

ASSEMBLY, No. 686

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ZISA

1 AN ACT concerning notification procedures for civil commitment of
2 certain individuals, amending P.L.1987, c.116 and supplementing
3 Title 30 of the New Jersey Statutes.

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

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8 1. (New section) a. Notwithstanding any other provision of law
9 to the contrary, the Department of Human Services shall provide
10 written notification at least 20 days in advance to the Attorney General
11 and the prosecutor of the county where the charges were filed of the
12 anticipated discharge of a person who has been involuntarily or
13 voluntarily committed to a short-term care, psychiatric facility or
14 special psychiatric hospital as a result of an acquittal on the ground of
15 insanity pursuant to provisions of N.J.S.2C:4-8 or a determination that
16 the person was mentally incompetent to stand trial, pursuant to the
17 provisions of N.J.S.2C:4-6.

18 b. Upon receipt of the notice, the Attorney General or the county
19 prosecutor may arrange for an independent psychiatric examination,
20 conducted by two psychiatrists or other physicians, to determine
21 whether the person is in continuing need of involuntary commitment
22 pursuant to the provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.).
23 If the psychiatrists determine that the person is in continuing need of
24 involuntary commitment, the psychiatrists shall execute clinical
25 certificates in accordance with the provisions of section 10 of
26 P.L.1987, c.116 (C.30:4-27.10).

27 c. Upon receipt of the clinical certificates, the Attorney General or
28 the county prosecutor may initiate court proceedings for the continued
29 involuntary commitment of the person in accordance with the
30 provisions of section 10 of P.L.1987, c.116 (C.30:4-27.10).

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32 2. (New section) Notwithstanding the provisions of sections 17 and

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 20 of P.L.1987, c.116 (C.30:4-27.17 and 30:4-27.20), any person who
2 has been voluntarily or involuntarily committed to a short-term care or
3 psychiatric facility or special psychiatric hospital as a result of an
4 acquittal on the ground of insanity pursuant to the provisions of
5 N.J.S.2C:4-8 or a determination that the person was mentally
6 incompetent to stand trial pursuant to the provisions of N.J.S.2C:4-6
7 shall not be administratively discharged.

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9 3. Section 12 of P.L.1987, c.116 (C.30:4-27.12) is amended to
10 read as follows:

11 12. a. A patient who is involuntarily committed to a short-term
12 care or psychiatric facility or special psychiatric hospital shall receive
13 a court hearing with respect to the issue of continuing need for
14 involuntary commitment within 20 days from initial inpatient admission
15 to the facility unless the patient has been administratively discharged
16 from the facility pursuant to section 17 of this act.

17 ~~[The] b. Except as provided in subsection d., the~~ assigned county
18 counsel is responsible for presenting the case for the patient's
19 involuntary commitment to the court, unless the county adjuster is
20 licensed to practice law in this State, in which case the county adjuster
21 shall present the case for the patient's involuntary commitment to the
22 court.

23 c. A patient subject to involuntary commitment shall have counsel
24 present at the hearing and shall not be permitted to appear at the
25 hearing without counsel.

26 d. Upon notice to the county counsel and county adjuster, the
27 Attorney General or the county prosecutor may supersede the county
28 counsel or the county adjuster and assume responsibility for presenting
29 any case for continued involuntary commitment pursuant to the
30 provisions of subsection c. of P.L. , c. (C.)(now pending
31 before the Legislature as this bill.)

32 (cf: P.L.1989, c.73, s.2)

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34 4. Section 13 of P.L.1987, c.116 (C.30:4-27.13) is amended to
35 read as follows:

36 13. a. At least 10 days prior to a court hearing, the county adjuster
37 of the admitting county or the Attorney General or county prosecutor,
38 if presenting a case pursuant to the provisions of subsection c. of
39 P.L. , c. (C.)(now pending before the Legislature as this bill),
40 shall cause notice of the court hearing to be served upon the patient,
41 the patient's guardian if any, the patient's next-of-kin, the patient's
42 attorney, the director, chief executive officer, or other individual who
43 has custody of the patient, the county adjuster of the county in which
44 the patient has legal settlement and any other individual specified by
45 the court. The notice shall contain the date, time and location of the
46 court hearing. The patient and the patient's attorney shall also receive

1 copies of the clinical certificates and supporting documents, the
2 temporary court order and a statement of the patient's rights at the
3 court hearing.

4 b. A psychiatrist on the patient's treatment team who has
5 conducted a personal examination of the patient as close to the court
6 hearing date as possible, but in no event more than five calendar days
7 prior to the court hearing, shall testify at the hearing to the clinical
8 basis for the need for involuntary commitment. Other members of the
9 patient's treatment team may also testify at the hearing.

10 c. The patient's next-of-kin may attend and testify at the court
11 hearing if the court so determines.

12 d. The court shall transcribe the court hearing and arrange for the
13 payment of expenses related thereto in the same manner as for other
14 court proceedings.

15 (cf: P.L.1987, c.116, s.13)

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17 5. This act shall take effect immediately.

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STATEMENT

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22 This bill would require the Department of Human Services to notify
23 the Attorney General and the prosecutor of the county where the
24 charges were filed when a person, who has been acquitted on the
25 ground of insanity or determined to be mentally incompetent to stand
26 trial and has been committed to a psychiatric facility, is scheduled to
27 be released. Once the Attorney General and the prosecutor are
28 notified they may arrange for an independent psychiatric examination,
29 conducted by two psychiatrists or other physician, to determine
30 whether that person is in need of involuntary commitment. If the
31 psychiatrists determine that the person is in need of involuntary
32 commitment and issue a clinical certificate to that fact then the
33 Attorney General or the county prosecutor may initiate a civil
34 proceeding to continue the involuntary commitment of the person.

35 The bill also provides that any person who has been civilly
36 committed under these circumstances cannot be administratively
37 discharged.

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42 Establishes notification procedures for civil commitment of certain
43 individuals.