

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:25-5 et al "Prevention of Domestic Violence Act-- amendments

LAWS OF: 1987 CHAPTER: 356

Bill No: A1968/A1785/A1969/A1389

Sponsor(s): Donovan

Date Introduced: February 13, 1986

Committee: Assembly: Judiciary  
Senate: Judiciary

Amended during passage: Yes Assembly Committee Substitute (OCR) enacted.

Date of Passage: Assembly: December 8, 1986  
Senate: November 12, 1987

Date of Approval: January 5, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly: Yes  
Senate: Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: Yes

Hearings: No

974/90 New Jersey. Legislature. General Assembly. Judiciary Committee.  
C866 Public hearing, held 5-1-86, Paramus, 1986.  
1986a

(OVER)

See newspaper clipping-- attached  
"Tougher law enacted on domestic violence, 1-6-88 Star Ledger."

Report, mentioned in

974.90 New Jersey. Supreme Court. Task Force on the Improvement of Municipal  
C866 Courts.  
1985d Report . . . 1985. Trenton, 1985.  
(see pp 163-164)

[OFFICIAL COPY REPRINT]  
 ASSEMBLY COMMITTEE SUBSTITUTE FOR  
 ASSEMBLY, Nos. 1968, 1785, 1389 and 1969  
 STATE OF NEW JERSEY

ADOPTED OCTOBER 27, 1986

AN ACT concerning various provisions of the "Prevention of Domestic Violence Act," and *\*establishing a Statewide contempt procedure,\** amending and supplementing P. L. 1981, c. 426 *\*and amending N. J. S. 2C:29-9\*.*

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

1 1. Section 5 of P. L. 1981, c. 426 (C. 2C:25-5) is amended to  
 2 read as follows:

3 *\*[5. A law enforcement officer [may] shall arrest, with or with-*  
 4 *out a warrant, take into custody, and bring before a judge a person:*

5 a. When the officer has probable cause to believe that a person  
 6 has violated the terms of an order *prohibiting or restraining con-*  
 7 *tact with the victim or victim's relatives* issued pursuant to sec-  
 8 tion 10, 11, 13 or 14 of this act and that service has been effected  
 9 either in person or by substituted service. The officer [may] shall  
 10 verify, if necessary, the existence of an order with the appropriate  
 11 law enforcement agency; or

12 b. *[A victim exhibits signs of injury or there is other] when*  
 13 *the officer has probable cause to believe that an act of domestic*  
 14 *violence as provided in paragraphs (1) through (6) of subsection b.*  
 15 *of section 3 of this act has been committed.]\**

16 *\*5. a. A law enforcement officer shall arrest a person if a victim*  
 17 *exhibits sign of injury caused by an act of domestic violence.*

18 *b. A law enforcement officer may arrest a person:*

19 *(1) When the officer has probable cause to believe that a person*  
 20 *has violated the terms of an order issued pursuant to section 10,*  
 21 *11, 13 or 14 of this act and that service has been effected either in*  
 22 *person or by substituted service. The officer may verify, if necessary,*

**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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted March 26, 1987.

23 *the existence of an order with the appropriate law enforcement*  
24 *agency; or*

25 *(2) When there is other probable cause to believe that an act of*  
26 *domestic violence has been committed.\**

1 2. Section 8 of P. L. 1981, c. 426 (C. 2C:25-8) is amended to  
2 read as follows:

3 8. a. It shall be the duty of a law enforcement officer who re-  
4 sponds to a domestic violence call to complete a domestic violence  
5 offense report. All information contained in the domestic violence  
6 offense report shall be forwarded to the *appropriate county*  
7 *bureau of identification and to the State bureau of records and*  
8 *identification in the Division of State Police in the Department*  
9 *of Law and Public Safety. A copy of the domestic violence offense*  
10 *report shall be forwarded to the municipal court where the offense*  
11 *was committed unless the case has been transferred to the Superior*  
12 *Court.*

13 b. The domestic violence offense report shall be on a form  
14 prescribed by the supervisor of the State bureau of records and  
15 identification which shall include, but not limited to, the follow-  
16 ing information:

- 17 (1) The relationship of the parties;  
18 (2) The sex of the parties;  
19 (3) The time and date of the incident;  
20 (4) The number of domestic violence calls investigated;  
21 (5) Whether children were involved, or whether the alleged act  
22 of domestic violence had been committed in the presence of  
23 children;  
24 (6) The type and extent of abuse;  
25 (7) The number and type of weapons involved;  
26 (8) The action taken by the law enforcement officer;  
27 (9) The existence of any prior court orders issued pursuant  
28 to section 10, 11, 13 or 14 of this act concerning the parties; and  
29 (10) Any other data that may be necessary for a complete  
30 analysis of all circumstances leading to the alleged incident of  
31 domestic violence.

32 c. It shall be the duty of the Superintendent of the State Police  
33 with the assistance of the Division of Systems and Communica-  
34 tions in the Department of Law and Public Safety to compile and  
35 report annually \***[[for a period of five years]]**\* to the Governor, the  
36 Legislature and the Advisory Council on Shelters for Victims of  
37 Domestic Violence on the tabulated data from the domestic violence  
38 offense reports.

1 3. Section 12 of P. L. 1981, c. 426 (C. 2C:25-12) is amended  
2 to read as follows:

3 12. a. A victim may file a complaint alleging the commission of  
4 an act of domestic violence with the [juvenile and domestic rela-  
5 tions court] *Family Part of the Chancery Division of the Superior*  
6 *Court* in conformity with the rules of court. The court [in domestic  
7 violence actions] shall not dismiss any complaint or delay dis-  
8 position of a case because the victim has left the residence to  
9 avoid further incidents of domestic violence. Filing a complaint  
10 pursuant to this section shall not prevent the filing of a criminal  
11 complaint for the same act.

12 b. The [juvenile and domestic relations] court shall waive any  
13 requirement that the petitioner's place of residence appear on  
14 the complaint.

15 c. The clerk of the court, or other person designated by the  
16 court, shall assist the parties in completing any forms necessary  
17 for the filing of a summons, complaint, answer or other pleading.

18 d. Summons and complaint forms shall be readily available at  
19 the clerk's office and at the municipal courts.

20 e. *As soon as the domestic violence complaint is filed, \* [ a*  
21 *representative of a county domestic violence program shall be made*  
22 *available to speak to a victim of domestic violence and to give*  
23 *advice and counseling] \* both the victim and the abuser shall be*  
24 *advised of any programs or services available for advice and*  
25 *counseling\*.*

1 4. Section 13 of P. L. 1981, c. 426 (C. 2C:25-13) is amended  
2 to read as follows:

3 13. a. A hearing shall be held in [juvenile and domestic relations  
4 court] *the Family Part of the Chancery Division of the Superior*  
5 *Court* within 10 days of the filing of a complaint pursuant to sec-  
6 tion 12 of this act. A copy of the complaint shall be served on the  
7 defendant in conformity with the rules of court. If a criminal  
8 complaint arising out of the same incident which is the subject  
9 matter of a complaint brought under P. L. 1981, c. 426 (C. 2C:25-1  
10 et seq.) is filed, notice of any hearing on the complaint shall be  
11 given to the prosecuting attorney so that he may be heard with  
12 respect to a stay of that proceeding pending disposition of the  
13 criminal proceeding. At the hearing the standard for proving the  
14 allegations in the complaint shall be by a preponderance of the  
15 evidence. The court shall consider but not be limited to the fol-  
16 lowing factors:

17 (1) The previous history of domestic violence between the  
18 cohabitants including threats, harassment and physical abuse;

19 (2) The existence of immediate danger to person or property;

20 (3) The financial circumstances of the cohabitants;

21 (4) The best interests of the victim and the child;

22 (5) In determining custody and visitation the protection of the  
23 victim's safety; and

24 (6) Whether the application was made in a reasonable time  
25 after the alleged act of domestic violence occurred.

26 b. At the hearing [the juvenile and domestic relations court]  
27 the judge of the Family Part of the Chancery Division of the  
28 Superior Court may issue an order granting any or all of the  
29 following relief:

30 (1) An order prohibiting the defendant from having contact  
31 with the victim including, but not limited to, restraining the de-  
32 fendant from entering the plaintiff's residence, place of employ-  
33 ment or business, or school. The court shall prohibit the defendant  
34 from harassing the plaintiff or plaintiff's relatives in any way;

35 (2) An order granting possession to the plaintiff of the resi-  
36 dence to the exclusion of the defendant when the residence or  
37 household is jointly owned or leased by the parties; provided that  
38 this issue has not been resolved nor is being litigated between the  
39 parties in another action. The court may amend its order at any  
40 time upon petition by either party;

41 (3) When the defendant has a duty to support the plaintiff or  
42 minor children living in the residence or household and the de-  
43 fendant is sole owner or lessee of the residence, an order granting  
44 possession to the plaintiff of the residence or household to the  
45 exclusion of the defendant may be issued or, upon consent of the  
46 parties, allowing the defendant to provide suitable, alternate  
47 housing; provided that this issue has not been resolved nor is being  
48 litigated between the parties in another action;

49 (4) When the parties are married, sole ownership in the name  
50 of the defendant of the real property constituting the residence of  
51 the parties shall not bar the court from entering an order restrain-  
52 ing the defendant from entering the marital residence. No order  
53 shall affect any interest in the residence held by either party

54 (5) An order determining child support, child custody, or estab-  
55 lishing visitation rights, provided that these issues have not been  
56 resolved nor are being litigated between the parties in another  
57 action. The court shall protect the safety of the plaintiff by  
58 specifying a place of visitation away from the plaintiff or take  
59 any other appropriate precaution necessary to protect the safety  
60 and well-being of the plaintiff and minor children;

61 (6) An order requiring the defendant to pay to the victim mone-

62 tary compensation for losses suffered as a direct result of the  
63 act of domestic violence. Compensatory losses shall include, but  
64 not be limited to, loss of earnings or support, out-of-pocket losses  
65 for injuries sustained, moving expenses, reasonable attorney's  
66 fees and compensation for pain and suffering. Where appropriate,  
67 punitive damages may be awarded in addition to compensatory  
68 damages;

69 (7) An order requiring the defendant to receive professional  
70 counseling from either a private source or a source appointed  
71 by the court and, in that event, at the court's discretion requiring  
72 the defendant to provide the court at specified intervals with  
73 documentation of attendance at the professional counseling. The  
74 court may order the defendant to pay for the professional  
75 counseling.

76 c. In addition to the relief sought in subsection b. of this section  
77 a plaintiff may seek emergency, ex parte relief in the nature of a  
78 temporary restraining order. The [juvenile and domestic relations  
79 court] *the judge of the Family Part of the Chancery Division of*  
80 *the Superior Court* may enter ex parte orders when necessary to  
81 protect the life, health or well-being of a victim on whose behalf  
82 the relief is sought. A hearing shall be held on an ex parte order  
83 within 10 days of the issuance thereof.

84 Whenever emergency relief is sought by the plaintiff, the clerk  
85 of the court or other person designated by the court shall im-  
86 mediately transmit the complaint to the presiding [juvenile and  
87 domestic relations court] *judge of the Family Part* regarding the  
88 emergency relief sought by the close of business on the day relief  
89 is sought. An order granting emergency relief shall immediately  
90 be forwarded to the sheriff for immediate service of the order  
91 for emergency relief upon the defendant.

92 d. An order for emergency relief shall be granted upon good  
93 cause shown.

94 e. Emergency relief may constitute all relief available under this  
95 act together with any other appropriate relief. A temporary re-  
96 straining order shall remain in effect until further action by the  
97 court.

98 f. Notice of orders issued pursuant to this section shall be sent  
99 by the clerk of the [juvenile and domestic relations court] *Family*  
100 *Part of the Chancery Division of the Superior Court* or other  
101 person designated by the court to the appropriate chiefs of police,  
102 members of the State Police and any other appropriate law en-  
103 forcement agency.

104 g. All pleadings, process, and other orders filed pursuant to this  
105 act shall be served upon the defendant in accordance with the rules  
106 of court. If personal service cannot be effected upon the defendant,  
107 the court may order other appropriate substituted service.

1 5. Section 14 of P. L. 1981, c. 426 (C. 2C:25-14) is amended  
2 to read as follows:

3 14. a. On weekends, holidays and other times when the court  
4 is closed a [juvenile and domestic relations court] judge of the  
5 *Family Part of the Chancery Division of the Superior Court* or a  
6 municipal court judge shall be assigned to issue a temporary  
7 restraining order pursuant to this act. The order shall be made by  
8 the judge of the jurisdiction where the alleged domestic violence  
9 occurred or the jurisdiction where the plaintiff resides using the  
10 same procedure now available on other emergent applications.

11 b. If it appears that the plaintiff is in danger of domestic  
12 violence, the [municipal court] judge shall, upon consideration of  
13 the plaintiff's domestic violence complaint, order emergency relief  
14 including ex parte relief, in the nature of a temporary restraining  
15 order. A decision shall be made by the judge regarding the emer-  
16 gency relief forthwith. An order granting emergency relief, to-  
17 gether with all pleadings, process and other orders, shall imme-  
18 diately be forwarded to the sheriff for immediate service of the  
19 order for emergency relief upon the defendant.

20 c. An order for emergency relief shall be granted upon good  
21 cause shown and shall remain in effect until [the juvenile and  
22 domestic relations] a judge of the *Family Part* \*[court]\* issues a  
23 final order. The [juvenile and domestic relations] *Family Part*  
24 of the *Division of the Chancery Division of the Superior Court*  
25 shall hold a hearing on an emergency order within 10 days.  
26 Any \*temporary\* order hereunder may be dissolved or modified on  
27 24 hours' notice or immediately appealable for a plenary hearing  
28 de novo not on the record before [the juvenile and domestic  
29 relations] a judge of the *Family Part* \*[court]\* of the county in  
30 which the plaintiff resides.

31 d. Emergency relief may include forbidding the defendant from  
32 returning to the scene of the domestic violence together with any  
33 other appropriate relief.

34 e. The judge may permit the defendant to return to the scene  
35 of the domestic violence to pick up personal belongings and effects  
36 but may by order restrict the time and duration and provide for  
37 police supervision of such visit.

38 f. Notice of temporary restraining orders issued pursuant to  
39 this section shall be sent by the clerk of the court or other person



40 designated by the court to the appropriate chiefs of police, mem-  
 41 bers of the State Police and any other appropriate law enforce-  
 42 ment agency.

43 g. An application for a temporary restraining order pursuant  
 44 to this section shall, upon filing and issuance, be immediately  
 45 forwarded to the clerk of the [juvenile and domestic relations  
 46 court] *Family Part* of the plaintiff's vicinage for a final order.

47 \*h. *Upon good cause show, any final order may be dissolved or*  
 48 *modified upon application to the Family Part of the Chancery*  
 49 *Division of the Superior Court.\**

1 6. Section 15 of P. L. 1981, c. 426 (C. 2C:25-15) is amended to  
 2 read as follows:

3 15. a. Upon the issuance of an order pursuant to sections 10,  
 4 11, 13 or 14 of this act the court may order a law enforcement  
 5 officer to accompany either party to the residence to supervise the  
 6 removal of personal belongings in order to insure the personal  
 7 safety of the plaintiff.

8 b. Violation of an order issued pursuant to section 10, 11, 13 or  
 9 14 of this act shall constitute [contempt] *an offense under \*sub-*  
 10 *section b. of\* N. J. S. 2C:29-9 and each order shall so state. \* [This*  
 11 *procedure shall be in addition to any other procedure provided by*  
 12 *law. All criminal]\* \*All\* contempt proceedings involving domestic*  
 13 *violence orders shall be heard by the Family Part of the Chancery*  
 14 *Division of the Superior Court.*

1 \*7. Section 16 of P. L. 1981, c. 426 (C. 2C:25-16) is amended to  
 2 read as follows:

3 16. *The Administrative Office of the Courts shall maintain a*  
 4 *uniform record of all requests for orders issued pursuant to sec-*  
 5 *tion 10, 11, 13, or 14 of this act. The record shall include the*  
 6 *following information:*

- 7 a. *The number of complaints filed by the parties;*
- 8 b. *The sex of the parties;*
- 9 c. *The relationship of the parties;*
- 10 d. *(Deleted by amendment, P. L. 1982, c. 82.)*
- 11 e. *The relief sought;*
- 12 f. *The nature of the relief granted including but not limited to,*  
 13 *custody and child support;*
- 14 g. *The effective date and terms of each order issued; and*
- 15 h. *The number of orders issued.*

16 *It shall be the duty of the Director of the Administrative Office of*  
 17 *the Courts to compile and report annually to the Governor, the*  
 18 *Legislature and the Advisory Council on Shelters for Victims of*  
 19 *Domestic Violence on the data tabulated from the records of these*

20 orders **[for a period of 5 years]**. **[The Advisory Council on**  
 21 **Shelters for Victims of Domestic Violence may request the Legis-**  
 22 **lature continue the reports for another 5 years.]**

23 *All records maintained pursuant to this act shall be confidential*  
 24 *and shall not be made available to any individual or institution*  
 25 *except as otherwise provided by law.\**

1 **\*[7.]\* \*8.\*** (New section) A defendant who commits contempt  
 2 pursuant to subsection b. of section 15 of P. L. 1981, c. 426 (C.  
 3 2C:25-15b.) shall be taken into custody following arrest by a law  
 4 enforcement officer. The law enforcement officer shall follow these  
 4A procedures:

5 a. On weekends, holidays and other times when the court is  
 6 closed, the law enforcement officer shall transport the defendant  
 7 and the complainant **\*[separately. The defendant and the com-**  
 8 **plainant may only be transported in the same vehicle if there**  
 9 **is no reasonable alternative]\* \*to either the police station or the**  
 9A **municipal court or such other place as the law enforcement officer**  
 9B **shall determine is proper\***. The law enforcement officer shall:

10 (1) **\*[Require the complainant to]\* \*Sign a complaint or advise**  
 11 **the complainant on how the complainant may\*** complete and sign a  
 11A complaint concerning the incident which gave rise to the contempt  
 11B charge;

12 (2) Telephone the appropriate judge assigned pursuant to  
 13 section 14 of P. L. 1981, c. 426 (C. 2C:25-14) and request bail  
 14 be set on the contempt charge;

15 (3) If the defendant is unable to meet the bail as set, take the  
 16 necessary steps to insure that the defendant shall be incarcerated  
 17 at police headquarters or at the county jail; and

18 (4) On the next working day notify the clerk of the Family Part  
 19 of the new complaint, the amount of bail, defendant's whereabouts  
 20 and all other necessary details. In addition, if a municipal court  
 21 judge set the bail, notify the clerk of that municipal court of this  
 22 information.

23 b. During regular court hours, the law enforcement officer shall  
 24 transport the defendant and the complainant to the Family Part  
 25 of the Chancery Division of the Superior Court **\*or to such other**  
 26 **place as the law enforcement officer shall determine is proper\***. The  
 27 **\*law enforcement officer or the\*** victim, with the assistance of the  
 28 clerk of the Family Part, shall complete and sign a complaint con-  
 29 cerning the incident which gave rise to the contempt charge, and  
 30 the defendant shall have bail set by a judge that day.

31 Nothing in this section shall be construed to prevent the court  
 32 from granting any other emergency relief it deems necessary.

1 \*9. N. J. S. 2C:29-9 is amended to read as follows:

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

7 *b.* A person is guilty of a crime of the fourth degree if that  
8 person purposely or knowingly violates an order entered under the  
9 provisions of the "Prevention of Domestic Violence Act," P. L.  
10 1981, c. 426 (C. 2C:25-1 et seq.) except that a person is guilty of a  
11 disorderly persons offense if the violation constitutes a disorderly  
12 or a petty disorderly persons offense.\*

1 \***[S. This act shall take effect immediately.]**\* \*10. *This act shall*  
2 *take effect on the 90th day following enactment.\**

---

#### DOMESTIC RELATIONS

Amends various provisions of the "Prevention of Domestic  
Violence Act" and establishes a Statewide contempt procedure.

---

19 (4) On the next working day notify the clerk of the Family Part  
 20 of the new complaint, the amount of bail, defendant's whereabouts  
 21 and all other necessary details. In addition, if a municipal court  
 22 judge set the bail, notify the clerk of that municipal court of this  
 23 information.

24 b. During regular court hours, the law enforcement officer shall  
 25 transport the defendant and the complainant to the Family Part  
 26 of the Chancery Division of the Superior Court. The victim, with  
 27 the assistance of the clerk of the Family Part, shall complete and  
 28 sign a complaint concerning the incident which gave rise to the  
 29 contempt charge, and the defendant shall have bail set by a judge  
 30 that day.

31 Nothing in this section shall be construed to prevent the court  
 32 from granting any other emergency relief it deems necessary.

1 7. This act shall take effect immediately.

---

#### STATEMENT

This bill amends various sections of the "Prevention of Domestic Violence Act."

Police officers are required to arrest a person who violates any of several types of orders issued pursuant to the act when the existence of such an order is verified. The violator shall be charged with contempt of court. Specific procedures for law enforcement officers to follow in these circumstances are set forth in the bill.

The bill also requires that information contained in domestic violence offense reports be forwarded to the county bureau of identification, in addition to the State bureau.

It further requires that both a Superior Court judge as well as municipal judges be available when the court is not open for routine business to issue temporary restraining orders under the act.

---

#### COURTS

##### DOM. VIOL.—ORDER VIOL. CONTEMPT

Amends various provisions of the "Prevention of Domestic Violence Act" and establishes a Statewide contempt procedure.

A1968

26 e. At the earliest opportunity on the next working day, the officer  
27 shall notify the court clerk of the existence of the contempt of court  
28 complaint. The clerk's office of the family part shall be made aware  
29 of all pertinent details of the case.

30 f. An assistant prosecutor shall be assigned to prosecute the  
31 contempt of court violation, and shall keep the arresting officer  
32 apprised of the status of the case.

1 6. This act shall take effect immediately.

---

#### STATEMENT

This bill establishes a Statewide contempt procedure for violations of restraining orders in domestic violence cases. It also provides for mandatory detention of persons by law enforcement officers where the officer believes the person has violated a court order. A person taken into custody shall be taken before a judicial officer who shall determine whether the individual should be arrested or released. Lastly, the bill makes some technical revisions to the "Prevention of Domestic Violence Act," P. L. 1981, c. 426 (C. 2C:25-1 et seq.).

---

#### DOMESTIC VIOLENCE

Establishes a Statewide contempt procedure for violations of restraining orders in domestic violence cases.

A1785

23 (9) The existence of any prior court orders issued pursuant  
24 to sections 10, 11, 13 or 14 of this act concerning the parties; and

25 (10) Any other data that may be necessary for a complete anal-  
26 ysis of all circumstances leading to the alleged incident of domestic  
27 violence.

28 c. It shall be the duty of the Superintendent of the State Police  
29 with the assistance of the Division of Systems and Communica-  
30 tions in the Department of Law and Public Safety to compile and  
31 report annually for a period of five years to the Governor, the  
32 Legislature and the Advisory Council on Shelters for Victims of  
33 Domestic Violence on the tabulated data from the domestic violence  
34 offense reports.

1 2. This act shall take effect immediately.

---

#### STATEMENT

This bill requires that domestic violence reports completed by law enforcement officers who respond to domestic violence calls be forwarded to the appropriate municipal court as well as to the State bureau of records and identification in the Division of State Police.

Forwarding domestic violence reports to the municipal court is necessary so that municipal court judges will have access to them for the purpose of adjudicating domestic violence matters that come before them.

The statutory changes contained in this bill were recommended by the 1985 "Report of the Supreme Court Task Force on the Improvement of Municipal Courts."

---

#### CRIME—INVESTIGATION, ARREST, PROSECUTION

Dom. viol. rpt.—to mun. ct.

Requires domestic violence offense reports to be forwarded to the municipal court adjudicating the offense.

**A1969**

**STATEMENT**

This bill amends the "Prevention of Domestic Violence Act" to provide that the police must arrest persons under certain circumstances. Presently the police have discretion as to whether to arrest a person who has violated a court order entered pursuant to the Domestic Violence Act or when a victim shows signs of injury or where other probable causes exist to believe that an act of domestic violence has been committed.

---

**A1389**

LAW LIBRARY COPY  
DO NOT REMOVE

ASSEMBLY JUDICIARY COMMITTEE  
STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 1968, 1785, 1389 and 1969  
STATE OF NEW JERSEY

DATED: OCTOBER 27, 1986

The Assembly Judiciary Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 1968, 1785, 1389 and 1969.

This committee substitute amends various sections of the "Prevention of Domestic Violence Act."

It requires police officers to arrest a person who violates any of several types of orders issued pursuant to the act when the existence of such an order is verified.

The committee substitute requires that domestic violence reports completed by law enforcement officers who respond to domestic violence calls be forwarded to the county bureau of identification and the municipal court where the offense occurred, unless the matter has been transferred to Superior Court.

The committee substitute also sets forth specific contempt procedures for a violation of an order prohibiting or restraining contact with the victim or victims relatives.



**SENATE JUDICIARY COMMITTEE**  
**STATEMENT TO**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, Nos. 1968, 1785, 1389 and 1969**  
**STATE OF NEW JERSEY**

DATED: MARCH 23, 1987

The Senate Judiciary Committee favorably reports and with committee amendments Assembly Committee Substitute for Assembly Bills No. 1968/1785/1389 and 1969.

As modified by the committee amendments, this bill would make the following amendments to the "Prevention of Domestic Violence Act."

1. Provides that it is the public policy of this State that a law enforcement officer shall make an arrest in domestic violence situations if the victim exhibits signs of injury. In other situations when the officer has probable cause to believe an act of domestic violence has been committed or a protective order violated, the decision to arrest would remain with the law enforcement officer.

2. Clarifies that violation of a protective order issued pursuant to the Domestic Violence Act constitutes the offense of criminal contempt under 2C:29-9. Presently, it is unclear under the Domestic Violence Act whether the term "contempt" when used in connection with violation of a protective order means civil or criminal contempt. With regard to the punishment for violation of protective order, the bills as amended provide that such violations would be punishable as crimes of the fourth degree (up to 18 months' imprisonment and/or a fine of up to \$7,500) except if the violation constituted a nonindictable offense, then that violation would be punished as a disorderly person (up to six months' imprisonment and/or a fine of up to \$1,000.00).

3. Clarifies that either the law enforcement officer or the victim may sign a complaint alleging a violation of protective order.

4. Provides that when a law enforcement officer makes an arrest for violation of a protective order that officer may transport both the victim and the defendant to court, police headquarters or any location which the officer determines is proper.

5. Requires that when a domestic violence complaint is filed, both the victim and defendant be immediately advised of existing counseling services.

6. Provides that if an appeal of an emergency protective order is taken by the defendant, that appeal cannot be heard until the plaintiff is notified.

7. Requires that when a law enforcement officer completes a domestic violence offense report, that the information contained in that report be forwarded to the appropriate county bureau of identification and to the appropriate municipal court unless the case has been transferred to Superior Court. Presently, this information is forwarded only to the State Police's identification unit.

8. Requires that both a Superior Court judge as well as a municipal judge be available when the courts are not open for regular business to issue temporary restraining orders. Presently, either a Superior Court judge or a municipal court judge is required to be available.

9. Presently, both the State Police and the Administrative Office of the Courts are required to compile certain information concerning domestic violence. This information was to be compiled annually for a five year period. As amended, the bills would eliminate this five year period and thus mandate that this information be compiled each year.

10. Changes reference in the Domestic Violence Act from the juvenile and domestic relations court to the Family Part of the Chancery Division of the Superior Court.

11. In addition to making several technical changes, the amendments also delay the effective date of the bill for 90 days.

---