

SENATE, No. 94

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator WILLIAM L. GORMLEY

District 2 (Atlantic)

Co-Sponsored by:

Senators Gill, Lesniak and Rice

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.

25

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.

12

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.

36

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

1 cost of incarceration for the participants if they had been
2 incarcerated.

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

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

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

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19 STATEMENT

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

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

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

47 The program is to provide, among other things, an individual

1 service plan that identifies the services to be provided and case
2 management services to monitor each participant. Each program
3 shall report to the Division of Mental Health Services within 15
4 months after the effective date of this bill, on the following:

- 5 • the specific actions taken by the program on behalf of each
6 participant;
- 7 • the effectiveness of the program in meeting its objectives;
- 8 • the number of participants and outcomes after one year;
- 9 • the number of jail days and inpatient psychiatric hospitalization
10 days of each participant for the year of the program and the year
11 prior to the program; and
- 12 • an analysis of the costs of providing community-based treatment
13 for program participants as compared to the estimated cost of
14 incarceration for the participants if they had been incarcerated.

15 No later than 18 months after the effective date of this bill, the
16 Assistant Commissioner of the Division of Mental Health Services
17 shall submit a report to the Governor and the Legislature with
18 recommendations to continue and improve the program and expand
19 it Statewide.

20 The provisions of this bill are in accordance with the
21 recommendations of the Governor's Mental Health Task Force.