

ASSEMBLY COMMUNITY SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2185

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 1997

The Assembly Community Services Committee reports favorably and with committee amendments Assembly Bill No. 2185.

As amended by committee, this bill changes the designation of "mental incompetent" to the designation "incapacitated person," in the definition sections of Title 3B, P.L.1976, c.120, and P.L.1977, c.239, and in the texts of Title 3A and P.L.1970, c.289. In addition, the bill includes a provision that whenever in any law, rule, regulation or document, reference is made to the term "mental incompetent," that term shall mean and refer to "incapacitated person."

According to the sponsor's statement, the term "mental incompetent" has a demeaning connotation, whereas the designation "incapacitated person" is a more respectful term which would be more descriptive of persons, usually elderly, who suffer from senile dementia, Alzheimer's disease and other mental illnesses.

The committee amendments change the phrase "mental incompetence" to "incapacity" in three additional statutes. The amendments also clarify that nothing in the bill would affect the provisions of New Jersey's criminal code dealing with mental competence.

As reported by the committee, this bill is identical to S-1336 (1R) (Cafiero), which is currently pending before the Senate.