

# ASSEMBLY, No. 1525

## STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblywoman SHEILA Y. OLIVER**

**District 34 (Essex and Passaic)**

**Assemblyman KEVIN J. O'TOOLE**

**District 40 (Bergen, Essex and Passaic)**

**SYNOPSIS**

Establishes the "Mental Health Court Pilot Program."

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning mental health offenders and supplementing  
2 Title 2A of the New Jersey Statutes.

3

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

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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 retarded offenders away from  
10 the criminal justice system and into appropriate treatment. The  
11 mental health court shall be administered by the Administrative  
12 Offices of the Courts and shall be created in Essex County.

13

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

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

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

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

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

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

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

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

8       b. If the defendant wilfully fails to comply with the provisions  
9 of P.L. , c. (C. ) (now pending before the Legislature as this  
10 bill) or at any time refuses to participate in an individualized  
11 treatment plan established for his care or treatment or otherwise  
12 refuses to comply with the terms of the court order, he shall be  
13 returned to custody.

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

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18       6. This act shall take effect immediately.

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#### STATEMENT

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23       This bill creates a Mental Health Court Pilot Program which  
24 shall have as a purpose the diversion of certain nonviolent mentally  
25 ill and mentally retarded offenders away from the criminal justice  
26 system and into appropriate treatment. The mental health court  
27 shall be administered by the Administrative Offices of the Courts  
28 and shall be established in Essex County. The Mental Health Court  
29 Pilot Program shall hear cases involving defendants who are  
30 charged with the commission of a nonviolent petty disorderly  
31 persons offense or a disorderly persons offense, and who suffers  
32 from a mental illness or is mentally retarded.

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