

SENATE, No. 2009

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1997

By Senators KOSCO and GIRGENTI

1 AN ACT concerning the discharge and release of certain patients  
2 committed to mental health facilities and supplementing chapter 4  
3 of Title 2C of the New Jersey Statutes and P.L.1987, c.116  
4 (C.30:4-27.1 et seq.).

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

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9 1. a. Whenever a person who has been acquitted of a violent crime  
10 by reason of insanity and who has been committed to a mental health  
11 facility, in accordance with the provisions of paragraph (3) of  
12 subsection b. of N.J.S.2C:4-8, is to be discharged or released from  
13 that facility by the court pursuant to N.J.S.2C:4-9, the court shall so  
14 notify the county prosecutor of the county in which the violent crime  
15 took place. The notice shall include the name of the discharged or  
16 released person, the person's anticipated place of residence, and any  
17 additional information the court may deem appropriate for public  
18 safety.

19 Upon receipt of the notice, the prosecutor shall provide notice to  
20 the law enforcement agency responsible for the municipality wherein  
21 the violent crime occurred and wherein the person discharged or  
22 released shall reside. If the prosecutor deems it appropriate for the  
23 public safety, notice may be given to other State and local law  
24 enforcement agencies.

25 For the purposes of this section, violent crime means murder;  
26 manslaughter; aggravated sexual assault; sexual assault; aggravated  
27 assault; aggravated criminal sexual contact; kidnapping pursuant to  
28 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the  
29 welfare of a child by engaging in sexual conduct which would impair  
30 or debauch the morals of the child pursuant to subsection a. of  
31 N.J.S.2C:24-4; endangering the welfare of a child pursuant to  
32 paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing  
33 pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); or any other  
34 offense involving serious bodily injury or an attempt to commit any of  
35 the aforementioned offenses.

36 b. The notification requirements set forth in this section shall not  
37 apply in the case of a patient who, after a court finding that

1 involuntary commitment is no longer needed pursuant to the  
2 provisions of section 15 of P.L.1987, c.116 (C.30:4-27.15), is  
3 returned to the appropriate State, county or local authority to  
4 complete service of the term of incarceration imposed by the court.  
5 When appropriate in such cases, the provisions of section 1 of  
6 P.L.1994, c.135 (C.30:4-123.53a.) shall apply.

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8 2. a. Whenever a patient who was charged with a violent crime has  
9 been committed by the court to a mental health facility in accordance  
10 with the provisions of paragraph (3) of subsection b. of N.J.S.2C:4-8,  
11 section 10 of P.L.1987, c.116 (C.30:4-27.10) or any other law is to be  
12 discharged or released from that facility pursuant to section 15 or  
13 section 17 of P.L.1987, c.116 (C.30:4-27.15 and 30:4-27.17), the  
14 court shall so notify the county prosecutor of the county in which the  
15 violent crime took place. The notice shall include the patient's name,  
16 anticipated place of residence, and any additional information the court  
17 may deem appropriate for public safety.

18 Upon receipt of the notice, the prosecutor shall provide notice to  
19 the law enforcement agency responsible for the municipality wherein  
20 the violent crime occurred and wherein the patient shall reside. If the  
21 prosecutor deems it appropriate for the public safety, notice may be  
22 given to other State and local law enforcement agencies.

23 For the purposes of this section, violent crime means murder;  
24 manslaughter; aggravated sexual assault; sexual assault; aggravated  
25 assault; aggravated criminal sexual contact; kidnapping pursuant to  
26 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the  
27 welfare of a child by engaging in sexual conduct which would impair  
28 or debauch the morals of the child pursuant to subsection a. of  
29 N.J.S.2C:24-4; endangering the welfare of a child pursuant to  
30 paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing  
31 pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); or any other  
32 offense involving serious bodily injury or an attempt to commit any  
33 other the aforementioned offenses.

34 b. The notification requirements set forth in subsection a. of this  
35 section shall not apply in the case of a patient who, after a court  
36 finding that involuntary commitment is no longer needed pursuant to  
37 the provisions of section 15 of P.L.1987, c.116 (C.30:4-23.15), is  
38 returned to the appropriate State, county or local authority to  
39 complete service of the term of incarceration imposed by the court.  
40 When appropriate in such cases, the provisions of section 1 of  
41 P.L.1994, c.135 (C.30:4-123.53a.) shall apply.

42 c. Except as hereinafter provided, the notification requirements set  
43 forth in subsection a. of this section shall apply in the case of a patient  
44 who, as part of a treatment program, is temporarily released,  
45 furloughed or otherwise permitted to leave the facility to which he was  
46 committed for a period of time. In addition to the information

1 required under subsection a. of this section, a notice provided under  
2 this section shall include the dates and times during which the patient  
3 shall be temporarily released, furloughed or otherwise permitted to  
4 leave the facility. The notice, which shall be issued by the director of  
5 the facility wherein the patient is being treated, shall be made available  
6 to the county prosecutor no less than 48 hours before the  
7 commencement of the patient's temporary release or furlough from the  
8 facility.

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10 3. This act shall take effect immediately.

### 11 12 13 STATEMENT 14

15 This bill would require that local law enforcement agencies be  
16 notified whenever a person who was charged with a violent crime, but,  
17 due to a finding of insanity, was committed to a mental health facility  
18 rather than a correctional facility, is scheduled for release or discharge.

19 The provisions of the bill are modeled on section 1 of P.L.1994,  
20 c.135 (C.30:4-123.53a.) which sets forth the notification procedures  
21 to be followed when violent offenders are scheduled for release from  
22 a State or county correctional facility.

23 The bill also requires notification whenever a patient who has been  
24 charged with a violent crime is given a temporary release or furlough  
25 which permits him to leave the facility for a period of time.

26 Under the provisions of the bill, the court, in the case of a patient  
27 scheduled for discharge or release, or the director of the facility, in the  
28 case of a patient scheduled for a temporary release or furlough, is to  
29 provide notice to the prosecutor of the county wherein the violent  
30 crime occurred. The notice, which is to include the patient's name,  
31 anticipated place of residence, and any other information the court  
32 deems appropriate, is to be forwarded by the prosecutor to the law  
33 enforcement agency of the municipality wherein the crime occurred  
34 and the municipality wherein the patient is to reside. If the prosecutor  
35 deems it appropriate for the public safety, the notice may be extended  
36 to other State and local law enforcement agencies.

37 For the purposes of this bill, "violent crime" includes the following:  
38 murder; manslaughter; aggravated sexual assault; aggravated assault;  
39 aggravated criminal sexual contact; kidnapping pursuant to paragraph  
40 (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a  
41 child by engaging in sexual conduct which would impair or debauch  
42 the morals of the child pursuant to subsection a. of N.J.S.2C:24-4;  
43 endangering the welfare of a child pursuant to paragraph (4) of  
44 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section  
45 1 of P.L.1993, c.291 (C.2C:13-6); or any other offense involving  
46 serious bodily injury or an attempt to commit any of the

1   aforementioned offenses.

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6   Requires notification of local police when certain patients are released

7   from mental health facilities.