



<b>TECHNICAL REVIEW OF BILL:</b>	No	
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b>	No
	<b>SENATE:</b>	Yes    Judiciary Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	Yes
<b>VETO MESSAGE:</b>	No
<b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>	Yes
<b>LEGISLATOR STATEMENT:</b>	Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

<b>REPORTS:</b>	No
<b>HEARINGS:</b>	No
<b>NEWSPAPER ARTICLES:</b>	No

CL/MMcB

P.L. 2025, CHAPTER 29, *approved March 6, 2025*  
Assembly, No. 4684 (*Second Reprint*)

1 AN ACT concerning judgments against public entities and amending  
2 <sup>2</sup>P.L.2019, c.120 and<sup>2</sup> N.J.S.59:9-2.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 <sup>1</sup>1. Section 7 of P.L.2019, c.120 (C.59:2-1.3) is amended to read as  
8 follows:

9 7. a. Notwithstanding any provision of the “New Jersey Tort  
10 Claims Act,” N.J.S.59:1-1 et seq., to the contrary:

11 (1) immunity from civil liability granted by that act to a public  
12 entity or public employee shall not apply to an action at law for  
13 damages as a result of a sexual assault, any other crime of a sexual  
14 nature, a prohibited sexual act as defined in section 2 of P.L.1992, c.7  
15 (C.2A:30B-2), or sexual abuse as defined in section 1 of P.L.1992,  
16 c.109 (C.2A:61B-1) being committed against a person, which was  
17 caused by a willful, wanton <sup>2,2</sup> or grossly negligent act of the public  
18 entity or public employee; and

19 (2) immunity from civil liability granted by that act to a public  
20 entity shall not apply to an action at law for damages as a result of a  
21 sexual assault, any other crime of a sexual nature, a prohibited sexual  
22 act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual  
23 abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1) being  
24 committed against a minor under the age of 18, which was caused by  
25 the negligent hiring, supervision <sup>2,2</sup> or retention of any public  
26 employee.

27 b. Every action at law involving a public entity or public  
28 employee as described in subsection a. of this section shall be subject  
29 to the statute of limitations set forth in section 2 of P.L.2019, c.120  
30 (C.2A:14-2a), and may be brought during the two-year period set forth  
31 in subsection a. of section 9 of P.L.2019, c.120 (C.2A:14-2b),  
32 notwithstanding that the action would otherwise be barred through  
33 application of the statute of limitations.

34 c. The recovery limits set forth under subparagraph (a) of  
35 paragraph (2) of subsection d. of N.J.S.59:9-2 shall not apply to an  
36 action at law <sup>2</sup>[for an injury resulting from the commission of sexual  
37 assault, a prohibited sexual act as defined in section 2 of P.L.1992, c.7  
38 (C.2A:30B-2), sexual abuse as defined in section 1 of P.L.1992, c.109

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Assembly AJU committee amendments adopted October 21, 2024.

<sup>2</sup>Assembly AAP committee amendments adopted October 24, 2024.

1 (C.2A:61B-1), or any other crime of a sexual nature.<sup>1</sup> ] filed pursuant  
2 to this section.<sup>2</sup>

3 (cf: P.L.2019, c.239, s.1)

4

5 <sup>1</sup>[1.] 2.<sup>1</sup> N.J.S.59:9-2 is amended to read as follows:

6 59:9-2. a. No interest shall accrue prior to the entry of judgment  
7 against a public entity or public employee.

8 b. No judgment shall be granted against a public entity or public  
9 employee on the basis of strict liability, implied warranty or products  
10 liability.

11 c. No punitive or exemplary damages shall be awarded against a  
12 public entity.

13 d. (1) <sup>1</sup>[No] Except as provided in this subsection, no<sup>1</sup> damages  
14 shall be awarded against a public entity or public employee for pain  
15 and suffering resulting from any injury ]; provided, however, that  
16 this] .

17 (2) The limitation on the recovery of damages for pain and  
18 suffering pursuant to <sup>1</sup>paragraph (1) of<sup>1</sup> this subsection shall not apply  
19 <sup>2,2</sup>

20 (a) in cases of permanent loss of a bodily function, permanent  
21 disfigurement or dismemberment where the medical treatment  
22 expenses are in excess of \$3,600.00; or

23 (b) to an action at law <sup>2</sup>[for an injury resulting from the  
24 commission of sexual assault, a prohibited sexual act as defined in  
25 section 2 of P.L.1992, c.7 (C.2A:30B-2), sexual abuse as defined in  
26 section 1 of P.L.1992 ,c.109 (C.2A:61B-1), or any other crime of a  
27 sexual nature] filed pursuant to section 7 of P.L.2019, c.120 (C.59:2-  
28 1.3)<sup>2</sup>.

29 For purposes of this section, “medical treatment expenses” are  
30 defined as the reasonable value of services rendered for necessary  
31 surgical, medical and dental treatment of the claimant for such injury,  
32 sickness, or disease, including prosthetic devices and ambulance,  
33 hospital, or professional nursing service.

34 e. If a claimant receives or is entitled to receive benefits for the  
35 injuries allegedly incurred from a policy or policies of insurance or  
36 any other source other than a joint tortfeasor, such benefits shall be  
37 disclosed to the court and the amount thereof which duplicates any  
38 benefit contained in the award shall be deducted from any award  
39 against a public entity or public employee recovered by such claimant;  
40 provided, however, that nothing in this provision shall be construed to  
41 limit the rights of a beneficiary under a life insurance policy. No  
42 insurer or other person shall be entitled to bring an action under a  
43 subrogation provision in an insurance contract against a public entity  
44 or public employee.

45 (cf: P.L.2000, c.126, s.32)

1 **[2.] 3.**<sup>1</sup> This act shall take effect immediately.

2

3

4

5

6

7

Removes certain limitations on recovery for victims of certain  
sexual offenses.

## CHAPTER 29

AN ACT concerning judgments against public entities and amending P.L.2019, c.120 and N.J.S.59:9-2.

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

1. Section 7 of P.L.2019, c.120 (C.59:2-1.3) is amended to read as follows:

C.59:2-1.3 Liability for public entity, employee.

7. a. Notwithstanding any provision of the “New Jersey Tort Claims Act,” N.J.S.59:1-1 et seq., to the contrary:

(1) immunity from civil liability granted by that act to a public entity or public employee shall not apply to an action at law for damages as a result of a sexual assault, any other crime of a sexual nature, a prohibited sexual act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1) being committed against a person, which was caused by a willful, wanton, or grossly negligent act of the public entity or public employee; and

(2) immunity from civil liability granted by that act to a public entity shall not apply to an action at law for damages as a result of a sexual assault, any other crime of a sexual nature, a prohibited sexual act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1) being committed against a minor under the age of 18, which was caused by the negligent hiring, supervision, or retention of any public employee.

b. Every action at law involving a public entity or public employee as described in subsection a. of this section shall be subject to the statute of limitations set forth in section 2 of P.L.2019, c.120 (C.2A:14-2a), and may be brought during the two-year period set forth in subsection a. of section 9 of P.L.2019, c.120 (C.2A:14-2b), notwithstanding that the action would otherwise be barred through application of the statute of limitations.

c. The recovery limits set forth under subparagraph (a) of paragraph (2) of subsection d. of N.J.S.59:9-2 shall not apply to an action at law filed pursuant to this section.

2. N.J.S.59:9-2 is amended to read as follows:

Judgments, interest, limitations.

59:9-2. a. No interest shall accrue prior to the entry of judgment against a public entity or public employee.

b. No judgment shall be granted against a public entity or public employee on the basis of strict liability, implied warranty, or products liability.

c. No punitive or exemplary damages shall be awarded against a public entity.

d. (1) Except as provided in this subsection, no damages shall be awarded against a public entity or public employee for pain and suffering resulting from any injury.

(2) The limitation on the recovery of damages for pain and suffering pursuant to paragraph (1) of this subsection shall not apply:

(a) in cases of permanent loss of a bodily function, permanent disfigurement, or dismemberment where the medical treatment expenses are in excess of \$3,600.00; or

(b) to an action at law filed pursuant to section 7 of P.L.2019, c.120 (C.59:2-1.3).

For purposes of this section, “medical treatment expenses” are defined as the reasonable value of services rendered for necessary surgical, medical, and dental treatment of the claimant

for such injury, sickness, or disease, including prosthetic devices and ambulance, hospital, or professional nursing service.

e. If a claimant receives or is entitled to receive benefits for the injuries allegedly incurred from a policy or policies of insurance or any other source other than a joint tortfeasor, such benefits shall be disclosed to the court and the amount thereof which duplicates any benefit contained in the award shall be deducted from any award against a public entity or public employee recovered by such claimant, provided, however, that nothing in this provision shall be construed to limit the rights of a beneficiary under a life insurance policy. No insurer or other person shall be entitled to bring an action under a subrogation provision in an insurance contract against a public entity or public employee.

3. This act shall take effect immediately.

Approved March 6, 2025.

**ASSEMBLY, No. 4684**

**STATE OF NEW JERSEY**

**221st LEGISLATURE**

INTRODUCED SEPTEMBER 12, 2024

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**SYNOPSIS**

Removes certain limitations on recovery for victims of certain sexual offenses.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning judgments against public entities and amending  
2 N.J.S.59:9-2.

3

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

6

7 1. N.J.S.59:9-2 is amended to read as follows:

8 59:9-2. a. No interest shall accrue prior to the entry of judgment  
9 against a public entity or public employee.

10 b. No judgment shall be granted against a public entity or  
11 public employee on the basis of strict liability, implied warranty or  
12 products liability.

13 c. No punitive or exemplary damages shall be awarded against  
14 a public entity.

15 d. (1) No damages shall be awarded against a public entity or  
16 public employee for pain and suffering resulting from any injury **];**  
17 provided, however, that this **]** .

18 (2) The limitation on the recovery of damages for pain and  
19 suffering pursuant to this subsection shall not apply:

20 (a) in cases of permanent loss of a bodily function, permanent  
21 disfigurement or dismemberment where the medical treatment  
22 expenses are in excess of \$3,600.00; or

23 (b) to an action at law for an injury resulting from the  
24 commission of sexual assault, a prohibited sexual act as defined in  
25 section 2 of P.L.1992, c.7 (C.2A:30B-2), sexual abuse as defined in  
26 section 1 of P.L.1992 ,c.109 (C.2A:61B-1), or any other crime of a  
27 sexual nature.

28 For purposes of this section, “medical treatment expenses” are  
29 defined as the reasonable value of services rendered for necessary  
30 surgical, medical and dental treatment of the claimant for such  
31 injury, sickness, or disease, including prosthetic devices and  
32 ambulance, hospital, or professional nursing service.

33 e. If a claimant receives or is entitled to receive benefits for the  
34 injuries allegedly incurred from a policy or policies of insurance or  
35 any other source other than a joint tortfeasor, such benefits shall be  
36 disclosed to the court and the amount thereof which duplicates any  
37 benefit contained in the award shall be deducted from any award  
38 against a public entity or public employee recovered by such  
39 claimant; provided, however, that nothing in this provision shall be  
40 construed to limit the rights of a beneficiary under a life insurance  
41 policy. No insurer or other person shall be entitled to bring an  
42 action under a subrogation provision in an insurance contract  
43 against a public entity or public employee.

44 (cf: P.L.2000, c.126, s.32)

45

46 2. This act shall take effect immediately.

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

**Matter underlined thus is new matter.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

STATEMENT

This bill permits the recovery of damages to be awarded against a public entity or public employee for pain and suffering resulting from certain injuries.

Under current law, no damages are awarded against a public entity or public employee for pain and suffering resulting from any injury. This limitation does not apply in cases of permanent loss of a bodily function, permanent disfigurement, or dismemberment where the medical treatment expenses are in excess of \$3,600.00.

This bill establishes that the limitation against recovery also does not apply to an action at law for an injury resulting from the commission of sexual assault, a prohibited sexual act as defined in N.J.S.A.2A:30B-2, sexual abuse as defined in N.J.S.A.2A:61B-1, or any other crime of sexual nature.

[First Reprint]

**ASSEMBLY, No. 4684**

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

INTRODUCED SEPTEMBER 12, 2024

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**SYNOPSIS**

Removes certain limitations on recovery for victims of certain sexual offenses.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Judiciary Committee on October 21, 2024, with amendments.



1 AN ACT concerning judgments against public entities and amending  
2 N.J.S.59:9-2.

3

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

6

7 <sup>1</sup>1. Section 7 of P.L.2019, c.120 (C.59:2-1.3) is amended to read  
8 as follows:

9 7. a. Notwithstanding any provision of the “New Jersey Tort  
10 Claims Act,” N.J.S.59:1-1 et seq., to the contrary:

11 (1) immunity from civil liability granted by that act to a public  
12 entity or public employee shall not apply to an action at law for  
13 damages as a result of a sexual assault, any other crime of a sexual  
14 nature, a prohibited sexual act as defined in section 2 of P.L.1992,  
15 c.7 (C.2A:30B-2), or sexual abuse as defined in section 1 of  
16 P.L.1992, c.109 (C.2A:61B-1) being committed against a person,  
17 which was caused by a willful, wanton, or grossly negligent act of  
18 the public entity or public employee; and

19 (2) immunity from civil liability granted by that act to a public  
20 entity shall not apply to an action at law for damages as a result of a  
21 sexual assault, any other crime of a sexual nature, a prohibited  
22 sexual act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), or  
23 sexual abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-  
24 1) being committed against a minor under the age of 18, which was  
25 caused by the negligent hiring, supervision, or retention of any  
26 public employee.

27 b. Every action at law involving a public entity or public  
28 employee as described in subsection a. of this section shall be  
29 subject to the statute of limitations set forth in section 2 of  
30 P.L.2019, c.120 (C.2A:14-2a), and may be brought during the two-  
31 year period set forth in subsection a. of section 9 of P.L.2019, c.120  
32 (C.2A:14-2b), notwithstanding that the action would otherwise be  
33 barred through application of the statute of limitations.

34 c. The recovery limits set forth under subparagraph (a) of  
35 paragraph (2) of subsection d. of N.J.S.59:9-2 shall not apply to an  
36 action at law for an injury resulting from the commission of sexual  
37 assault, a prohibited sexual act as defined in section 2 of P.L.1992,  
38 c.7 (C.2A:30B-2), sexual abuse as defined in section 1 of P.L.1992,  
39 c.109 (C.2A:61B-1), or any other crime of a sexual nature.

40 (cf: P.L.2019, c.239, s.1)<sup>1</sup>

41

42 <sup>1</sup>[1.] 2.<sup>1</sup> N.J.S.59:9-2 is amended to read as follows:

43 59:9-2. a. No interest shall accrue prior to the entry of judgment  
44 against a public entity or public employee.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AJU committee amendments adopted October 21, 2024.

1 b. No judgment shall be granted against a public entity or  
2 public employee on the basis of strict liability, implied warranty or  
3 products liability.

4 c. No punitive or exemplary damages shall be awarded against  
5 a public entity.

6 d. (1) <sup>1</sup>~~【No】~~ Except as provided in this subsection, no<sup>1</sup>  
7 damages shall be awarded against a public entity or public  
8 employee for pain and suffering resulting from any injury ~~【~~;  
9 provided, however, that this ~~】~~ .

10 (2) The limitation on the recovery of damages for pain and  
11 suffering pursuant to <sup>1</sup>paragraph (1) of<sup>1</sup> this subsection shall not  
12 apply:

13 (a) in cases of permanent loss of a bodily function, permanent  
14 disfigurement or dismemberment where the medical treatment  
15 expenses are in excess of \$3,600.00; or

16 (b) to an action at law for an injury resulting from the  
17 commission of sexual assault, a prohibited sexual act as defined in  
18 section 2 of P.L.1992, c.7 (C.2A:30B-2), sexual abuse as defined in  
19 section 1 of P.L.1992 ,c.109 (C.2A:61B-1), or any other crime of a  
20 sexual nature.

21 For purposes of this section, “medical treatment expenses” are  
22 defined as the reasonable value of services rendered for necessary  
23 surgical, medical and dental treatment of the claimant for such  
24 injury, sickness, or disease, including prosthetic devices and  
25 ambulance, hospital, or professional nursing service.

26 e. If a claimant receives or is entitled to receive benefits for the  
27 injuries allegedly incurred from a policy or policies of insurance or  
28 any other source other than a joint tortfeasor, such benefits shall be  
29 disclosed to the court and the amount thereof which duplicates any  
30 benefit contained in the award shall be deducted from any award  
31 against a public entity or public employee recovered by such  
32 claimant; provided, however, that nothing in this provision shall be  
33 construed to limit the rights of a beneficiary under a life insurance  
34 policy. No insurer or other person shall be entitled to bring an  
35 action under a subrogation provision in an insurance contract  
36 against a public entity or public employee.

37 (cf: P.L.2000, c.126, s.32)

38

39 <sup>1</sup>~~【2.】~~ 3.<sup>1</sup> This act shall take effect immediately.

[Second Reprint]

**ASSEMBLY, No. 4684**

**STATE OF NEW JERSEY**

**221st LEGISLATURE**

INTRODUCED SEPTEMBER 12, 2024

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblywoman ELLEN J. PARK**

**District 37 (Bergen)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Assemblywomen Speight and Lampitt**

**SYNOPSIS**

Removes certain limitations on recovery for victims of certain sexual offenses.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on October 24, 2024, with amendments.



**(Sponsorship Updated As Of: 2/25/2025)**

1 AN ACT concerning judgments against public entities and amending  
2 <sup>2</sup>P.L.2019, c.120 and<sup>2</sup> N.J.S.59:9-2.

3

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

6

7 <sup>1</sup>1. Section 7 of P.L.2019, c.120 (C.59:2-1.3) is amended to read as  
8 follows:

9 7. a. Notwithstanding any provision of the “New Jersey Tort  
10 Claims Act,” N.J.S.59:1-1 et seq., to the contrary:

11 (1) immunity from civil liability granted by that act to a public  
12 entity or public employee shall not apply to an action at law for  
13 damages as a result of a sexual assault, any other crime of a sexual  
14 nature, a prohibited sexual act as defined in section 2 of P.L.1992, c.7  
15 (C.2A:30B-2), or sexual abuse as defined in section 1 of P.L.1992,  
16 c.109 (C.2A:61B-1) being committed against a person, which was  
17 caused by a willful, wanton <sup>2,2</sup> or grossly negligent act of the public  
18 entity or public employee; and

19 (2) immunity from civil liability granted by that act to a public  
20 entity shall not apply to an action at law for damages as a result of a  
21 sexual assault, any other crime of a sexual nature, a prohibited sexual  
22 act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual  
23 abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1) being  
24 committed against a minor under the age of 18, which was caused by  
25 the negligent hiring, supervision <sup>2,2</sup> or retention of any public  
26 employee.

27 b. Every action at law involving a public entity or public  
28 employee as described in subsection a. of this section shall be subject  
29 to the statute of limitations set forth in section 2 of P.L.2019, c.120  
30 (C.2A:14-2a), and may be brought during the two-year period set forth  
31 in subsection a. of section 9 of P.L.2019, c.120 (C.2A:14-2b),  
32 notwithstanding that the action would otherwise be barred through  
33 application of the statute of limitations.

34 c. The recovery limits set forth under subparagraph (a) of  
35 paragraph (2) of subsection d. of N.J.S.59:9-2 shall not apply to an  
36 action at law <sup>2</sup>[for an injury resulting from the commission of sexual  
37 assault, a prohibited sexual act as defined in section 2 of P.L.1992, c.7  
38 (C.2A:30B-2), sexual abuse as defined in section 1 of P.L.1992, c.109  
39 (C.2A:61B-1), or any other crime of a sexual nature.<sup>1</sup> ] filed pursuant  
40 to this section.<sup>2</sup>

41 (cf: P.L.2019, c.239, s.1)

42

43 <sup>1</sup>[1.] 2.<sup>1</sup> N.J.S.59:9-2 is amended to read as follows:

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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AJU committee amendments adopted October 21, 2024.

<sup>2</sup>Assembly AAP committee amendments adopted October 24, 2024.

1 59:9-2. a. No interest shall accrue prior to the entry of judgment  
2 against a public entity or public employee.

3 b. No judgment shall be granted against a public entity or public  
4 employee on the basis of strict liability, implied warranty or products  
5 liability.

6 c. No punitive or exemplary damages shall be awarded against a  
7 public entity.

8 d. (1) <sup>1</sup>~~【No】~~ Except as provided in this subsection, no<sup>1</sup> damages  
9 shall be awarded against a public entity or public employee for pain  
10 and suffering resulting from any injury ~~【~~; provided, however, that  
11 ~~this】~~.

12 (2) The limitation on the recovery of damages for pain and  
13 suffering pursuant to <sup>1</sup>paragraph (1) of<sup>1</sup> this subsection shall not apply  
14 <sup>2,2</sup>

15 (a) in cases of permanent loss of a bodily function, permanent  
16 disfigurement or dismemberment where the medical treatment  
17 expenses are in excess of \$3,600.00; or

18 (b) to an action at law <sup>2</sup>【for an injury resulting from the  
19 commission of sexual assault, a prohibited sexual act as defined in  
20 section 2 of P.L.1992, c.7 (C.2A:30B-2), sexual abuse as defined in  
21 section 1 of P.L.1992 ,c.109 (C.2A:61B-1), or any other crime of a  
22 sexual nature】 filed pursuant to section 7 of P.L.2019, c.120 (C.59:2-  
23 1.3)<sup>2</sup>.

24 For purposes of this section, “medical treatment expenses” are  
25 defined as the reasonable value of services rendered for necessary  
26 surgical, medical and dental treatment of the claimant for such injury,  
27 sickness, or disease, including prosthetic devices and ambulance,  
28 hospital, or professional nursing service.

29 e. If a claimant receives or is entitled to receive benefits for the  
30 injuries allegedly incurred from a policy or policies of insurance or  
31 any other source other than a joint tortfeasor, such benefits shall be  
32 disclosed to the court and the amount thereof which duplicates any  
33 benefit contained in the award shall be deducted from any award  
34 against a public entity or public employee recovered by such claimant;  
35 provided, however, that nothing in this provision shall be construed to  
36 limit the rights of a beneficiary under a life insurance policy. No  
37 insurer or other person shall be entitled to bring an action under a  
38 subrogation provision in an insurance contract against a public entity  
39 or public employee.

40 (cf: P.L.2000, c.126, s.32)

41

42 <sup>1</sup>~~【2.】~~ 3.<sup>1</sup> This act shall take effect immediately.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 4684**

**STATE OF NEW JERSEY**

DATED: OCTOBER 21, 2024

The Assembly Judiciary Committee reports favorably Assembly Bill No. 4684 with committee amendments.

This bill permits the recovery of damages to be awarded against a public entity or public employee for pain and suffering resulting from certain injuries.

Under current law, no damages are awarded against a public entity or public employee for pain and suffering resulting from any injury. This limitation does not apply in cases of permanent loss of a bodily function, permanent disfigurement, or dismemberment where the medical treatment expenses are in excess of \$3,600.00.

This bill establishes that the limitation against recovery also does not apply to an action at law for an injury resulting from the commission of sexual assault, a prohibited sexual act as defined in N.J.S.A.2A:30B-2, sexual abuse as defined in N.J.S.A.2A:61B-1, or any other crime of sexual nature.

COMMITTEE AMENDMENTS:

The committee amended the bill to further clarify that the recovery for pain and suffering as a result of a sexual offense is separate and distinct from recovery for permanent loss of a bodily function, permanent disfigurement, or dismemberment where the medical treatment expenses are in excess of \$3,600.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 4684

with committee amendments

# STATE OF NEW JERSEY

DATED: OCTOBER 24, 2024

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4684 (1R) and with committee amendments.

As amended, this bill permits the recovery of damages to be awarded against a public entity or public employee for pain and suffering resulting from certain injuries.

Under current law, no damages are awarded against a public entity or public employee for pain and suffering resulting from any injury. This limitation does not apply in cases of permanent loss of a bodily function, permanent disfigurement, or dismemberment where the medical treatment expenses are in excess of \$3,600.

The bill provides that the limitation against recovery also does not apply to an action at law filed pursuant to N.J.S.A.59:2-1.3. Under current law, N.J.S.A.59:2-1.3 provides that immunity for civil liability granted to public entities and public employees under the “New Jersey Tort Claims Act,” N.J.S.A.59:1-1 et seq., does not apply to an action at law for damages as a result of sexual assault, any other crime of a sexual nature, a prohibited sexual act, or sexual abuse being committed against: (1) a person, which was caused by a willful, wanton, or grossly negligent act of the public entity or public employee; or (2) a minor under the age of 18, which was caused by the negligent hiring, supervision, or retention of any public employee.

### COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) clarify that the recovery for pain and suffering does not apply to an action at law filed pursuant to N.J.S.A.59:2-1.3;

(2) amend the title of the bill to reflect an additional amendatory section; and

(3) make technical changes.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that this bill may lead to some periodic cost increases to the Judiciary due to an uptick in civil liability cases. Current law provides that immunity for civil liability granted to public entities and public employees does not apply to an action at law for damages as a result of certain sexual offenses committed under certain circumstances. However, this bill permits the recovery of damages for pain and suffering to be awarded against a public entity or public employee from injuries from certain sexual offenses without meeting the current \$3,600 threshold for physical injuries or medical treatment. The OLS notes that although this bill clarifies certain sections of the current law, actions at law against public entities and public employees for certain sexual offenses committed against a person or a minor have previously been and continue to be filed under the New Jersey Tort Claims Act. Therefore, the increase in caseload is likely to be minimal. The State and local government entities may also be liable to pay additional civil penalties under the bill.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[Second Reprint]

**ASSEMBLY, No. 4684**

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 3, 2025

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 4684 (2R).

This bill permits the recovery of damages to be awarded against a public entity or public employee for pain and suffering based on an action at law for injury resulting from the commission of sexual assault, a prohibited sexual act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), sexual abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1), or any other crime of a sexual nature. The list of acts for which pain and suffering damages may be awarded against a public entity or public employee is based upon the list of acts of abuse for which the Legislature previously eliminated immunity from civil liability for governmental actors under the “New Jersey Tort Claims Act,” N.J.S.59:1-1 et seq., applied new, extended statute of limitations periods for victims to file civil actions against such public actors, and made them generally liable in any such action in the same manner as private parties. See P.L.2019, c.120 (C.2A:14-2a et al.); and P.L.2019, c.239.

Under current law, awards of damages for pain and suffering against a public entity or public employee are prohibited except “in cases of permanent loss of a bodily function, permanent disfigurement or dismemberment where the medical treatment expenses are in excess of \$3,600.00.” N.J.S.59:9-2, subsection d. This bill would also permit such damages to be awarded to victims in civil actions based upon the above list of acts of sexual abuse.

As reported by the committee, Assembly Bill No. 4684 (2R) is identical to Senate Bill No. 3564 (1R), which was also reported by the committee on this date.

### FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that this bill may result in periodic cost increases to the Judiciary due to an uptick in civil liability cases. This bill permits the recovery of damages to be awarded against a public entity or public employee for pain and suffering resulting from certain injuries. The OLS notes that although this bill establishes this provision, actions at law against public entities and public employees for certain sexual offenses committed against a

person or a minor have previously been and continue to be filed under the New Jersey Tort Claims Act. Therefore, the increase in caseload is likely to be minimal. However, any increase in caseload will also result in an increase in revenues from court filing fees for the Judiciary.

This bill permits the recovery of damages for pain and suffering to be awarded against a public entity or public employee from injuries from certain sexual offenses without meeting the \$3,600 threshold for physical injuries or medical treatment mandated under current law. Since this bill will remove the immunity for civil liability granted to public entities and public employees, the State and local government entities may also be liable from time to time to pay additional civil penalties under the bill. This would result in an increase in expenditures to the State and local public entities.

# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

**ASSEMBLY, No. 4684**

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

DATED: OCTOBER 30, 2024

### SUMMARY

- Synopsis:** Removes certain limitations on recovery for victims of certain sexual offenses.
- Type of Impact:** Periodic State and local expenditure increase; periodic State revenue increase.
- Agencies Affected:** The Judiciary; the State and local public entities.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Expenditure Increase</b>		Indeterminate	
<b>State Revenue Increase</b>		Indeterminate	
<b>Local Expenditure Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) finds that this bill may result in periodic cost increases to the Judiciary due to an uptick in civil liability cases. This bill permits the recovery of damages to be awarded against a public entity or public employee for pain and suffering resulting from certain injuries. The OLS notes that although this bill establishes this provision, actions at law against public entities and public employees for certain sexual offenses committed against a person or a minor have previously been and continue to be filed under the New Jersey Tort Claims Act. Therefore, the increase in caseload is likely to be minimal. However, any increase in caseload will also result in an increase in revenues from court filing fees for the Judiciary.
- This bill permits the recovery of damages for pain and suffering to be awarded against a public entity or public employee from injuries from certain sexual offenses without meeting the \$3,600 threshold for physical injuries or medical treatment mandated under current law. Since this bill will remove the immunity for civil liability granted to public entities and public employees, the State and local government entities may also be liable from time to time to pay additional civil penalties under the bill. This would result in an increase in expenditures to the State and local public entities.

## **BILL DESCRIPTION**

This bill permits the recovery of damages to be awarded against a public entity or public employee for pain and suffering resulting from certain injuries.

Under current law, no damages are awarded against a public entity or public employee for pain and suffering resulting from any injury. This limitation does not apply in cases of permanent loss of a bodily function, permanent disfigurement, or dismemberment where the medical treatment expenses are in excess of \$3,600.00.

This bill provides that the limitation against recovery also does not apply to an action at law filed pursuant to N.J.S.A.59:2-1.3. Under current law, N.J.S.A.59:2-1.3 provides that immunity for civil liability granted to public entities and public employees under the New Jersey Tort Claims Act does not apply to an action at law for damages as a result of sexual assault, any other crime of a sexual nature, a prohibited sexual act, or sexual abuse being committed against: (1) a person, which was caused by a willful, wanton, or grossly negligent act of the public entity or public employee; or (2) a minor under the age of 18, which was caused by the negligent hiring, supervision, or retention of any public employee.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that this bill may result in periodic cost increases to the Judiciary due to an uptick in civil liability cases. Current law provides that immunity for civil liability granted to public entities and public employees does not apply to an action at law for damages as a result of certain sexual offenses committed under certain circumstances. However, this bill permits the recovery of damages for pain and suffering to be awarded against a public entity or public employee from injuries from certain sexual offenses, without meeting the current \$3,600 threshold for physical injuries or medical treatment. The State and local government entities may be liable from time to time to pay additional civil penalties under the bill resulting in increased expenditures to these entities.

The OLS notes that although this bill clarifies certain sections of the current law, actions at law against public entities and public employees for certain sexual offenses committed against a person or a minor have previously been and continue to be filed under the New Jersey Tort Claims Act. Therefore, the increase in caseload is likely to be minimal. However, any increase in caseload will also result in revenues from court filing fees for the Judiciary.

*Section:*            *Judiciary*

*Analyst:*          *Anuja Pande Joshi*  
                         *Senior Fiscal Analyst*

*Approved:*        *Thomas Koenig*  
                         *Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**SENATE, No. 3564**

**STATE OF NEW JERSEY**

**221st LEGISLATURE**

INTRODUCED SEPTEMBER 12, 2024

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**SYNOPSIS**

Removes certain limitations on recovery for victims of certain sexual offenses.

**CURRENT VERSION OF TEXT**

As introduced.



S3564 VITALE

2

1 AN ACT concerning judgements against public entities and  
2 amending N.J.S.59:9-2.

3

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

6

7 1. N.J.S.59:9-2 is amended to read as follows:

8 59:9-2. a. No interest shall accrue prior to the entry of judgment  
9 against a public entity or public employee.

10 b. No judgment shall be granted against a public entity or  
11 public employee on the basis of strict liability, implied warranty or  
12 products liability.

13 c. No punitive or exemplary damages shall be awarded against  
14 a public entity.

15 d. (1) No damages shall be awarded against a public entity or  
16 public employee for pain and suffering resulting from any injury **【**;  
17 provided, however, that this**】**.

18 (2) The limitation on the recovery of damages for pain and  
19 suffering pursuant to this subsection shall not apply:

20 (a) in cases of permanent loss of a bodily function, permanent  
21 disfigurement or dismemberment where the medical treatment  
22 expenses are in excess of \$3,600.00; or

23 (b) to an action at law for an injury resulting from the  
24 commission of sexual assault, a prohibited sexual act as defined in  
25 section 2 of P.L.1992, c.7 (C.2A:30B-2), sexual abuse as defined in  
26 section 1 of P.L.1992 ,c.109 (C.2A:61B-1), or any other crime of a  
27 sexual nature.

28 For purposes of this section, “medical treatment expenses” are  
29 defined as the reasonable value of services rendered for necessary  
30 surgical, medical and dental treatment of the claimant for such  
31 injury, sickness, or disease, including prosthetic devices and  
32 ambulance, hospital, or professional nursing service.

33 e. If a claimant receives or is entitled to receive benefits for the  
34 injuries allegedly incurred from a policy or policies of insurance or  
35 any other source other than a joint tortfeasor, such benefits shall be  
36 disclosed to the court and the amount thereof which duplicates any  
37 benefit contained in the award shall be deducted from any award  
38 against a public entity or public employee recovered by such  
39 claimant; provided, however, that nothing in this provision shall be  
40 construed to limit the rights of a beneficiary under a life insurance  
41 policy. No insurer or other person shall be entitled to bring an  
42 action under a subrogation provision in an insurance contract  
43 against a public entity or public employee.

44 (cf: P.L.2000, c.126, s.32)

**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       2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill permits the recovery of damages to be awarded against  
7 a public entity or public employee for pain and suffering resulting  
8 from certain injuries.

9       Under current law, no damages are awarded against a public  
10 entity or public employee for pain and suffering resulting from any  
11 injury. This limitation does not apply in cases of permanent loss of  
12 a bodily function, permanent disfigurement, or dismemberment  
13 where the medical treatment expenses are in excess of \$3,600.00.

14       This bill establishes that the limitation against recovery also does  
15 not apply to an action at law for an injury resulting from the  
16 commission of sexual assault, a prohibited sexual act as defined in  
17 N.J.S.A.2A:30B-2, sexual abuse as defined in N.J.S.A.2A:61B-1, or  
18 any other crime of sexual nature.

[First Reprint]

**SENATE, No. 3564**

---

**STATE OF NEW JERSEY**

**221st LEGISLATURE**

---

INTRODUCED SEPTEMBER 12, 2024

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Removes certain limitations on recovery for victims of certain sexual offenses.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee on October 24, 2024, with amendments.



**(Sponsorship Updated As Of: 2/25/2025)**

1 AN ACT concerning judgements against public entities and  
2 amending <sup>1</sup>P.L.2019, c.120 and<sup>1</sup> N.J.S.59:9-2.

3

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

6

7 <sup>1</sup>1. Section 7 of P.L.2019, c.120 (C.59:2-1.3) is amended to read  
8 as follows:

9 7. a. Notwithstanding any provision of the "New Jersey Tort  
10 Claims Act," N.J.S.59:1-1 et seq., to the contrary:

11 (1) immunity from civil liability granted by that act to a public  
12 entity or public employee shall not apply to an action at law for  
13 damages as a result of a sexual assault, any other crime of a sexual  
14 nature, a prohibited sexual act as defined in section 2 of P.L.1992, c.7  
15 (C.2A:30B-2), or sexual abuse as defined in section 1 of P.L.1992,  
16 c.109 (C.2A:61B-1) being committed against a person, which was  
17 caused by a willful, wanton, or grossly negligent act of the public  
18 entity or public employee; and

19 (2) immunity from civil liability granted by that act to a public  
20 entity shall not apply to an action at law for damages as a result of a  
21 sexual assault, any other crime of a sexual nature, a prohibited sexual  
22 act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual  
23 abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1) being  
24 committed against a minor under the age of 18, which was caused by  
25 the negligent hiring, supervision, or retention of any public employee.

26 b. Every action at law involving a public entity or public  
27 employee as described in subsection a. of this section shall be subject  
28 to the statute of limitations set forth in section 2 of P.L.2019, c.120  
29 (C.2A:14-2a), and may be brought during the two-year period set forth  
30 in subsection a. of section 9 of P.L.2019, c.120 (C.2A:14-2b),  
31 notwithstanding that the action would otherwise be barred through  
32 application of the statute of limitations.

33 c. The recovery limits set forth under subparagraph (a) of  
34 paragraph (2) of subsection d. of N.J.S.59:9-2 shall not apply to an  
35 action at law filed pursuant to this section.<sup>1</sup>

36 (cf: P.L.2019, c.239, s.1)

37

38 <sup>1</sup>**[1.] 2.**<sup>1</sup> N.J.S.59:9-2 is amended to read as follows:

39 59:9-2. a. No interest shall accrue prior to the entry of judgment  
40 against a public entity or public employee.

41 b. No judgment shall be granted against a public entity or public  
42 employee on the basis of strict liability, implied warranty or products  
43 liability.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SJU committee amendments adopted October 24, 2024.

1 c. No punitive or exemplary damages shall be awarded against a  
2 public entity.

3 d. (1) <sup>1</sup>~~【No】~~ Except as provided in this subsection, no<sup>1</sup> damages  
4 shall be awarded against a public entity or public employee for pain  
5 and suffering resulting from any injury ~~【~~; provided, however, that  
6 ~~this】~~.

7 (2) The limitation on the recovery of damages for pain and  
8 suffering pursuant to <sup>1</sup>paragraph (1) of<sup>1</sup> this subsection shall not apply  
9 <sup>1,1</sup>.

10 (a) in cases of permanent loss of a bodily function, permanent  
11 disfigurement or dismemberment where the medical treatment  
12 expenses are in excess of \$3,600.00; or

13 (b) to an action at law <sup>1</sup>~~【for an injury resulting from the~~  
14 commission of sexual assault, a prohibited sexual act as defined in  
15 section 2 of P.L.1992, c.7 (C.2A:30B-2), sexual abuse as defined in  
16 section 1 of P.L.1992, c.109 (C.2A:61B-1), or any other crime of a  
17 sexual nature】 filed pursuant to section 7 of P.L.2019, c.120 (C.59:2-  
18 1.3)<sup>1</sup>.

19 For purposes of this section, “medical treatment expenses” are  
20 defined as the reasonable value of services rendered for necessary  
21 surgical, medical and dental treatment of the claimant for such injury,  
22 sickness, or disease, including prosthetic devices and ambulance,  
23 hospital, or professional nursing service.

24 e. If a claimant receives or is entitled to receive benefits for the  
25 injuries allegedly incurred from a policy or policies of insurance or  
26 any other source other than a joint tortfeasor, such benefits shall be  
27 disclosed to the court and the amount thereof which duplicates any  
28 benefit contained in the award shall be deducted from any award  
29 against a public entity or public employee recovered by such claimant;  
30 provided, however, that nothing in this provision shall be construed to  
31 limit the rights of a beneficiary under a life insurance policy. No  
32 insurer or other person shall be entitled to bring an action under a  
33 subrogation provision in an insurance contract against a public entity  
34 or public employee.

35 (cf: P.L.2000, c.126, s.32)

36

37 <sup>1</sup>~~【2.】~~ 3.<sup>1</sup> This act shall take effect immediately.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 3564**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 24, 2024

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 3564.

This bill permits the recovery of damages to be awarded against a public entity or public employee for pain and suffering based on an action at law for injury resulting from the commission of sexual assault, a prohibited sexual act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), sexual abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1), or any other crime of a sexual nature. The list of acts for which pain and suffering damages may be awarded against a public entity or public employee is based upon the list of acts of abuse for which the Legislature previously eliminated immunity from civil liability for governmental actors under the “New Jersey Tort Claims Act,” N.J.S.59:1-1 et seq., applied new, extended statute of limitations periods for victims to file civil actions against such public actors, and made them generally liable in any such action in the same manner as private parties. See P.L.2019, c.120 (C.2A:14-2a et al.); and P.L.2019, c.239.

Under current law, awards of damages for pain and suffering against a public entity or public employee are prohibited except “in cases of permanent loss of a bodily function, permanent disfigurement or dismemberment where the medical treatment expenses are in excess of \$3,600.00.” N.J.S.59:9-2, subsection d. This bill would also permit such damages to be awarded to victims in civil actions based upon the above list of acts of sexual abuse.

The committee amendments to the bill:

- clarify that the current law’s medical expenses monetary threshold and limited types of physical injury necessary for obtaining damages for pain and suffering against a public entity or public employee would not apply to victims’ causes of action against governmental actors for the various acts of sexual abuse listed in the bill;

- provide cross references to one statutory source for the various acts of sexual abuse for which pain and suffering damages may be awarded, instead of separately listing out those acts multiple times throughout the bill; and

- revise the bill's title to reflect the addition of some of the above described amendments in a newly added section to the bill (new section 1).

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 3564**

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 3, 2025

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 3564 (1R).

This bill permits the recovery of damages to be awarded against a public entity or public employee for pain and suffering based on an action at law for injury resulting from the commission of sexual assault, a prohibited sexual act as defined in section 2 of P.L.1992, c.7 (C.2A:30B-2), sexual abuse as defined in section 1 of P.L.1992, c.109 (C.2A:61B-1), or any other crime of a sexual nature. The list of acts for which pain and suffering damages may be awarded against a public entity or public employee is based upon the list of acts of abuse for which the Legislature previously eliminated immunity from civil liability for governmental actors under the “New Jersey Tort Claims Act,” N.J.S.59:1-1 et seq., applied new, extended statute of limitations periods for victims to file civil actions against such public actors, and made them generally liable in any such action in the same manner as private parties. See P.L.2019, c.120 (C.2A:14-2a et al.); and P.L.2019, c.239.

Under current law, awards of damages for pain and suffering against a public entity or public employee are prohibited except “in cases of permanent loss of a bodily function, permanent disfigurement or dismemberment where the medical treatment expenses are in excess of \$3,600.00.” N.J.S.59:9-2, subsection d. This bill would also permit such damages to be awarded to victims in civil actions based upon the above list of acts of sexual abuse.

As reported by the committee, Senate Bill No. 3564 (1R) is identical to Assembly Bill No. 4684 (2R), which was also reported by the committee on this date.

### FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that this bill may result in periodic cost increases to the Judiciary due to an uptick in civil liability cases. This bill permits the recovery of damages to be awarded against a public entity or public employee for pain and suffering resulting from certain injuries. The OLS notes that although this bill establishes this provision, actions at law against public entities and public employees for certain sexual offenses committed against a

person or a minor have previously been and continue to be filed under the New Jersey Tort Claims Act. Therefore, the increase in caseload is likely to be minimal. However, any increase in caseload will also result in an increase in revenues from court filing fees for the Judiciary.

This bill permits the recovery of damages for pain and suffering to be awarded against a public entity or public employee from injuries from certain sexual offenses without meeting the \$3,600 threshold for physical injuries or medical treatment mandated under current law. Since this bill will remove the immunity for civil liability granted to public entities and public employees, the State and local government entities may also be liable from time to time to pay additional civil penalties under the bill. This would result in an increase in expenditures to the State and local public entities.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 3564 STATE OF NEW JERSEY 221st LEGISLATURE

DATED: NOVEMBER 12, 2024

### SUMMARY

**Synopsis:** Removes certain limitations on recovery for victims of certain sexual offenses.

**Type of Impact:** Periodic State and local expenditure increase; periodic State revenue increase.

**Agencies Affected:** The Judiciary; State and local public entities.

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Expenditure Increase</b>		Indeterminate	
<b>State Revenue Increase</b>		Indeterminate	
<b>Local Expenditure Increase</b>		Indeterminate	

- The Office of Legislative Services (OLS) finds that this bill may result in periodic cost increases to the Judiciary due to an uptick in civil liability cases. This bill permits the recovery of damages to be awarded against a public entity or public employee for pain and suffering resulting from certain injuries. The OLS notes that although this bill establishes this provision, actions at law against a person or a minor have previously been and continue to be filed under the New Jersey Tort Claims Act. Therefore, the increase in caseload is likely to be minimal. However, any increase in caseload will also result in an increase in revenues from court filing fees for the Judiciary.
- This bill permits the recovery of damages for pain and suffering to be awarded against a public entity or public employee from injuries from certain sexual offenses without meeting the \$3,600 threshold for physical injuries or medical treatment mandated under current law. Since this bill will remove the immunity for civil liability granted to public entities and public employees, the State and local government entities may also be liable from time to time to pay additional civil penalties under the bill. This would result in an increase in expenditures to the State and local public entities.

## **BILL DESCRIPTION**

This bill permits the recovery of damages to be awarded against a public entity or public employee for pain and suffering resulting from certain injuries.

Under current law, no damages are awarded against a public entity or public employee for pain and suffering resulting from any injury. This limitation does not apply in cases of permanent loss of a bodily function, permanent disfigurement, or dismemberment where the medical treatment expenses are in excess of \$3,600.00.

This bill provides that the limitation against recovery also does not apply to an action at law filed pursuant to N.J.S.A.59:2-1.3. Under current law, N.J.S.A.59:2-1.3 provides that immunity for civil liability granted to public entities and public employees under the New Jersey Tort Claims Act does not apply to an action at law for damages as a result of sexual assault, any other crime of a sexual nature, a prohibited sexual act, or sexual abuse being committed against: (1) a person, which was caused by a willful, wanton, or grossly negligent act of the public entity or public employee; or (2) a minor under the age of 18, which was caused by the negligent hiring, supervision, or retention of any public employee.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS finds that this bill may result in periodic cost increases to the Judiciary due to an uptick in civil liability cases. Current law provides that immunity for civil liability granted to public entities and public employees does not apply to an action at law for damages as a result of certain sexual offenses committed under certain circumstances. However, this bill permits the recovery of damages for pain and suffering to be awarded against a public entity or public employee from injuries from certain sexual offenses, without meeting the current \$3,600 threshold for physical injuries or medical treatment. The State and local government entities may be liable from time to time to pay additional civil penalties under the bill resulting in increased expenditures to these entities.

The OLS notes that although this bill clarifies certain sections of the current law, actions at law against public entities and public employees for certain sexual offenses committed against a person or a minor have previously been and continue to be filed under the New Jersey Tort Claims Act. Therefore, the increase in caseload is likely to be minimal. However, any increase in caseload will also result in revenues from court filing fees for the Judiciary.

*Section:*            *Judiciary*

*Analyst:*          *Anuja Pande Joshi*  
                         *Senior Fiscal Analyst*

*Approved:*        *Thomas Koenig*  
                         *Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# Governor Murphy Takes Action on Legislation

03/6/2025

**TRENTON** – Today, Governor Murphy signed the following bills into law:

**S-3825/A-4992 (Burzichelli, Testa/Bailey, McClellan, Hutchison)** - Provides project grant under “Securing Our Children’s Future Fund” for career and technical education expansion; appropriates \$7.65 million

**A-1672/S-1285 (Lampitt, Karabinchak, Hutchison/Beach, Mukherji)** - Makes disabled persons receiving disability payments pursuant to federal Railroad Retirement Act eligible to receive homestead property tax reimbursement

**A-3904/S-2954 (Moen, Spearman, Miller/Cruz-Perez, Beach)** - Requires geotechnical testing and certain monitoring of transportation projects

**A-4091/S-2874 (Speight, Sampson, Hall/Diegnan, Polistina)** - Expands services that can be provided by audiologists and hearing aid dispensers

**A-4684/S-3564 (Quijano, Park/Vitale, Turner)** - Removes certain limitations on recovery for victims of certain sexual offenses

**A-4707/S-3516 (Moen, Murphy, Pintor Marin/Scutari)** - Authorizes State Treasurer to sell as surplus certain real property and improvements in City of Camden in Camden County

**A-4757/S-3456 (Danielsen/Scutari)** - Permits amusement games licenses to be issued to certain nonprofit organizations

**A-4948/S-3819 (Lopez/Vitale)** - Allows unexpended balance of FY2024 appropriation for City of Perth Amboy – Convery Boulevard Pedestrian Bridge to be used by municipality for pedestrian safety infrastructure projects

**A-5116/S-4142 (Wimberly, Barlas/Scutari, Bucco)** - Revises design of primary election ballots and certain primary election procedures; provides for ballots to be arranged by office block; removes State committee members from primary process; requires reporting on primary elections by Division of Elections

**AJR-120/SJR-110 (Conaway/McKnight)** - Designates first full week of May of each year as “Tardive Dyskinesia Awareness Week” in NJ

Posted on: April 8, 2025

## **Vitale, Quijano Issue Statement Reaffirming Intent of Sexual Abuse Victims Laws and Legislation**

**TRENTON** – Senator Joe Vitale, Chair of the Senate Health, Human Services and Seniors Citizen Committee, and Assemblywoman Annette Quijano issued the following joint statement to further clarify parts of the 2019 Child Victims Act:

"On March 6, Governor Murphy signed S3564/A4684, legislation that further gives victims of sexual abuse a pathway to justice that they so desperately need and deserve. This legislation strengthens and clarifies the proofs required for a civil lawsuit under the 2019 Child Victims Act, which we also sponsored. That landmark 2019 legislation and subsequent laws signed in support gave victims more time to file suits, held public and private entities equal in terms of redress by victims, and created a two year window for victims of any age to file a suit, which ran from December 2019 to December 2021.

S3564/A4684 received unanimous, bi-partisan support. As the sponsors of this legislation, we want to make it perfectly clear that this amendment was intended to be applicable to all claims that have either accrued, are pending, or have not yet been adjudicated. Accurate reading and understanding of this legislation is incredibly important to victims' journey to justice in New Jersey.

It is critical we continue to find ways to support victims as they stand up and face their abusers. This legislation signed on March 6 is one more step in the direction of showing victims that this Legislature and Administration are behind them."

