

SENATE, No. 2799

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED AUGUST 10, 2020

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Establishes “Law Enforcement Addiction Intervention Pilot Program” in Burlington County; appropriates \$75,000.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning addiction services for nonviolent criminal
2 offenders and supplementing Title 30 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. There is established in the Department of Law and Public
8 Safety an 18-month “Law Enforcement Addiction Intervention Pilot
9 Program,” which shall serve to refer certain nonviolent offenders
10 charged with disorderly persons offenses, and others who are
11 addicted to the use of controlled dangerous substances into an
12 appropriate treatment program. The pilot program shall be
13 established in Burlington County.

14 b. The Attorney General shall establish a county-wide
15 addiction intervention task force which shall function under the
16 direction of the county prosecutor to identify persons who are at
17 risk of a drug overdose and have been charged with nonviolent
18 disorderly persons offenses as a result of, or related to, substance
19 use disorders. The task force shall be comprised of 21 members as
20 follows: the Attorney General or a designee; the Burlington County
21 Sheriff or a designee; four members shall be public members
22 appointed by the Governor, each of whom shall have experience
23 working in substance use disorder treatment facilities in Burlington
24 County; and representatives from 15 law enforcement agencies in
25 Burlington County which reflect a representative sample of the
26 geographic locations and population sizes of the municipalities
27 within the county.

28 In addition, individuals who voluntarily enter a police
29 department and request assistance with their addiction may receive
30 assistance from a member of the department. At the time of
31 requesting assistance, an individual who is in possession of a
32 controlled dangerous substance, controlled substance analog, or
33 drug paraphernalia and advises a law enforcement officer of that
34 possession and voluntarily surrenders the substance, analog, or
35 paraphernalia to the law enforcement officer shall not be arrested,
36 charged, prosecuted, or convicted for:

37 (1) obtaining, possessing, using, being under the influence of, or
38 failing to make lawful disposition of a controlled dangerous
39 substance or controlled substance analog pursuant to subsection a.,
40 b., or c. of N.J.S.2C:35-10;

41 (2) acquiring or obtaining possession of a controlled dangerous
42 substance or controlled substance analog by fraud pursuant to
43 N.J.S.2C:35-13;

44 (3) unlawfully possessing a controlled dangerous substance that
45 was lawfully prescribed or dispensed pursuant to section 9 of
46 P.L.1999, c.90 (C.2C:35-24); or

47 (4) using or possessing with intent to use drug paraphernalia
48 pursuant to N.J.S.2C:36-2 or controlling or possessing a

1 hypodermic syringe, hypodermic needle, or any other instrument
2 adapted for the use of a controlled dangerous substance or a
3 controlled substance analog pursuant to subsection a. of
4 N.J.S.2C:36-6.

5 The materials shall be collected and secured for later destruction
6 in accordance with established procedures.

7 c. Members of the task force appointed pursuant to subsection
8 b. of this section who identify persons addicted to the use of
9 controlled dangerous substances shall refer them to a trained
10 recovery coach, an organization dedicated to providing addiction
11 treatment services, or an organization capable of referring persons
12 to a program that provides addiction treatment services. In order to
13 evaluate the effectiveness of pre-arrest or post-arrest treatment
14 referral programs, including the programs described in this section,
15 the task force shall develop recommendations for procedures by
16 which participating law enforcement agencies may monitor the
17 progress of persons referred for treatment.

18 d. The Director of the Division of Mental Health and Addiction
19 Services in the Department of Human Services, in consultation with
20 the Attorney General and the county prosecutor shall develop a
21 curriculum for training law enforcement officers on police
22 interactions with persons with substance use disorders. Once
23 developed, at least one law enforcement officer from each law
24 enforcement agency in the county shall be trained utilizing the
25 curriculum, which shall include, but not be limited to, the following
26 subjects:

27 (1) identification and recognition of different forms of
28 behavioral issues related to a substance use disorder;

29 (2) techniques, including relevant language training, which may
30 be used by law enforcement officers to intervene with, interview,
31 and de-escalate a person who may have a substance use disorder;

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

33 (4) an overview of community resources and options for
34 treatment, including identification of local resources.

35 e. A person may receive the referral services established by the
36 pilot program and assistance provided pursuant to subsection b. of
37 this section from any law enforcement agency in the county
38 regardless of whether a representative from the agency is serving on
39 the task force.

40 f. The Attorney General shall submit to the Governor and to
41 the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-
42 19.1), a report containing an evaluation of the pilot program not
43 more than 30 days following the expiration of the pilot program.
44 The report shall make recommendations concerning the
45 effectiveness of the pre-arrest and post-arrest diversion techniques
46 employed during the pilot program and methods by which law
47 enforcement agencies may effectively work with partners in the
48 recovery community and treatment providers to assist people

1 struggling with addiction, as well as their families. The task force
2 also shall recommend whether the pilot program should be
3 continued as a Statewide program.

4
5 2. There is appropriated the sum of \$75,000 from the General
6 Fund to the Department of Law and Public Safety for expenses
7 incurred in connection with the pilot program established pursuant
8 to section 1 of P.L. , c. (C.) (pending before the
9 Legislature as this bill).

10
11 3. This act shall take effect immediately and shall expire upon
12 submission of the third annual report to the Governor and
13 Legislature pursuant to section 1 of P.L. , c. (C.) (pending
14 before the Legislature as this bill).

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17 STATEMENT

18
19 This bill establishes in the Department of Law and Public Safety
20 an 18-month “Law Enforcement Addiction Intervention Pilot
21 Program,” which would refer certain nonviolent offenders to an
22 appropriate treatment program. The pilot program would be
23 established in Burlington County.

24 Under the pilot program, the Attorney General is required to
25 establish a county-wide addiction intervention task force which
26 would work under the direction of the county prosecutor to identify
27 persons charged with non-violent disorderly persons offenses as a
28 result of, or related to, substance use disorders. The task force is to
29 be comprised of 21 members, including: the Attorney General or a
30 designee; the Burlington County Sheriff or a designee; four public
31 members appointed by the Governor, each of whom are to have
32 experience working in recovery centers in Burlington County; and
33 representatives from 15 law enforcement agencies in Burlington
34 County which reflect a representative sample of the geographic
35 locations and population sizes of the municipalities within the
36 county.

37 In addition, individuals who voluntarily enter a police
38 department and request assistance with their addiction may receive
39 assistance from a member of the department. The bill provides that
40 a person is not to be arrested for certain drug possession crimes
41 when asking for assistance with his or her addiction.

42 Members of the task force would be required to refer persons
43 with substance use disorders to a trained recovery coach, an
44 organization dedicated to providing addiction treatment services, or
45 an organization capable of referring persons to a program that
46 provides addiction treatment services. In order to evaluate the
47 effectiveness of pre-arrest or post-arrest treatment referral
48 programs, the task force would be required to develop

1 recommendations for procedures by which participating law
2 enforcement agencies may monitor the progress of persons referred
3 for treatment.

4 The bill requires the Director of the Division of Mental Health
5 and Addiction Services in the Department of Human Services, in
6 consultation with the Attorney General and the county prosecutor,
7 to develop a curriculum for training law enforcement officers on
8 police interactions with persons with substance use disorders. Once
9 developed, at least one law enforcement officer from each law
10 enforcement agency in the county would be trained utilizing the
11 curriculum. The curriculum is required to include, but not be
12 limited to, the following subjects:

13 (1) identification and recognition of different forms of
14 behavioral issues related to substance use disorders;

15 (2) techniques, including relevant language training, which may
16 be used by law enforcement officers to intervene with, interview,
17 and de-escalate a person who may have a substance use disorder;

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

19 (4) an overview of community resources and options for
20 treatment, including identification of local resources.

21 The bill requires the Attorney General to submit to the Governor
22 and Legislature a report containing an evaluation of the pilot
23 program not more than 30 days following the expiration of the pilot
24 program. The report is to make recommendations concerning the
25 effectiveness of the pre-arrest and post-arrest diversion techniques
26 employed during the pilot program and methods by which law
27 enforcement agencies may effectively work with partners in the
28 recovery community and treatment providers to assist people
29 struggling with addiction, as well as their families. In addition, the
30 report is to recommend whether the pilot program should be
31 continued as a Statewide program.

32 The bill appropriates \$75,000 from the General Fund for
33 expenses incurred in connection with the pilot program.