

**SENATE, No. 2272**

**STATE OF NEW JERSEY**  
**221st LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Somerset and Union)**

**SYNOPSIS**

Establishes the “Gambling Treatment Diversion Court Pilot Program” within the criminal justice system.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT establishing a gambling treatment diversion court pilot  
2 program and supplementing Title 2B of the New Jersey Statutes.

3

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

6

7 1. The Legislature finds and declares that legalized gambling is  
8 a \$3.5 billion dollar industry in New Jersey. The New Jersey  
9 Division of Gaming enforcement reported that in 2020, the  
10 industry's total gaming revenue was \$2.881 billion compared to  
11 \$3.469 billion in 2019, reflecting a decrease of 16.9%, likely due to  
12 COVID. However, internet gambling dramatically increased by  
13 101% during COVID to \$970.3 million when compared to the prior  
14 period. Sports wagering gross revenue was \$66.4 million for  
15 December 2020, and sports wagering gross revenue was \$398.5  
16 million. The Legislature further finds that traditional gambling,  
17 requiring money to participate, including land based gaming  
18 formats such as casino gaming, lottery and scratch-off cards, and  
19 newer formats, such as internet gambling and sports betting, create  
20 unrestrained opportunity for persons with problem gambling or  
21 disordered gambling to become engulfed in destructive behaviors,  
22 ranging from personal and family financial ruin to criminal  
23 behavior, because of the disease of problem gambling or disordered  
24 gambling. While the industry does not cause destructive behavior,  
25 and each individual must be accountable for their actions, it is  
26 fitting and proper, that a special court with judges knowledgeable in  
27 criminal law and procedure and addictive behaviors, be established  
28 to adjudicate criminal cases involving persons determined to be  
29 affected by problem gambling or disordered gambling.

30

31 2. Definitions.

32 a. "Person with an addictive disorder related to gambling"  
33 defined. "Person with an addictive disorder related to gambling"  
34 means a person who suffers from disordered gambling and who  
35 meets the criteria for Gambling Disorder as described in the current  
36 edition of the Diagnostic and Statistical Manual of Mental  
37 Disorders (DSM) of the American Psychiatric Association."

38 b. "Disordered gambling" defined. "Disordered gambling" is  
39 defined in the current edition of the Diagnostic and Statistical  
40 Manual of Mental Disorders (DSM) of the American Psychiatric  
41 Association."

42 c. "Problem gambling" defined. "Problem gambling" is  
43 defined as a sub-clinical term with the following symptoms,  
44 including but not limited to, increasing preoccupation with  
45 gambling, loss of control, restlessness or inability when attempting  
46 to stop gambling.

47 d. "Qualified mental health professional" means any of the  
48 following persons:

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- 1 (1) A person who is certified as a problem gambling counselor.
- 2 (2) A person who is certified as a problem gambling counselor  
3 intern who is under a qualified supervisor and actively pursuing  
4 IGCCB certification.
- 5 (3) A physician licensed to practice in New Jersey who holds a  
6 board certification in Psychiatry or Addiction Medicine.
- 7 (4) A nurse who is licensed (R.N.) and is authorized by the State  
8 Board of Nursing to engage in the practice of counseling problem  
9 gamblers or disordered gamblers.
- 10 (5) A licensed psychologist.
- 11 (6) A licensed professional counselor (LPC).
- 12 (7) A licensed clinical alcohol and drug counselor (LCADC).
- 13 (8) A marriage and family therapist (LMFT) authorized to  
14 engage in the practice of counseling problem gamblers or  
15 disordered gamblers.
- 16 (9) A person who is licensed as a clinical social worker (LCSW)  
17 and is authorized by the State Board of Social Work Examiners to  
18 engage in the practice of counseling problem gamblers or  
19 disordered gamblers.
- 20 (10) For subparagraph (1), and subparagraphs (4) through (9) of  
21 this subsection, the qualified mental health professional must have  
22 International Gambling Counselor Certification Board (IGCCB)  
23 certification and maintain such active IGCCB certification.
- 24 e. “Gambling Treatment Diversion Court Pilot Program Court  
25 Coordinator” (hereinafter “gambling court coordinator”) is a  
26 qualified mental health professional who shall collect and gather all  
27 information, including but not limited to, treatment provider  
28 reports, probation reports, drug tests, support group attendance logs,  
29 employment information, restitution payments, other financial  
30 documents, location monitoring history, and submit same to the  
31 court in a unified report.
- 32 f. “Restitution” means the total amount of money owed to a  
33 victim of a crime to compensate the victim for all losses suffered as  
34 a result of the crime and any statutory fees and costs associated with  
35 the collection of that amount of money.
- 36
- 37 3. a. There is hereby established a “Gambling Treatment  
38 Diversion Court Pilot Program” which shall have as a purpose the  
39 treatment of persons determined to be affected by problem  
40 gambling or disordered gambling and who committed a crime for  
41 which they have been convicted in furtherance of or because of the  
42 gambling. The “Gambling Treatment Diversion Court Pilot  
43 Program” shall be administered by the Administrative Office of the  
44 Courts and shall be established, as it so determines, including  
45 regarding the appropriate and practical assignment of gambling  
46 court cases within the court system statewide.
- 47 b. At a minimum, the program shall:

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- 1 (1) (a) include the terms and conditions for successful  
2 completion of the diversion program;
- 3 (b) require that the person assigned to the diversion program  
4 agree to pay restitution as a condition upon the election of  
5 treatment; and
- 6 (c) provide for progress reports at intervals set by the court to  
7 ensure that the person is making satisfactory progress toward  
8 completion of the diversion program.
- 9 (2) be administered by a qualified mental health professional  
10 and shall include, without limitation:
- 11 (a) information and encouragement for the participant to cease  
12 problem or disordered gambling through educational, counseling  
13 and support sessions such as those offered through the Council on  
14 Compulsive Gambling of New Jersey 1-800-GAMBLER;
- 15 (b) the opportunity for the participant to understand the medical,  
16 psychological, social, and financial implications of problem  
17 gambling or disordered gambling; and
- 18 (c) appropriate referral to community, health, substance use  
19 disorder, religious and social service agencies, including the  
20 Council on Compulsive Gambling of New Jersey 1-800-GAMBLER  
21 for additional resources and related services, as needed.
- 22 (3) Before the court assigns a person to a diversion program for  
23 the treatment of problem gambling or disordered gambling, the  
24 person must agree to pay the cost of the diversion program to which  
25 he or she is assigned, to the extent of the financial resources of the  
26 person, including use of the person's health or medical insurance, if  
27 available. If the person does not have the financial resources to pay  
28 all the related costs, the court shall, to the extent practicable,  
29 arrange for the person to be assigned to a diversion program that  
30 receives a sufficient amount of federal or state funding to offset the  
31 remainder of the costs.
- 32
- 33 4. A person with a gambling problem or who suffers from  
34 disordered gambling who has been convicted of a crime and who  
35 committed the crime in furtherance of or because of problem  
36 gambling or disordered gambling is eligible to be assigned by the  
37 court to a program for the treatment of problem gambling or  
38 disordered gambling before the person is sentenced unless:
- 39 a. The crime is:
- 40 (1) A crime against the person as set forth in chapters 11  
41 through 18 in Title 2C of the New Jersey statutes;
- 42 (2) A crime against a child, including endangering the welfare  
43 of a child and child pornography pursuant to N.J.S.2C:24-4;
- 44 (3) An act which constitutes domestic violence pursuant to P.L.  
45 1991, c.261 (C.2C:25-17 et seq.);
- 46 b. The disordered gambler has a record of two or more  
47 convictions of a crime described in subsection a. of this section or a  
48 similar crime in violation of the laws of another state;

- 1 c. Other criminal proceedings alleging commission of a violent  
2 offense are pending against the problem gambler or disordered  
3 gambler;
- 4 d. The person is on probation or parole, except that the person is  
5 eligible if the appropriate probation or parole authority consents or  
6 the court finds that the person is eligible after considering any  
7 objections made by the appropriate probation or parole authority; or
- 8 e. The person has previously been assigned by a court to a  
9 program for the treatment of problem gambling or disordered  
10 gambling, except that the person is eligible to make the election if  
11 the court finds that the person with the disorder is eligible to make  
12 such an election.
- 13 f. If the court makes a judicial finding that:
- 14 (1) the person who has been convicted of a crime is afflicted  
15 with problem gambling or disordered gambling; and
- 16 (2) the person committed the crime in furtherance of or because  
17 of problem gambling or disordered gambling; the court shall hold  
18 an eligibility hearing before it sentences the person to determine  
19 whether the person committed the crime in furtherance of or  
20 because of problem gambling or disordered gambling and whether  
21 the person should receive treatment under the supervision of a  
22 qualified mental health professional. A prosecutor, public defender  
23 or defense attorney may present the court with any evidence  
24 concerning whether the person committed the crime in furtherance  
25 of or because of problem gambling or disordered gambling and the  
26 advisability of permitting the person to enter the program.
- 27 g. At the hearing, the court shall advise the person that  
28 sentencing will be postponed if the person submits to treatment and  
29 is accepted into a diversion program for the treatment of problem  
30 gambling or disordered gambling. The court shall advise the person  
31 that:
- 32 (1) The court may impose any conditions upon the treatment  
33 that could be imposed as conditions of probation;
- 34 (2) If the person is accepted, the person may be placed under the  
35 supervision of the qualified mental health professional for a period  
36 of not less than one year or until the court, upon assessment and  
37 recommendation of the qualified mental health professional  
38 treatment provider, determines that the person has successfully  
39 completed the diversion program, whichever is later, except that no  
40 person shall remain under supervision pursuant to this section for a  
41 period in excess of three years.
- 42 h. If the person satisfactorily completes the diversion program  
43 described in section 3, as determined by the court, the conviction  
44 shall be set aside. If the person does not satisfactorily complete the  
45 diversion program and satisfy the conditions, the court shall impose  
46 a sentence that might have been imposed, or that would have been  
47 required to be imposed, originally for the offense for which the  
48 person was convicted or adjudicated delinquent; and

- 1 i. If the person's conviction is set aside the person may, at any  
2 time after the conviction is set aside, file a petition for the  
3 expungement of all records relating to the setting aside of the  
4 conviction.
- 5 j. If the court, after a hearing, determines that a person is  
6 eligible to accept the problem gambling or disordered gambling  
7 treatment offered, the court shall order a qualified mental health  
8 professional to assess the person. The assessment must include:
- 9 (1) whether the person is a problem gambler or disordered  
10 gambler,  
11 (2) whether the person committed the crime in furtherance of or  
12 because of problem gambling or disordered gambling, and  
13 (3) whether the person is likely to be rehabilitated through  
14 treatment.
- 15 k. The qualified mental health professional shall report to the  
16 court the results of the assessment and recommend whether the  
17 person should be placed under supervision for treatment.
- 18 l. If the court, acting on the report of the qualified mental health  
19 professional or other relevant information, determines that the  
20 person is not a problem gambler or disordered gambler or did not  
21 commit the crime in furtherance of or because of problem gambling  
22 or disordered gambling, or the person is not likely to be  
23 rehabilitated through treatment or is otherwise not a good candidate  
24 for treatment, the person may be sentenced.
- 25 m. The court shall appoint a qualified Gambling Treatment  
26 Diversion Court Pilot Program Court Coordinator, or gambling  
27 court coordinator, to collect and gather all information, including  
28 but not limited to, treatment provider reports, probation reports,  
29 drug tests, support group attendance logs, employment information,  
30 restitution payments, other financial documents, location  
31 monitoring history, and submit same to the court in a unified report.
- 32 n. If the court determines that the person is a problem gambler  
33 or disordered gambler, committed the crime in furtherance of or  
34 because of problem gambling or disordered gambling, is likely to be  
35 rehabilitated through treatment and is a good candidate for  
36 treatment, the court may:
- 37 (1) Impose any conditions that may be imposed as conditions of  
38 probation;  
39 (2) Defer sentencing until such time, if any, as sentencing is  
40 authorized; and  
41 (3) Place the person under the supervision of a qualified mental  
42 health professional for not less than one year and not more than  
43 three years. The court may require such progress reports on the  
44 treatment of the person as it deems necessary. The probation  
45 department or other appropriate agency designated by the court to  
46 monitor or supervise the person shall report periodically to the court  
47 or gambling court coordinator as to the person's progress in  
48 treatment and compliance with court-imposed terms and conditions.

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1 The qualified mental health professional shall promptly report to  
2 the gambling court coordinator all significant infractions by the  
3 person to comply with any court-imposed term or condition.

4 o. A person who is placed under the supervision of a qualified  
5 mental health professional shall pay the cost of the program of  
6 treatment to which the person is assigned and the cost of any  
7 additional supervision that may be required, to the extent of the  
8 financial resources of the person. The judgment shall constitute as  
9 a lien in like manner as a judgment for money rendered in a civil  
10 action.

11 p. If the person who is placed under the supervision of a  
12 qualified mental health professional does not have the financial  
13 resources to pay all the related costs:

14 (1) The court shall, to the extent practicable, arrange for the  
15 person to be assigned to a treatment program that receives a  
16 sufficient amount of federal or state funding to offset the remainder  
17 of the costs; and

18 (2) The court may order the person to perform supervised  
19 community service in lieu of paying the remainder of the costs  
20 relating to the person's treatment and supervision.

21 q. Whenever a person is placed under the supervision of a  
22 qualified mental health professional, the person's sentencing shall  
23 be deferred, and the person's conviction shall be set aside if the  
24 qualified mental health professional certifies in writing to the court  
25 that the person has satisfactorily completed the program of  
26 treatment and the court approves the certification and determines  
27 that the conditions imposed for treatment have been satisfied.

28

29 5. The Supreme Court of New Jersey may adopt court rules  
30 appropriate or necessary to effectuate the purposes of this act.

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32 6. The Administrative Office of the Courts shall submit and  
33 publish a comprehensive study and report on the Gambling  
34 Treatment Diversion Court Pilot Program. The report shall include  
35 findings as to whether a continuation of the Gambling Treatment  
36 Diversion Court Pilot Program is in the interest of the citizens of  
37 this State.

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39 7. This act shall take effect on the first day of the third month  
40 after enactment and shall expire three years after the effective date.

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STATEMENT

44

45 This bill creates a Gambling Court Pilot Program with the  
46 purpose to treat persons determined to be affected by an addictive  
47 disorder related to gambling and who committed a crime for which  
48 they have been convicted in furtherance or as a result of the

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1 gambling. The Gambling Treatment Diversion Court Pilot Program  
2 would be administered by the Administrative Office of the Courts  
3 and be established, as the AOC determines, including regarding the  
4 appropriate and practical assignment of gambling court cases within  
5 the court system Statewide. This bill is modeled after a similar  
6 program in Las Vegas, Nevada established November 2018.