

# ASSEMBLY, No. 746

## STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman FRANCIS J. BLEE**

**District 2 (Atlantic)**

**SYNOPSIS**

Establishes advocacy pilot program for mentally ill offenders.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT establishing an advocacy pilot program for mentally ill  
2 offenders.

3

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

6

7 1. The Legislature finds and declares that:

8 a. Individuals with mental illness are at high risk of involvement  
9 with the criminal justice system, and many are arrested for non-  
10 violent, disorderly persons charges related to their illness;

11 b. Individuals with mental illness who are caught up in the  
12 criminal justice system often find themselves in situations that  
13 intensify their problems;

14 c. Obstacles to providing effective diversion of individuals with  
15 mental illness away from arrest and toward appropriate treatment  
16 include: lack of knowledge by law enforcement concerning mental  
17 health programs and how to access them; lack of understanding of  
18 the criminal justice system by mental health providers; lack of  
19 cross-training and coordination between the criminal justice and  
20 mental health systems; and lack of community resources; and

21 d. Individuals with mental illness and society at large will both  
22 benefit if individuals who become involved with the criminal justice  
23 system as a result of their mental illness are diverted from the  
24 criminal justice system and toward appropriate treatment.

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26 2. There is established the "Mental Health Advocacy Pilot  
27 Program" in the Division of Mental Health Services in the  
28 Department of Human Services. The purpose of the program is to  
29 provide community-based treatment for mental illness as an  
30 alternative to incarceration in those cases in which such treatment  
31 will be more beneficial to the offender and the community.

32 The Assistant Commissioner of the Division of Mental Health  
33 Services shall administer the pilot program, which shall be  
34 established in Atlantic, Union and Essex counties. Participation in  
35 the program shall be limited to offenders over 18 years of age who  
36 suffer from serious mental illness and who voluntarily participate in  
37 the program.

38

39 3. As used in this act:

40 "Assistant commissioner" means the Assistant Commissioner of  
41 the Division of Mental Health Services in the Department of Human  
42 Services.

43 "Community treatment liaison" means a nonprofit organization  
44 designated to provide evaluation, referral and case management  
45 coordination for individuals with serious mental illness who are  
46 involved with the criminal justice system, and to serve as a liaison  
47 between the criminal justice and human services systems and as a  
48 resource for attorneys who represent individuals with serious

1 mental illness.

2 "Offender" means an individual over 18 years of age who is  
3 detained, charged, arrested or convicted by a law enforcement  
4 agency or court of competent jurisdiction in this State, as  
5 applicable.

6 "Serious mental illness" means mental disease of such severity  
7 and duration as to result in substantial functional disability that  
8 meets criteria established by the assistant commissioner, and  
9 includes psychiatric crisis or designated diagnosis of mental illness  
10 under the most recent edition of the Diagnostic and Statistical  
11 Manual of Mental Disorders.

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13 4. a. The assistant commissioner, in consultation with criminal  
14 justice officials in the counties participating in the program, shall  
15 develop and implement:

16 (1) eligibility and participation guidelines, which shall provide  
17 for a written individual service plan for each participant, identify  
18 services to be provided to participants and provide for case  
19 management services to monitor participants. The guidelines shall  
20 be reduced to writing and made available and routinely  
21 disseminated to all interested parties; and

22 (2) the procedures and criteria by which the program will  
23 receive referrals from the police, courts, probation department or  
24 any other public or private agency, and from attorneys who  
25 represent offenders with serious mental illness.

26 b. The assistant commissioner shall designate one nonprofit  
27 organization to serve as the community treatment liaison in each  
28 participating county.

29 c. Each county program shall provide eligible participants with  
30 the opportunity to review, with their counsel present and prior to  
31 making the decision to participate in the program, a copy of general  
32 program requirements and provisions permitting the participant to  
33 withdraw from the program at any time.

34 d. Participation in the program shall not be conditioned on a  
35 plea of guilty.

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37 5. a. No later than 15 months after the effective date of this act,  
38 each county program shall provide the assistant commissioner with  
39 a report, which shall contain, but not be limited to:

40 (1) the specific actions taken on behalf of each participant;

41 (2) the effectiveness of the program in meeting its objectives;

42 (3) the number of participants and outcomes after one year;

43 (4) the number of jail days and inpatient psychiatric  
44 hospitalization days of each participant for the year of the program  
45 and the year prior to the program; and

46 (5) an analysis of the costs of providing community-based  
47 treatment for program participants as compared to the estimated  
48 cost of incarceration for the participants if they had been

1 incarcerated.

2 b. No later than 18 months after the effective date of this act, the  
3 assistant commissioner shall submit a report to the Governor and  
4 the Legislature detailing the operation and effectiveness of each  
5 county program and recommending measures to continue and  
6 improve the program and expand it Statewide.

7

8 6. The assistant commissioner shall apply for and accept any  
9 grant of money from the federal government, private foundations or  
10 other sources that may be available for the pilot program.

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12 7. This act shall take effect 180 days after enactment, but the  
13 assistant commissioner may take such anticipatory administrative  
14 action in advance as is necessary for the implementation of this act,  
15 and shall expire two years after the effective date.

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STATEMENT

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20 According to the National Alliance for the Mentally Ill, most jail  
21 inmates with serious mental illness are either charged with minor  
22 crimes directly related to the symptoms of their untreated illness, or  
23 charged with no crimes at all.

24 To address this serious issue, this bill establishes a two-year  
25 "Mental Health Advocacy Pilot Program" to be administered by the  
26 Assistant Commissioner of the Division of Mental Health Services  
27 in the Department of Human Services. The purpose of the program  
28 is to provide community-based treatment for mental illness as an  
29 alternative to incarceration in those cases in which such treatment  
30 will be more beneficial to the offender, as well as to the community.  
31 It is the expectation that a mental health advocacy program for  
32 offenders with serious mental illness will reduce the criminalization  
33 of persons with serious mental illness and increase their access to  
34 appropriate mental health treatment.

35 The pilot program will be developed in Atlantic, Union and  
36 Essex counties. Participation shall be limited to offenders over 18  
37 years of age with severe mental illness who voluntarily participate  
38 in the program. One nonprofit organization shall be designated to  
39 serve as a community treatment liaison in each county. The liaison  
40 shall provide mental health services and case management  
41 coordination for individuals with serious mental illness who are  
42 involved with the criminal justice system, and will serve both as a  
43 liaison between the criminal justice and human services systems  
44 and as a resource for attorneys who represent individuals with  
45 serious mental illness.

46 The program is to provide, among other things, an individual  
47 service plan that identifies the services to be provided and case  
48 management services to monitor each participant. Each program

- 1 shall report to the Division of Mental Health Services within 15  
2 months after the effective date of this bill, on the following:
- 3 • the specific actions taken by the program on behalf of each  
4 participant;
  - 5 • the effectiveness of the program in meeting its objectives;
  - 6 • the number of participants and outcomes after one year;
  - 7 • the number of jail days and inpatient psychiatric hospitalization  
8 days of each participant for the year of the program and the year  
9 prior to the program; and
  - 10 • an analysis of the costs of providing community-based treatment  
11 for program participants as compared to the estimated cost of  
12 incarceration for the participants if they had been incarcerated.
- 13 No later than 18 months after the effective date of this bill, the  
14 Assistant Commissioner of the Division of Mental Health Services  
15 shall submit a report to the Governor and the Legislature with  
16 recommendations to continue and improve the program and expand  
17 it Statewide.
- 18 The provisions of this bill are in accordance with the  
19 recommendations of the Governor's Mental Health Task Force.