

[Second Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 307

STATE OF NEW JERSEY
217th LEGISLATURE

ADOPTED JUNE 9, 2016

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SYNOPSIS

Creates Veterans Diversion Program to divert eligible servicemembers away from criminal justice system and into appropriate case management and mental health services.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on January 30, 2017, with amendments.

(Sponsorship Updated As Of: 2/16/2017)

1 AN ACT concerning offenders who are veterans or ¹[active
2 military]¹ servicemembers ¹, amending various sections of the
3 law¹ and supplementing Title 2C ¹and Title 38A¹ of the New
4 Jersey Statutes.

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

8
9 1. ¹(New section)¹ As used in this act, P.L. , c. (C.)
10 (pending before the Legislature as this bill):

11 a. “Servicemember” means any veteran or ¹[active duty]¹
12 ¹[servicemember, including a member of the National Guard and
13 Reserve components,] enlisted person or officer of the United
14 States Armed Forces, or a reserve component thereof, or the
15 organized militia of the State of New Jersey pursuant to
16 N.J.S.38A:1-3¹ ²[who has served on active military duty in any
17 combat theater or area of hostility]².

18 b. “Eligible offense” means a non-violent petty disorderly
19 persons offense, disorderly persons offense, or crime of the ¹third
20 or¹ fourth degree.

21 c. “Eligible servicemember” means a servicemember who
22 allegedly committed an eligible offense and who has a prior
23 diagnosis of ²[service-related]² mental illness or for whom a law
24 enforcement officer or prosecutor has a reasonable ¹[certainty of]
25 belief that the person has¹ a mental illness based on behaviors ¹and
26 symptoms¹ exhibited during the commission of the offense or while
27 in custody, or based on information provided by family members or
28 associates during the investigation of the offense.

29 d. “Veterans ¹[Assistance] Diversion Resource¹ ²[Center]
30 entity²” means a ²[single]² point of access ¹ ²[and] or² referral¹ to
31 case management and¹ mental health services ¹[for] ²that are²
32 currently available from federal, State and local government
33 agencies to eligible¹ servicemembers ²[¹, which is¹ coordinated by
34 the] . The² New Jersey Department of Military and Veterans’
35 Affairs ²shall,² pursuant to section 2 of ¹[this act] P.L. , c. (C.)
36 (pending before the Legislature as this bill)¹ ², prepare and
37 disseminate a directory of New Jersey Veteran’s Diversion
38 Resource entities to facilitate the diversion of eligible
39 servicemembers from the criminal justice system. The department
40 shall not be responsible for funding, developing or delivering case
41 management or mental health services to eligible servicemembers

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:

¹Senate SBA committee amendments adopted December 5, 2016.

²Assembly AAP committee amendments adopted January 30, 2017.

1 under P.L. , c. (C.) (pending before the Legislature as this
2 bill)² .

3 e. “Mentor” means a volunteer former servicemember
4 ¹【assigned through】 recruited by¹ the New Jersey Department of
5 Military and Veterans’ Affairs pursuant to ¹subsection (bb) of¹
6 N.J.S.38A:3-6 to assist an eligible servicemember ¹who is a
7 veteran¹ in accessing assistance to resolve the underlying problems
8 that led or contributed to the eligible servicemember’s involvement
9 with the criminal justice system.

10 f. “Mental illness” means ²【an】 a mental disorder classified
11 within the current version of the² American Psychiatric Association
12 Diagnostic and Statistical Manual ²of Mental Disorders² (DSM)
13 ²【Axis I disorder resulting in significant functional impairment or
14 disruption or both in major activities of daily living】², including ²,
15 but not limited to,² ¹anxiety disorders, cognitive disorders,
16 adjustment disorders,¹ schizophrenia and other psychotic disorders,
17 bipolar disorder, depression, and ¹【post traumatic】 post-traumatic¹
18 stress disorder (PTSD). ¹【Mental illness shall include addiction to
19 alcohol or controlled dangerous substances.】¹

20 ¹g. “Veteran” means any enlisted person or officer who was
21 discharged or otherwise released from active service in the United
22 States Armed Forces, or any reserve component thereof, or the
23 organized militia of New Jersey under conditions other than
24 dishonorable, or as otherwise provided in subsection p. of section 6
25 of P.L.1954, c.84 (C.43:15A-6).¹

26
27 2. ¹(New section)¹ a. There is hereby established a Statewide
28 Veterans Diversion Program that shall have the purpose of diverting
29 eligible servicemembers away from the criminal justice system and
30 into appropriate case management and ¹【treatment】 mental health
31 services¹ as early as possible following an ¹【exchange involving】
32 interaction with¹ law enforcement ¹where the servicemember is
33 alleged to have committed an eligible offense¹.

34 b. The New Jersey Department of Military and Veterans’
35 Affairs shall collaborate with the United States Department of
36 Veterans Affairs, the United States Veterans Health Administration,
37 United States Vet Centers, ²the New Jersey Department of Human
38 Services² and other ¹federal,¹ State 【and federal veteran service
39 entities】 , and local government agencies ²【that serve veterans¹²
40 to ¹【develop】 ²【coordinate¹ a² ¹【single point of entry】 ²prepare a
41 directory of² Veterans Diversion Resource ²【Center¹ in each
42 county】² ¹【for】 ²entities within New Jersey.² ²【The】Each²
43 Veterans Diversion Resource ²【Center】 entity² shall serve as ²【the
44 single】 a² point of entry ²【in each county】² to facilitate the¹ ²law
45 enforcement² diversion or referral of eligible servicemembers ¹who

1 are veterans¹ into existing case management and mental health
2 services offered by¹ the United States Department of [Veterans']
3 Veterans¹ Affairs [health care system]¹, the [New Jersey
4 Department of Military and Veterans' Affairs] New Jersey
5 Department of Human Services², or other appropriate case
6 management and mental health services that are available to
7 veterans¹ or persons with mental illness². [The department shall
8 also develop a single point of entry for active duty servicemembers
9 through collaboration with the United States Armed Services health
10 care system.]¹ [The] A² [single point of entry] Veterans
11 Diversion Resource [Center] entity², or an agency to which an
12 eligible servicemember is referred to by the [Center,¹] Veterans
13 Diversion entity,² shall [provide] be capable of providing¹
14 screening, counseling, treatment and case management for mental
15 health issues and other co-occurring health disorders to eligible
16 servicemembers who are veterans¹, or [shall refer
17 servicemembers to the appropriate] coordinating such¹ services
18 through the appropriate federal, State, and local government
19 agencies that offer assistance to veterans¹. [The point of entry
20 shall also receive immediate referrals and provide relevant law
21 enforcement, probation, or parole entities with status reports of the
22 eligible servicemembers, when the servicemember consents, as a
23 condition of diversion or referral] To the extent feasible, a Veterans
24 Diversion Resource [Center]entity², or an agency to which an
25 eligible servicemember is referred to by the [Center] entity², shall
26 be capable of accepting emergent referrals of eligible
27 servicemembers who are veterans and are being diverted from the
28 criminal justice system. A Veterans Diversion Resource [Center]
29 entity², or an agency to which a eligible servicemember is referred
30 to by the [Center] Veterans Diversion Resource entity², that
31 accepts the referral of an eligible servicemember who is a veteran
32 shall be capable of providing law enforcement officials with
33 periodic status reports regarding the participation and recovery
34 progress of an eligible servicemember, when the servicemember
35 consents to the release of such information, as a condition of
36 diversion from prosecution. The department shall also [collaborate
37 with the United States Department of Defense Military Health
38 System to coordinate a similar single point of entry to case
39 management and mental health services to support] prepare a
40 similar resource directory to facilitate² the law enforcement²
41 diversion and referral of non-veteran eligible servicemembers¹
42 from the criminal justice system². The department shall [advise]
43 provide¹ the Attorney General [and],¹ the Administrative Director
44 of the Courts [of the location of diversion and referral resources in
45 each county], the Commissioner of the Department of Corrections,

1 and the Chairman of the State Parole Board with a directory of
2 ²the² Veterans Diversion Resource ²Centers entities² available
3 within the State ²and or² shall publish the directory on its
4 departmental Internet web site¹.

5
6 3. ¹(New section)¹ a. When a person is taken into custody for
7 an eligible offense ¹who exhibits behavior or conduct that may be
8 related to a mental illness¹, the responding law enforcement
9 officer shall inquire as to whether the person is a servicemember ¹or
10 has ever served in the military services of the United States¹. If the
11 law enforcement officer determines that the¹ person indicates that
12 he or she¹ is a servicemember ¹and exhibits behavior or symptoms
13 that may be related to a mental illness¹, the law enforcement officer
14 may proceed in accordance with ¹this act,¹ P.L. , c. (C.)
15 (pending before the Legislature as this bill), but with a preference
16 for diversion of ¹the person to mental health services and
17 avoidance of the filing of a criminal complaint or criminal court
18 proceedings] an eligible servicemember to a Veterans Diversion
19 Resource ²Center entity² or other community-based mental
20 health services in lieu of filing a criminal complaint¹. If the
21 matter does not qualify for diversion] alleged offense is not an
22 eligible offense¹ or the [person]servicemember¹ is resistant to
23 diversion, the officer may file a [quasi-criminal or]¹ criminal
24 complaint [, but] . Regardless of whether an offense qualifies for
25 diversion under P.L. , c. (C.) (pending before the
26 Legislature as this bill), the officer shall [note the
27 servicemember's status] inquire whether the person is a
28 servicemember and indicate if the person claims to be a
29 servicemember¹ on the complaint-summons or complaint-warrant
30 at the time it is prepared¹.

31 b. Law enforcement officers may divert an eligible
32 servicemember who ¹is believed] appears¹ to have a mental illness
33 ¹into health care services through a Veterans Assistance Center] to
34 a Veterans Diversion Resource ²Center entity² or other
35 community-based mental health services¹ in lieu of filing a criminal
36 ¹or quasi-criminal] complaint against the servicemember. A law
37 enforcement officer shall not divert an eligible servicemember ¹if
38 the] prior to the filing of a criminal complaint if the crime or¹
39 offense involves restitution ¹or if] for damages, if the crime or
40 offense involves violence or the threat of violence, if the crime or
41 offense involves the violation of any restraining order or protective
42 order involving another person, or where¹ a victim of the offense
43 objects to the diversion. ¹For the purposes of this paragraph, a
44 crime or offense involves violence or the threat of violence if the

1 victim sustains a bodily injury as defined in subsection a. of
2 N.J.S.2C:11-1, or the actor is armed with and uses a deadly weapon
3 or threatens by word or gesture to use a deadly weapon as defined
4 in subsection c. of N.J.S.2C:11-1, or threatens to inflict a bodily
5 injury.¹ If an eligible servicemember is not diverted, the officer
6 may proceed with the filing of a complaint-summons or complaint-
7 warrant pursuant to law, the Rules of Court, and the directives of
8 the Attorney General. The form of complaint shall clearly indicate
9 the person's status as a servicemember to facilitate future efforts to
10 divert eligible servicemembers from ¹**the criminal justice system**
11 prosecution into case management and mental health services or the
12 assignment of the servicemember to appropriate post-adjudication
13 supervisory and therapeutic services, where needed to support the
14 servicemember's recovery.

15 c. If a law enforcement officer diverts an eligible servicemember
16 to a Veterans Diversion Resource ²**Center** entity² or other mental
17 health service provider without filing a criminal complaint, the law
18 enforcement officer may subsequently file the complaint, subject to
19 the time limitations of N.J.S.2C:1-6, if the servicemember fails to
20 cooperate with the service provider or has subsequent interactions
21 with law enforcement¹.

22 ¹**c.d.**¹ Prior to the commencement of court proceedings ¹to
23 adjudicate a crime or offense¹, the court shall notify all defendants
24 present in the courtroom of the eligibility for prosecutorial
25 diversion for eligible servicemembers pursuant to ¹**this act**
26 P.L. , c. (C.) (pending before the Legislature as this bill)¹.

27
28 4. ¹**(New section)**¹ a. At any time after the filing of a ¹**quasi-**
29 **criminal or**¹ criminal complaint, but prior to the disposition of
30 such complaint, ¹**a prosecutor, at the request of** an eligible
31 servicemember, the public defender assigned to the eligible
32 servicemember, ¹or¹ the servicemember's own legal counsel¹**,** or
33 the prosecutor's own discretion,**】** may make an application to the
34 prosecutor to participate in the Veterans Diversion Program. The
35 prosecutor¹ may ¹**move before the court to postpone proceedings**
36 while an eligible servicemember participates in mental health
37 intervention services**】** approve or conditionally approve an eligible
38 servicemember's admission into the Veterans Diversion Program.
39 An eligible servicemember may be conditionally approved for
40 admission into the program pending verification of the person's
41 veteran or servicemember status, review of the person's criminal
42 history, and consideration of the findings of a clinical assessment of
43 the person's mental health. Once admitted to the program, the
44 prosecutor may move before the court to postpone proceedings
45 while an eligible servicemember obtains a mental health assessment
46 or participates in case management and mental health services. The

1 court may grant the postponement of proceedings and release the
2 servicemember on the persons' own recognizance subject to
3 compliance with the conditions specified in the prosecutor's
4 diversion agreement. If the prosecutor's review of the person's
5 records and the clinical assessment reveals that the person does not
6 qualify for the program or if the servicemember does not comply
7 with the requirements of the diversion agreement, the prosecutor
8 may notify the court that the State is prepared to proceed with the
9 prosecution of the offense and the court shall schedule court
10 proceedings as appropriate¹.

11 b. ¹【The】 (1) Except as provided in paragraph (2) of this
12 subsection, the¹ prosecutor shall have the ¹sole¹ discretion to
13 determine if an eligible ¹【offense】 servicemember¹ qualifies for
14 ¹【diversion based on】 and is admitted to the Veterans Diversion
15 Program pursuant P.L. , c. (C.) (pending before the
16 Legislature as this bill) after consideration of¹ the nature of the
17 eligible offense, the ¹【apparent】 causative¹ relationship between
18 the ¹person's¹ diagnosed or apparent mental illness and the
19 commission of the offense, ¹the amenability of the servicemember
20 to participation in the services of the program,¹ the availability of
21 ¹case management and¹ mental health ¹【intervention】¹ services, the
22 desires of any victim, ¹【and an eligible servicemember's】the
23 person's¹ history of prior convictions ¹【. The prosecutor shall
24 consult with all victims of the eligible offense prior to considering
25 an eligible servicemembers' diversion】, and the probability that
26 diversion will promote the servicemember's recovery, prevent
27 future criminal behavior, and protect public safety. ²A prosecutor
28 may also consider and approve other diversion alternatives for
29 servicemembers in lieu of the Veterans Diversion Program pursuant
30 to P.L. , c. (C.) (pending before the Legislature as this
31 bill).²

32 (2) No eligible servicemember shall be admitted to the Veterans
33 Diversion Program if the person has criminal charges pending for a
34 crime of the second degree or higher, if the crime or offense
35 involved violence or the threat of violence, or if the person was
36 previously convicted of a violent crime enumerated in subsection d.
37 of section 2 of P.L.1997, c.117 (C.2C:43-7.2). There shall be a
38 presumption against admission into the Veterans Diversion
39 Program, subject to the discretion of the prosecutor after consulting
40 with any victim, for a servicemember charged with any crime or
41 offense involving domestic violence, as defined in subsection a. of
42 section 3 of P.L.1991, c.261 (C.2C:25-19) if the defendant
43 committed the crime or offense while subject to a temporary or
44 permanent restraining order issued pursuant to the provisions of the
45 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
46 (C.2C:25-17 et al.). For purposes of this paragraph, a crime or

1 offense involves violence or the threat of violence if the victim
2 sustains a bodily injury as defined in subsection a. of N.J.S.2C:11-
3 1, or the actor is armed with and uses a deadly weapon or threatens
4 by word or gesture to use a deadly weapon as defined in subsection
5 c. of N.J.S.2C:11-1, or threatens to inflict a bodily injury.

6 (3) The prosecutor shall consult with victims of an eligible
7 offense prior to approving an eligible servicemember's admission
8 into the Veterans Diversion Program. Nothing in this subsection
9 shall be construed to alter or limit the authority or discretion of the
10 prosecutor to admit an eligible servicemember into the Veterans
11 Diversion Program which the prosecutor deems appropriate.¹

12 c. The prosecutor's ¹["authorization"] approval¹ of ¹["diversion"]
13 an application for admission into the Veterans Diversion Program¹
14 pursuant to this section shall not be conditioned on an admission or
15 plea of guilt by an eligible servicemember.

16 d. To qualify for prosecutorial diversion under this section, an
17 eligible servicemember ¹[is required to] shall¹ agree in writing ¹to
18 the following terms, where relevant to the eligible offense¹:

19 (1) Participate in ¹case management and¹ mental health
20 ¹["intervention"]¹ services initiated through the Veterans
21 ¹["Assistance Center"] Diversion Resource ²["Center"] entity² or
22 other similar services¹ and ¹["comply"] to cooperate¹ with any
23 recommended course of treatment¹, including the use of
24 medications as prescribed and participation in counseling¹;

25 (2) Authorize¹["], periodically,"]¹ the ¹case management or¹
26 mental health ¹service¹ provider to release ¹["status reports
27 regarding the servicemember's participation in mental health
28 intervention services"]¹ to the prosecutor ¹periodic status reports
29 regarding the servicemember's participation, cooperation, and
30 recovery progress with case management and mental health
31 services¹;

32 (3) Cooperate with ¹["federal and State veterans' services to
33 procure housing and employment when needed"] case management
34 service providers to procure housing, education, and employment
35 services, where appropriate¹;

36 (4) Pay restitution for damages that have resulted from the
37 offense;

38 (5) Refrain from the use of alcohol or ¹illegal¹ drugs or frequent
39 any place where alcohol or ¹illegal¹ drugs are sold and used;

40 (6) Refrain from the possession or use of firearms ¹or other
41 weapons¹;

42 (7) Refrain from further criminal activity;

43 (8) Refrain from any contact with a victim of the offense;

44 (9) Cooperate with a mentor ¹["assigned through the Department
45 of Military and Veterans' Affairs; and"] , where assigned, and the

1 United States Department of Veterans Affairs Justice Outreach
2 Specialist;¹

3 (10)¹Suspend the tolling of time for the purposes of the
4 servicemember's right to a speedy trial while the servicemember is
5 participating in the program;

6 (11) Advise the prosecutor of any change in the servicemember's
7 residential address or any change in the provider of case
8 management and mental health services; and

9 (12)¹ Any other terms and conditions related to the
10 servicemember's recovery and public safety deemed appropriate by
11 the prosecutor.

12 e. The prosecutor shall determine the duration of the
13 ¹diversion based on status reports of participation and progress
14 from the mental health intervention service provider, except that the
15 diversion period shall not exceed two years from the date of the
16 agreement servicemember's participation in the Veterans
17 Diversion Program, except that the servicemember's participation in
18 the program shall not exceed two years from the date of the
19 diversion agreement. The term of the servicemember's participation
20 shall be based on the initial clinical evaluation and
21 recommendations, status reports of the servicemember's
22 participation, and progress reports from the case management and
23 mental health service providers, and, where assigned, the
24 servicemember's mentor¹.

25 f. The servicemember shall be responsible for coordinating
26 with the ¹Veterans Diversion Resource ²[Center] entity² or other
27 case management and¹ mental health service provider to ensure that
28 the prosecutor receives periodic reports on the servicemember's
29 participation ¹[and recovery progress] , cooperation and recovery
30 progress. The servicemember shall contact the Veterans Diversion
31 Resource ²[Center] entity² or other case management and mental
32 health service provider within seven days of the date of the
33 diversion agreement¹.

34 g. The court shall ¹schedule a status hearing within six
35 months from the date on when the court approved the prosecutor's
36 request for a postponement of the proceedings to review the
37 prosecutor's request for delayed prosecution of the offense] review
38 the status of the deferred prosecution of the servicemember no later
39 than six months from the date on which the court approved the
40 prosecutor's initial request for a postponement of the proceedings,
41 and, thereafter, every six months from the most recent review, to
42 consider, based on information provided by the prosecutor, whether
43 the postponement of court proceedings as requested by the
44 prosecutor should continue¹.

45 h. ¹If, after a minimum of six months, the prosecutor is
46 satisfied that the servicemember has complied with the terms and

1 conditions of the agreement and based on clinical reports, continues
2 to make progress with mental health interventions, the prosecutor
3 may move for the dismissal of the quasi-criminal or criminal charge
4 against the servicemember¹ To the extent that a sufficient number
5 of mentors are available, the prosecutor or the case management
6 provider on behalf of the prosecutor, shall assign a mentor to the
7 eligible servicemember from the registry of mentors provided by
8 the Department of Military and Veterans' Affairs, except that an
9 insufficient number of mentors available for assignment shall not in
10 itself prevent a prosecutor from diverting an eligible servicemember
11 pursuant to P.L. , c. (C.) (pending before the Legislature as
12 this bill).

13 i. The prosecutor shall notify the United States Department of
14 Veterans Affairs Justice Outreach Specialist assigned to represent
15 New Jersey when an eligible servicemember who is a veteran has
16 been admitted into the Veterans Diversion Program to facilitate
17 outreach to the servicemember.

18 j. If, after a minimum of six months from the date of the
19 diversion agreement, the prosecutor is satisfied that the
20 servicemember has complied with the terms and conditions of the
21 diversion agreement, has not been the subject of any subsequent
22 criminal charges, and, based on clinical reports, continues to make
23 progress with case management services and mental health
24 recovery, the prosecutor may move before the court for the
25 dismissal of the criminal charge pending against the servicemember
26 and terminate the servicemember's participation in the Veterans
27 Diversion Program. Alternatively, the prosecutor may require that
28 the servicemember continue participation in the program until
29 sufficient evidence of progress toward recovery is available, except
30 that continued participation shall not exceed the two-year time limit
31 as provided in subsection e. of this section¹.

32 ¹~~【i.】~~¹k. If, at any time, the prosecutor finds that the
33 servicemember has failed to comply with any term or condition of
34 the diversion agreement, the prosecutor ¹~~【shall】~~ may¹ notify the
35 court that the State is prepared to proceed with the prosecution of
36 the offense¹ and the court shall schedule court proceedings as
37 appropriate¹.

38 ¹~~【j.】~~¹l. No fee shall be assessed to a servicemember for
39 participation in ¹~~【diversion】~~ the Veterans Diversion Program¹.

40 ¹k. The decision to divert an eligible servicemember pursuant
41 to this section one or more times shall rest within the discretion of
42 the prosecutor. A dismissal of charges resulting from diversion
43 pursuant to this section shall bar a servicemember's subsequent
44 eligibility for other court diversion programs, including a program
45 of supervisory treatment pursuant to N.J.S.2C:43-12, conditional
46 discharge pursuant to N.J.S.2C:36A-1, or conditional dismissal
47 pursuant to section 1 of P.L.2013, c. 158 (C.2C:43-13.1).

1 1. The dismissal of charges pursuant to this section shall not be
2 deemed a conviction for purposes of disqualifications or
3 disabilities, if any, imposed by law upon conviction of a petty
4 disorderly persons, disorderly persons offense, or a crime, but shall
5 be reported to the State Bureau of Identification criminal history
6 record information files for purposes of determining future
7 eligibility or exclusion from other court diversion programs. A
8 conditional dismissal granted pursuant to P.L.2013, c.158 (C.2C:43-
9 13.1 et al.) shall not be deemed a conviction for the purpose of
10 determining whether a second or subsequent offense has occurred
11 under any law of this State¹]

12 m. An eligible servicemember may be admitted to the Veterans
13 Diversion Program one or more times at the discretion of the
14 prosecutor, subject to the restrictions in this section, if such
15 diversion promotes the servicemember's recovery, prevents the
16 commission of future offenses, and protects the safety of the public.
17 Nothing in P.L. , c. (C.) (pending before the Legislature as
18 this bill) shall preclude an eligible servicemember from applying
19 for admission to a criminal justice diversion program, including a
20 program of supervisory treatment pursuant to N.J.S.2C:43-12,
21 conditional discharge pursuant to N.J.S.2C:36A-1, or conditional
22 dismissal pursuant to section 1 of P.L.2013, c. 158 (C.2C:43-13.1),
23 as an alternative to the Veterans Diversion Program to the extent
24 that the servicemember meets the eligibility criteria and qualifies
25 for those programs. A dismissal of a criminal complaint resulting
26 from successful participation in a Veterans Diversion Program
27 pursuant to this section shall bar a servicemember's subsequent
28 eligibility for a program of supervisory treatment pursuant to
29 N.J.S.2C:43-12, conditional discharge pursuant to N.J.S.2C:36A-1,
30 or conditional dismissal pursuant to section 1 of P.L.2013, c. 158
31 (C.2C:43-13.1); however an eligible servicemember may seek
32 subsequent admission to the Veterans Diversion Program and may
33 be admitted at the sole discretion of the prosecutor.

34 n. The dismissal of charges based on a servicemember's
35 successful participation in the Veterans Diversion Program pursuant
36 to this section shall not be deemed:

37 (1) a conviction for purposes of disqualifications or disabilities,
38 if any, imposed by law upon conviction of a petty disorderly
39 persons, disorderly persons offense, or a crime, but shall be
40 reported to the State Bureau of Identification criminal history
41 record information files for purposes of determining future
42 eligibility or exclusion from other diversion programs; or

43 (2) a conviction for the purpose of determining whether a second
44 or subsequent offense has occurred under any law of this State¹.

45
46 ²5. (New section) Nothing in P.L. , c. (C.) (pending
47 before the Legislature as this bill) shall be construed to limit or
48 constrain in any way the authority or discretion of a prosecutor to

1 divert, prosecute or pursue any other disposition of a criminal
2 matter involving a defendant who is a servicemember as defined
3 within this P.L. , c. (C.) (pending before the Legislature as
4 this bill). When considering the diversion a servicemember from
5 the criminal justice system, a prosecutor may use the Veterans
6 Diversion Program established pursuant to P.L. , c. (C.)
7 (pending before the Legislature as this bill), any other diversion
8 mechanism authorized by law, or a county-based law enforcement
9 diversion program after considering each program's restrictions, the
10 relief available to the servicemember, and the safety of any victim
11 and the public.²

12
13 ²[5.] 6.² ¹(New section)¹ The Administrative ¹**[Office]**
14 **Director**¹ of the Courts shall develop a ¹**[special supervision track]**
15 differentiated mental health supervision case type¹ within the
16 Probation Division of the Superior Court for eligible
17 servicemembers who are sentenced to a term of probation
18 supervision. To the extent ¹that sufficient¹ resources are available,
19 probation officers assigned to the ¹**[special track]** specialized
20 caseload¹ shall be experienced in behavioral health and evidence-
21 based therapeutic interventions specifically targeted to military
22 culture and shall coordinate with ¹**[volunteer]**¹ mentors as well as
23 federal and State ¹**[veteran and active duty servicemember]** case
24 management and¹ health care providers ¹available to
25 servicemembers¹ to promote ¹**[the servicemember's]** ¹their
26 recovery,¹ compliance with the terms of probation and re-
27 integration into ¹the community, and adjustment to¹ civilian life.
28 Eligible servicemembers who are sentenced to a term of probation
29 ¹supervision¹ shall be screened and assigned to ¹**[the specialized**
30 **caseloads]** a differentiated mental health supervision case type¹
31 pursuant to procedures developed by the Administrative ¹**[Office]**
32 **Director**¹ of the Courts. ¹A servicemember who is assigned to a
33 differentiated mental health supervision case type shall provide
34 written authorization for any case management or mental health
35 service provider to release to the Probation Division and the court
36 periodic status reports regarding the servicemember's participation,
37 cooperation, and recovery progress.¹

38
39 ²[6.] 7.² N.J.S.2C:52-6 is amended to read as follows:

40 2C:52-6. Arrests not resulting in conviction.

41 a. When a person has been arrested or held to answer for a
42 crime, disorderly persons offense, petty disorderly persons offense,
43 or municipal ordinance violation under the laws of this State or of
44 any governmental entity thereof and proceedings against the person
45 were dismissed, the person was acquitted, or the person was
46 discharged without a conviction or finding of guilt, the Superior

1 Court shall, at the time of dismissal, acquittal, or discharge, or, in
2 any case set forth in paragraph (1) of this subsection, upon receipt
3 of an application from the person, order the expungement of all
4 records and information relating to the arrest or charge.

5 (1) If proceedings took place in municipal court, the municipal
6 court shall provide the person, upon request, with appropriate
7 documentation to transmit to the Superior Court to request
8 expungement pursuant to procedures developed by the
9 Administrative Office of the Courts. Upon receipt of the
10 documentation, the Superior Court shall enter an ex parte order
11 expunging all records and information relating to the person's arrest
12 or charge.

13 (2) The provisions of N.J.S.2C:52-7 through N.J.S.2C:52-14
14 shall not apply to an expungement pursuant to this subsection and
15 no fee shall be charged to the person making such application.

16 (3) An expungement under this subsection shall not be ordered
17 where the dismissal, acquittal, or discharge resulted from a plea
18 bargaining agreement involving the conviction of other charges.
19 This bar, however, shall not apply once the conviction is itself
20 expunged.

21 (4) The Superior Court shall forward a copy of the expungement
22 order to the appropriate court and to the prosecutor. The prosecutor
23 shall promptly distribute copies of the expungement order to
24 appropriate law enforcement agencies and correctional institutions
25 who have custody and control of the records specified in the order
26 so that they may comply with the requirements of N.J.S.2C:52-15.

27 (5) An expungement related to a dismissal, acquittal, or
28 discharge ordered pursuant to this subsection shall not bar any
29 future expungement.

30 (6) Where a dismissal of an offense is based on an eligible
31 servicemember's successful participation in a Veterans Diversion
32 Program pursuant to P.L. , c. (C.) (pending before the
33 Legislature as this bill), the county prosecutor, on behalf of the
34 eligible servicemember, may move before the court for the
35 expungement of all records and information relating to the arrest or
36 charge, and the diversion at the time of dismissal pursuant to this
37 section.

38 b. When a person did not apply or a prosecutor did not move
39 on behalf of an eligible servicemember for an expungement of an
40 arrest or charge not resulting in a conviction pursuant to subsection
41 a. of this section, the person may at any time following the
42 disposition of proceedings, present a duly verified petition as
43 provided in N.J.S.2C:52-7 to the Superior Court in the county in
44 which the disposition occurred praying that records of such arrest
45 and all records and information pertaining thereto be expunged. No
46 fee shall be charged to the person for applying for an expungement
47 of an arrest or charge not resulting in a conviction pursuant to this
48 subsection.

1 c. (1) Any person who has had charges dismissed against him
2 pursuant to a program of supervisory treatment pursuant to
3 N.J.S.2C:43-12, or conditional discharge pursuant to N.J.S.2C:36A-
4 1, or conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-
5 13.1 et al.), shall be barred from the relief provided in this section
6 until six months after the entry of the order of dismissal.

7 (2) A servicemember who has successfully participated in a
8 Veterans Diversion Program pursuant to P.L. , c. (C.)
9 (pending before the Legislature as this bill) may apply for
10 expungement pursuant to this section at any time following the
11 order of dismissal if an expungement was not granted at the time of
12 dismissal.

13 d. Any person who has been arrested or held to answer for a
14 crime shall be barred from the relief provided in this section where
15 the dismissal, discharge, or acquittal resulted from a determination
16 that the person was insane or lacked the mental capacity to commit
17 the crime charged.¹
18 (cf: P.L.2015, c.261, s.4)

19
20 ²[^{17.}] §.² Section 1 of P.L.2013, c.158 (C.2C:43-13.1) is
21 amended to read as follows:

22 1. Eligibility and Application. a. Whenever any defendant who
23 has not been previously convicted of any petty disorderly persons
24 offense, disorderly persons offense or crime under any law of the
25 United States, this State or any other state, and who has not
26 previously participated in conditional discharge under
27 N.J.S.2C:36A-1, supervisory treatment under N.J.S.2C:43-12, or
28 conditional dismissal under P.L.2013, c.158 (C.2C:43-13.1 et al.),
29 or a Veterans Diversion Program pursuant to P.L. , c. (C.)
30 pending before the Legislature as this bill), is charged with a petty
31 disorderly offense or disorderly persons offense except as provided
32 in subsection b. of this section, the defendant may, after a plea of
33 guilty or a finding of guilt, but prior to the entry of a judgment of
34 conviction and with appropriate notice to the prosecutor, apply to
35 the court for entry into the conditional dismissal program pursuant
36 to the requirements of P.L.2013, c.158 (C.2C:43-13.1 et al.). As a
37 condition of such application, the defendant shall submit to the
38 fingerprint identification procedures as provided in R.S.53:1-15
39 before making such application to the court to allow sufficient time
40 for verification of the defendant's criminal history by the
41 prosecutor.

42 b. (1) A defendant shall not be eligible for participation in the
43 conditional dismissal program if the offense for which the person is
44 charged involved: (a) organized criminal or gang activity; (b) a
45 continuing criminal business or enterprise; (c) a breach of the public
46 trust by a public officer or employee; (d) domestic violence as
47 defined by subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-
48 19); (e) an offense against an elderly, disabled or minor person; (f)

1 an offense involving driving or operating a motor vehicle while
2 under the influence of alcohol, intoxicating liquor, narcotic,
3 hallucinogenic or habit-producing drug; (g) a violation of animal
4 cruelty laws; or (h) any disorderly persons offense or petty
5 disorderly persons offense under chapter 35 or 36 of Title 2C.

6 (2) Nothing in this act shall preclude a defendant charged with
7 any disorderly persons offense or petty disorderly persons offense
8 under chapter 35 or 36 of Title 2C from applying to the court for
9 admission into the conditional discharge program in accordance
10 with N.J.S.2C:36A-1.

11 c. In addition to the eligibility criteria enumerated in this
12 section, the court shall consider the following factors:

13 (1) The nature and circumstances of the offense;

14 (2) The facts surrounding the commission of the offense;

15 (3) The motivation, age, character and attitude of the defendant;

16 (4) The desire of the complainant or victim to forego
17 prosecution;

18 (5) The needs and interests of the victim and the community;

19 (6) The extent to which the defendant's offense constitutes part
20 of a continuing pattern of anti-social behavior;

21 (7) Whether the offense is of an assaultive or violent nature,
22 whether in the act itself or in the possible injurious consequences of
23 such behavior;

24 (8) Whether the applicant's participation will adversely affect
25 the prosecution of codefendants;

26 (9) Whether diversion of the defendant from prosecution is
27 consistent with the public interest; and

28 (10) Any other factors deemed relevant by the court.¹

29 (cf: P.L.2013, c.158, s.1)

30

31 ²[18.] 9.¹ N.J.S.2C:36A-1 is amended to read as follows:

32 2C:36A-1. Conditional discharge for certain first offenses.

33 a. Whenever any person who has not previously been convicted
34 of any offense under section 20 of P.L.1970, c.226 (C.24:21-20), or
35 a disorderly persons or petty disorderly persons offense defined in
36 chapter 35 or 36 of this title or, subsequent to the effective date of
37 this title, under any law of the United States, this State or any other
38 state relating to marijuana, or stimulant, depressant, or
39 hallucinogenic drugs, and who has not previously participated in a
40 program of supervisory treatment pursuant to N.J.S.2C:43-12 or
41 conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-13.1 et
42 al.), or a Veterans Diversion Program pursuant to P.L. , c. (C.)
43 pending before the Legislature as this bill, is charged with or
44 convicted of any disorderly persons offense or petty disorderly
45 persons offense under chapter 35 or 36 of this title, the court upon
46 notice to the prosecutor and subject to subsection c. of this section,
47 may on motion of the defendant or the court:

1 (1) Suspend further proceedings and with the consent of the
2 person after reference to the State Bureau of Identification criminal
3 history record information files, place him under supervisory
4 treatment upon such reasonable terms and conditions as it may
5 require; or

6 (2) After a plea of guilty or finding of guilty, and without
7 entering a judgment of conviction, and with the consent of the
8 person after proper reference to the State Bureau of Identification
9 criminal history record information files, place him on supervisory
10 treatment upon reasonable terms and conditions as it may require,
11 or as otherwise provided by law.

12 b. In no event shall the court require as a term or condition of
13 supervisory treatment under this section, referral to any residential
14 treatment facility for a period exceeding the maximum period of
15 confinement prescribed by law for the offense for which the
16 individual has been charged or convicted, nor shall any term of
17 supervisory treatment imposed under this subsection exceed a
18 period of three years. If a person is placed under supervisory
19 treatment under this section after a plea of guilty or finding of guilt,
20 the court as a term and condition of supervisory treatment shall
21 suspend the person's driving privileges for a period to be fixed by
22 the court at not less than six months or more than two years unless
23 the court finds compelling circumstances warranting an exception.
24 For the purposes of this subsection, compelling circumstances
25 warranting an exception exist if the suspension of the person's
26 driving privileges will result in extreme hardship and alternative
27 means of transportation are not available. In the case of a person
28 who at the time of placement under supervisory treatment under this
29 section is less than 17 years of age, the period of suspension of
30 driving privileges authorized herein, including a suspension of the
31 privilege of operating a motorized bicycle, shall commence on the
32 day the person is placed on supervisory treatment and shall run for a
33 period as fixed by the court of not less than six months or more than
34 two years after the day the person reaches the age of 17 years.

35 If the driving privilege of a person is under revocation,
36 suspension, or postponement for a violation of this title or Title 39
37 of the Revised Statutes at the time of the person's placement on
38 supervisory treatment under this section, the revocation, suspension
39 or postponement period imposed herein shall commence as of the
40 date of the termination of the existing revocation, suspension or
41 postponement. The court which places a person on supervisory
42 treatment under this section shall collect and forward the person's
43 driver's license to the New Jersey Motor Vehicle Commission and
44 file an appropriate report with the commission in accordance with
45 the procedure set forth in N.J.S.2C:35-16. The court shall also
46 inform the person of the penalties for operating a motor vehicle
47 during the period of license suspension or postponement as required
48 in N.J.S.2C:35-16.

1 Upon violation of a term or condition of supervisory treatment
2 the court may enter a judgment of conviction and proceed as
3 otherwise provided, or where there has been no plea of guilty or
4 finding of guilty, resume proceedings. Upon fulfillment of the terms
5 and conditions of supervisory treatment the court shall terminate the
6 supervisory treatment and dismiss the proceedings against him.
7 Termination of supervisory treatment and dismissal under this
8 section shall be without court adjudication of guilt and shall not be
9 deemed a conviction for purposes of disqualifications or
10 disabilities, if any, imposed by law upon conviction of a crime or
11 disorderly persons offense but shall be reported by the clerk of the
12 court to the State Bureau of Identification criminal history record
13 information files. Termination of supervisory treatment and
14 dismissal under this section may occur only once with respect to
15 any person. Imposition of supervisory treatment under this section
16 shall not be deemed a conviction for the purposes of determining
17 whether a second or subsequent offense has occurred under section
18 29 of P.L.1970, c.226 (C.24:21-29), chapter 35 or 36 of this title or
19 any law of this State.

20 c. Proceedings under this section shall not be available to any
21 defendant unless the court in its discretion concludes that:

22 (1) The defendant's continued presence in the community, or in
23 a civil treatment center or program, will not pose a danger to the
24 community; or

25 (2) That the terms and conditions of supervisory treatment will
26 be adequate to protect the public and will benefit the defendant by
27 serving to correct any dependence on or use of controlled
28 substances which he may manifest; and

29 (3) The person has not previously received supervisory
30 treatment under section 27 of P.L.1970, c.226 (C.24:21-27),
31 N.J.S.2C:43-12, or the provisions of this chapter.

32 d. A person seeking conditional discharge pursuant to this
33 section shall pay to the court a fee of \$75 which shall be paid to the
34 Treasurer of the State of New Jersey for deposit in the General
35 Fund. The defendant shall also be required to pay restitution, costs
36 and other assessments as provided by law. A person may apply for a
37 waiver of this fee, by reason of poverty, pursuant to the Rules
38 Governing the Courts of the State of New Jersey, or the court may
39 permit the defendant to pay the conditional discharge fee and other
40 assessments in installments or may order other alternatives pursuant
41 to section 1 of P.L.2009, c.317 (C.2B:12-23.1).¹

42 (cf: P.L2013, c.158, s.10)

43

44 ²[¹⁹.] 10.² N.J.S.2C:43-12 is amended to read as follows:

45 2C:43-12. Supervisory Treatment--Pretrial Intervention.

46 a. Public policy. The purpose of N.J.S.2C:43-12 through
47 N.J.S.2C:43-22 is to effectuate a Statewide program of Pretrial
48 Intervention. It is the policy of the State of New Jersey that

1 supervisory treatment should ordinarily be limited to persons who
2 have not previously been convicted of any criminal offense under
3 the laws of New Jersey, or under any criminal law of the United
4 States, or any other state when supervisory treatment would:

5 (1) Provide applicants, on an equal basis, with opportunities to
6 avoid ordinary prosecution by receiving early rehabilitative services
7 or supervision, when such services or supervision can reasonably be
8 expected to deter future criminal behavior by an applicant, and
9 when there is apparent causal connection between the offense
10 charged and the rehabilitative or supervisory need, without which
11 cause both the alleged offense and the need to prosecute might not
12 have occurred; or

13 (2) Provide an alternative to prosecution for applicants who
14 might be harmed by the imposition of criminal sanctions as
15 presently administered, when such an alternative can be expected to
16 serve as sufficient sanction to deter criminal conduct; or

17 (3) Provide a mechanism for permitting the least burdensome
18 form of prosecution possible for defendants charged with
19 "victimless" offenses, other than defendants who were public
20 officers or employees charged with offenses that involved or
21 touched their office or employment; or

22 (4) Provide assistance to criminal calendars in order to focus
23 expenditure of criminal justice resources on matters involving
24 serious criminality and severe correctional problems; or

25 (5) Provide deterrence of future criminal or disorderly behavior
26 by an applicant in a program of supervisory treatment.

27 b. (1) Admission of an applicant into a program of supervisory
28 treatment shall be measured according to the applicant's amenability
29 to correction, responsiveness to rehabilitation and the nature of the
30 offense.

31 (2) There shall be a presumption against admission into a
32 program of supervisory treatment for:

33 (a) a defendant who was a public officer or employee whose
34 offense involved or touched upon his public office or employment;
35 and

36 (b) a defendant charged with any crime or offense involving
37 domestic violence, as defined in subsection a. of section 3 of
38 P.L.1991, c.261 (C.2C:25-19) if the defendant committed the crime
39 or offense while subject to a temporary or permanent restraining
40 order issued pursuant to the provisions of the "Prevention of
41 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
42 al.) or if the crime or offense charged involved violence or the
43 threat of violence. For purposes of this subparagraph, a crime or
44 offense involves violence or the threat of violence if the victim
45 sustains serious or significant bodily injury as defined in subsection
46 b. or d. of N.J.S.2C:11-1, or the actor is armed with and uses a
47 deadly weapon or threatens by word or gesture to use a deadly

1 weapon as defined in subsection c. of N.J.S.2C:11-1, or threatens to
2 inflict serious or significant bodily injury.

3 c. The decision and reasons therefor made by the designated
4 judges (or assignment judges), prosecutors and program directors in
5 granting or denying applications for supervisory treatment, in
6 recommending and ordering termination from the program or
7 dismissal of charges, in all cases shall be reduced to writing and
8 disclosed to the applicant.

9 d. If an applicant desires to challenge the decision of the
10 prosecutor or program director not to recommend enrollment in a
11 program of supervisory treatment the proceedings prescribed under
12 N.J.S.2C:43-14 and in accordance with the Rules of Court shall be
13 followed.

14 e. Referral. At any time prior to trial but after the filing of a
15 criminal complaint, or the filing of an accusation or the return of an
16 indictment, with the consent of the prosecutor and upon written
17 recommendation of the program director, the assignment judge or a
18 judge designated by him may postpone all further proceedings
19 against an applicant and refer said applicant to a program of
20 supervisory treatment approved by the Supreme Court. Prosecutors
21 and program directors shall consider in formulating their
22 recommendation of an applicant's participation in a supervisory
23 treatment program, among others, the following criteria:

- 24 (1) The nature of the offense;
- 25 (2) The facts of the case;
- 26 (3) The motivation and age of the defendant;
- 27 (4) The desire of the complainant or victim to forego
28 prosecution;
- 29 (5) The existence of personal problems and character traits
30 which may be related to the applicant's crime and for which services
31 are unavailable within the criminal justice system, or which may be
32 provided more effectively through supervisory treatment and the
33 probability that the causes of criminal behavior can be controlled by
34 proper treatment;
- 35 (6) The likelihood that the applicant's crime is related to a
36 condition or situation that would be conducive to change through
37 his participation in supervisory treatment;
- 38 (7) The needs and interests of the victim and society;
- 39 (8) The extent to which the applicant's crime constitutes part of
40 a continuing pattern of anti-social behavior;
- 41 (9) The applicant's record of criminal and penal violations and
42 the extent to which he may present a substantial danger to others;
- 43 (10) Whether or not the crime is of an assaultive or violent
44 nature, whether in the criminal act itself or in the possible injurious
45 consequences of such behavior;
- 46 (11) Consideration of whether or not prosecution would
47 exacerbate the social problem that led to the applicant's criminal
48 act;

- 1 (12) The history of the use of physical violence toward others;
- 2 (13) Any involvement of the applicant with organized crime;
- 3 (14) Whether or not the crime is of such a nature that the value
- 4 of supervisory treatment would be outweighed by the public need
- 5 for prosecution;
- 6 (15) Whether or not the applicant's involvement with other
- 7 people in the crime charged or in other crime is such that the
- 8 interest of the State would be best served by processing his case
- 9 through traditional criminal justice system procedures;
- 10 (16) Whether or not the applicant's participation in pretrial
- 11 intervention will adversely affect the prosecution of codefendants;
- 12 and
- 13 (17) Whether or not the harm done to society by abandoning
- 14 criminal prosecution would outweigh the benefits to society from
- 15 channeling an offender into a supervisory treatment program.
- 16 The prosecutor and the court, in formulating their
- 17 recommendations or decisions regarding an applicant's participation
- 18 in a supervisory treatment program, shall give due consideration to
- 19 the victim's position on whether the defendant should be admitted.
- 20 f. Review of Supervisory Treatment Applications; Procedure
- 21 Upon Denial. Each applicant for supervisory treatment shall be
- 22 entitled to full and fair consideration of his application. If an
- 23 application is denied, the program director or the prosecutor shall
- 24 precisely state his findings and conclusion which shall include the
- 25 facts upon which the application is based and the reasons offered
- 26 for the denial. If the applicant desires to challenge the decision of a
- 27 program director not to recommend, or of a prosecutor not to
- 28 consent to, enrollment into a supervisory treatment program, a
- 29 motion shall be filed before the designated judge (or assignment
- 30 judge) authorized pursuant to the Rules of Court to enter orders.
- 31 g. Limitations. (1) Supervisory treatment may occur only once
- 32 with respect to any defendant and any person who has previously
- 33 received supervisory treatment under section 27 of P.L.1970, c.226
- 34 (C.24:21-27), a conditional discharge pursuant to N.J.S.2C:36A-1,
- 35 **【or】** a conditional dismissal pursuant to P.L.2013, c.158 (C.2C:43-
- 36 13.1 et al.), or was granted a dismissal due to successful
- 37 participation in the Veterans Diversion Program pursuant to P.L. ,
- 38 c. (C.) pending before the Legislature as this bill) shall not be
- 39 eligible for supervisory treatment under this section.
- 40 (2) Except as otherwise provided in paragraph (3) of this
- 41 subsection, supervisory treatment, as provided herein, shall be
- 42 available to a defendant irrespective of whether the defendant
- 43 contests his guilt of the charge or charges against him.
- 44 (3) Admission into supervisory treatment shall be available to
- 45 the following defendants only upon entering a plea of guilty: (a) a
- 46 defendant charged with a first or second degree crime; (b) a
- 47 defendant charged with any crime if the defendant had previously
- 48 been convicted of a first or second degree crime; (c) a defendant

1 charged with a third or fourth degree crime involving domestic
2 violence, as defined in subsection a. of section 3 of P.L.1991, c.261
3 (C.2C:25-19); or (d) a defendant charged with any disorderly
4 persons or petty disorderly persons offense involving domestic
5 violence, as defined in subsection a. of section 3 of P.L.1991, c.261
6 (C.2C:25-19) if the defendant committed the offense while subject
7 to a temporary or permanent restraining order issued pursuant to the
8 provisions of the "Prevention of Domestic Violence Act of 1991,"
9 P.L.1991, c.261 (C.2C:25-17 et al.). For any such defendant,
10 following the plea of guilty the plea shall be held in an inactive
11 status pending termination of supervisory treatment pursuant to
12 subsection d. or e. of N.J.S.2C:43-13. Upon successful completion
13 of the program of supervisory treatment the charges shall be
14 dismissed.

15 h. Termination. Termination of supervisory treatment under
16 this section shall be immediately reported to the assignment judge
17 of the county who shall forward such information to the
18 Administrative Director of the Courts.

19 i. Appointment of Program Directors; Authorized Referrals.
20 Programs of supervisory treatment and appointment of the program
21 directors require approval by the Supreme Court with the consent of
22 the assignment judge and prosecutor. Referrals of participants from
23 supervisory treatment programs may be to any public or private
24 office or agency, including but not limited to, programs within the
25 probation service of the court, offering counseling or any other
26 social service likely to aid in the rehabilitation of the participant
27 and to deter the commission of other offenses.

28 j. Health Care Professional Licensing Board Notification. The
29 program director shall promptly notify the State Board of Medical
30 Examiners when a State licensed physician or podiatrist has been
31 enrolled in a supervisory treatment program after he has been
32 charged with an offense involving drugs or alcohol.

33 The Attorney General shall develop guidelines to ensure the
34 uniform exercise of discretion by prosecutors in formulating their
35 recommendations on participation in a supervisory treatment
36 program by an applicant charged with a crime or offense involving
37 domestic violence, as defined in subsection a. of section 3 of
38 P.L.1991, c.261 (C.2C:25-19).¹

39 (cf: P.L.2015, c.98, s.4)

40

41 ²~~10.~~ 11.² N.J.S. 38A:3-6 is amended to read as follows:

42 38A:3-6. Under the direction of the Governor, the Adjutant
43 General shall:

44 (a) Exercise control over the affairs of the Department of
45 Military and Veterans' Affairs and in connection therewith make
46 and issue such regulations governing the work of the Department of
47 Military and Veterans' Affairs and the conduct of its employees as
48 may, in his judgment, be necessary or desirable.

- 1 (b) Be the request officer of the Department of Military and
2 Veterans' Affairs within the meaning of such term as defined in
3 section 1 of P.L.1944, c.112 (C.52:27B-1).
- 4 (c) (Deleted by amendment, P.L.1988, c.138.)
- 5 (d) Command the organized militia of the State, with
6 responsibility for recruiting, mobilization, administration, training,
7 discipline, equipping, supply and general efficiency thereof. He
8 may issue such regulations and delegate such command functions as
9 he shall deem necessary. The regulations so issued shall, insofar as
10 possible, conform to the federal laws and regulations concerning the
11 same.
- 12 (e) Maintain the archives and be the custodian of the records
13 and papers required, by laws or regulations, to be filed with the
14 Department of Military and Veterans' Affairs.
- 15 (f) Supervise, administer and coordinate those activities of the
16 selective service system for which the Governor is responsible.
- 17 (g) Acquire by gift, grant, purchase, exchange, eminent domain,
18 or in any other lawful manner, in the name of and for the use of the
19 State of New Jersey, all those parcels of land as shall be necessary
20 for armories and other militia facilities, and supervise the design,
21 construction, alteration, maintenance and repair of said property.
- 22 (h) Establish and maintain such headquarters as may be required
23 for the militia.
- 24 (i) Exercise the powers vested in him and perform such other
25 duties and functions as required of him by the Governor and by
26 federal and State laws and regulations.
- 27 (j) Exercise all of the functions, powers and duties heretofore
28 vested in the Director of the Division on Veterans' Programs and
29 Special Services.
- 30 (k) Appoint and remove officers and other personnel employed
31 within the department, subject to the provisions of N.J.S.38A:3-8
32 and Title 11A of the New Jersey Statutes and other applicable
33 statutes, except as herein otherwise specifically provided.
- 34 (l) Have authority to organize and maintain an administrative
35 division and to assign to employment therein secretarial, clerical
36 and other assistants in the department or the Adjutant General's
37 Office for the purpose of providing centralized support to all
38 segments of the department, including budgeting, personnel
39 administration and oversight of equal opportunity programs.
- 40 (m) Perform, exercise and discharge the functions, powers and
41 duties of the department through such divisions as may be
42 established by this act or otherwise by law.
- 43 (n) Organize the work of the department in divisions not
44 inconsistent with the provisions of this act and in bureaus and other
45 organizational units as the Adjutant General may determine to be
46 necessary for efficient and effective operation.
- 47 (o) Adopt, issue and promulgate, in the name of the department,
48 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

- 1 (C.52:14B-1 et seq.), such rules and regulations as may be
2 authorized by law.
- 3 (p) Institute, or cause to be instituted, legal proceedings or
4 processes as necessary to properly enforce and give effect to any of
5 the Adjutant General's powers or duties.
- 6 (q) Make an annual report to the Governor and to the
7 Legislature of the department's operations, and render other reports
8 as the Governor shall from time to time request or as may be
9 required by law.
- 10 (r) Coordinate the activities of the department, and the several
11 divisions and other agencies therein, in a manner designed to
12 eliminate overlapping and duplicative functions.
- 13 (s) Integrate within the department, so far as practicable, all
14 staff services of the department and of several divisions and other
15 agencies therein.
- 16 (t) Request access to all relevant files and records of other State
17 agencies, which may be made available to the Adjutant General by
18 the head of a State agency, and request, subject to the permission of
19 the head of the State agency, any officer or employee therein to
20 provide information as necessary to assist in the performance of the
21 functions of the department.
- 22 (u) Supervise and operate the New Jersey Veterans' Memorial
23 Home-Menlo Park, the New Jersey Veterans' Memorial Home-
24 Vineland, the New Jersey Veterans' Memorial Home-Paramus and
25 the New Jersey Veterans' Memorial Cemetery-Arneystown.
- 26 (v) Supervise and operate the liaison office and the field offices
27 which serve the federal Veterans' Affairs Medical Centers.
- 28 (w) Make application for federal grants and programs, other than
29 education grants or funds.
- 30 (x) Administer the federally-funded training and rehabilitation
31 programs, except for the administration of federally-funded
32 education and training programs set forth in 38 U.S.C. s.36 et seq.
- 33 (y) Provide current information to the general public on State
34 and federal veterans' programs and benefits; create a comprehensive
35 public webpage for women veterans that includes, but is not limited
36 to, the following information: veterans' legal rights, benefits,
37 medical and insurance issues, education, the transition from active
38 service to civilian life, and other resources available to veterans.
- 39 (z) Develop and administer the New Jersey Homeless Veterans
40 Grant Program established pursuant to section 3 of P.L.2013, c.239
41 (C.38A:3-6.2b).
- 42 (aa) Encourage and facilitate the registration of each service
43 member residing in New Jersey with the United States Department
44 of Veterans Affairs, or its successor agency. Registration shall take
45 place, as appropriate, when the service member returns from
46 deployment on federal active duty or is discharged or as soon as
47 possible thereafter. The term "service member" shall mean
48 members of the New Jersey National Guard and members of the

1 United States Armed Forces, or a Reserve component thereof, when
2 the information on each member is made available to the
3 department.

4 (bb) Develop and coordinate a volunteer-based program
5 comprised of former ~~service members~~ servicemembers to assist
6 and mentor veterans who become involved with the criminal justice
7 system, while ~~the case is~~ criminal proceedings are pending and
8 afterward, in accessing assistance to resolve the underlying
9 problems that led or contributed to the veteran's involvement with
10 the criminal justice system including, but not limited to, offering
11 support and guidance, securing housing, employment linkages, job
12 training, education, transportation, disability compensation claims,
13 discharge status, health care and other linkages available at the local
14 State and federal level that can ease the challenge of reentry into
15 civilian life. ¹In addition, the Adjutant General shall develop a
16 registry of volunteer mentors and make the registry available
17 pursuant to ²[section 12 of]² P.L. , c. (C.) (pending
18 before the Legislature as this bill).¹

19 ²(cc) Prepare and disseminate a directory of Veterans Diversion
20 Resource Program entities currently available within New Jersey
21 pursuant to P.L. , c. (C.) (pending before the Legislature as
22 this bill).²

23 (cf: P.L.2015, c.290, s.1)

24
25 ²[¹11.] 12.² (New section) The Attorney General, in cooperation
26 with the Administrative Director of the Courts, shall prepare an
27 annual report to the Governor and, pursuant to section 2 of
28 P.L.1991, c.164 (C.52:14-19.1), to the Legislature regarding the
29 Veterans Diversion Program ²[to] and other statutory and county-
30 based law enforcement programs used to divert veterans from the
31 criminal justice system. The report shall² assist policymakers in
32 determining whether ²[the program] these diversion programs²
33 should be modified or expanded to achieve the goals of recovery for
34 ²[eligible]² servicemembers and public safety. The report shall
35 include statistics regarding the number of arrests where the person
36 indicates servicemember status; the number of ²[eligible]²
37 servicemembers accepted into the Veterans Diversion Program ²or
38 other diversion programs²; the number of servicemembers who
39 successfully completed ²[the program] these programs² ; the
40 number of servicemembers who were found guilty at court
41 proceedings; the number of servicemembers who, subsequent to
42 admission in the Veterans Diversion Program ²or other diversion
43 programs², were sentenced to a term of incarceration or probation;
44 and other relevant information and recommendations at the
45 discretion of the Attorney General.¹

1 ²[¹12.] ²13.² (New section) ²a.² The Adjutant General of the
2 Department of Military and Veterans' Affairs shall provide county
3 prosecutors with a registry of volunteer mentors developed pursuant
4 to subsection (bb) of N.J.S.38A:3-6 to facilitate the assignment of
5 mentors to eligible servicemembers who have been admitted by the
6 prosecutor into the Veterans Diversion Program established
7 pursuant to P.L. c. (C.) (pending before the
8 Legislature as this bill). A copy of the registry shall also be
9 provided to the Administrative Director of the Courts to facilitate
10 the assignment of mentors to eligible servicemembers who have
11 been sentenced to a term of probation supervision. The registry of
12 mentors shall be periodically updated by the Department of Military
13 and Veterans' Affairs.¹

14 ²b. The Adjutant General of the Department of Military and
15 Veterans' Affairs shall also prepare and disseminate a directory of
16 Veterans Diversion Resource Program entities currently available
17 within New Jersey pursuant to P.L. , c. (C.) (pending
18 before the Legislature as this bill).²

19

20 ²[¹13.] ²14.² (New section) The Attorney General, the
21 Administrative Director of the Courts, the Commissioner of the
22 Department of Corrections, and the Chairman of the State Parole
23 Board shall collaborate with representatives of the United States
24 Department of Veterans Affairs to identify the most efficient and
25 practical means of sharing information regarding servicemembers
26 who have been arrested, diverted, imprisoned, or placed on
27 probation or parole to assist the Department of Veterans' Affairs in
28 identifying veterans in that population to facilitate its outreach and
29 services to justice-involved veterans.¹

30

31 ²[¹14.] ²15.² (New section) The Attorney General, the
32 Administrative Director of the Courts, and the Adjutant General of
33 the Department of Military and Veterans' Affairs shall publish on
34 their respective websites information regarding diversion programs
35 and government-based resources available to assist justice-involved
36 veterans and servicemembers.¹

37

38 ¹[6.] ²[^{15.}¹] ²16.² This act shall take effect on the first day of
39 the seventh month next following enactment, except that the
40 Attorney General, the Administrative ¹[Office] Director¹ of the
41 Courts, ¹and the Adjutant General of the Department of Military
42 and Veterans' Affairs¹ may take any anticipatory administrative
43 action in advance as shall be necessary for the implementation of
44 this act.