

ASSEMBLY, No. 2808

STATE OF NEW JERSEY

INTRODUCED MARCH 20, 1997

By Assemblyman BUCCO, Assemblywoman HECK,
Assemblymen Augustine, Carroll, Talarico,
Assemblywoman Murphy and Assemblyman DeCroce

1 AN ACT concerning community residences for the mentally ill and
2 amending P.L.1977, c.448 and P.L.1978, c.159.

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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. Section 2 of P.L.1977, c.448 (C.30:11B-2) is amended to read
8 as follows:

9 2. "Community residence for the developmentally disabled" means
10 any community residential facility housing up to 16 developmentally
11 disabled persons which provides food, shelter and personal guidance
12 for developmentally disabled persons who require assistance,
13 temporarily or permanently, in order to live independently in the
14 community. Such residences shall not be considered health care
15 facilities within the meaning of the "Health Care Facilities Planning
16 Act," P.L.1971, c.136 (C.26:2H-1 et al.) and shall include, but not be
17 limited to, group homes, halfway houses, supervised apartment living
18 arrangements and hostels.

19 "Community residence for the mentally ill" means any community
20 residential facility which provides food, shelter and personal guidance,
21 under such supervision as required, to not more than 15 mentally ill
22 persons who require assistance temporarily or permanently, in order
23 to live independently in the community. These residences shall be
24 approved for a purchase of service contract or an affiliation agreement
25 pursuant to procedures established by the Division of Mental Health
26 Services in the Department of Human Services. These residences shall
27 not house persons who have been convicted of murder, manslaughter,
28 aggravated sexual assault, sexual assault, aggravated assault,
29 aggravated criminal sexual contact or another offense involving
30 serious bodily injury, or who have been assigned to a State psychiatric
31 hospital after having been found not guilty of a criminal offense by
32 reason of insanity or unfit to be tried on a criminal charge. These

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 residences shall not be considered health care facilities within the
2 meaning of the "Health Care Facilities Planning Act," P.L.1971, c.136
3 (C.26:2H-1 et al.) and shall include, but not be limited to, group
4 homes, halfway houses, supervised apartment living arrangements,
5 family care homes and hostels.

6 "Community residence for persons with head injuries" means a
7 community residential facility providing food, shelter and personal
8 guidance, under such supervision as required, to not more than 15
9 persons with head injuries, who require assistance, temporarily or
10 permanently, in order to live in the community, and shall include, but
11 not be limited to: group homes, halfway houses, supervised apartment
12 living arrangements, and hostels. Such a residence shall not be
13 considered a health care facility within the meaning of the "Health
14 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.).

15 "Developmental disability" or "developmentally disabled" means a
16 severe, chronic disability of a person which: a. is attributable to a
17 mental or physical impairment or combination of mental or physical
18 impairments; b. is manifest before age 22; c. is likely to continue
19 indefinitely; d. results in substantial functional limitations in three or
20 more of the following areas of major life activity, that is, self-care,
21 receptive and expressive language, learning, mobility, self-direction
22 and capacity for independent living or economic self-sufficiency; and
23 e. reflects the need for a combination and sequence of special
24 interdisciplinary or generic care, treatment or other services which are
25 of lifelong or extended duration and are individually planned and
26 coordinated. Developmental disability includes, but is not limited to,
27 severe disabilities attributable to mental retardation, autism, cerebral
28 palsy, epilepsy, spina bifida and other neurological impairments where
29 the above criteria are met.

30 "Mentally ill" means any psychiatric disorder which has required an
31 individual to receive either inpatient psychiatric care or outpatient
32 psychiatric care on an extended basis.

33 "Person with head injury" means a person who has sustained an
34 injury, illness or traumatic changes to the skull, the brain contents or
35 its coverings which results in a temporary or permanent
36 physiobiological decrease of cognitive, behavioral, social or physical
37 functioning which causes partial or total disability.

38 (cf: P.L.1995, c.4, s.9)

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40 2. Section 2 of P.L.1978, c.159 (C.40:55D-66.2) is amended to
41 read as follows:

42 2. As used in this act:

43 a. "Community residence for the developmentally disabled" means
44 any community residential facility licensed pursuant to P.L.1977, c.448
45 (C.30:11B-1 et seq.) providing food, shelter and personal guidance,
46 under such supervision as required, to not more than 15

1 developmentally disabled or mentally ill persons, who require
2 assistance, temporarily or permanently, in order to live in the
3 community, and shall include, but not be limited to: group homes,
4 halfway houses, intermediate care facilities, supervised apartment
5 living arrangements, and hostels. Such a residence shall not be
6 considered a health care facility within the meaning of the "Health
7 Care Facilities Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.). In
8 the case of such a community residence housing mentally ill persons,
9 such residence shall have been approved for a purchase of service
10 contract or an affiliation agreement pursuant to such procedures as
11 shall be established by regulation of the Division of Mental Health [and
12 Hospitals] Services of the Department of Human Services. As used in
13 this act, "developmentally disabled person" means a person who is
14 developmentally disabled as defined in section 2 of P.L.1977, c.448
15 (C.30:11B-2), and "mentally ill person" means a person who is
16 afflicted with a mental illness as defined in [R.S.30:4-23] section 2 of
17 P.L.1987, c.116 (C.30:4D-27.2), but shall not include a person who
18 has been convicted of murder, manslaughter, aggravated sexual
19 assault, sexual assault, aggravated assault, aggravated criminal sexual
20 contact or another offense involving serious bodily injury, or who has
21 been committed after having been found not guilty of a criminal
22 offense by reason of insanity or having been found unfit to be tried on
23 a criminal charge.

24 b. "Community shelter for victims of domestic violence" means any
25 shelter approved for a purchase of service contract and certified
26 pursuant to standards and procedures established by regulation of the
27 Department of Human Services pursuant to P.L.1979, c.337
28 (C.30:14-1 et seq.), providing food, shelter, medical care, legal
29 assistance, personal guidance, and other services to not more than 15
30 persons who have been victims of domestic violence, including any
31 children of such victims, who temporarily require shelter and
32 assistance in order to protect their physical or psychological welfare.

33 c. "Community residence for persons with head injuries" means a
34 community residential facility licensed pursuant to P.L.1977, c.448
35 (C.30:11B-1 et seq.) providing food, shelter and personal guidance,
36 under such supervision as required, to not more than 15 persons with
37 head injuries, who require assistance, temporarily or permanently, in
38 order to live in the community, and shall include, but not be limited to:
39 group homes, halfway houses, supervised apartment living
40 arrangements, and hostels. Such a residence shall not be considered
41 a health care facility within the meaning of the "Health Care Facilities
42 Planning Act," P.L.1971, c.136 (C.26:2H-1 et al.).

43 d. "Person with head injury" means a person who has sustained an
44 injury, illness or traumatic changes to the skull, the brain contents or
45 its coverings which results in a temporary or permanent
46 physiobiological decrease of mental, cognitive, behavioral, social or

1 physical functioning which causes partial or total disability.
2 (cf: P.L.1993, c.329, s.8)

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4 3. This act shall take effect immediately.

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STATEMENT

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9 This bill prohibits the placement in a community residence for the
10 mentally ill of a person who has been convicted of murder,
11 manslaughter, aggravated sexual assault, sexual assault, aggravated
12 assault, aggravated criminal sexual contact or another offense
13 involving serious bodily injury. The law currently precludes the
14 placement in such a setting of a person who has been committed after
15 having been found not guilty of a criminal offense by reason of insanity
16 or having been found unfit to be tried on a criminal charge.

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21 Prohibits placement in a community residence for the mentally ill of a
22 person convicted of sexual assault or an offense involving a serious
23 bodily injury.