

ASSEMBLY RESOLUTION No. 104

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Urges New Jersey Supreme Court to refer to supervisory treatment program as “Recovery Court” in publications.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ASSEMBLY RESOLUTION** urging the New Jersey Supreme Court
2 to refer to Recovery Courts in publications in lieu of Drug
3 Courts.

4
5 **WHEREAS**, N.J.S.A.2C:35-14, known as the special probation statute,
6 establishes a treatment based alternative to incarceration for certain
7 nonviolent drug or alcohol dependent persons who meet eligibility
8 criteria; and

9 **WHEREAS**, The treatment based alternative of N.J.S.A.2C:35-14 is an
10 initiative developed by the Judiciary in 1996 as a pilot program in
11 three vicinages which spread in waves to other parts of the State
12 until, by 2004, a Statewide system was in place; and

13 **WHEREAS**, P.L. 2012, c. 23, signed into law by Governor Christie on
14 July 19, 2012 expanded the existing program to compel additional
15 drug offenders into the program; and

16 **WHEREAS**, In addition to meeting stringent eligibility criteria, a
17 qualified applicant must comply with programming mandates
18 which include carefully delineated requirements for admission,
19 assessment, treatment, rehabilitation reporting and judicial
20 supervision; and

21 **WHEREAS**, The special probation statute came to be popularly known
22 as the “drug court” program in New Jersey, including in Judiciary
23 publications; and

24 **WHEREAS**, In spite of the use of the term “drug court” in common
25 parlance to describe what is essentially intensely supervised drug
26 and alcohol intervention, the program is delineated in the statute as
27 special probation; and

28 **WHEREAS**, The popular name of an initiative can have or acquire a
29 misleading, limiting, or even a negative connotation; and

30 **WHEREAS**, Some or all of these undesirable consequences may in fact
31 have occurred with the popular use of the term “drug court.” When
32 so designated, the term emphasizes drug abuse while making no
33 reference to other substances targeted by the program, including
34 alcohol, and, fails to emphasize the recovery component, a primary
35 goal of the intensive treatment program; and

36 **WHEREAS**, While the term “drug court” is referenced only once in the
37 statutes of this State and nowhere in N.J.S.A.2C:35-14, but is used
38 extensively in other capacities including Judiciary publications;
39 now, therefore,

40
41 **BE IT RESOLVED** *by the General Assembly of the State of New*
42 *Jersey:*

43
44 1. The New Jersey Supreme Court is respectfully urged to
45 refrain from using the term “Drug Court” in publications when
46 describing the special probation established in N.J.S.A.2C:35-14,
47 and instead, refer to “Recovery Court” to refer to the drug and
48 alcohol treatment program created therein.

1 2. Copies of this resolution, as filed with the Secretary of State,
2 shall be transmitted by the Clerk of the General Assembly to the
3 Chief Justice of the New Jersey Supreme Court and the
4 Administrative Director of the Courts.

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7 STATEMENT
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9 This resolution urges the New Jersey Supreme Court to refer to
10 supervisory treatment under N.J.S.A.2C:35-14 as “Recovery
11 Courts.” It has become popular to refer to the supervisory treatment
12 as the “drug court” program. This term even appears in Judiciary
13 publications disseminated generally and to the public via the
14 Judiciary website. However, the term appears only once in the
15 statutes at large, and nowhere in the relevant statute. Accordingly,
16 this resolution requests the Judiciary to take the initiative and begin
17 to refer to the treatment program referenced in N.J.S.A.2C:35-14 in
18 a more comprehensive manner, emphasizing the recovery aspect of
19 the programming offered to participants.