

# ASSEMBLY, No. 3449

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Establishes the “Mental Health Treatment Reform and Violence Prevention Act.”

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning mental health treatment and amending and  
2 supplementing various parts of the statutory law.

3

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

6

7 1. (New section) This act shall be known and may be cited as  
8 the “Mental Health Treatment Reform and Violence Prevention  
9 Act.”

10

11 2. Section 2 of P.L.1987, c.116 (C.30:4-27.2) is amended to  
12 read as follows:

13 2. As used in P.L.1987, c.116 (C.30:4-27.1 et seq.) and  
14 P.L.2009, c.112:

15 a. “Chief executive officer” means the person who is the chief  
16 administrative officer of an institution or psychiatric facility.

17 b. “Clinical certificate” means a form prepared by the division  
18 and approved by the Administrative Office of the Courts, that is  
19 completed by the psychiatrist or other physician who has examined  
20 the person who is subject to commitment within three days of  
21 presenting the person for involuntary commitment to treatment, and  
22 which states that the person is in need of involuntary commitment  
23 to treatment. The form shall also state the specific facts upon which  
24 the examining physician has based his conclusion and shall be  
25 certified in accordance with the Rules of the Court. A clinical  
26 certificate may not be executed by a person who is a relative by  
27 blood or marriage to the person who is being screened.

28 c. “Clinical director” means the person who is designated by  
29 the director or chief executive officer to organize and supervise the  
30 clinical services provided in a screening service, short-term care or  
31 psychiatric facility. The clinical director shall be a psychiatrist,  
32 however, those persons currently serving in the capacity will not be  
33 affected by this provision. This provision shall not alter any current  
34 civil service laws designating the qualifications of such position.

35 d. “Commissioner” means the Commissioner of Human  
36 Services.

37 e. “County counsel” means the chief legal officer or advisor of  
38 the governing body of a county.

39 f. “Court” means the Superior Court or a municipal court.

40 g. “Custody” means the right and responsibility to ensure the  
41 provision of care and supervision.

42 h. “Dangerous to self” means that by reason of mental illness  
43 the person has threatened or attempted suicide or serious bodily  
44 harm, or has behaved in such a manner as to indicate that the person  
45 is unable to satisfy his need for nourishment, essential medical care

**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.**

1 or shelter, so that it is probable that substantial bodily injury,  
2 serious physical harm or death will result within the reasonably  
3 foreseeable future; however, no person shall be deemed to be  
4 unable to satisfy his need for nourishment, essential medical care or  
5 shelter if he is able to satisfy such needs with the supervision and  
6 assistance of others who are willing and available. This  
7 determination shall take into account a person's history, recent  
8 behavior and any recent act, threat or serious psychiatric  
9 deterioration.

10 i. "Dangerous to others or property" means that by reason of  
11 mental illness there is a substantial likelihood that the person will  
12 inflict serious bodily harm upon another person or cause serious  
13 property damage within the reasonably foreseeable future. This  
14 determination shall take into account a person's history, recent  
15 behavior and any recent act, threat or serious psychiatric  
16 deterioration.

17 j. "Department" means the Department of Human Services.

18 k. "Director" means the chief administrative officer of a  
19 screening service, short-term care facility or special psychiatric  
20 hospital.

21 l. "Division" means the Division of Mental Health Services in  
22 the Department of Human Services.

23 m. (1) "In need of involuntary commitment" or "in need of  
24 involuntary commitment to treatment" means that an adult with  
25 mental illness, whose mental illness causes the person to be  
26 dangerous to self or dangerous to others or property and who is  
27 unwilling to accept appropriate treatment voluntarily after it has  
28 been offered, needs outpatient treatment or inpatient care at a short-  
29 term care or psychiatric facility or special psychiatric hospital  
30 because other services are not appropriate or available to meet the  
31 person's mental health care needs.

32 (2) "In need of involuntary inpatient commitment" or "in need  
33 of involuntary inpatient commitment to treatment" means that an  
34 adult with mental illness whose mental illness causes the person to  
35 be dangerous to self or dangerous to others or property and who is  
36 unwilling to voluntarily accept appropriate treatment after it has  
37 been offered, needs inpatient care at a short-term care or psychiatric  
38 facility or special psychiatric hospital because other services are not  
39 appropriate or available to meet the person's mental health care  
40 needs.

41 (3) "In need of involuntary outpatient commitment" or "in need  
42 of involuntary outpatient commitment to treatment" means that an  
43 adult with mental illness needs outpatient care offered in the  
44 community because that person's mental illness, as demonstrated by  
45 recent acts, if untreated, could reasonably result in deterioration of  
46 the person's mental condition to the point at which the person will  
47 become dangerous to self or dangerous to others or property and  
48 that person is unwilling to voluntarily accept appropriate treatment

1 after it has been offered. A person who otherwise meets the  
2 standard for involuntary inpatient commitment may be committed  
3 to outpatient treatment in lieu of inpatient treatment if outpatient  
4 treatment is deemed sufficient to render the person unlikely to be  
5 dangerous to self or dangerous to others or property.

6 n. “Institution” means any State or county facility providing  
7 inpatient care, supervision and treatment for persons with  
8 developmental disabilities; except that with respect to the  
9 maintenance provisions of Title 30 of the Revised Statutes,  
10 institution also means any psychiatric facility for the treatment of  
11 persons with mental illness.

12 o. “Mental health agency or facility” means a legal entity  
13 which receives funds from the State, county or federal government  
14 to provide mental health services.

15 p. “Mental health screener” means a psychiatrist, psychologist,  
16 social worker, registered professional nurse or other individual  
17 trained to do outreach only for the purposes of psychological  
18 assessment who is employed by a screening service and possesses  
19 the license, academic training or experience, as required by the  
20 commissioner pursuant to regulation; except that a psychiatrist and  
21 a State licensed clinical psychologist who meet the requirements for  
22 mental health screener shall not have to comply with any additional  
23 requirements adopted by the commissioner.

24 q. “Mental hospital” means, for the purposes of the payment  
25 and maintenance provisions of Title 30 of the Revised Statutes, a  
26 psychiatric facility.

27 r. “Mental illness” means a current, substantial disturbance of  
28 thought, mood, perception or orientation which significantly  
29 impairs judgment, capacity to control behavior or capacity to  
30 recognize reality, but does not include simple alcohol intoxication,  
31 transitory reaction to drug ingestion, organic brain syndrome,  
32 dementia, or intellectual or developmental disability **【unless it**  
33 **results in the severity of impairment described herein】**. The term  
34 mental illness **【is not limited to “psychosis” or “active psychosis,”**  
35 **but shall include all conditions that result in the severity of**  
36 **impairment described herein】** shall not exclude a disturbance that  
37 meets this definition if there also is a co-occurring dementia,  
38 intellectual disability, or substance use disorder diagnosis.

39 s. “Patient” means a person over the age of 18 who has been  
40 admitted to, but not discharged from a short-term care or  
41 psychiatric facility, or who has been assigned to, but not discharged  
42 from an outpatient treatment provider.

43 t. “Physician” means a person who is licensed to practice  
44 medicine in any one of the United States or its territories, or the  
45 District of Columbia.

46 u. “Psychiatric facility” means a State psychiatric hospital  
47 listed in R.S.30:1-7, a county psychiatric hospital, or a psychiatric  
48 unit of a county hospital.

- 1 v. “Psychiatrist” means a physician who has completed the  
2 training requirements of the American Board of Psychiatry and  
3 Neurology.
- 4 w. “Psychiatric unit of a general hospital” means an inpatient  
5 unit of a general hospital that restricts its services to the care and  
6 treatment of persons with mental illness who are admitted on a  
7 voluntary basis.
- 8 x. “Psychologist” means a person who is licensed as a  
9 psychologist by the New Jersey Board of Psychological Examiners.
- 10 y. “Screening certificate” means a clinical certificate executed  
11 by a psychiatrist or other physician affiliated with a screening  
12 service.
- 13 z. “Screening service” means a public or private ambulatory  
14 care service designated by the commissioner, which provides  
15 mental health services including assessment, emergency and referral  
16 services to persons with mental illness in a specified geographic  
17 area.
- 18 aa. “Screening outreach visit” means an evaluation provided by  
19 a mental health screener wherever the person may be when  
20 clinically relevant information indicates the person may need  
21 involuntary commitment to treatment and is unable or unwilling to  
22 come to a screening service.
- 23 bb. “Short-term care facility” means an inpatient, community  
24 based mental health treatment facility which provides acute care  
25 and assessment services to a person with mental illness whose  
26 mental illness causes the person to be dangerous to self or  
27 dangerous to others or property. A short-term care facility is so  
28 designated by the commissioner and is authorized by the  
29 commissioner to serve persons from a specified geographic area. A  
30 short-term care facility may be a part of a general hospital or other  
31 appropriate health care facility and shall meet certificate of need  
32 requirements and shall be licensed and inspected by the Department  
33 of Health **【and Senior Services】** pursuant to P.L.1971, c.136  
34 (C.26:2H-1 et seq.) and in accordance with standards developed  
35 jointly with the Commissioner of Human Services.
- 36 cc. “Special psychiatric hospital” means a public or private  
37 hospital licensed by the Department of Health **【and Senior**  
38 **Services】** to provide voluntary and involuntary mental health  
39 services, including assessment, care, supervision, treatment and  
40 rehabilitation services to persons with mental illness.
- 41 dd. “Treatment team” means one or more persons, including at  
42 least one psychiatrist or physician, and may include a psychologist,  
43 social worker, nurse and other appropriate services providers. A  
44 treatment team provides mental health services to a patient of a  
45 screening service, outpatient treatment provider, or short-term care  
46 or psychiatric facility.
- 47 ee. “Voluntary admission” means that an adult with mental  
48 illness, whose mental illness causes the person to be dangerous to

1 self or dangerous to others or property and is willing to be admitted  
2 to a facility voluntarily for care, needs care at a short-term care or  
3 psychiatric facility because other facilities or services are not  
4 appropriate or available to meet the person's mental health needs.  
5 A person may also be voluntarily admitted to a psychiatric facility  
6 if his mental illness presents a substantial likelihood of rapid  
7 deterioration in functioning in the near future, there are no  
8 appropriate community alternatives available and the psychiatric  
9 facility can admit the person and remain within its rated capacity.

10 ff. "County adjuster" means the person appointed pursuant to  
11 R.S.30:4-34.

12 gg. "Least restrictive environment" means the available setting  
13 and form of treatment that appropriately addresses a person's need  
14 for care and the need to respond to dangers to the person, others or  
15 property and respects, to the greatest extent practicable, the  
16 person's interests in freedom of movement and self-direction.

17 hh. "Outpatient treatment" means clinically appropriate care  
18 based on proven or promising treatments directed to wellness and  
19 recovery, provided by a member of the patient's treatment team to a  
20 person not in need of inpatient treatment. Outpatient treatment may  
21 include, but shall not be limited to, day treatment services, case  
22 management, residential services, outpatient counseling and  
23 psychotherapy, and medication treatment.

24 ii. "Outpatient treatment provider" means a community-based  
25 provider, designated as an outpatient treatment provider pursuant to  
26 section 8 of P.L.1987, c.116 (C.30:4-27.8), that provides or  
27 coordinates the provision of outpatient treatment to persons in need  
28 of involuntary commitment to treatment.

29 jj. "Plan of outpatient treatment" means a plan for recovery  
30 from mental illness approved by a court pursuant to section 17 of  
31 P.L.2009, c.112 (C.30:4-27.15a) that is to be carried out in an  
32 outpatient setting and is prepared by an outpatient treatment  
33 provider for a patient who has a history of responding to treatment.  
34 The plan may include medication as a component of the plan;  
35 however, medication shall not be involuntarily administered in an  
36 outpatient setting.

37 kk. "Reasonably foreseeable future" means a time frame that  
38 may be beyond the immediate or imminent, but not longer than a  
39 time frame as to which reasonably certain judgments about a  
40 person's likely behavior can be reached.

41 (cf: P.L.2009, c.112, s.2)

42  
43 3. Section 5 of P.L.1987, c.116 (C.30:4-27.5) is amended to  
44 read as follows:

45 5. The commissioner shall adopt rules and regulations pursuant  
46 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
47 1 et seq.) regarding a screening service and its staff that effectuate  
48 the following purposes and procedures:

1       a. A screening service shall serve as the facility in the public  
2 mental health care treatment system wherein a person believed to be  
3 in need of involuntary commitment to outpatient treatment, a short-  
4 term care facility, psychiatric facility or special psychiatric hospital  
5 undergoes an assessment to determine what mental health services  
6 are appropriate for the person and where those services may be  
7 most appropriately provided in the least restrictive environment.

8       The screening service may provide emergency and consensual  
9 treatment to the person receiving the assessment and may transport  
10 the person or detain the person up to 24 hours for the purposes of  
11 providing the treatment and conducting the assessment.

12       b. When a person is assessed by a mental health screener and  
13 involuntary commitment to treatment seems necessary, the screener  
14 shall provide, on a screening document prescribed by the division,  
15 information regarding the person's history and available alternative  
16 facilities and services that are deemed inappropriate for the person.  
17 When appropriate and available, and as permitted by law, the  
18 screener shall make reasonable efforts to gather information from  
19 the person's family or significant others for the purposes of  
20 preparing the screening document. If a psychiatrist, in consideration  
21 of this document and in conjunction with the psychiatrist's own  
22 complete assessment, concludes that the person is in need of  
23 commitment to treatment, the psychiatrist shall complete the  
24 screening certificate. The screening certificate shall be completed  
25 by a psychiatrist except in those circumstances where the division's  
26 contract with the screening service provides that another physician  
27 may complete the certificate.

28       Upon completion of the screening certificate, screening service  
29 staff shall determine, in consultation with the psychiatrist or another  
30 physician, as appropriate, the least restrictive environment for the  
31 appropriate treatment to which the person shall be assigned or  
32 admitted, taking into account the person's prior history of  
33 hospitalization and treatment and the person's current mental health  
34 condition. Screening service staff shall designate:

35       (1) inpatient treatment for the person **【if he is immediately or**  
36 **imminently dangerous or if】** when he is in need of involuntary  
37 inpatient commitment, as defined in paragraph (2) of subsection m.  
38 of section 2 of P.L.1987, c.116 (C.30:4-27.2), and outpatient  
39 treatment is deemed inadequate to render the person unlikely to be  
40 dangerous to self, others or property within the reasonably  
41 foreseeable future; and

42       (2) outpatient treatment for the person when he is in need of  
43 involuntary outpatient committment, as defined in paragraph (3) of  
44 subsection m. of section 2 of P.L.1987, c.116 (C.30:4-27.2), and  
45 outpatient treatment is deemed sufficient to render the person  
46 unlikely to be dangerous to self, others or property **【within the**  
47 **reasonably foreseeable future】**.

1 Factors to consider in making a determination pursuant to  
2 paragraph (2) of this subsection include whether the person:

3 (a) has a history of lack of compliance with treatment;

4 (b) has demonstrated one or more acts of serious violent  
5 behavior to self or others;

6 (c) has threatened, or attempted harm, within the past 48  
7 months; or

8 (d) is unlikely to voluntarily comply with treatment because of  
9 mental illness.

10 If the screening service staff determines that the person is in  
11 need of involuntary outpatient commitment to **[outpatient]**  
12 treatment, the screening service staff shall consult with an  
13 outpatient treatment provider to arrange, if possible, for an  
14 appropriate interim plan of outpatient treatment in accordance with  
15 section 9 of P.L.2009, c.112 (C.30:4-27.8a).

16 If a person has been admitted three times or has been an inpatient  
17 for 60 days at a short-term care facility during the preceding 12  
18 months, consideration shall be given to not placing the person in a  
19 short-term care facility.

20 The person shall be admitted to the appropriate facility or  
21 assigned to the appropriate outpatient treatment provider, as  
22 appropriate for treatment, as soon as possible. Screening service  
23 staff are authorized to coordinate initiation of outpatient treatment  
24 or transport the person or arrange for transportation of the person to  
25 the appropriate facility.

26 c. If the mental health screener determines that the person is  
27 not in need of assignment or commitment to an outpatient treatment  
28 provider, or admission or commitment to a short-term care facility,  
29 psychiatric facility or special psychiatric hospital, the screener shall  
30 refer the person to an appropriate community mental health or  
31 social services agency or appropriate professional or inpatient care  
32 in a psychiatric unit of a general hospital.

33 d. A mental health screener shall make a screening outreach  
34 visit if the screener determines, based on clinically relevant  
35 information provided by an individual with personal knowledge of  
36 the person subject to screening, that the person may need  
37 involuntary commitment to treatment and the person is unwilling or  
38 unable to come to the screening service for an assessment.

39 e. If the mental health screener pursuant to this assessment  
40 determines that there is reasonable cause to believe that a person is  
41 in need of involuntary commitment to treatment, the screener shall  
42 so certify the need on a form prepared by the division.

43 (cf. P.L.2009, c.112, s.5)

44  
45 4. Section 17 of P.L.2009, c.112 (C.30:4-27.15a) is amended to  
46 read as follows:

47 17. a. The court shall determine whether a patient who has been  
48 found to need continued involuntary commitment to treatment

1 pursuant to section 15 of P.L.1987, c.116 (C.30:4-27.15) should be  
2 assigned to an outpatient setting or admitted to an inpatient setting  
3 for treatment, and shall issue the order authorizing such placement  
4 pursuant to section 15 of P.L.1987, c.116 (C.30:4-27.15), in  
5 accordance with this section. In determining the commitment  
6 placement, the court shall consider the least restrictive environment  
7 for the patient to receive clinically appropriate treatment that would  
8 ameliorate the danger posed by the patient and provide the patient  
9 with appropriate treatment.

10 b. If the court determines that the least restrictive environment  
11 for the patient to receive clinically appropriate treatment would be  
12 in an outpatient setting and that there is a likelihood of the patient  
13 responding to outpatient treatment, the court shall obtain from a  
14 designated outpatient treatment provider a proposed plan of  
15 outpatient treatment for the patient which the court shall review.  
16 The plan of outpatient treatment shall be approved by the court.

17 c. If the court determines that the least restrictive environment  
18 for the patient to receive clinically appropriate treatment would be  
19 in an inpatient setting, the court shall issue an order for admission  
20 to a psychiatric facility.

21 d. The court may enter a temporary order for involuntary  
22 outpatient commitment pursuant to P.L.1987, c.116 (C.30:4-27.1 et  
23 seq.), subject to an initial period of treatment in a short term care  
24 facility, if the court determines that the following criteria are met:

25 (1) the patient at the time of the order is in need of involuntary  
26 inpatient commitment pursuant to paragraph (2) of subsection m. of  
27 section 2 of P.L.1987, c.116 (C.30:4-27.2);

28 (2) the patient has a history of stabilizing after a brief  
29 hospitalization; and

30 (3) an outpatient treatment provider has agreed to accept the  
31 patient for treatment and has submitted with the clinical certificates  
32 a proposed plan of outpatient treatment that is acceptable to the  
33 court.

34 The order shall further provide that the patient's commitment  
35 status shall convert to outpatient commitment when and if the  
36 patient's condition, in the discretion of the treating inpatient  
37 psychiatrist, improves so that the patient no longer meets the  
38 criteria for inpatient commitment but is still in need of commitment  
39 to treatment in an involuntary outpatient treatment program. The  
40 initial commitment date, for purposes of scheduling the hearing  
41 required pursuant to section 12 of P.L.1987, c.116 (C.30:4-27.12),  
42 shall be the date of admission to the inpatient facility.

43 The court also may enter an order to convert the patient's  
44 commitment status from involuntary outpatient commitment to  
45 involuntary inpatient commitment when and if the patient's  
46 condition, in the discretion of the treating outpatient psychiatrist,  
47 deteriorates such that the patient no longer can be sufficiently  
48 treated in an outpatient setting.

1 e. Between the time periods for periodic court review hearings  
2 pursuant to section 16 of P.L.1987, c.116 (C.30:4-27.16), the chief  
3 executive officer of a psychiatric facility may recommend changing  
4 the placement of the patient from an inpatient to outpatient setting,  
5 in order to ensure that the patient receives clinically appropriate  
6 treatment in the least restrictive environment. The chief executive  
7 officer of the facility shall require hospital staff to apply for the  
8 patient's admission to the outpatient treatment program and if the  
9 patient is accepted to create, with the outpatient treatment provider,  
10 a treatment plan with input from the patient, and notify the court of  
11 the recommendation for the change in placement. The court shall  
12 schedule a hearing within 10 days of the notice.

13 **【e.】** f. At the time the court sets the date for a hearing on the  
14 change in placement, notice of the hearing shall be served upon the  
15 patient, the patient's guardian, if any, the patient's next-of-kin, the  
16 patient's attorney and the county adjuster of the county in which the  
17 patient has legal settlement.

18 **【f.】** g. The provisions of section 14 of P.L.1987, c.116 (C.30:4-  
19 27.14) concerning patient rights at a hearing shall apply to the  
20 hearing pursuant to this subsection.

21 (cf: P.L.2009, c.112, s.17)

22

23 5. N.J.S.2C:58-3 is amended to read as follows:

24 2C:58-3. a. Permit to purchase a handgun. (1) No person shall  
25 sell, give, transfer, assign or otherwise dispose of, nor receive,  
26 purchase, or otherwise acquire a handgun unless the purchaser,  
27 assignee, donee, receiver or holder is licensed as a dealer under this  
28 chapter or has first secured a permit to purchase a handgun as  
29 provided by this section.

30 (2) A person who is not a licensed retail dealer and sells, gives,  
31 transfers, assigns, or otherwise disposes of, or receives, purchases  
32 or otherwise acquires a handgun pursuant to this section shall  
33 conduct the transaction through a licensed retail dealer.

34 The provisions of this paragraph shall not apply if the transaction  
35 is:

36 (a) between members of an immediate family as defined in  
37 subsection n. of this section;

38 (b) between law enforcement officers;

39 (c) between collectors of firearms or ammunition as curios or  
40 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have  
41 in their possession a valid Collector of Curios and Relics License  
42 issued by the Bureau of Alcohol, Tobacco, Firearms, and  
43 Explosives; or

44 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74  
45 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

46 (3) Prior to a transaction conducted pursuant to this subsection,  
47 the retail dealer shall complete a National Instant Criminal

1 Background Check of the person acquiring the handgun. In  
2 addition:

3 (a) the retail dealer shall submit to the Superintendent of State  
4 Police, on a form approved by the superintendent, information  
5 identifying and confirming the background check;

6 (b) every retail dealer shall maintain a record of transactions  
7 conducted pursuant to this subsection, which shall be maintained at  
8 the address displayed on the retail dealer's license for inspection by  
9 a law enforcement officer during reasonable hours;

10 (c) a retail dealer may charge a fee for a transaction conducted  
11 pursuant to this subsection; and

12 (d) any record produced pursuant to this subsection shall not be  
13 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et  
14 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

15 b. Firearms purchaser identification card.

16 (1) No person shall sell, give, transfer, assign or otherwise  
17 dispose of nor receive, purchase or otherwise acquire an antique  
18 cannon or a rifle or shotgun, other than an antique rifle or shotgun,  
19 unless the purchaser, assignee, donee, receiver or holder is licensed  
20 as a dealer under this chapter or possesses a valid firearms  
21 purchaser identification card, and first exhibits the card to the seller,  
22 donor, transferor or assignor, and unless the purchaser, assignee,  
23 donee, receiver or holder signs a written certification, on a form  
24 prescribed by the superintendent, which shall indicate that he  
25 presently complies with the requirements of subsection c. of this  
26 section and shall contain his name, address and firearms purchaser  
27 identification card number or dealer's registration number. The  
28 certification shall be retained by the seller, as provided in paragraph  
29 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person  
30 who is not a dealer, it may be filed with the chief of police of the  
31 municipality in which he resides or with the superintendent.

32 (2) A person who is not a licensed retail dealer and sells, gives,  
33 transfers, assigns, or otherwise disposes of, or receives, purchases  
34 or otherwise acquires an antique cannon or a rifle or shotgun  
35 pursuant to this section shall conduct the transaction through a  
36 licensed retail dealer.

37 The provisions of this paragraph shall not apply if the transaction  
38 is:

39 (a) between members of an immediate family as defined in  
40 subsection n. of this section;

41 (b) between law enforcement officers;

42 (c) between collectors of firearms or ammunition as curios or  
43 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have  
44 in their possession a valid Collector of Curios and Relics License  
45 issued by the Bureau of Alcohol, Tobacco, Firearms, and  
46 Explosives; or

47 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74  
48 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

1 (3) Prior to a transaction conducted pursuant to this subsection,  
2 the retail dealer shall complete a National Instant Criminal  
3 Background Check of the person acquiring an antique cannon or a  
4 rifle or shotgun. In addition:

5 (a) the retail dealer shall submit to the Superintendent of State  
6 Police, on a form approved by the superintendent, information  
7 identifying and confirming the background check;

8 (b) every retail dealer shall maintain a record of transactions  
9 conducted pursuant to this section which shall be maintained at the  
10 address set forth on the retail dealer's license for inspection by a law  
11 enforcement officer during reasonable hours;

12 (c) a retail dealer may charge a fee for a transaction conducted  
13 pursuant to this subsection; and

14 (d) any record produced pursuant to this subsection shall not be  
15 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et  
16 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

17 c. Who may obtain. No person of good character and good  
18 repute in the community in which he lives, and who is not subject to  
19 any of the disabilities set forth in this section or other sections of  
20 this chapter, shall be denied a permit to purchase a handgun or a  
21 firearms purchaser identification card, except as hereinafter set  
22 forth. No handgun purchase permit or firearms purchaser  
23 identification card shall be issued:

24 (1) To any person who has been convicted of any crime, or a  
25 disorderly persons offense involving an act of domestic violence as  
26 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or  
27 not armed with or possessing a weapon at the time of the offense;

28 (2) To any drug dependent person as defined in section 2 of  
29 P.L.1970, c.226 (C.24:21-2), to any person who is currently  
30 confined for a mental disorder **】**to a hospital, mental institution or  
31 sanitarium,**】** as a voluntary admission as defined in subsection ee.  
32 of section 2 of P.L.1987, c.116 (C.30:4-27.2) or involuntarily  
33 committed to inpatient or outpatient treatment pursuant to P.L.1987,  
34 c.116 (C.30:4-27.1 et seq.), or to any person who is presently an  
35 habitual drunkard;

36 (3) To any person who suffers from a physical defect or disease  
37 which would make it unsafe for him to handle firearms, to any  
38 person who has ever been confined for a mental disorder, as a  
39 voluntary admission as defined in subsection ee. of section 2 of  
40 P.L.1987, c.116 (C.30:4-27.2), or to any alcoholic unless any of the  
41 foregoing persons produces a certificate of a medical doctor or  
42 psychiatrist licensed in New Jersey, or other satisfactory proof, that  
43 he is no longer suffering from that particular disability in a manner  
44 that would interfere with or handicap him in the handling of  
45 firearms; to any person who knowingly falsifies any information on  
46 the application form for a handgun purchase permit or firearms  
47 purchaser identification card;

1 (4) To any person under the age of 18 years for a firearms  
2 purchaser identification card and to any person under the age of 21  
3 years for a permit to purchase a handgun;

4 (5) To any person where the issuance would not be in the  
5 interest of the public health, safety or welfare;

6 (6) To any person who is subject to a restraining order issued  
7 pursuant to the "Prevention of Domestic Violence Act of 1991,"  
8 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from  
9 possessing any firearm;

10 (7) To any person who as a juvenile was adjudicated delinquent  
11 for an offense which, if committed by an adult, would constitute a  
12 crime and the offense involved the unlawful use or possession of a  
13 weapon, explosive or destructive device or is enumerated in  
14 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

15 (8) To any person whose firearm is seized pursuant to the  
16 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
17 (C.2C:25-17 et seq.) and whose firearm has not been returned; **【or】**

18 (9) To any person named on the consolidated Terrorist Watchlist  
19 maintained by the Terrorist Screening Center administered by the  
20 Federal Bureau of Investigation; or

21 (10) To any person who is subject to a court order prohibiting the  
22 custody, control, ownership, purchase, possession, or receipt of a  
23 firearm or ammunition issued pursuant to the "Extreme Risk  
24 Protective Order Act of 2018," P.L.2018, c.35 (C.2C:58-20 et al.).

25 To any person who has previously been involuntarily committed to  
26 inpatient or outpatient treatment pursuant to P.L.1987, c.116  
27 (C.30:4-27.1 et seq.), unless the Superior Court judge who ordered  
28 the involuntary commitment or the assignment judge of the county  
29 in which the person resides if the judge who ordered the involuntary  
30 commitment is not available, determines, based upon a certificate of  
31 a medical doctor or psychiatrist licensed in New Jersey or other  
32 satisfactory proof, that the person no longer suffers from the  
33 disability that resulted in the involuntary commitment in such a  
34 manner as to make issuance contrary to the interest of the public  
35 health, safety or welfare.

36 d. Issuance. The chief of police of an organized full-time  
37 police department of the municipality where the applicant resides or  
38 the superintendent, in all other cases, shall upon application, issue  
39 to any person qualified under the provisions of subsection c. of this  
40 section a permit to purchase a handgun or a firearms purchaser  
41 identification card.

42 Any person aggrieved by the denial of a permit or identification  
43 card may request a hearing in the Superior Court of the county in  
44 which he resides if he is a resident of New Jersey or in the Superior  
45 Court of the county in which his application was filed if he is a  
46 nonresident. The request for a hearing shall be made in writing  
47 within 30 days of the denial of the application for a permit or  
48 identification card. The applicant shall serve a copy of his request

1 for a hearing upon the chief of police of the municipality in which  
2 he resides, if he is a resident of New Jersey, and upon the  
3 superintendent in all cases. The hearing shall be held and a record  
4 made thereof within 30 days of the receipt of the application for a  
5 hearing by the judge of the Superior Court. No formal pleading and  
6 no filing fee shall be required as a preliminary to a hearing.  
7 Appeals from the results of a hearing shall be in accordance with  
8 law.

9 e. Applications. Applications for permits to purchase a  
10 handgun and for firearms purchaser identification cards shall be in  
11 the form prescribed by the superintendent and shall set forth the  
12 name, residence, place of business, age, date of birth, occupation,  
13 sex and physical description, including distinguishing physical  
14 characteristics, if any, of the applicant, and shall state whether the  
15 applicant is a citizen, whether he is an alcoholic, habitual drunkard,  
16 drug dependent person as defined in section 2 of P.L.1970, c.226  
17 (C.24:21-2), whether he has ever been confined or committed to a  
18 mental institution or hospital for treatment or observation of a  
19 mental or psychiatric condition on a temporary, interim or  
20 permanent basis, giving the name and location of the institution or  
21 hospital and the dates of confinement or commitment, whether he  
22 has been attended, treated or observed by any doctor or psychiatrist  
23 or at any hospital or mental institution on an inpatient or outpatient  
24 basis for any mental or psychiatric condition, giving the name and  
25 location of the doctor, psychiatrist, hospital or institution and the  
26 dates of the occurrence, whether he presently or ever has been a  
27 member of any organization which advocates or approves the  
28 commission of acts of force and violence to overthrow the  
29 Government of the United States or of this State, or which seeks to  
30 deny others their rights under the Constitution of either the United  
31 States or the State of New Jersey, whether he has ever been  
32 convicted of a crime or disorderly persons offense, whether the  
33 person is subject to a restraining order issued pursuant to the  
34 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
35 (C.2C:25-17 et seq.) prohibiting the person from possessing any  
36 firearm, whether the person is subject to a protective order issued  
37 pursuant to the "Extreme Risk Protective Order Act of 2018,"  
38 P.L.2018, c.35 (C.2C:58-20 et al.) prohibiting the person from  
39 possessing any firearm, and other information as the superintendent  
40 shall deem necessary for the proper enforcement of this chapter.  
41 For the purpose of complying with this subsection, the applicant  
42 shall waive any statutory or other right of confidentiality relating to  
43 institutional confinement. The application shall be signed by the  
44 applicant and shall contain as references the names and addresses of  
45 two reputable citizens personally acquainted with him.

46 Application blanks shall be obtainable from the superintendent,  
47 from any other officer authorized to grant a permit or identification  
48 card, and from licensed retail dealers.

1       The chief police officer or the superintendent shall obtain the  
2 fingerprints of the applicant and shall have them compared with any  
3 and all records of fingerprints in the municipality and county in  
4 which the applicant resides and also the records of the State Bureau  
5 of Identification and the Federal Bureau of Investigation, provided  
6 that an applicant for a handgun purchase permit who possesses a  
7 valid firearms purchaser identification card, or who has previously  
8 obtained a handgun purchase permit from the same licensing  
9 authority for which he was previously fingerprinted, and who  
10 provides other reasonably satisfactory proof of his identity, need not  
11 be fingerprinted again; however, the chief police officer or the  
12 superintendent shall proceed to investigate the application to  
13 determine whether or not the applicant has become subject to any of  
14 the disabilities set forth in this chapter.

15       f. Granting of permit or identification card; fee; term; renewal;  
16 revocation. The application for the permit to purchase a handgun  
17 together with a fee of \$2, or the application for the firearms  
18 purchaser identification card together with a fee of \$5, shall be  
19 delivered or forwarded to the licensing authority who shall  
20 investigate the same and, unless good cause for the denial thereof  
21 appears, shall grant the permit or the identification card, or both, if  
22 application has been made therefor, within 30 days from the date of  
23 receipt of the application for residents of this State and within 45  
24 days for nonresident applicants. A permit to purchase a handgun  
25 shall be valid for a period of 90 days from the date of issuance and  
26 may be renewed by the issuing authority for good cause for an  
27 additional 90 days. A firearms purchaser identification card shall  
28 be valid until such time as the holder becomes subject to any of the  
29 disabilities set forth in subsection c. of this section, whereupon the  
30 card shall be void and shall be returned within five days by the  
31 holder to the superintendent, who shall then advise the licensing  
32 authority. Failure of the holder to return the firearms purchaser  
33 identification card to the superintendent within the five days shall  
34 be an offense under subsection a. of N.J.S.2C:39-10. Any firearms  
35 purchaser identification card may be revoked by the Superior Court  
36 of the county wherein the card was issued, after hearing upon  
37 notice, upon a finding that the holder thereof no longer qualifies for  
38 the issuance of the permit. The county prosecutor of any county,  
39 the chief police officer of any municipality or any citizen may apply  
40 to the court at any time for the revocation of the card.

41       There shall be no conditions or requirements added to the form  
42 or content of the application, or required by the licensing authority  
43 for the issuance of a permit or identification card, other than those  
44 that are specifically set forth in this chapter.

45       g. Disposition of fees. All fees for permits shall be paid to the  
46 State Treasury if the permit is issued by the superintendent, to the  
47 municipality if issued by the chief of police, and to the county  
48 treasurer if issued by the judge of the Superior Court.

1 h. Form of permit; quadruplicate; disposition of copies. The  
2 permit shall be in the form prescribed by the superintendent and  
3 shall be issued to the applicant in quadruplicate. Prior to the time  
4 he receives the handgun from the seller, the applicant shall deliver  
5 to the seller the permit in quadruplicate and the seller shall  
6 complete all of the information required on the form. Within five  
7 days of the date of the sale, the seller shall forward the original  
8 copy to the superintendent and the second copy to the chief of  
9 police of the municipality in which the purchaser resides, except  
10 that in a municipality having no chief of police, the copy shall be  
11 forwarded to the superintendent. The third copy shall then be  
12 returned to the purchaser with the pistol or revolver and the fourth  
13 copy shall be kept by the seller as a permanent record.

14 i. Restriction on number of firearms person may purchase.  
15 Only one handgun shall be purchased or delivered on each permit  
16 and no more than one handgun shall be purchased within any 30-  
17 day period, but this limitation shall not apply to:

18 (1) a federal, State, or local law enforcement officer or agency  
19 purchasing handguns for use by officers in the actual performance  
20 of their law enforcement duties;

21 (2) a collector of handguns as curios or relics as defined in Title  
22 18, United States Code, section 921 (a) (13) who has in his  
23 possession a valid Collector of Curios and Relics License issued by  
24 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

25 (3) transfers of handguns among licensed retail dealers,  
26 registered wholesale dealers and registered manufacturers;

27 (4) transfers of handguns from any person to a licensed retail  
28 dealer or a registered wholesale dealer or registered manufacturer;

29 (5) any transaction where the person has purchased a handgun  
30 from a licensed retail dealer and has returned that handgun to the  
31 dealer in exchange for another handgun within 30 days of the  
32 original transaction, provided the retail dealer reports the exchange  
33 transaction to the superintendent; or

34 (6) any transaction where the superintendent issues an  
35 exemption from the prohibition in this subsection pursuant to the  
36 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

37 The provisions of this subsection shall not be construed to afford  
38 or authorize any other exemption from the regulatory provisions  
39 governing firearms set forth in chapter 39 and chapter 58 of Title  
40 2C of the New Jersey Statutes;

41 A person shall not be restricted as to the number of rifles or  
42 shotguns he may purchase, provided he possesses a valid firearms  
43 purchaser identification card and provided further that he signs the  
44 certification required in subsection b. of this section for each  
45 transaction.

46 j. Firearms passing to heirs or legatees. Notwithstanding any  
47 other provision of this section concerning the transfer, receipt or  
48 acquisition of a firearm, a permit to purchase or a firearms

1 purchaser identification card shall not be required for the passing of  
2 a firearm upon the death of an owner thereof to his heir or legatee,  
3 whether the same be by testamentary bequest or by the laws of  
4 intestacy. The person who shall so receive, or acquire the firearm  
5 shall, however, be subject to all other provisions of this chapter. If  
6 the heir or legatee of the firearm does not qualify to possess or carry  
7 it, he may retain ownership of the firearm for the purpose of sale for  
8 a period not exceeding 180 days, or for a further limited period as  
9 may be approved by the chief law enforcement officer of the  
10 municipality in which the heir or legatee resides or the  
11 superintendent, provided that the firearm is in the custody of the  
12 chief law enforcement officer of the municipality or the  
13 superintendent during that period.

14 k. Sawed-off shotguns. Nothing in this section shall be  
15 construed to authorize the purchase or possession of any sawed-off  
16 shotgun.

17 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to  
18 the sale or purchase of a visual distress signalling device approved  
19 by the United States Coast Guard, solely for possession on a private  
20 or commercial aircraft or any boat; provided, however, that no  
21 person under the age of 18 years shall purchase nor shall any person  
22 sell to a person under the age of 18 years a visual distress signalling  
23 device.

24 m. The provisions of subsections a. and b. of this section and  
25 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not  
26 apply to the purchase of firearms by a law enforcement agency for  
27 use by law enforcement officers in the actual performance of the  
28 officers' official duties, which purchase may be made directly from  
29 a manufacturer or from a licensed dealer located in this State or any  
30 other state.

31 n. For the purposes of this section, "immediate family" means a  
32 spouse, domestic partner as defined in section 3 of P.L.2003, c.246  
33 (C.26:8A-3), partner in a civil union couple as defined in section 2  
34 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,  
35 sibling, stepsibling, child, stepchild, and grandchild, as related by  
36 blood or by law.  
37 (cf: P.L.2018, c.36, s.1)

38

39 6. (New section) a. The Department of Law and Public  
40 Safety, in collaboration with the Department of Human Services,  
41 shall adopt or endorse a training curriculum for law enforcement  
42 officers on police interactions with persons with behavioral health  
43 issues, including persons who may have a mental illness, substance  
44 use disorder, or a co-occurring diagnosis of mental illness and  
45 substance use disorder.

46 b. The curriculum shall include information on the recognition  
47 of behavioral symptoms, as well as de-escalation and intervention

1 techniques. The curriculum shall include but need not be limited to  
2 the following subjects:

3 (1) identification and recognition of different forms of  
4 behavioral health disorders or issues;

5 (2) techniques for law enforcement to intervene with, interview,  
6 de-escalate, and assess a person who may have such a disorder;

7 (3) issues relating to suicide and prevention techniques;

8 (4) recognition, identification, and understanding of the main  
9 effects of commonly prescribed prescription medications used to  
10 treat those who may have a behavioral health disorder;

11 (5) an overview of community resources and options for  
12 treatment, including identification of local resources;

13 (6) methods of determining appropriate treatment options and  
14 transfer thereto in collaboration with behavioral health entities; and

15 (7) standards utilized in New Jersey for involuntary  
16 commitment to inpatient and outpatient treatment.

17 c. The Attorney General may issue guidelines or directives  
18 regarding the provision of this training to law enforcement officers.

19

20 7. This act shall take effect on the first day of the thirteenth  
21 month following enactment.

22

23

24 STATEMENT

25

26 This bill, to be known as the “Mental Health Treatment Reform  
27 and Violence Prevention Act,” provides for the involuntary  
28 outpatient commitment of persons whose mental illness could, if  
29 untreated, deteriorate to the point of dangerousness to themselves or  
30 others. The bill differentiates between mental illness and other  
31 cognitive disabilities to ensure that persons are committed to  
32 involuntary treatment in the setting most appropriate for their  
33 condition.

34 Factors to be considered when recommending involuntary  
35 outpatient treatment under the bill include: history of compliance  
36 with treatment; acts of serious violent behavior to self or others;  
37 threats or attempts at harm within the past four years; and  
38 willingness to voluntarily comply with treatment because of a  
39 mental illness. These new standards provide predictable guidance  
40 for courts and clinicians to determine whether involuntary  
41 outpatient treatment is appropriate.

42 The bill also sets forth criteria the court is required to meet to  
43 issue a temporary order for involuntary outpatient commitment after  
44 an initial period of treatment in a short-term care facility.

45 The bill further closes loopholes in mental health treatment by  
46 streamlining the transfer of patients between involuntary inpatient  
47 and outpatient treatment programs as deemed appropriate by  
48 clinicians.

1        Additionally, the bill strengthens the State's strict gun laws by  
2        requiring persons previously involuntarily committed to mental  
3        health treatment to present medical evidence of suitability to obtain  
4        a permit to purchase a handgun or firearms purchaser identification  
5        card.

6        Finally, the bill requires the Department of Law and Public  
7        Safety, in collaboration with the Department of Human Services, to  
8        establish a training program for law enforcement officers to educate  
9        those most likely to encounter persons in crisis on police  
10       interactions with persons with behavioral health issues. The  
11       training program curriculum is to include information on  
12       identifying and recognizing different forms of behavioral health  
13       disorders or issues; techniques for intervening with, interviewing,  
14       de-escalating, and assessing a person who may have such a  
15       disorder; issues relating to suicide and prevention techniques;  
16       recognizing, identifying, and understanding the main effects of  
17       commonly prescribed prescription medications used to treat those  
18       who may have a behavioral health disorder; community resources  
19       and options for treatment, including identification of local  
20       resources; methods of determining appropriate treatment options;  
21       and standards utilized in New Jersey for involuntary commitment to  
22       inpatient and outpatient treatment.