

ASSEMBLY, No. 5047

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 14, 2019

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

SYNOPSIS

Establishes “Law Enforcement Addiction Intervention Pilot Program” in Burlington County.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning addiction services for nonviolent criminal
2 offenders and supplementing Title 30 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. a. There is established in the Department of Law and Public
8 Safety a three-year “Law Enforcement Addiction Intervention Pilot
9 Program,” which shall serve to divert certain nonviolent offenders
10 who are addicted to the use of controlled dangerous substances
11 away from the criminal justice system and into an appropriate
12 treatment program. The pilot program shall be established in
13 Burlington County.

14 b. The Attorney General shall establish a county-wide
15 addiction intervention task force to identify persons who are at risk
16 of a drug overdose and have committed nonviolent crimes as a
17 result of, or related to, substance abuse disorders. Each municipal
18 law enforcement agency in Burlington County shall assign one law
19 enforcement officer to the county-wide addiction intervention task
20 force.

21 In addition, individuals who voluntarily enter a police
22 department and request assistance with their addiction may receive
23 assistance from a member of the task force. At the time of
24 requesting assistance, an individual who is in possession of a
25 controlled dangerous substance, controlled dangerous substance
26 analog, or drug paraphernalia and advises a law enforcement officer
27 of that possession and voluntarily surrenders the substance, analog,
28 or paraphernalia to the law enforcement officer shall not be
29 arrested, charged, prosecuted, or convicted for:

30 (1) obtaining, possessing, using, being under the influence of, or
31 failing to make lawful disposition of a controlled dangerous
32 substance or controlled substance analog pursuant to subsection a.,
33 b., or c. of N.J.S.2C:35-10;

34 (2) acquiring or obtaining possession of a controlled dangerous
35 substance or controlled substance analog by fraud pursuant to
36 N.J.S.2C:35-13;

37 (3) unlawfully possessing a controlled dangerous substance that
38 was lawfully prescribed or dispensed pursuant to section 9 of
39 P.L.1999, c.90 (C.2C:35-24); or

40 (4) using or possessing with intent to use drug paraphernalia
41 pursuant to N.J.S.2C:36-2 or controlling or possessing a
42 hypodermic syringe, hypodermic needle, or any other instrument
43 adapted for the use of a controlled dangerous substance or a
44 controlled substance analog pursuant to subsection a. of
45 N.J.S.2C:36-6.

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 The materials shall be collected and secured for later destruction
2 in accordance with established procedures.

3 c. Members of the task force appointed pursuant to subsection
4 b. of this section who identify persons addicted to the use of
5 controlled dangerous substances shall refer them to a non-profit
6 organization dedicated to providing law enforcement addiction
7 treatment intervention services. In addition, the task force members
8 shall continually monitor the person's treatment progress and, if
9 applicable, subsequent criminal violations.

10 d. The law enforcement officers assigned to the task force shall
11 receive training pertaining to police interactions with persons who
12 have substance abuse disorders. The curriculum for the training
13 shall be developed by the Director of the Division of Mental Health
14 and Addiction Services in the Department of Human Services, in
15 consultation with the Attorney General. The curriculum shall
16 include, but not be limited to, the following subjects:

17 (1) identification and recognition of different forms of
18 behavioral issues related to substance abuse disorder;

19 (2) techniques for law enforcement to intervene with, interview,
20 de-escalate, and assess a person who may have a substance abuse
21 disorder;

22 (3) issues relating to suicide and prevention techniques;

23 (4) an overview of community resources and options for
24 treatment, including identification of local resources; and

25 (5) methods of determining appropriate treatment options and
26 transfer thereto in collaboration with addiction treatment entities.

27 e. The Attorney General shall submit to the Governor and to
28 the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-
29 19.1), a report containing an evaluation of the pilot program not
30 more than one year after the implementation of the pilot program,
31 and annually thereafter for a total of three years. The report shall
32 recommend whether the pilot program should be continued as a
33 Statewide program.

34
35 2. This act shall take effect immediately and shall expire upon
36 submission of the third annual report to the Governor and
37 Legislature pursuant to section 1 of P.L. , c. (C.) (pending
38 before the Legislature as this bill).

41 STATEMENT

42
43 This bill establishes in the Department of Law and Public Safety
44 a three-year "Law Enforcement Addiction Intervention Pilot
45 Program," which would divert certain nonviolent offenders who are
46 addicted to the use of controlled dangerous substances away from
47 the criminal justice system and into an appropriate treatment

1 program. The pilot program would be established in Burlington
2 County.

3 Under the pilot program, each municipal law enforcement
4 agency in Burlington County would assign one law enforcement
5 officer to a county-wide addiction intervention task force. The
6 purpose of the task force would be to identify persons who are at
7 risk of a drug overdose and have committed nonviolent crimes as a
8 result of, or related to, substance abuse disorders. In addition,
9 individuals who voluntarily enter a police department and request
10 assistance with their addiction may receive assistance from a
11 member of the task force. The bill provides that a person is not to
12 be arrested for certain drug possession crimes when asking for
13 assistance with his or her addiction.

14 Members of the task force would be required to refer persons
15 with substance abuse disorders to a non-profit organization
16 dedicated to providing law enforcement addiction treatment
17 intervention services. In addition, the task force members would
18 be required to continually monitor the person's treatment progress
19 and, if applicable, subsequent criminal violations.

20 The bill requires the law enforcement officers assigned to the
21 task force to receive training pertaining to police interactions with
22 persons who have substance abuse disorders. The curriculum for
23 the training is to be developed by the Director of the Division of
24 Mental Health and Addiction Services in the Department of Human
25 Services, in consultation with the Attorney General. The
26 curriculum is required to include, but not be limited to, the
27 following subjects:

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29 behavioral issues related to substance abuse disorder;

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31 de-escalate, and assess a person who may have a substance abuse
32 disorder;

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34 (4) an overview of community resources and options for
35 treatment, including identification of local resources; and

36 (5) methods of determining appropriate treatment options and
37 transfer thereto in collaboration with addiction treatment entities.

38 The bill requires the Attorney General to submit to the Governor
39 and to the Legislature a report containing an evaluation of the pilot
40 program not more than one year after the implementation of the
41 pilot program, and annually thereafter for a total of three years. The
42 report is to recommend whether the pilot program should be
43 continued as a Statewide program.