

SENATE, No. 2430

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 8, 2013

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senators Whelan, Cunningham, Vitale, Gordon, Rice and Ruiz

SYNOPSIS

Declares violence a public health crisis, recommends expansion of mental health programs, recommends federal adoption of gun control measures, and establishes “Study Commission on Violence.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 4/26/2013)

1 AN ACT declaring violence a public health crisis, recommending the
2 expansion of mental health programs, recommending federal
3 adoption of gun control measures, and establishing the “Study
4 Commission on Violence.”

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. The Legislature finds and declares that:

10 a. On December 14, 2012, a heavily armed man, dressed in
11 black fatigues and a military vest, walked into a Newtown,
12 Connecticut elementary school and opened fire, horrifically killing
13 26 people before killing himself. Twenty of the victims were young
14 children, who were six and seven years old;

15 b. On August 31, 2012 at a Pathmark in Old Bridge, New
16 Jersey an employee armed with an assault rifle and automatic pistol
17 entered the store and killed two workers before taking his own life;

18 c. In July 2012, at a crowded midnight screening of “The Dark
19 Knight Rises” in Aurora, Colorado, a man wearing body armor and
20 a gas mask entered the theater armed with an assault rifle, shotgun,
21 and .40-caliber handgun and opened fire into the crowd. Twelve
22 people were killed and 59 others were wounded as a result. The
23 youngest victim was six years old;

24 d. On January 8, 2011 in Tucson, Arizona, Congresswoman
25 Gabrielle Giffords and 18 others were shot during a public meeting
26 held in a supermarket parking lot. Six of those people were killed;

27 e. On November 5, 2009 there was an attack at Fort Hood,
28 Texas where an Army psychiatrist was charged with killing 13
29 soldiers and civilians and wounding more than two dozen others;

30 f. In Colorado, the movie theater shooting described above was
31 the deadliest shooting since the Columbine High School massacre
32 on April 20, 1999, when two students opened fire in the Denver
33 suburb of Littleton, killing 12 classmates and a teacher and
34 wounding 26 others before killing themselves;

35 g. Assault weapons were used in the Tuscon, Arizona shooting,
36 the Fort Hood shooting, and the Columbine High School shooting
37 described above;

38 h. The above examples represent a fraction of the violence that
39 occurs nationally and in this State every year. According to the
40 most recent data available, in this State alone, there are 372 murders
41 per year, meaning there is one murder every 23 hours and 33
42 minutes in New Jersey;

43 i. Nationwide, there have been more than 70 mass shootings
44 since the January 8, 2011 shooting of Arizona Congresswoman
45 Gabrielle Giffords described above;

46 j. The Centers for Disease Control and Prevention has
47 recognized violence as a serious public health problem in the
48 United States and has reported homicide as the second leading

1 cause of death among persons 15 to 24 years old. The Centers for
2 Disease Control and Prevention has found that in addition to the
3 many violent deaths that occur in this country each year, there are
4 many more individuals who survive violence and are left with
5 permanent physical and emotional scars and that this violence
6 erodes communities by reducing productivity, decreasing property
7 values, and disrupting social services;

8 k. In this State alone, there are 74,244 domestic violence
9 offenses reported by the police each year, with children being
10 involved or present during 31 percent of these offenses, according
11 to the most recent data available;

12 l. Nationwide, the equivalent of 10,000 busloads of children
13 end up in emergency rooms for violence-related injuries every year
14 and more than 5,500 children are murdered every year;

15 m. A study conducted by the World Health Organization stated
16 that communities with high numbers of violent children also have
17 higher health care costs, reduced productivity, and decreased
18 property values;

19 n. A 2001 Surgeon General report found that programs that
20 focused on classroom attendance, academic progress, and school
21 behavior helped reduce violence among children;

22 o. Although New Jersey has strict gun control laws, these laws
23 are easily circumvented because of the lack of similar federal laws.
24 In order to provide more safety for New Jersey residents, the federal
25 government must reinstate its ban on assault weapons which
26 expired on September 13, 1994 and must expand background check
27 requirements for gun purchases to include all sales and transfers;

28 p. The Union County Prosecutor's Office created a Special
29 Offenders Unit to address the marked increase in criminal
30 prosecutions against individuals with mental illness. The unit
31 partners with a hospital and rehabilitation services to operate the
32 Jail Diversion Pilot Program to attempt to divert mentally ill
33 criminal defendants from traditional prosecution, where the
34 underlying offense is related to the defendant's mental illness. It is
35 necessary for all counties in this State to implement a similar unit to
36 address mental illness in criminal defendants;

37 q. One of the most effective means of curtailing violence is
38 provided by the community based mental health system through
39 involuntary outpatient commitments under a court order supervised
40 by a case manager. This program must be adequately funded in all
41 21 counties; and

42 r. Based upon the foregoing findings regarding these recent
43 horrific incidents illustrating the alarming prevalence of violence
44 and the detrimental effects that unrelenting violence has for the
45 good citizens of this nation and State, the Legislature declares
46 violence to be a grave public health crisis. The Legislature finds
47 that it is, therefore, in the public interest for the State to establish a
48 commission to study the trends of violence, the source of violence,

1 and the impact of violence on the community in order to help raise
2 awareness about one of this country's most significant public health
3 crises, to develop a method to address the epidemic of violence, and
4 to make recommendations for Congressional and State action.

5

6 2. a. There is established a Study Commission on Violence to
7 study violence, develop a method to address the epidemic of
8 violence at the federal and State levels, and to make
9 recommendations for Congressional and State action.

10 b. The commission shall consist of nine members. To the
11 greatest extent practical, the public members shall have a
12 background or education in mental health or criminology. One
13 member of the commission shall be the Attorney General or a
14 designee, who shall serve ex-officio. One member of the
15 commission shall be the Commissioner of Health or a designee,
16 who shall serve ex-officio. One public member of the commission
17 shall be appointed by the Governor. Three public members of the
18 commission, not more than two of whom shall be of the same
19 political party, shall be appointed by the President of the Senate.
20 One member appointed by the Senate President shall be
21 recommended by the National United Youth Council INC. Three
22 public members of the commission, not more than two of whom
23 shall be of the same political party, shall be appointed by the
24 Speaker of the Assembly. One member appointed by the Assembly
25 Speaker shall be recommended by and be a member of the County
26 Prosecutor's Association of New Jersey.

27 Vacancies in the membership of the commission shall be filled in
28 the same manner as the original appointments were made.

29 c. The members of the commission shall be appointed within
30 30 days of the effective date and shall hold their initial
31 organizational meeting as soon as practicable, but no later than 30
32 days following the appointment of the commission's members. The
33 members shall select a chairperson from among the members. The
34 chairperson shall appoint a secretary who need not be a member of
35 the commission.

36 d. Members of the commission shall serve without
37 compensation, but shall be reimbursed for necessary expenses
38 incurred in the performance of their duties as members of the
39 commission, within the limits of funds appropriated or otherwise
40 made available to the commission for its purpose.

41 e. The Department of Law and Public Safety shall provide
42 support staff to the commission, as necessary.

43 f. The commission shall further be entitled to call to its
44 assistance and avail itself of the services of the employees of any
45 State, county or municipal department, board, bureau, commission,
46 or agency as it may require and as may be available to it for its
47 purposes.

1 3. a. It shall be the duty of the commission to study the trends
2 of violence, the source of violence, and the impact of violence on
3 the community, to develop a method to address the epidemic of
4 violence at the federal and State levels, and to make
5 recommendations for State and Congressional action.

6 b. The commission shall seek out funding and grants for the
7 implementation of programs to reduce violence from sources
8 including, but not limited to, the Centers for Disease Control and
9 Prevention and any other funding sources.

10
11 4. a. The commission shall conduct public hearings in
12 furtherance of its general purposes at such place or places as it shall
13 designate, at which it may request the appearance of officials of any
14 federal, State or interstate department, board, bureau, commission,
15 agency, or authority and solicit the testimony of interested groups
16 and the general public.

17 b. The commission shall issue a final report to the Governor
18 and to the Legislature pursuant to section 2 of P.L.1991, c.164
19 (C.52:14-19.1), containing its findings and recommendations,
20 including any recommendations for legislation and
21 recommendations for Congressional action that it deems
22 appropriate, no later than the first day of the seventh month
23 following its organization.

24
25 5. This act shall take effect immediately and shall expire upon
26 submission of the commission's final report to the Legislature.

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STATEMENT

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31 This bill declares violence a public health crisis, recommends the
32 expansion of mental health programs, recommends federal adoption
33 of gun control measures, and establishes a Study Commission on
34 Violence to study the trends of violence, the source of violence, and
35 the impact of violence on the community, to develop a method to
36 address the epidemic of violence at the federal and State levels, and
37 to make recommendations for Congressional and State action.

38 In addition, the commission would seek out funding from
39 sources such as the Centers for Disease Control and Prevention and
40 any other funding sources to implement programs to reduce
41 violence.

42 The study commission would consist of nine members. To the
43 greatest extent practical, the public members must have a
44 background or education in mental health or criminology. One
45 member would be the Attorney General or a designee, who would
46 serve ex-officio. One member would be the Commissioner of
47 Health or a designee, who would serve ex-officio. One public
48 member would be appointed by the Governor. Three public

1 members would be appointed by the President of the Senate, with
2 one member being recommended by the National United Youth
3 Council INC. Three public members would be appointed by the
4 Speaker of the Assembly, with one member being recommended by
5 and a member of the County Prosecutors Association of New
6 Jersey.

7 Under this bill, the commission is required to hold public
8 hearings and to submit a report to the Governor and the Legislature
9 no later than seven months after the organization of the commission
10 with its findings, including any recommendations for legislation and
11 recommendations for Congressional and State action.

12 On December 14, 2012, a heavily armed man walked into a
13 Newtown, Connecticut elementary school and open-fired. Twenty
14 people were killed, including 20 young children who were ages six
15 and seven.

16 In New Jersey, on August 31, 2012 at a Pathmark in Old Bridge,
17 an employee armed with an assault rifle and automatic pistol
18 entered the store and killed two workers before taking his own life.

19 In July 2012, at a crowded midnight screening of "The Dark
20 Knight Rises" in Aurora, Colorado, a man entered the theater, and
21 opened fire, killing 12 people and wounding 59 others.

22 The above examples represent a fraction of the violence that
23 occurs nationally and in this State. According to the most recent
24 data available, in New Jersey alone, there are 372 murders per year
25 and 74,244 domestic violence offenses reported by the police per
26 year. Nationwide, since the shooting of Arizona Congresswoman
27 Gabrielle Giffords in 2011, there have been more than 70 additional
28 mass shootings.

29 The Centers for Disease Control and Prevention (CDC) has
30 recognized violence as a serious public health problem in the
31 United States and has found that violence erodes communities by
32 reducing productivity, decreasing property values, and disrupting
33 social services. In addition, a World Health Organization study
34 found that communities with high numbers of violent children have
35 higher health care costs, reduced productivity, and decreased
36 property values.

37 Based upon findings regarding the recent horrific incidents that
38 illustrate the alarming prevalence of violence and the detrimental
39 effects that violence has for the nation and State, violence is
40 declared a serious public health crisis. Therefore, it is in the public
41 interest for the State to establish a commission to study violence in
42 order to help raise awareness about one of this country's most
43 significant public health crises, to develop a method to address this
44 epidemic at the federal and State level, and to make
45 recommendations for Congressional and State action.