

SENATE, No. 2264

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Establishes the “Mental Health Court Pilot Program” in several vicinages.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning mental health courts and supplementing Title
2 2B of the New Jersey Statutes.

3

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

6

7 1. There is hereby established a "Mental Health Court Pilot
8 Program," which shall have as a purpose the diversion of certain
9 nonviolent mentally ill and mentally disabled offenders away from
10 the criminal justice system and into appropriate treatment. The
11 mental health court shall be administered by the Administrative
12 Office of the Courts and shall be established, as it so determines, in
13 one northern, one central, and one southern vicinage of this State.

14

15 2. The Mental Health Court Pilot Program shall hear cases
16 involving defendants charged with the commission of a nonviolent
17 petty disorderly persons offense or a disorderly persons offense and
18 who either suffer from a mental illness or mental disability.

19

20 3. a. All municipal court cases in the vicinages selected by the
21 Administrative Office of the Courts involving persons charged with
22 nonviolent petty disorderly persons offenses or disorderly persons
23 offenses who preliminarily qualify for admission to the Mental
24 Health Court Pilot Program shall, prior to an arraignment, be
25 assigned or transferred to that program.

26 b. A defendant will be preliminarily qualified if they
27 previously or currently have been diagnosed by a mental health
28 expert as suffering from mental illness or mental disability or have
29 manifested obvious signs of mental illness or mental disability
30 during arrest or confinement or before any court.

31 c. Motions for transfer into the Mental Health Court Pilot
32 Program may be made by the defense or the prosecutor
33 accompanied by documentation or testimony in support thereof and
34 shall be heard by the judge assigned to the Mental Health Court
35 Pilot Program, who shall make the final determination of a
36 defendant's eligibility.

37 d. Any transfer of a defendant into the Mental Health Court
38 Pilot Program, unless specifically objected to by the defense
39 counsel, shall be deemed a waiver of the defendant's right to a
40 speedy trial and formal discovery, other than the providing of
41 documentation relating to the defendant's mental health status and
42 all available statements and police reports.

43 e. If the assigned judge determines that the defendant is
44 mentally ill or disabled, the defendant shall be eligible for the
45 Mental Health Court Pilot Program.

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 f. Once a defendant is accepted into the Mental Health Court
2 Pilot Program, the defendant's right to a speedy trial may be
3 reinstated upon a written demand.
4

5 4. a. The court shall order an eligible defendant to enter a
6 "short term care facility" as that term is defined in section 2 of
7 P.L.1987, c.116 (C.30:4-27.2) as a voluntary admission patient, or
8 other appropriate treatment facility in the community for screening
9 services and treatment and shall stay any further proceeding until
10 the release of the defendant. The court shall facilitate the
11 defendant's admission into an appropriate program.

12 b. If the defendant willfully fails to comply with the provisions
13 of P.L. , c. (C.) (pending before the Legislature as this
14 bill), or at any time refuses to participate in an individualized
15 treatment plan established for his care or treatment, or otherwise
16 refuses to comply with the terms of the court order, the defendant
17 shall be returned to custody.
18

19 5. The Supreme Court of New Jersey may adopt court rules
20 appropriate or necessary to effectuate the purposes of this act.
21

22 6. This act shall take effect immediately.
23
24

25 STATEMENT 26

27 This bill would create a Mental Health Court Pilot Program with
28 the purpose of diverting certain nonviolent mentally ill and
29 mentally disabled offenders away from the criminal justice system
30 and into appropriate treatment. The mental health court would be
31 administered by the Administrative Office of the Courts and
32 established, as it so determined, in one northern, one central, and
33 one southern vicinage of this State. The Mental Health Court Pilot
34 Program would hear cases involving defendants who are charged
35 with the commission of a nonviolent petty disorderly persons
36 offense or a disorderly persons offense, and who suffer from a
37 mental illness or mental disability.

38 This pre-trial intervention program is based on a model program
39 created within the criminal court system in the State of Florida.