

# ASSEMBLY, No. 3372

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

**Sponsored by:**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Requires police officer to inquire during mental health check whether there is firearm on premises.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT requiring police officers to inquire whether a firearm is  
2 located on the premises when conducting certain checks and  
3 supplementing Title 40A of the New Jersey Statutes.  
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*  
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8 1. a. For the purposes of this act:

9 "Dangerous to others or property" means that by reason of  
10 mental illness or mental health crises there is a substantial  
11 likelihood that the person will inflict serious bodily harm upon  
12 another person or cause serious property damage within the  
13 reasonably foreseeable future; this determination shall take into  
14 account a person's history; recent behavior; and any recent act,  
15 threat, or serious psychiatric deterioration.

16 "Dangerous to self" means that by reason of mental illness or  
17 mental health crisis the person has threatened or attempted suicide  
18 or serious bodily harm, or has behaved in a manner as to indicate  
19 that the person is unable to satisfy his need for nourishment,  
20 essential medical care, or shelter, so that it is probable that  
21 substantial bodily injury, serious physical harm, or death will result  
22 within the reasonably foreseeable future; however, no person shall  
23 be deemed to be unable to satisfy his need for nourishment,  
24 essential medical care, or shelter if he is able to satisfy these needs  
25 with the supervision and assistance of others who are willing and  
26 available. This determination shall take into account a person's  
27 history; recent behavior; and any recent act, threat, or serious  
28 psychiatric deterioration.

29 "Mental health check" means an official visit by a law  
30 enforcement officer to the location of a person who the officer  
31 reasonably believes is exhibiting signs of mental illness or a mental  
32 health crisis.

33 "Mental health crisis" means a person's emotional, physical,  
34 mental, or behavioral response to a traumatic event or experience,  
35 which may be experienced during times of stress in response to real  
36 or perceived threats and loss of control when normal coping  
37 mechanisms are ineffective; symptoms may include emotional  
38 reactions such as fear, anger, or excessive giddiness; psychological  
39 impairment, such as an inability to focus, confusion, nightmares,  
40 and psychosis; physical reactions such as vomiting, headaches,  
41 dizziness, excessive tiredness, or insomnia; or behavioral reactions  
42 such as "fight or flight" response.

43 "Mental illness" means a current substantial disturbance of  
44 thought, mood, perception, or orientation which significantly  
45 impairs judgment, capacity to control behavior, or capacity to  
46 recognize reality, but does not include simple alcohol intoxication,  
47 transitory reaction to drug ingestion, organic brain syndrome, or  
48 development disability unless it results in the severity of

1 impairment where the person is dangerous to self, others, or  
2 property.

3 b. A law enforcement officer conducting a mental health check  
4 shall inquire whether a firearm is located on the premises.

5 c. Nothing in this section shall be construed to authorize the  
6 seizure of a firearm from the residence without consent.

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8 2. This act shall take effect on the first day of the fourth month  
9 next following enactment.

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### STATEMENT

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14 This bill requires a law enforcement officer conducting a mental  
15 health check to inquire whether a firearm is located on the premises.

16 A mental health check is defined in the bill as an official visit by  
17 a law enforcement officer to a location of a person who the officer  
18 reasonably believes is exhibiting signs of mental illness or is  
19 experiencing a mental health crisis.

20 The bill defines a mental illness as a current substantial  
21 disturbance of thought, mood, perception, or orientation which  
22 significantly impairs judgment, capacity to control behavior, or  
23 capacity to recognize reality, but does not include simple alcohol  
24 intoxication, transitory reaction to drug ingestion, organic brain  
25 syndrome, or development disability unless it results in the severity  
26 of impairment where the person is dangerous to self, others, or  
27 property.

28 A mental health crisis is defined by the bill as a “person’s  
29 emotional, physical, mental, or behavioral response to a traumatic  
30 event or experience, which may be experienced during times of  
31 stress in response to real or perceived threats and loss of control  
32 when normal coping mechanisms are ineffective; symptoms may  
33 include emotional reactions such as fear, anger, or excessive  
34 giddiness; psychological impairment, such as an inability to focus,  
35 confusion, nightmares, and psychosis; physical reactions such as  
36 vomiting, headaches, dizziness, excessive tiredness, or insomnia; or  
37 behavioral reactions such as “fight or flight” response.”

38 The bill does not authorize a law enforcement officer to seize a  
39 firearm without consent.

40 It is the sponsor’s intent to increase the safety of police officers  
41 and the public by ascertaining whether mentally ill persons or  
42 persons experiencing a mental health crises have access to a firearm  
43 in their home.