

P.L. 2026, CHAPTER 59, *approved July 30, 2026*
Senate, No. 4407

1 AN ACT concerning involuntary commitment, amending P.L.2025,
2 c.108 and P.L.2023, c.139.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*
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7 1. Section 1 of P.L.2023, c.139 (C.30:4-27.9a) is amended to
8 read as follows:

9 1. a. Notwithstanding the provisions of section 9 of P.L.1987,
10 c.116 (C.30:4-27.9) or any other law, rule, or regulation to the
11 contrary, commencing on the effective date of P.L.2023, c.139
12 (C.30:4-27.9a et al.) and ending on the last day of the **【36th】** 44th
13 calendar month following that effective date, a short-term care or
14 psychiatric facility, or a special psychiatric hospital, may detain a
15 person admitted to the facility involuntarily by referral from a
16 screening service without a temporary court order for no more than
17 72 hours from the time the screening certificate was executed.

18 Except in the event a general hospital was granted a temporary
19 court order permitting the continued hold of the person pursuant to
20 subsection b. of this section, which delayed a person's admission to
21 the short-term care or psychiatric facility or special psychiatric
22 hospital, a short-term care or psychiatric facility or special
23 psychiatric hospital shall not detain a person admitted to the facility
24 involuntarily by referral from a screening service without a
25 temporary court order for more than 72 hours from the time the
26 screening certificate was executed.

27 Within 24 hours of admission, the admitting facility shall initiate
28 court proceedings for the involuntary commitment of the person
29 pursuant to section 10 of P.L.1987, c.116 (C.30:4-27.10) and
30 request a temporary court order permitting the continued hold of the
31 person pending the return date of the involuntary commitment
32 hearing, which shall take place no later than 20 days from initial
33 commitment.

34 b. (1) Notwithstanding the provisions of section 9 of P.L.1987,
35 c.116 (C.30:4-27.9) or any other law, rule, or regulation to the
36 contrary, commencing on the effective date of P.L.2023, c.139
37 (C.30:4-27.9a et al.) and ending on the last day of the **【36th】** 44th
38 calendar month following that effective date, a general hospital,
39 including any satellite emergency department of a general hospital,
40 may not detain a person for more than 72 hours from the time a
41 screening certificate is executed, unless the hospital or emergency
42 department obtains a temporary court order permitting the

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 continued hold of the person for up to 72 additional hours, as
2 determined by the court, or the person, through the person's
3 counsel, provides consent for the continued hold. If it becomes
4 evident that a hospital or emergency department will not be able to
5 discharge or admit the person to another facility within 72 hours,
6 the hospital, emergency department, or, as applicable, the
7 Designated Screening Service provider, shall submit an emergent
8 application for such order. The hospital or emergency department
9 shall continue to hold the person during the pendency of the
10 application and any investigation conducted by the person's
11 counsel, provided that appropriate treatment that meets the standard
12 of care is being rendered to the person. The Office of the Public
13 Defender and other designated counsel, as applicable, shall be
14 notified of the emergent application and provided with a copy of the
15 application and all supporting documents. The court shall appoint
16 the Office of the Public Defender as counsel to represent the
17 patient, if there is no other designated counsel. The application
18 may be decided by the court on documentary presentations relevant
19 to the standards established under paragraph (2) of this subsection.
20 At the request of counsel, the court shall conduct a hearing on the
21 record, at which hearing the court shall consider the arguments of
22 counsel and all relevant evidence submitted. The court shall
23 determine the format of the hearing based on the apparent
24 complexity of the matter and the extent of doubt as to the merits of
25 the application, and may, at its discretion, rely on certifications
26 from witnesses or require live testimony. The court shall not grant
27 a temporary order granting the continued hold of a person, unless
28 the person's counsel has been designated and notified, completed
29 any necessary interviews with the patient and investigations, and
30 provided notice to the court on the counsel's position on the
31 extended hold.

32 (2) The court may grant a temporary order granting the
33 continued hold of a person upon an application submitted pursuant
34 to paragraph (1) of this subsection if the hospital, emergency
35 department, or, as applicable, the Designated Screening Service
36 provider:

37 (a) exhausted all reasonable efforts to place the individual in a
38 short-term care or psychiatric facility, or special psychiatric
39 hospital, depending on which facility is appropriate for the person's
40 condition and is the least restrictive environment, and has
41 completed a form as a part of the application, which form shall
42 include the dates of the outreach to each short-term care facility or
43 centralized admission, in the case of a forensic patient, and the
44 response from each short-term care facility or centralized admission
45 and if applicable, the specific reason for rejection. In the case of a
46 forensic patient, a hospital, emergency department, or, as
47 applicable, the Designated Screening Service provider shall not be

1 required to conduct outreach to facilities that do not serve forensic
2 patients; and

3 (b) demonstrates that there is a substantial likelihood that, by
4 reason of mental illness, the person will be dangerous to the
5 person's own self or others based upon the certification of two
6 psychiatrists who have examined the patient and deemed the patient
7 is in need of involuntary commitment, such examinations may be
8 conducted using telemedicine or telehealth consistent with the
9 standard of care required for the assessment and treatment of the
10 person's condition.

11 The court shall include such conditions in the temporary order as
12 the court deems appropriate to promote diligent efforts to locate an
13 available facility to accommodate the patient's needs and protect the
14 rights of the person detained pending commitment. In the event
15 that the hospital, emergency department, or, as applicable, the
16 Designated Screening Service provider, is unable to place the
17 person into an appropriate facility within the 72 hours of continued
18 hold permitted by the temporary court order, the hospital or
19 emergency department may continue to hold the person, provided
20 that the person's counsel provides consent for the hold and
21 appropriate treatment that meets the standard of care is being
22 rendered to the person. The Office of the Public Defender shall be
23 notified and provided with a copy of any temporary court order
24 granted pursuant to this paragraph. The patient shall receive a court
25 hearing with respect to the issue of continued need for involuntary
26 commitment within 20 days from the date of initial commitment or
27 within 20 days from the date an application was filed pursuant to
28 paragraph (1) of this subsection, whichever date occurs first, unless
29 the patient has been administratively discharged pursuant to section
30 17 of P.L.1987, c.116 (C.30:4-27.17).

31 (3) Notwithstanding the provisions of any other law, rule, or
32 regulation to the contrary, commencing on the effective date of
33 P.L.2023, c.139 (C.30:4-27.9a et al.) and ending on the last day of
34 the **[36th]** 44th calendar month following that effective date, each
35 general hospital and emergency department shall prepare and
36 submit to the Department of Human Services a quarterly report,
37 which report shall include, but not be limited to, information on:

38 (a) the number of applications submitted to the court for a
39 temporary court order permitting the continued hold of a person
40 beyond 72 hours pursuant to paragraph (1) of this subsection;

41 (b) the number of temporary court orders granted pursuant to
42 paragraph (2) of this subsection permitting the continued hold of a
43 person beyond 72 hours;

44 (c) whether a person detained for longer than 72 hours: has a
45 criminal history; has a co-occurring substance use disorder; has a
46 co-occurring intellectual or developmental disability; has health
47 insurance and, if so, the type of health insurance coverage; has a
48 complex medical condition; or is unable to be released because the

1 72-hour timeframe falls on a weekend and either admission to
2 treatment facilities are not provided on weekends or discharges
3 from the facility do not occur on weekends;

4 (d) the length of time each individual was held beyond 72 hours
5 before finding appropriate placement in a treatment facility;

6 (e) the number of individuals placed in an appropriate treatment
7 facility within 72 hours; and

8 (f) any other information the department deems necessary.

9 Any information included in a report concerning specific
10 individuals shall be de-identified. Each report shall be made
11 available to the public within 60 days of the date the Department of
12 Human Services receives the report.

13 c. (1) Notwithstanding the provisions of any other law, rule, or
14 regulation to the contrary, the Commissioner of Health may, to the
15 extent the commissioner finds necessary, commencing 120 days
16 following the effective date of P.L.2023, c.139 (C.30:4-27.9a et al.)
17 and ending on the last day of the **【27th】** 35th calendar month
18 following that effective date, allow a general acute care hospital
19 that is licensed for acute care hospital psychiatric beds to apply to
20 the Department of Health for temporary licenses for beds for the
21 involuntary commitment of patients. The department may issue
22 temporary licenses pursuant to this paragraph if the hospital
23 demonstrates in its application a need for such beds based on
24 retrospective data demonstrating the need for involuntary
25 commitment beds, a showing that the hospital continually exhausts
26 all reasonable efforts to place individuals in short-term care,
27 psychiatric facilities, or special psychiatric hospitals, and any other
28 factors as determined by the Commissioner of Health. Any
29 temporary license granted pursuant to this paragraph, unless
30 otherwise confirmed at the next certificate of need review, as
31 required pursuant to N.J.A.C.8:33-4.4 or its successor regulation,
32 shall expire within 90 days of the Commissioner of Health's
33 decision rendered pursuant to that full review process.

34 (2) The Department of Health shall make available on its
35 Internet website and continuously update information concerning
36 the total number of temporary licenses granted pursuant to
37 paragraph (1) of this subsection, as well as the number of temporary
38 licenses granted to each hospital that submitted an application
39 pursuant to paragraph (1) of this subsection.

40 (3) The department shall submit information concerning the
41 total number of temporary licenses granted pursuant to paragraph
42 (1) of this subsection, as well as the number of temporary licenses
43 granted to each hospital that submitted an application pursuant to
44 paragraph (1) of this subsection, to the Commissioner of Human
45 Services, which information shall: (a) be submitted in a manner
46 that allows the Commissioner of Human Services sufficient time to
47 include the information in the report required pursuant to subsection
48 b. and c. of section 2 of P.L.2023, c.139 (C.30:4-27.3a); and (b)

1 reflect the number of temporary licenses granted as of the date the
2 information is submitted.

3 (cf: P.L.2025, c.108, s.2)

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5 2. Section 3 of P.L.2025, c.108 (C.30:4-27.9b) is amended to
6 read as follows:

7 3. The Department of Human Services shall establish an
8 educational committee of stakeholders, which educational
9 committee, commencing on the effective date of P.L.2025, c.108
10 (C.30:4-27.9b et al.) and ending on the last day of the **【36th】** 44th
11 calendar month following the effective date of P.L.2023, c.139
12 (C.30:4-27.9a et al.), shall provide education to short-term care
13 facilities and individual county assignment judges about the legal
14 obligations of short-term care facilities to accept patients.
15 Thereafter, the Department of Human Services shall provide the
16 education to short-term care facilities and individual county
17 assignment judges, as necessary.

18 (cf: P.L.2025, c.108, s.3)

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20 3. This act shall take effect immediately.

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23 STATEMENT

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25 This bill extends certain provisions located in N.J.S.A.30:4-27.9a
26 related to involuntary commitment by eight months. The bill also
27 extends certain provisions located in N.J.S.A.30:4-27.9b related to
28 educating short-term care facilities and individual county
29 assignment judges on the legal obligations of short-term care
30 facilities to accept patients by eight months.

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Extends certain provisions relating to involuntary commitment.