

**ASSEMBLY, No. 3717**

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**STATE OF NEW JERSEY**

**215th LEGISLATURE**

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INTRODUCED JANUARY 28, 2013

**Sponsored by:**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Assemblyman TIMOTHY J. EUSTACE**

**District 38 (Bergen and Passaic)**

**Assemblyman REED GUSCIORA**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblywomen Watson Coleman, Mosquera, Spencer, Assemblymen  
Schaer and Diegnan**

**SYNOPSIS**

Requires submission of certain mental health records to National Instant Criminal Background Check System.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/22/2013)**

1 AN ACT concerning submission of certain mental health records to  
2 the federal National Instant Criminal Background Check System  
3 and amending P.L.1965, c.59.

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

7  
8 1. Section 11 of P.L.1965, c.59 (C.30:4-24.3) is amended to  
9 read as follows:

10 11. All certificates, applications, records, and reports made  
11 pursuant to the provisions of Title 30 of the Revised Statutes and  
12 directly or indirectly identifying any individual presently or  
13 formerly receiving services in a noncorrectional institution under  
14 Title 30 of the Revised Statutes, or for whom services in a  
15 noncorrectional institution shall be sought under this act shall be  
16 kept confidential and shall not be disclosed by any person, except  
17 insofar as:

18 a. the individual identified or his legal guardian, if any, or, if  
19 he is a minor, his parent or legal guardian, shall consent; or

20 b. disclosure may be necessary to carry out any of the  
21 provisions of this act or of article 9 of chapter 82 of Title 2A of the  
22 New Jersey Statutes; or

23 c. a court may direct, upon its determination that disclosure is  
24 necessary for the conduct of proceedings before it and that failure to  
25 make such disclosure would be contrary to the public interest; or

26 d. disclosure may be necessary to conduct an investigation into  
27 the financial ability to pay of any person receiving services or his  
28 chargeable relatives pursuant to the provisions of R.S.30:1-12.

29 **[e. disclosure is needed to comply with the data reporting**  
30 **provisions of the NICS Improvement Amendments Act of 2007,**  
31 **Pub. L. 110-180, and the Brady Handgun Violence Prevention Act**  
32 **of 1993, Pub. L. 103-159.]**

33 Nothing in this section shall preclude disclosure, upon proper  
34 inquiry, of information as to a patient's current medical condition to  
35 any relative or friend or to the patient's personal physician or  
36 attorney if it appears that the information is to be used directly or  
37 indirectly for the benefit of the patient.

38 Nothing in this section shall preclude the professional staff of a  
39 community agency under contract with the Division of Mental  
40 Health Services in the Department of Human Services, or of a  
41 screening service, short-term care or psychiatric facility as those  
42 facilities are defined in section 2 of P.L.1987, c.116 (C.30:4-27.2)  
43 from disclosing information that is relevant to a patient's current  
44 treatment to the staff of another such agency.

**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     All certificates, applications, records, and reports made pursuant  
2 to the provisions of Title 30 of the Revised Statutes and directly or  
3 indirectly identifying any individual presently or formerly receiving  
4 services in a noncorrectional institution under Title 30 of the  
5 Revised Statutes, or for whom services in a noncorrectional  
6 institution shall be sought under this act shall be disclosed to  
7 National Instant Criminal Background Check System in compliance  
8 with the data reporting provisions of the NICS Improvement  
9 Amendments Act of 2007, Pub.L. 110-180, and the Brady  
10 Handgun Violence Prevention Act of 1993, Pub. L. 103-159.

11 (cf: P.L.2009, c.183, s.4)

12  
13     2. This act shall take effect immediately.

14  
15  
16                                   STATEMENT

17  
18     This bill requires the State to submit certain mental health  
19 records to the National Instant Criminal Background Check System.

20     The United States Department of Justice established the National  
21 Instant Criminal Background Check System (NICS) for federally  
22 licensed gun dealers to conduct background checks on prospective  
23 gun purchasers. The NICS attains or accesses records from state  
24 police, local police and other agencies to determine if the  
25 prospective gun purchaser is prohibited from owning a firearm.  
26 The NICS relies on states to submit this information. As a result, if  
27 the states do not submit the information, the NICS database will  
28 have incomplete or inaccurate records, thereby allowing some  
29 individuals to purchase guns who should be prohibited.

30     This State has begun the process of implementing an electronic  
31 system to submit mental health records to NICS, however  
32 submission of these records is not mandatory under current State  
33 law. The provisions of this bill would make the submission  
34 mandatory.