

[First Reprint]

## **ASSEMBLY, No. 3717**

# **STATE OF NEW JERSEY**

## **215th LEGISLATURE**

INTRODUCED JANUARY 28, 2013

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Schaer, Diegnan, Senators Buono, Gill, Greenstein, Pou and Turner**

### **SYNOPSIS**

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

### **CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety Committee on May 9, 2013, with amendments.

(Sponsorship Updated As Of: 5/21/2013)

1 AN ACT concerning submission of certain mental health records to  
2 the federal National Instant Criminal Background Check System  
3 and <sup>1</sup>[amending P.L.1965, c.59] supplementing Title 30 of the  
4 Revised Statutes<sup>1</sup>.  
5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*  
8

9 <sup>1</sup>[1.Section 11 of P.L.1965, c.59 (C.30:4-24.3) is amended to  
10 read as follows:

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

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

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

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

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

30 <sup>1</sup>[e. disclosure is needed to comply with the data reporting  
31 provisions of the NICS Improvement Amendments Act of 2007,  
32 Pub. L. 110-180, and the Brady Handgun Violence Prevention Act  
33 of 1993, Pub. L. 103-159.]

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

39 Nothing in this section shall preclude the professional staff of a  
40 community agency under contract with the Division of Mental  
41 Health Services in the Department of Human Services, or of a  
42 screening service, short-term care or psychiatric facility as those  
43 facilities are defined in section 2 of P.L.1987, c.116 (C.30:4-27.2)

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLP committee amendments adopted May 9, 2013.

1 from disclosing information that is relevant to a patient's current  
2 treatment to the staff of another such agency.

3 All certificates, applications, records, and reports made pursuant  
4 to the provisions of Title 30 of the Revised Statutes and directly or  
5 indirectly identifying any individual presently or formerly receiving  
6 services in a noncorrectional institution under Title 30 of the  
7 Revised Statutes, or for whom services in a noncorrectional  
8 institution shall be sought under this act shall be disclosed to  
9 National Instant Criminal Background Check System in compliance  
10 with the data reporting provisions of the NICS Improvement  
11 Amendments Act of 2007, Pub.L. 110-180, and the Brady  
12 Handgun Violence Prevention Act of 1993, Pub. L. 103-159.  
13 (cf: P.L.2009, c.183, s.4)】<sup>1</sup>  
14

15 <sup>1</sup>1. In compliance with the federal NICS Improvement  
16 Amendments Act of 2007, Pub.L. 110-180, the Attorney General  
17 shall direct the Superintendent of the State Police to collect, in  
18 cooperation with the Administrative Office of the Courts, such data  
19 as may be required by the United States Department of Justice  
20 concerning persons who are subject to federal firearms prohibitions  
21 set forth in 18 U.S.C. s.922, and to transmit such data to the  
22 National Instant Criminal Background Check System administered  
23 by the Federal Bureau of Investigation.<sup>1</sup>  
24

25 2. This act shall take effect immediately.