

ASSEMBLY, No. 3777

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Establishes security standards for judicial hearings at mental health facilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

1 AN ACT concerning court hearings and mental health facilities and
2 supplementing P.L.1987, c.116 (C.30:4-27.1 et seq.).

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

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7 1. a. A court hearing conducted within a short-term care
8 facility, psychiatric facility, special psychiatric hospital or other
9 similar facility shall be conducted in a designated hearing room.
10 The room shall not contain objects which if thrown may cause
11 serious injury, and shall include:

12 (1) A buffer distance between the judge and the patient;

13 (2) Chairs and tables secured to the floor, if feasible;

14 (3) An escape route for judges and staff to a secure area; and

15 (4) A duress alarm with dedicated response personnel.

16 b. In addition to the designated hearing room required by
17 subsection a. of this section, a short-term care facility, psychiatric
18 facility, special psychiatric hospital, or other similar facility in
19 which court hearings are conducted shall have:

20 (1) A waiting area for patients, which does not interfere with
21 escape routes for judges and staff, does not allow a patient to cause
22 disruption in the hearing room, and provides a safe area for
23 conferences between the patient and his attorney;

24 (2) Dedicated clinical and security personnel from the hospital
25 who are trained concerning the use of force on patients and can
26 respond in an emergency; and

27 (3) A safe waiting area for visitors.

28 c. A person attending or participating in a court hearing
29 conducted within a short-term care facility, psychiatric facility,
30 special psychiatric hospital, or other similar facility shall be subject
31 to a risk assessment and examination by a guard with a hand-held or
32 walk-through metal detector, and may have their belongings
33 searched.

34 d. Nothing in this section shall be construed to prohibit the
35 establishment of security requirements or procedures in excess of
36 those required by this section.

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38 2. The commissioner shall establish rules and regulations to
39 effectuate the purposes of this act.

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41 3. This act shall take effect on the first day of the eleventh
42 month following enactment.

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STATEMENT

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47 This bill would establish security standards for court hearings
48 held at mental health facilities. Current statutory law does not

1 mandate security requirements for court hearings conducted at
2 mental health facilities.

3 The bill requires court hearings conducted within a short-term
4 care facility, psychiatric facility, special psychiatric hospital or
5 other similar facility to be conducted in a designated hearing room,
6 which shall not contain objects that if thrown may cause serious
7 injury. The bill requires the hearing room to have:

- 8 • A buffer distance between the judge and the patient;
- 9 • Chairs and tables secured to the floor, if feasible;
- 10 • An escape route for judges and staff to a secure area; and
- 11 • A duress alarm with dedicated response personnel.

12 In addition, the bill requires a short-term care facility, psychiatric
13 facility, special psychiatric hospital, or other similar facility in
14 which court hearings are conducted to also have:

- 15 • A waiting area for patients, which does not interfere with
16 escape routes for judges and staff, does not allow a patient to
17 cause disruption in the hearing room, and provides a safe
18 area for conferences between the patient and his attorney;
- 19 • Dedicated clinical and security personnel from the hospital
20 who are trained concerning the use of force on patients and
21 can respond in an emergency; and
- 22 • A safe waiting area for visitors.

23 The bill provides that a person attending or participating in a
24 court hearing conducted within a short-term care facility,
25 psychiatric facility, special psychiatric hospital, or other similar
26 facility shall be subject to a risk assessment and examination by a
27 guard with a hand-held or walk-through metal detector, and may
28 have their belongings searched.

29 Finally, the bill requires the Commissioner of the Department of
30 Human Services to establish rules and regulations to effectuate the
31 bill's purposes and provides that nothing in the bill prohibits the
32 establishment of security requirements or procedures in excess of
33 those required by the bill.

34 At several mental health facilities throughout the State, current
35 recommended Administrative Office of the Courts standards of
36 courtroom security for civil commitment hearings have not been
37 followed, thereby placing judges, personnel, attorneys, and the
38 public at risk of injury.