

SENATE, No. 630

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senator BENNETT

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 and Hospitals in the Department of Human Services. These residences  
27 shall not house persons who have been convicted of murder,  
28 manslaughter, aggravated sexual assault, sexual assault, aggravated  
29 assault, aggravated criminal sexual contact or another offense  
30 involving serious bodily injury, or who have been assigned to a State  
31 psychiatric hospital after having been found not guilty of a criminal  
32 offense by reason of insanity or unfit to be tried on a criminal charge.  
33 These residences shall not be considered health care facilities within  
34 the meaning of the "Health Care Facilities Planning Act," P.L.1971,

**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 c.136 (C.26:2H-1 et al.) and shall include, but not be limited to, group  
2 homes, halfway houses, supervised apartment living arrangements,  
3 family care homes and hostels.

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

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

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

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

36 (cf: P.L.1993, c.329, s.2)

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

40 2. As used in this act:

41 a. "Community residence for the developmentally disabled" means  
42 any community residential facility licensed pursuant to P.L.1977, c.448  
43 (C.30:11B-1 et seq.) providing food, shelter and personal guidance,  
44 under such supervision as required, to not more than 15  
45 developmentally disabled or mentally ill persons, who require  
46 assistance, temporarily or permanently, in order to live in the

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

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

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

41 d. "Person with head injury" means a person who has sustained an  
42 injury, illness or traumatic changes to the skull, the brain contents or  
43 its coverings which results in a temporary or permanent  
44 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.