

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:25-15 et al

(Prevention of Domestic Violence Act--amend)

LAWS OF: 1988

CHAPTER: 28

Bill No: S2011

Sponsor(s): Lipman

Date Introduced: February 9, 1988

Committee: Assembly: -----

Senate: Judiciary

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly: May 9, 1988

Senate: March 28, 1988

Date of Approval: June 6, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping--attached. "Domestic violence laws enacted," Star Ledger 6-7-88.

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[FIRST REPRINT]
SENATE, No. 2011

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 9, 1988

By Senator LIPMAN

1 AN ACT concerning domestic violence and relevant contempt
procedures and amending ¹and supplementing¹ P.L. 1981, c.
3 426 and ¹amending¹ N.J.S. 2C:29-9.

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

7 ¹1. (New Section) Any order issued pursuant to the provisions
of P.L. 1981, c. 426 (C. 2C:25-1 et seq.) shall contain a notice
9 that advises the plaintiff of the plaintiff's opportunity to initiate
both civil and criminal contempt actions if the defendant later
11 violates any provision of the order.¹

¹[1.]^{2.1} Section 15 of P.L. 1981, c. 426 (C. 2C:25-15) is
13 amended to read as follows:

15 15. a. Upon the issuance of an order pursuant to section 10, 11,
13 or 14 of this act the court may order a law enforcement
officer to accompany either party to the residence to supervise
17 the removal of personal belongings in order to insure the personal
safety of the plaintiff.

19 b. ¹[Violation] Except as provided below, a violation¹ of an
order issued pursuant to section 10, 11, 13 or 14 of this act shall
21 constitute an offense under subsection b. of N.J.S. 2C:29-9 and
each order shall so state. This procedure shall be in addition to
23 any other procedure provided by law or by court rule. All
[contempt] ¹contempt¹ proceedings ¹conducted pursuant to
25 N.J.S.2C:29-9¹ involving domestic violence orders [shall] ¹[may],
other than those constituting indictable offenses, shall¹ be heard
27 by the Family Part of the Chancery Division of the Superior
Court. ¹Orders entered pursuant to paragraphs (5), (6) and (7) of
29 section 13 of this act (C. 2C:35-13) shall be excluded from
subsection b. of N.J.S.2C:29-9.

31 c. The plaintiff shall be informed by court intake personnel,
upon the initiation of any proceeding for contempt of an order

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:
¹ Senate SJU committee amendments adopted February 29, 1988.

1 entered under this act, of the plaintiff's opportunity to initiate
 2 both civil and criminal contempt actions.¹

3 (cf: P.L. 1987, c. 356, s. 6)

4 ¹[2.]¹ N.J.S. 2C:29-9 is amended to read as follows:

5 2C:29-9. Contempt a. A person is guilty of a crime of the
 6 fourth degree if he purposely or knowingly disobeys a judicial
 7 order or hinders, obstructs or impedes the effectuation of a
 8 judicial order or the exercise of jurisdiction over any person,
 9 thing or controversy by a court, administrative body or
 10 investigative entity.

11 b. [A] Except as provided below, ^{1a}¹ person is guilty of a
 12 crime of the fourth degree if that person purposely or knowingly
 13 violates any provision in an order entered under the provisions of
 14 the "Prevention of Domestic Violence Act," P.L.1981, c.426
 15 (C.2C:25-1 et seq.) ¹[except that a person is guilty of a disorderly
 16 persons offense if the violation constitutes a disorderly or a petty
 17 disorderly persons offense] when the conduct which constitutes
 18 the violation could also constitute a crime or a disorderly persons
 19 offense. In all other cases a person is guilty of a disorderly
 20 persons offense if that person knowingly violates an order entered
 21 under the provisions of this act¹. Orders entered pursuant to
 22 paragraphs (5), (6) and (7) of subsection b. of section 13 of
 23 P.L.1981, c.426 (C. 2C:25-13) shall be excluded from the
 24 provisions of this subsection.

25 (cf: P.L. 1987, c. 356, s. 9)

26 ¹[3.]⁴¹ This act shall take effect immediately.

27

28
 29 DOMESTIC RELATIONS
 30 Criminal Justice

31

32 Amends the "Prevention of Domestic Violence Act" and relevant
 33 contempt procedures.

1 persons offense if the violation constitutes a disorderly or a petty
2 disorderly persons offense. Orders entered pursuant to
3 paragraphs (5), (6) and (7) of subsection b. of section 13 of
4 P.L.1981, c.426 shall be excluded from the provisions of this
5 subsection.

(cf: P.L.1987, c.356, s.9)

7 3. This act shall take effect immediately.

9 *Sponsors* STATEMENT

11 This bill clarifies certain provisions of the "Prevention of
12 Domestic Violence Act." The law presently provides that
13 violations under the act constitute a criminal contempt under
14 N.J.S.A. 2C:29-9. This bill clarifies the law by providing that a
15 charge of criminal contempt shall be in addition to any other
16 contempt procedure provided by law or court rule.

17 Additionally, under current law, proceedings involving domestic
18 violence must be heard by the Family Part of the Chancery
19 Division of the Superior Court. This bill provides that these
20 proceedings may be heard by any division of the Superior Court.

21 Under present law a violation of any order issued under the
22 "Prevention of Domestic Violence Act" is a fourth degree crime.
23 This bill clarifies the law by providing that violations of certain
24 orders are crimes. Violations of orders concerning child support,
25 child custody, visitation rights, monetary compensation resulting
26 from domestic violence and orders requiring professional
27 counseling are excluded from this provision under the bill.

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31 DOMESTIC RELATIONS
32 Criminal Justice

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34 Amends the "Prevention of Domestic Violence Act" and relevant
35 contempt procedures.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2011

STATE OF NEW JERSEY

with Senate committee amendments

DATED: FEBRUARY 29, 1988

The Senate Judiciary Committee reports favorably and with Senate committee amendments Senate Bill No. 2011.

Recently enacted P.L. 1987, c. 356 made a series of amendments to the "Prevention of Domestic Violence Act." After review by several family court judges, some clarifications to chapter 356 with regard to contempt proceedings under the Domestic Violence Act were suggested. As amended by the committee the provisions of the bill are:

1. Adds a section to the Domestic Violence Act providing that all orders issued under the act shall contain a notice that both civil and criminal contempt actions may be instituted for violations of those orders.

2. The Domestic Violence Act presently provides that a violation of any provision of an order issued under the act constitutes criminal contempt under 2C:29-9 and is punishable as a crime of the fourth degree. The bill provides that if the act which constitutes the violation of the order itself would constitute a crime or a disorderly persons offense, then contempt remains punishable as a crime of the fourth degree. Any other knowing violation of an order is a disorderly persons offense except that violations of orders concerning child support, custody, visitation rights, monetary compensation and professional counseling are not subject to criminal prosecution but are to be addressed by civil contempt proceedings.

3. The present law could be interpreted to mean that criminal contempt proceedings are the exclusive sanction available for violations of domestic violence orders. The bill clarifies that civil contempt procedures permitted by law or court rule may be instituted, in addition to criminal prosecution, except as noted above, for violations of orders issued under the Domestic Violence Act.

4. The law presently provides that proceedings involving domestic violence orders must be heard by the family court. The bill would permit the family court to have jurisdiction over all contempt proceedings except those involving indictable offenses.