ASSEMBLY, No. 2874

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Concerns financial responsibility for inmates and certain legally charged patients transferred to psychiatric hospitals.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning inmates and certain legally charged patients in psychiatric facilities and supplementing Title 30 of the Revised Statutes.

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

1. If a person described in section 22 of P.L.1987, c.116 (C.30:4-27.22) has not been confined in a State or county prison prior to admission or commitment to a psychiatric facility defined in section 2 of P.L.1987, c.116 (C.30:4-27.2), the cost of care and maintenance of the person shall be chargeable to the person's county of legal settlement, in accordance with R.S.30:4-49 et seq.

2. a. In the case of an inmate, as defined in section 1 of P.L.1995, c.254 (C.30:7E-1), who is not covered under a health insurance plan or whose health insurance plan does not fully cover the cost of the inmate's care and maintenance at a State or county psychiatric facility:

(1) the cost of care and maintenance of an inmate incarcerated in a county or municipal jail and transferred to a State or county psychiatric facility shall be the financial responsibility of the county in which the inmate was incarcerated; and

(2) the cost of care and maintenance of an inmate incarcerated in the State correctional system, whether housed in a county or State correctional facility, shall be the financial responsibility of the State when transferred to a State or county psychiatric facility.

b. The county adjuster shall include for State or county inmates the State or county prisoner identification number in the investigation accompanying the order of settlement and support.

c. Nothing in this section shall be construed to contravene the provisions of section 4 of P.L.1995, c.254 (C.30:7E-4), providing procedures for filing a lien or an additional remedy for reimbursement for any amounts due and payable to the State or county, as applicable.

3. This act shall take effect on the first day of the second month next following the date of enactment.

STATEMENT

This bill clarifies the financial responsibility for certain legally charged patients and inmates who are involuntarily committed to psychiatric facilities.

Under the provisions of the bill, the cost of care and maintenance of a person who is described in section 22 of P.L.1987, c.116 (C.30:4-27.22) as being in custody awaiting trial on a criminal or

disorderly persons charge and admitted or committed to a psychiatric facility pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.), but who has not been confined in a State or county prison prior to the admission or commitment, shall be chargeable to the person's county of legal settlement, in accordance with R.S.30:4-49 et seq.

The bill also provides that the cost of care and maintenance of an inmate who is not covered under a health insurance plan or whose health insurance plan does not fully cover the cost of the inmate's care and maintenance at a State or county psychiatric facility:

- shall be the financial responsibility of the county in which the inmate was incarcerated, if the inmate was incarcerated in a county or municipal jail and transferred to a State or county psychiatric facility; and
- shall be the financial responsibility of the State when transferred to a State or county psychiatric facility, if the inmate was incarcerated in the State correctional system, whether housed in a county or State correctional facility.

The county adjuster is required to include for State or county inmates the State or county prisoner identification number in the investigation accompanying the order of settlement and support.

Lastly, the bill provides that these provisions shall not be construed to contravene the provisions of section 4 of P.L.1995, c.254 (C.30:7E-4), providing procedures for filing a lien or an additional remedy for reimbursement for any amounts due and payable to the State or county, as applicable.