

ASSEMBLY, No. 3251

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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)

1 **AN ACT** concerning persons under the influence of a narcotic,
2 hallucinogenic, or habit-producing drug and supplementing Title
3 26 of the Revised Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. A law enforcement officer or other authorized person
9 may transport any person who is under the influence of a narcotic,
10 hallucinogenic, or habit-producing drug in a public place to the
11 person's residence or an appropriate medical facility. If there is no
12 immediate availability at an appropriate medical facility, the law
13 enforcement officer may transport the person to the police station
14 until there is availability at an appropriate medical facility.

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

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

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

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

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

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

5
6 2. This act shall take effect immediately.
7

8
9 STATEMENT
10

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

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

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

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

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

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