ASSEMBLY, No. 3251

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:
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District 7 (Burlington)
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SYNOPSIS

Concerns transportation of persons who are under influence of drugs to medical facility by law enforcement officers.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/16/2020)

AN ACT concerning persons under the influence of a narcotic, hallucinogenic, or habit-producing drug and supplementing Title 26 of the Revised Statutes.

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

1. a. A law enforcement officer or other authorized person may transport any person who is under the influence of a narcotic, hallucinogenic, or habit-producing drug in a public place to the person's residence or an appropriate medical facility. If there is no immediate availability at an appropriate medical facility, the law enforcement officer may transport the person to the police station until there is availability at an appropriate medical facility.

To determine whether the person is under the influence of a narcotic, hallucinogenic, or habit-producing drug, the law enforcement officer may request that the person submit to any reasonable test, including, but not limited to, tests of the person's coordination and coherency of speech.

b. A law enforcement officer may transport any person who is under the influence of a narcotic, hallucinogenic, or habit-producing drug in a public place to an appropriate medical facility when the law enforcement officer has reason to believe that the person is incapacitated. If there is no immediate availability at an appropriate medical facility, the law enforcement officer may transport the person to the police station until there is availability at an appropriate medical facility.

For the purposes of this subsection, "incapacitated" means the condition of a person who, as a result of the use of a narcotic, hallucinogenic, or habit-producing drug, is unconscious or has judgment so impaired that the person is incapable of realizing and making a rational decision with respect to the person's need for treatment; is in need of substantial medical attention; or is likely to suffer substantial physical harm.

c. A law enforcement officer acting in accordance with the provisions of this section may use force, other than that which is likely to inflict physical injury, as is reasonably necessary to carry out the authorized responsibilities. If the law enforcement officer reasonably believes that the officer's own safety or the safety of another person who is present so requires, the law enforcement officer may search the person and the person's immediate surroundings to the extent necessary to locate and seize any dangerous weapon which may be used against the law enforcement officer or another person.

d. A law enforcement officer or any other person acting under the provisions of this section shall be considered to be acting in the performance of their official duties and shall not be held criminally or civilly liable.

e. A person transported to a medical facility or police station pursuant to this section shall not be considered to have been arrested and no entry or other record shall be made to indicate that the person has been arrested.

2. This act shall take effect immediately.

STATEMENT

This bill allows law enforcement officers to transport a person who is under the influence of drugs to a medical facility under certain circumstances.

Under the provisions of this bill, a law enforcement officer or other authorized person may transport any person who is under the influence of a narcotic, hallucinogenic, or habit-producing drug in a public place to the person's residence or to an appropriate medical facility. In addition, the bill provides that a law enforcement officer may transport a person who is under the influence of a narcotic, hallucinogenic, or habit-producing drug in a public place to an appropriate medical facility when the officer has reason to believe that the person is incapacitated. In both cases, if there is no immediate availability at an appropriate medical facility, the law enforcement officer may transport the person to the police station until there is availability at an appropriate medical facility.

Under the bill, incapacitated is defined as the condition of a person who is, as a result of the use of a narcotic, hallucinogenic, or habit-producing drug, unconscious or has judgment so impaired that the person is incapable of realizing and making a rational decision with respect to the person's need for treatment; is in need of substantial medical attention; or is likely to suffer substantial physical harm.

The bill provides that a law enforcement officer acting in accordance with the provisions of the bill may use force, other than that which is likely to inflict physical injury, as is reasonably necessary to carry out the responsibilities under the bill. In addition, if the officer reasonably believes that the officer's safety or the safety of another person so requires, the officer may search the person and the person's immediate surroundings to the extent necessary to locate and seize any dangerous weapon.

In addition, a law enforcement officer or any other person acting under the provisions of this bill are to be considered to be acting in the performance of their official duties and are not to be held criminally or civilly liable.

Finally, the bill provides that a person transported to a medical facility or police station under the bill is not to be considered arrested and no record or entry is to be made to indicate that the person has been arrested.