

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 489 and 685**

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 20, 1996

The Assembly Appropriations Committee reports favorably Assembly Bill No.489/685 (Acs) with committee amendments.

Assembly Bill No. 489/685 (Acs) incorporates the recommendations of the New Jersey's Supreme Court's "Committee to Review the Conrad Jeffrey Matter" which issued a report dated October, 1995 which recommended that information concerning the psychological make-up and behavior of the defendant should be included in the criminal record of the defendant. This legislation requires the preparole report and the presentence report to include information concerning the defendant's psychiatric background.

With regard to preparole reports, legislation would require that the report include information concerning any history of civil commitment or other disposition which arose out of charges suspended pursuant to N.J.S.2C:4-6, including records of the disposition of those charges and any acquittals by reason of insanity pursuant to N.J.S.2C:4-1. Under N.J.S.2C:4-6, a defendant found mentally incompetent to stand trial may have the charges against him suspended while he is either committed to a psychiatric institution, placed in an out patient setting or released. After a period of time, if the defendant does not become competent to stand trial the court may dismiss the charges. In addition, the legislation requires the preparole report to include a complete psychiatric evaluation of the inmate.

The legislation also requires that presentence reports include information concerning any history of civil commitment or other disposition, which arose out of charges suspended pursuant to N.J.S.2C:4-6, including the records of the disposition of those charges, and any acquittal by reason of insanity pursuant to N.J.S.2C:4-1, including the records of the disposition of those charges. The legislation requires all presentence reports to include a medical history of the defendant and a complete psychiatric evaluation of the defendant. In addition, the legislation authorizes the court, after the presentence investigation has been made, to order additional psychiatric and medical testing of the defendant.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

COMMITTEE AMENDMENTS:

The committee amendments require the pretrial and presentence reports to include any history of civil commitment regardless of whether the civil commitment arose as a result of a person having their charges suspended pursuant to N.J.S.2C:4-6 or as a result of an acquittal by reason of insanity pursuant to N.J.S.2C:4-1. The amendments would also require the defendant or inmate to disclose any information concerning any history of civil commitment.

In addition, the amendments limit the instances when a psychiatric evaluation would be required to only in any case in which the inmate has been convicted of first or second degree crime involving violence or the defendant is being sentenced for a first or second degree crime involving violence. and: (1) the inmate or defendant has a prior acquittal by reason of insanity pursuant to N.J.S.2C:4-1 or had charges suspended pursuant to N.J.S.2C:4-6; or (2) the inmate or defendant has a prior conviction for murder pursuant to N.J.S.2C:11-3, aggravated sexual assault or sexual assault pursuant to N.J.S.2C:14-2, kidnapping pursuant to N.J.S.2C:13-1, endangering the welfare of a child which would constitute a crime of the second degree pursuant to N.J.S.2C:24-4, and stalking which would constitute a crime of the third degree pursuant to N.J.S.2C:24-4; or (3) the inmate or defendant has a prior diagnosis of psychosis.

With regard to presentence reports, the amendments provides that the court, in its discretion and considering all the appropriate circumstances, may waive the medical history and psychiatric examination in any case in which a term of imprisonment which includes a period of parole ineligibility.

In addition, the committee amended the bill by adding two new sections to the bill:3 and 4. These sections would require the inmate or the defendant who submits to the psychiatric evaluation to be liable for the costs of the evaluation. If the inmate or the defendant is an enrollee in a health insurance contract, policy or plan, then the agency would be contacted for reimbursement. If the inmate or the defendant is not covered under a health insurance contract, policy or plan or if the contract, policy or plan does not fully cover the costs of the evaluation, a lien may be filed for any unpaid amounts.