

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

TERI O'CONNOR
NJAC President
Monmouth County Administrator

JOHN G. DONNADIO, ESQ.
Executive Director

STATE HOUSE NEWS

July 8, 2022

Governor Phil Murphy recently signed into law the following legislation concerning county government.

CRIMINAL JUSTICE REFORM & GRAVES ACT OFFENSES

On June 30th, the Governor signed into law **A-2426/S-513** (*Wimberly D-35/Reynolds-Jackson D-15*)(*Cryan D-20/Turner D-15*) as P.L. 2022, c.43, which establishes a rebuttable presumption of pretrial detention for a defendant who commits certain firearm offenses under the Graves Act.

In general, the new law requires the pretrial detention for a defendant charged with a fire-arms related crime under the Graves Act, which includes the possession of sawed-off shotgun or machine gun; the manufacture, transport, disposition and defacement of a machine gun, sawed-off shotgun, defaced firearm, or assault firearm; the commission of the following crimes while in possession of a firearm: murder, manslaughter, aggravated assault robbery, burglary, and escape; the possession of any destructive device or defaced firearm; the possession of a firearm with an unlawful purpose; the possession of a firearm that is transferred among, between, or within an association of two or more people, known as a community gun; the possession of a firearm while committing certain offenses involving a controlled dangerous substance or a crime of bias intimidation; or the unlawful possession of handguns, rifles, or shotguns.

Under Criminal Justice Reform, criminal courts have the discretion to either order the pretrial release of a defendant pending further proceedings or order the pretrial detention of a defendant who may be a flight risk, is a danger to another or the community, or is likely to obstruct further criminal proceedings. Pretrial detention determinations are based on a risk assessment conducted by the Pretrial Services Program, which assesses eligible defendants detained on a complaint-warrant and makes recommendations to the court as to an appropriate pretrial release decision. This new law requires Pretrial Services to recommend a “no release” when a defendant has been charged with the above referenced Graves Act offenses involving the use or possession of firearms.

STATEWIDE BEHAVIORAL HEALTH CRISIS SYSTEM

Also on June 30th, Governor Murphy signed into law **A-2036/S-311** (*Benson D-14/Verrelli D-15*)/*Vitale D-19/Gopal D-11*) as P.L. 2022, c.35, which establishes a comprehensive statewide behavioral health crisis system of care.

In addition to creating a new behavioral health crisis system of care, this new law implements a 988 behavioral health crisis hotline and further creates mobile crisis response teams to provide services specific to individuals experiencing a behavioral health crisis. In summary, the measure requires the Commissioner of the Department of Human Services (DHS) to procure the services of one or more crisis hotline centers to provide crisis intervention services and crisis care coordination to individuals accessing the 988-suicide prevention and behavioral health crisis hotline 24 hours per day, seven days per week. The law requires crisis hotline centers to receive 988 calls and provide services such as: requesting the dispatch of mobile crisis teams; coordinating crisis care responses and interventions; referring callers to crisis stabilization services; and, providing appropriate follow-up services.

The measure also requires DHS to establish a comprehensive mobile behavioral health crisis response system that would: be capable of providing behavioral health crisis response services throughout the State 24 hours per day, seven days per week; respond to behavioral health crisis dispatch requests using mobile crisis response teams and other appropriate resources and services; provide behavioral health crisis stabilization services, including, but not limited to, referrals to appropriate behavioral health services providers for additional care following resolution of the immediate behavioral health crisis; and, offer follow-up services for people who contact a crisis response center to ensure continuity of care and provide additional referrals and services as may be appropriate to the person's ongoing treatment needs. The law requires that mobile crisis response teams must be community based and may incorporate the use of emergency medical technicians and other health care providers; law enforcement personnel who have completed training in behavioral crisis response, and other professionals as may be necessary.

With respect to the costs associated with implementing the legislation, the Office of Legislative Services (OLS) estimates that DHS would incur an indeterminate amount of additional annual expenditures, but that such costs *"could be offset to a certain extent by an increase in State revenues."* To potentially offset costs more directly, the new law also requires DHS to seek out and apply for all federal aid that could be utilized to support the behavioral health crisis system of care and would mandate that health insurers in the State provide comprehensive coverage for behavioral health crisis intervention services.

COUNTY OPTION HOSPITAL FEE PROGRAM EXPANSION

On July 5th, Governor Murphy signed into law **A-4091/S-2729** (*Swain D-38/Conaway D-7*)(*Lagana D-38/Singleton D-7*) as P.L. 2022, c. 52, which makes permanent the County Option Hospital Fee Pilot Program and expands the definition of a participating county under the program.

Established in 2018, the County Option Hospital Fee Pilot Program is designed to support local hospitals in designated high-need areas to ensure continued access to critical healthcare services for vulnerable populations. The original Program in Atlantic, Camden, Essex, Hudson, Mercer, Middlesex, and Passaic counties was set to expire in 2026 but is now permanent under this new law. Additionally, Bergen, Burlington, Cumberland, Monmouth, and Ocean counties may now enact a local hospital fee program as the measure defines a “participating county” to mean “*a county that chooses to participate in the program and contains a municipality with a population greater than 30,000 whose 2020 Municipal Revitalization Index Distress score is greater than or equal to 35, (1) excluding counties with a municipality with a population greater than 125,000, (2) excluding counties with a population less than 150,000, and (3) excluding counties with a median income of \$110,000.*”

Subject to oversight by the State’s Department of Human Services, participating counties may retain up to 9% of fee collections for its own use and must remit the other 91% to the Department of Human Services, which may use 1% of total collections to defray administrative expenses related to the program. The remaining 90% of fee collections, plus federal cost reimbursements received under the Medicaid program, must be distributed to hospitals paying the fee through the State’s Medicaid managed care organizations.

GOLD STAR IDENTIFICATION CARDS

Also On July 5th, Governor Murphy signed into law **A-1455/S-1596** (*Lopez D-19/Dancer R-12*)(*Beach D-6*) as P.L. 2022, c.59, which permits county clerks and registers of deeds and mortgages to issue identification cards to Gold Star family members.

In summary, the new law expands the current practice of issuing Gold Star identification cards by county clerks and registers of deeds and mortgages to include additional family members and renames the law the “County Identification Card Gold Star Families Act.” The measure broadly defines family members to include a spouse, domestic partner, partner in civil union, parent, legal guardian or custodian, or child of a member of the Armed Forces of the United States who died while on active duty. The cards are official governmental documents and provide several benefits to surviving family members such as free admission to State parks, beaches, and museums.

The following bills concerning county government are currently sitting on the Governor's Desk awaiting his signature. The Governor typically has 45 days to sign a bill into law or it becomes law if no action is taken. However, and in general, the Governor has until Noon on the day after the Legislature returns from its temporary summer recess to sign a bill into law, which may be some time in September.

- **A-793/S-1427** (*Timberlake D-34/Tucker D-28*)(*Turner D-14*), which would create the "Community Wealth Preservation Program and expand access for certain buyers to purchase property from sheriff sales. Both houses passed the measure along partisan lines on June 30th.
- **A-1969/S-138** (*Mukherji D-33/Sumter D-35*)(*Diegnan D-18/Greenstein*), which would allow minors to serve as election workers between 5:30 a.m. and 9:00 p.m. on election days. Both houses passed the bill on June 29th.
- **A-3817/S-2863** (*Verrelli D-15/Benson D-1*)(*Zwicker D-16/Gopal D-11*), which would require ballot privacy sleeves at polling locations and makes various changes to the early and mail-in voting procedures. Both houses passed the legislation along partisan lines on June 30th.
- **A-3819/S-2868** (*Mukherji D-33/Dunn R-25*)(*Cryan D-20/Gopal D-11*), which would specify the circumstances when voters will be removed from permanent vote by mail status and when ballots will be sent to primary addresses. Both houses unanimously passed A-3819/S-2868 on June 29th.
- **A-3822/S-2865** (*Coughlin D-19/DiMaio R-23*)(*Zwicker D-16/Cryan D-20*), which would change certain mail-in ballot deadlines, permit the opening and canvassing of mail-in ballots prior to the election, and permit a pick-up schedule for certain mail-in ballots. Both houses unanimously passed the election bill on June 29th.
- **A-3823/S-2867** (*Sumter D-35/Rooney R-40*)(*Lagana D-38/Cran D-20*), which would require enhanced review of death record two months prior to an election, permit remote training for certain election workers, and exempt election worker compensation from taxation and remuneration. Both houses unanimously passed this bill on June 29th.
- **A-4067/S-2735** (*Sampson D-31/Conaway D-7*)(*Codey D-27/Greenstein D-14*), which would authorize the New Jersey Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects. Both houses unanimously passed this measure on June 16th.

- **A-2208/S-1027** (*Greenwald D-6/Verrelli D-14*)(*Singleton D-7/Cruz-Perez D-5*), which would include duct cleaning as a public works subject to the prevailing wage law. Both houses passed the bill on June 29th.
- **A-2861/S-1530** (*Benson D-15/Verrelli D-14*)(*Turner D-15*), which would permit counties to operate airports as county utilities and provide that bonds issued for county and municipal airport purposes are subject to the Local Bond Law.” Both houses passed the legislation on May 28th.
- **A-4194/S-2742** (*Reynolds-Jackson D-15/Wimberly D-35*)(*Greenstein D-14/Singleton D-7*), which would concern the licensing of law enforcement officers. Both houses unanimously passed the reform on June 29th.

We’ll make sure to provide a more comprehensive summary of each bill as action is taken over the summer.

UPCOMING NJAC EVENTS: Stay tuned for details about NJAC’s virtual workshops on September 14th and November 9th and for NJAC’s Year End Summit on Human Trafficking set for Friday December 16th at the Trenton Country Club in West Trenton.

TOP 7 CONDIMENTS, ADD-ONS, AND OTHER UNNECESSARY STUFF TO KEEP OFF YOUR BACON CHEESEBURGER THIS SUMMER

7. Feta or blue cheese crumbles
6. Hickory barbecue sauce which is just fine on ribs or other pork products
5. Blue cheese, ranch, or Russian dressing
4. Avocados, mangoes, pineapples, and all types of tropical fruits or vegetables
3. Hummus, cream cheese, and every other spread other than ketchup
2. Sun dried tomatoes, artichokes, but maybe a pickle on a Big Mac
1. Basil, parsley, alfalfa sprouts, or anything else green in color or nature

“Life is 10% what happens to you and 90% how you react to it.” Charles R. Swindoll