

ASSEMBLY, No. 1314

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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SYNOPSIS

Creates Voluntary Registry for Individuals with a Mental Illness or Developmental Disability.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** creating a registry for persons with certain disabilities and
2 supplementing chapter 17B of Title 52 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act:

8 “Community-based program” means a program that is under
9 contract with the Department of Human Services or the Department
10 of Children and Families to provide services for individuals with a
11 mental illness or developmental disability.

12 “Developmental disability” means a developmental disability as
13 defined in section 3 of P.L.1977, c.82 (C.30:6D-3).

14 “Mental illness” means any psychiatric disorder which has
15 required an individual to receive either inpatient psychiatric care or
16 outpatient psychiatric care on an extended basis.

17 “Registry” means the Voluntary Registry for Individuals with a
18 Mental Illness or Developmental Disability established pursuant to
19 P.L. , c. (C.) (pending before the Legislature as this bill).

20
21 2. a. The Department of Law and Public Safety shall establish
22 and maintain a Voluntary Registry for Individuals with a Mental
23 Illness or Developmental Disability in order to provide law
24 enforcement agencies with information to help the agencies assist
25 individuals with a mental illness or developmental disability in
26 obtaining medical, mental health, and social services. The
27 Commissioners of Human Services and Children and Families shall
28 provide to the Department of Law and Public Safety information
29 identifying each community-based program and its director. The
30 Department of Law and Public Safety shall provide the director of
31 each community-based program with the ability to input and
32 remove data from the registry. Access to the registry shall be
33 limited to law enforcement officers in the State of New Jersey and
34 the directors of community-based programs or their designees, and
35 the information in the registry shall not be considered a public
36 record under P.L.1963, c.73 (C.47:1A-1 et seq.) or P.L.2001, c.404
37 (C.47:1A-5 et al.).

38 b. The registry shall contain the following information:

39 (1) the name, date of birth, address, telephone number, physical
40 description, and photograph of the individual with a mental illness
41 or developmental disability;

42 (2) any pertinent information related to the individual’s illness
43 or disability, including related symptoms, which may assist law
44 enforcement officers and agencies in interacting with the individual;

45 (3) the date on which the information was first entered into the
46 registry and the dates any updates were made pursuant to receipt of
47 a new enrollment and consent form; and

1 (4) contact information for at least two of the following: the
2 individual's primary health care provider; the individual's case
3 manager; a probation officer; a family member of the individual; or
4 any other person willing to serve as an emergency contact for the
5 individual.

6
7 3. a. The Attorney General, in consultation with the
8 Commissioners of Human Services and Children and Families, shall
9 develop an enrollment and consent form, which allows for
10 collection of information to be entered into the registry, and which
11 clearly indicates that consent to include the individual's information
12 in the registry is voluntary, revocable, and not a precondition for
13 receiving medical care or mental health treatment or for discharge
14 from a facility or program. The form shall provide that written
15 consent is required to include the individual's information in the
16 registry. Such consent shall be provided by:

17 (1) the individual whose information is to be entered into the
18 registry;

19 (2) the guardian of the individual, if the individual has been
20 adjudicated incapacitated;

21 (3) the health care representative of the individual, as designated
22 by an advance directive for health care or an advance directive for
23 mental health care, if the individual has been determined to lack
24 decision-making capacity pursuant to section 8 of P.L.1991, c.201
25 (C.26:2H-60) or section 9 of P.L.2005, c.233 (C.26:2H-110); or

26 (4) a parent or guardian of an individual, if the individual is
27 under 18 years of age.

28 The written consent shall be witnessed by at least two adults, at
29 least one of whom is not a relative of the individual by blood,
30 marriage, or adoption or an owner, operator, or employee of a
31 health care facility as defined in P.L.1971, c.136 (C.26:2H-1 et
32 seq.) in which the individual is a patient, or a community residence
33 for the developmentally disabled or a community residence for the
34 mentally ill as defined in section 2 of P.L.1977, c.448 (C.30:11B-2)
35 in which the individual is a resident. The individual's primary care
36 physician or mental health care professional shall not serve as a
37 witness.

38 b. The Attorney General, in consultation with the
39 Commissioners of Human Services and Children and Families, shall
40 develop a revocation of consent form that allows an individual or a
41 person authorized to provide written consent pursuant to subsection
42 a. of this section to revoke consent to include the individual's
43 information in the registry.

44
45 4. a. No later than seven days after receiving a completed
46 enrollment and consent form as established in subsection a. of
47 section 3 of P.L. , c. (C.) (pending before the Legislature as
48 this bill), a director of a community-based program shall input an

1 individual's information provided on the enrollment and consent
2 into the registry. The information that is input shall be limited to
3 information provided on the enrollment and consent form.

4 b. A director of a community-based program shall destroy the
5 completed enrollment and consent form and remove an individual's
6 information from the registry not more than seven days after:

7 (1) the director receives a completed revocation of consent form
8 described in subsection b. of section 3 of P.L. , c. (C.)
9 (pending before the Legislature as this bill); or

10 (2) the third anniversary of the date on which the individual's
11 information was first entered into the registry or the information
12 was updated pursuant to receipt of a new enrollment and consent
13 form.

14 c. No less than 90 days prior to removing an individual from
15 the registry under paragraph (2) of subsection b. of this section, the
16 director shall provide written notice of the impending removal to
17 the individual and any other person who provided written consent to
18 include the individual's information in the registry pursuant to
19 subsection a. of section 3 of P.L. , c. (C.) (pending before
20 the Legislature as this bill).

21
22 5. The Department of Law and Public Safety shall establish
23 training protocols for the State Police and local law enforcement
24 personnel on the appropriate use of the Voluntary Registry for
25 Individuals with a Mental Illness or Developmental Disability.

26 The State Police and local law enforcement agencies shall
27 provide in-service training of their personnel according to the
28 training protocols established pursuant to this section.

29
30 6. This act shall take effect on the first day of the fourth month
31 next following the date of enactment, but the Attorney General, in
32 consultation with the Commissioners of Human Services and
33 Children and Families, may take such anticipatory administrative
34 action in advance thereof as may be necessary for the
35 implementation of the act.

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38 STATEMENT

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40 This bill directs the Department of Law and Public Safety to
41 create a Voluntary Registry for Individuals with a Mental Illness or
42 Developmental Disability, in order to provide law enforcement
43 agencies with information to help the agencies assist individuals
44 with a mental illness or developmental disability in obtaining
45 medical, mental health, and social services. Access to the registry
46 shall be limited to law enforcement officers in the State of New
47 Jersey and the directors of community-based programs or their

1 designees, and the information in the registry shall not be
2 considered a public record.

3 The bill requires that the registry contain: the individual's name,
4 date of birth, telephone number, address, physical description, and
5 photograph; pertinent information related to the individual's illness
6 or disability, including related symptoms, which may assist law
7 enforcement officers and agencies in interacting with the individual;
8 the date on which information was first entered into the registry and
9 any updates were made; and contact information. The contact
10 information would come from at least two of the following: the
11 individual's primary health care provider, case manager, probation
12 officer, family member, or any other person willing to serve as an
13 emergency contact.

14 The Attorney General, in consultation with the Commissioners of
15 Human Services and Children and Families, are to develop an
16 enrollment and consent form, which would require written consent
17 of the individual or an authorized representative if the individual is
18 a minor, has been adjudicated incapacitated, or lacks decision-
19 making capacity. The bill also requires the development of a
20 revocation of consent form, which would allow an individual or the
21 individual's representative to have information removed from the
22 registry.

23 The bill provides that the director of a community-based
24 program is responsible for input of data into the registry within
25 seven days after receipt of an enrollment and consent form, and the
26 removal of data within seven days after receipt of a revocation of
27 consent form. The registry is limited to information provided on
28 the enrollment and consent form. Data must also be removed from
29 the registry on the third anniversary of the date on which the
30 individual's information was first entered or the information was
31 updated pursuant to receipt of a new enrollment and consent form.

32 Lastly, the bill requires the State Police and local law
33 enforcement agencies to provide in-service training for their
34 personnel according to training protocols adopted by the
35 Department of Law and Public Safety.