct. 1903). In 1957, our Legislature enacted a statute making attempted suicide a disorderly persons act violation. N.J.S. 2A:170-26.5. We recommend repeal of this statute because this is not an area in which the penal law can be effective and that its intrusions in such tragedies is an abuse. In our opinion, the existing civil commitment statutes are sufficient for this purpose.

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ASSEMBLY, No. 265

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Assemblyman FAY

AN ACT concerning persons who attempt to commit suicide
***[**amending “An act concerning institutions and agencies, amend-
ing, supplementing and repealing parts of Title 30 of the Revised
Statutes and supplements thereto,” approved May 27, 1965
(P. L. 1965, c. 59)**]***, supplementing chapter 85 of Title 2A of the
New Jersey Statutes, and repealing chapter 34 of the laws of
1957.

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

1 ***[**1. Section 21 of chapter 59 of the laws of 1965 (C. 30:4-26.3) is
2 amended to read as follows:

3 21. The board of chosen freeholders of every county in this State
4 shall designate one or more mental hospitals, as defined in this
5 chapter as hospitals to which a magistrate or judge of any court
6 upon application by a police official as set forth herein may issue
7 an order for an examination or for temporary hospitalization for
8 purposes of observation, examination and treatment. The board
9 of chosen freeholders shall make provision for the proper care and
10 maintenance of such persons so examined or hospitalized.

11 The constables and police officers in the several townships, cities,
12 and other municipalities shall be authorized to apprehend any per-
13 son whose behavior suggests the existence of a mental illness,
14 who shall on inspection be deemed to be dangerous to the public
15 *or to himself* and they shall immediately take such person or per-
16 sons so apprehended before the nearest county district court or
17 municipal court which shall in a summary way inquire and de-
18 termine whether an order for temporary hospitalization for pur-
19 poses of observation, examination and treatment until discharged
20 or removed therefrom as herein provided shall be issued.

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

21 An order for temporary hospitalization for purposes of observa-
 22 tion, examination and treatment may be issued by a magistrate or
 23 judge of any court upon application by a police official and upon
 24 proof by him of the existence of the following circumstances: that
 25 upon ascertaining the available facts, the police official has con-
 26 cluded that the behavior of the person is such as to constitute a
 27 peril to life, person or property and further that the person's
 28 behavior suggests the existence of a mental illness, that he had
 29 made inquiry as to the person's next-of-kin or friend and had
 30 found that either none were available or that they were unwilling
 31 to apply for admission for the person; that he had made inquiry
 32 to determine whether a practicing physician had examined or would
 33 examine the person; that if a physician has, in fact, examined or
 34 could examine the person, the physician has confirmed the need for
 35 further examination, observation and treatment. An order for an
 36 examination at a mental hospital may be made in the absence of a
 37 medical examination if the court finds that no physician is able or
 38 willing to conduct an examination into the patient's condition.

39 The aforesaid order when filed with the admitting physician of
 40 the hospital and upon his certification of the necessity for hos-
 41 pitalization shall be the warrant and authority for the admission
 42 and detention of the person for purposes of observation, examina-
 43 tion and treatment for a temporary period not exceeding 15 days
 44 from date thereof, and the cost of such hospitalization shall be paid
 45 in the same manner as is provided in this Title for patients admitted
 46 or committed to mental hospitals.]*

1 ***[2.]*** *1.* Any person who attempts to commit suicide shall
 2 not be guilty of a criminal offense, and such attempt shall not be an
 3 indictable offense.

1 ***[3.]*** *2.* Any person who attempts to commit suicide shall
 2 fall under the jurisdiction of section 21 of chapter 59 of the laws of
 3 1965 (C. 30:4-26.3) **and subject to temporary hospitalization as*
 4 *provided herein*.*

1 ***[4.]*** *3.* Chapter 34 of the laws of 1957 is hereby repealed.

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