

# 2C:25-29.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2001                      **CHAPTER:** 195  
**NJSA:** 2C:25-29.1            (Imposes civil penalties on domestic violence offenders)  
**BILL NO:** A1500                    (Substituted for S183)

**SPONSOR(S):** Heck and O'Toole

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:**                      **ASSEMBLY:** Judiciary; Appropriations

**SENATE:** Budget

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                      **ASSEMBLY:** March 8, 2001

**SENATE:** June 7, 2000

**DATE OF APPROVAL:** August 2, 2001

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (ASC (1<sup>st</sup> reprint) for A1500/A2158)

(Amendments during passage denoted by superscript numbers)

#### A1500/2158

**SPONSORS STATEMENT (A1500):** (Begins on page 3 of original bill)      Yes

**SPONSORS STATEMENT (A2158):** (Begins on page 3 of original bill)      Yes

Bill and sponsor's statement identical to A1500)

**COMMITTEE STATEMENT:**                      **ASSEMBLY:**                      Yes      10-16-00  
(Judiciary)

12-7-00 (Approp.)

**SENATE:**    Yes

**FLOOR AMENDMENT STATEMENTS:**    No

**LEGISLATIVE FISCAL NOTE (A2158):** Yes

**LEGISLATIVE FISCAL NOTE (A1500/2158 (ASC):** Yes

Identical to fiscal note for A2158

**S183**

**SPONSORS STATEMENT:** (Begins on page 3 of original bill) Yes

Bill and Sponsors Statement identical to A1500

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

Iss.)

**SENATE:** Yes 2-10-00 (Women's

5-31-01 (Budget)

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

Identical to fiscal not for A2158

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government

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**REPORTS:** Yes

974.90 New Jersey. Assembly. Task Force on Domestic Violence.

W872 Findings and Recommendations, July, 1998. Trenton, 1998

1998c (see recommendations 48 and 60—attached)

**HEARINGS:** Yes

974.90 New Jersey. Assembly. Task Force on Domestic Violence

W872 Public hearing, held December 5, 1997, Trenton, 1997

1997a

974.90 New Jersey. Assembly. Task Force on Domestic Violence

W872 Public hearing, held 1-23-98, Trenton, 1998

1998

**NEWSPAPER CLIPPINGS:**

No

# ASSEMBLY, No. 1500

## STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Assemblywoman ROSE MARIE HECK**

**District 38 (Bergen)**

**Assemblyman KEVIN J. O'TOOLE**

**District 21 (Essex and Union)**

**Co-Sponsored by:**

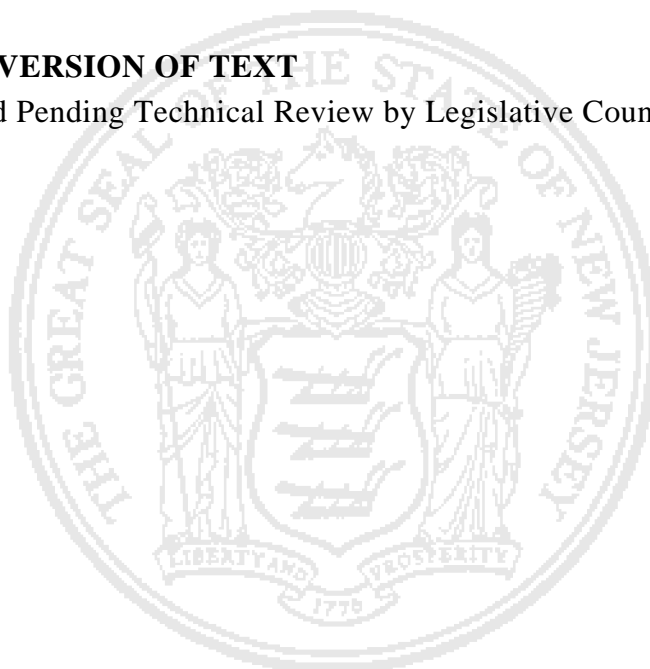
**Assemblymen Azzolina, Holzapfel, Wolfe, Garrett, Assemblywoman  
Murphy, Assemblymen Conaway, Corodemus and LeFevre**

**SYNOPSIS**

Imposes assessments on domestic violence offenders and establishes Domestic Violence Victims' Fund.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning penalties for domestic violence offenses and  
2 supplementing Title 2C of the New Jersey Statutes.

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

6  
7 1. a. In addition to any other disposition, any person found by the  
8 court in a final hearing pursuant to section 13 of P.L.1991, c.261  
9 (C.2C:25-29) to have committed an act of domestic violence shall be  
10 assessed an amount of at least \$50, but not to exceed \$500. In  
11 imposing this assessment, the court shall consider factors such as the  
12 nature of the act of domestic violence; the defendant's history of  
13 domestic violence and criminal record, if any; the defendant's ability to  
14 pay the assessment; and the economic impact of the assessment on the  
15 defendant's dependents. The court may waive the assessment in cases  
16 of extreme financial hardship.

17 b. At the discretion of the court, the defendant may be ordered to  
18 participate in community service in lieu of part or all of the assessment  
19 required to be imposed pursuant to subsection a. of this section.

20  
21 2. All assessments imposed to section 1 of P.L. , c. (C. )(now  
22 pending before the Legislature as this bill) shall be collected as  
23 provided by the Rules of Court. All moneys collected shall be  
24 forwarded to the Domestic Violence Victims' Fund established  
25 pursuant to section 3 of P.L. , c. (C. )(now pending before the  
26 Legislature as this bill).

27  
28 3. a. There is hereby established the "Domestic Violence Victims'  
29 Fund," a dedicated fund within the General Fund and administered by  
30 the Division of Criminal Justice, Department of Law and Public Safety.  
31 The fund shall be the depository of moneys realized from the  
32 assessment imposed pursuant to section 1 of P.L. , c. (C. )(now  
33 pending before the Legislature as this bill) and any other moneys made  
34 available for the purposes of the fund.

35 b. All moneys deposited in the "Domestic Violence Victims' Fund"  
36 shall be used for direct services to victims of domestic violence,  
37 including but not limited to shelter services, legal advocacy services  
38 and legal assistance services, and for related administrative costs of the  
39 Division of Criminal Justice.

40  
41 4. The Supreme Court may promulgate Rules of Court to  
42 effectuate the purposes of this act.

43  
44 5. The Department of Law and Public Safety may promulgate rules  
45 and regulations to effectuate the purposes of this act.

1       6. This act shall take effect on the 180th day following enactment,  
2       except for sections 4 and 5 which shall take effect immediately.

3

4

5

STATEMENT

6

7       This bill supplements Title 2C of the New Jersey Statutes to  
8       authorize the court to impose an assessment of between \$50 and \$500  
9       on persons found in a final hearing to have committed acts of domestic  
10      violence.

11      In determining the amount of the assessment to be imposed, the  
12      court is to consider factors such as: the nature of the act of domestic  
13      violence; the defendant's history of domestic violence and criminal  
14      record, if any; the defendant's ability to pay the assessment; and the  
15      economic impact of the assessment on the defendant's dependents.  
16      The court may waive the assessment in cases of extreme financial  
17      hardship. In addition, at the discretion of the court, the defendant may  
18      be ordered to participate in community service in lieu of part or all of  
19      the assessment.

20      The moneys collected from the assessments are to be deposited in  
21      a new fund, the "Domestic Violence Victims' Fund." The moneys in  
22      the fund are to be used for direct services to victims of domestic  
23      violence, including but not limited to shelter services and legal  
24      advocacy and legal assistance services, and for related administrative  
25      costs of the Division of Criminal Justice.

26      The provisions of this bill embody the proposals set forth in  
27      Recommendations No. 48 and No. 60 of the Report of the Assembly  
28      Task Force on Domestic Violence which was issued in July, 1998.

# ASSEMBLY, No. 2158

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED FEBRUARY 28, 2000

**Sponsored by:**

**Assemblywoman ROSE MARIE HECK**

**District 38 (Bergen)**

**Assemblyman KEVIN J. O'TOOLE**

**District 21 (Essex and Union)**

**SYNOPSIS**

Imposes assessments on domestic violence offenders and establishes Domestic Violence Victims' Fund.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning penalties for domestic violence offenses and  
2 supplementing Title 2C of the New Jersey Statutes.

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

6  
7 1. a. In addition to any other disposition, any person found by the  
8 court in a final hearing pursuant to section 13 of P.L.1991, c.261  
9 (C.2C:25-29) to have committed an act of domestic violence shall be  
10 assessed an amount of at least \$50, but not to exceed \$500. In  
11 imposing this assessment, the court shall consider factors such as the  
12 nature of the act of domestic violence; the defendant's history of  
13 domestic violence and criminal record, if any; the defendant's ability to  
14 pay the assessment; and the economic impact of the assessment on the  
15 defendant's dependents. The court may waive the assessment in cases  
16 of extreme financial hardship.

17 b. At the discretion of the court, the defendant may be ordered to  
18 participate in community service in lieu of part or all of the assessment  
19 required to be imposed pursuant to subsection a. of this section.

20  
21 2. All assessments imposed pursuant to section 1 of P.L. , c.  
22 (C. )(now pending before the Legislature as this bill) shall be  
23 collected as provided by the Rules of Court. All moneys collected  
24 shall be forwarded to the Domestic Violence Victims' Fund established  
25 pursuant to section 3 of P.L. , c. (C. )(now pending before the  
26 Legislature as this bill).

27  
28 3. a. There is hereby established the "Domestic Violence Victims'  
29 Fund," a dedicated fund within the General Fund and administered by  
30 the Division of Criminal Justice, Department of Law and Public Safety.  
31 The fund shall be the depository of moneys realized from the  
32 assessment imposed pursuant to section 1 of P.L. , c. (C. )(now  
33 pending before the Legislature as this bill) and any other moneys made  
34 available for the purposes of the fund.

35 b. All moneys deposited in the "Domestic Violence Victims' Fund"  
36 shall be used for direct services to victims of domestic violence,  
37 including but not limited to shelter services, legal advocacy services  
38 and legal assistance services, and for related administrative costs of the  
39 Division of Criminal Justice.

40  
41 4. The Supreme Court may promulgate Rules of Court to  
42 effectuate the purposes of this act.

43  
44 5. The Department of Law and Public Safety may promulgate rules  
45 and regulations to effectuate the purposes of this act.



1       6. This act shall take effect on the 180th day following enactment,  
2 except for sections 4 and 5 which shall take effect immediately.

3

4

5

STATEMENT

6

7       This bill supplements Title 2C of the New Jersey Statutes to  
8 authorize the court to impose an assessment of between \$50 and \$500  
9 on persons found in a final hearing to have committed acts of domestic  
10 violence.

11       In determining the amount of the assessment to be imposed, the  
12 court is to consider factors such as: the nature of the act of domestic  
13 violence; the defendant's history of domestic violence and criminal  
14 record, if any; the defendant's ability to pay the assessment; and the  
15 economic impact of the assessment on the defendant's dependents.  
16 The court may waive the assessment in cases of extreme financial  
17 hardship. In addition, at the discretion of the court, the defendant may  
18 be ordered to participate in community service in lieu of part or all of  
19 the assessment.

20       The moneys collected from the assessments are to be deposited in  
21 a new fund, the "Domestic Violence Victims' Fund." The moneys in  
22 the fund are to be used for direct services to victims of domestic  
23 violence, including but not limited to shelter services and legal  
24 advocacy and legal assistance services, and for related administrative  
25 costs.

**FISCAL NOTE**  
**ASSEMBLY, No. 2158**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: JULY 17, 2000

**SUMMARY**

**Synopsis:** Imposes assessments on domestic violence offenders and establishes Domestic Violence Victims' Fund

**Type of Impact:** General Fund expenditure, Revenue collection for newly created Domestic Violence Victims' Fund.

**Agencies Affected:** Judiciary

**Executive Estimate**

<b>Fiscal Impact</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
<b>State Cost</b>	\$100,000	\$0	\$0
<b>State Revenue</b>			
<b>Domestic Violence Victims' Fund</b>	\$257,000	\$376,000	\$367,000

- ! The Office of Legislative Services (OLS) concurs with the Judiciary estimate.
- ! The bill authorizes the court to impose an assessment of between \$50 and \$500 on persons found in a final hearing to have committed acts of domestic violence. The court may waive the assessment in cases of extreme financial hardship. In addition, at the discretion of the court, the defendant may be ordered to participate in community service in lieu of part or all of the assessment.
- ! The moneys collected from the assessments are to be deposited in a new fund, the "Domestic Violence Victims' Fund" and are to be used for direct services to victims of domestic violence, including but not limited to shelter services and legal advocacy and legal assistance services, and for related administrative costs.

**BILL DESCRIPTION**

Assembly Bill No. 2158 of 2000 authorizes the court to impose an assessment of between \$50 and \$500 on persons found in a final hearing to have committed acts of domestic violence. The court may waive the assessment in cases of extreme financial hardship. In addition, at the discretion of the court, the defendant may be ordered to participate in community service in lieu of part or all of the assessment.

The moneys collected from the assessments are to be deposited in a new fund, the "Domestic Violence Victims' Fund" and are to be used for direct services to victims of domestic violence, including but not limited to shelter services and legal advocacy and legal assistance services, and for related administrative costs.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Administrative Office of the Courts (AOC) states that based on information provided by the AOC's Family Division, there were 13,181 restraining orders issued in 1999. This represents a decrease of about 10 percent under the number of restraining orders issued in 1996. As a result, the AOC assumes that the number of restraining orders will continue to decrease each year by a commensurate rate, or by about 2.5 percent each year.

The AOC further states that based on an implementation date of November, 2000, and assuming that 40 percent of those defendants who are issued a restraining order will have their assessment waived by the court, and the remaining 60 percent will be assessed the minimum \$50 assessment, revenue generated for the Domestic Violence Victims' Fund during the first year of implementation would total \$257,000. Factoring in the anticipated 2.5 percent annual reduction in restraining orders issued, second and third year revenue for the fund would total \$376,000 and \$367,000, respectively.

The AOC notes that it would incur a one-time implementation cost of \$100,000 to update the FACTS (Family Automated Case Tracking System) to accommodate the change.

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

The Office of Legislative Services (OLS) concurs with the Judiciary estimate.

Section: *Judiciary*

Analyst: *Anne C. Raughley*  
*Lead Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 1500 and 2158**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED OCTOBER 16, 2000

**Sponsored by:**

**Assemblywoman ROSE MARIE HECK**

**District 38 (Bergen)**

**Assemblyman KEVIN J. O'TOOLE**

**District 21 (Essex and Union)**

**Co-Sponsored by:**

**Assemblymen Azzolina, Holzapfel, Wolfe, Garrett, Assemblywoman  
Murphy, Assemblymen Conaway, Corodemus and LeFevre**

**SYNOPSIS**

Imposes assessments on domestic violence offenders and establishes  
Domestic Violence Victims' Fund.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Judiciary Committee.



1 AN ACT concerning penalties for domestic violence offenses and  
2 supplementing Title 2C of the New Jersey Statutes and Title 30 of  
3 the Revised Statutes.

4

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

7

8 1. a. In addition to any other disposition, any person found by the  
9 court in a final hearing pursuant to section 13 of P.L.1991, c.261  
10 (C.2C:25-29) to have committed an act of domestic violence shall be  
11 assessed an amount of at least \$50, but not to exceed \$500. In  
12 imposing this assessment, the court shall consider factors such as the  
13 nature of the act of domestic violence; the defendant's history of  
14 domestic violence and criminal record, if any; the defendant's ability to  
15 pay the assessment; and the economic impact of the assessment on the  
16 defendant's dependents. The court may waive the assessment in cases  
17 of extreme financial hardship.

18 b. At the discretion of the court, the defendant may be ordered to  
19 participate in community service in lieu of part or all of the assessment  
20 required to be imposed pursuant to subsection a. of this section.

21

22 2. All assessments imposed to section 1 of P.L. , c. (C. )(now  
23 pending before the Legislature as this bill) shall be collected as  
24 provided by the Rules of Court. All moneys collected shall be  
25 forwarded to the Domestic Violence Victims' Fund established  
26 pursuant to section 3 of P.L. , c. (C. )(now pending before the  
27 Legislature as this bill).

28

29 3. a. There is hereby established the "Domestic Violence Victims'  
30 Fund," a dedicated fund within the General Fund and administered by  
31 the Division of Youth and Family Services in the Department of  
32 Human Services. The fund shall be the depository of moneys realized  
33 from the assessment imposed pursuant to section 1 of P.L. , c.  
34 (C. )(now pending before the Legislature as this bill) and any other  
35 moneys made available for the purposes of the fund.

36 b. All moneys deposited in the "Domestic Violence Victims' Fund"  
37 shall be used for direct services to victims of domestic violence,  
38 including, but not limited to, shelter services, legal advocacy services  
39 and legal assistance services, and for related administrative costs of the  
40 Division of Youth and Family Services.

41

42 4. The Supreme Court may promulgate Rules of Court to  
43 effectuate the purposes of this act.

44

45 5. The Department of Human Services may promulgate rules and  
46 regulations to effectuate the purposes of this act pursuant to the

1 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

2

3 6. This act shall take effect on the 180th day following enactment,

4 except for sections 4 and 5 which shall take effect immediately.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 1500 and 2158**

# **STATE OF NEW JERSEY**

DATED: OCTOBER 16, 2000

The Assembly Judiciary Committee reports favorably a committee substitute for Assembly Bill Nos. 1500 and 2158.

This substitute supplements Title 2C of the New Jersey Statutes to authorize the court to impose an assessment of between \$50 and \$500 on persons found in a final hearing to have committed acts of domestic violence.

In determining the amount of the assessment to be imposed, the court is to consider factors such as: the nature of the act of domestic violence; the defendant's history of domestic violence and criminal record, if any; the defendant's ability to pay the assessment; and the economic impact of the assessment on the defendant's dependents. The court may waive the assessment in cases of extreme financial hardship. In addition, at the discretion of the court, the defendant may be ordered to participate in community service in lieu of part or all of the assessment.

The moneys collected from the assessments are to be deposited in a new fund, the "Domestic Violence Victims' Fund." The moneys in the fund are to be used for direct services to victims of domestic violence, including but not limited to shelter services and legal advocacy and legal assistance services, and for related administrative costs of the Division of Youth and Family Services.

This substitute is identical to Senate, No. 183(1R).

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 1500 and 2158**

with Assembly committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 7, 2000

The Assembly Appropriations Committee reports favorably Assembly Bill Nos. 1500 and 2158 (ACS) with committee amendments.

Assembly Bill Nos. 1500 and 2158 (ACS), as amended, supplements the New Jersey Code of Criminal Justice to authorize the court to impose a civil penalty of between \$50 and \$500 on persons found in a final hearing in Family Part of the Chancery Division of the Superior Court to have committed acts of domestic violence.

In determining the amount of the civil penalty to be imposed, the court is to consider the nature and degree of injury suffered by the victim. The court may waive the fee in cases of extreme financial hardship.

The moneys collected from the civil penalty are to be deposited in the "Domestic Violence Victims' Fund" established by the bill. The moneys in the fund are to be used for direct services to victims of domestic violence, including but not limited to shelter services and legal advocacy and legal assistance services, and for related administrative costs of the Division of Youth and Family Services.

#### FISCAL IMPACT:

Based on a caseload information analysis by the Administrative Office of the Courts' (AOC) Family Division that shows declining caseloads, and assuming that 40 percent of the defendants will have their civil penalty waived by the court and the remaining 60 percent will be assessed the minimum \$50 civil penalty, revenue generated for the Domestic Violence Victims' Fund during the full FY2001 implementation of the program would be \$386,000, for FY2002 \$376,000 and for FY2003 \$367,000.

The AOC notes that it would incur a one-time implementation cost of \$100,000 to update the FACTS (Family Automated Case Tracking System) to accommodate the change.



COMMITTEE AMENDMENTS:

The amendments revise the bill from one establishing and modeled on criminal penalties to one establishing and patterned on a civil penalty.

**FISCAL NOTE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, Nos. 1500 and 2158**  
**STATE OF NEW JERSEY**

DATED: DECEMBER 12, 2000

**SUMMARY**

**Synopsis:** Imposes assessments on domestic violence offenders and establishes Domestic Violence Victims' Fund.

**Type of Impact:** General Fund expenditure, Revenue collection for newly created Domestic Violence Victims' Fund.

**Agencies Affected:** Judiciary

**Executive Estimate**

<b>Fiscal Impact</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
<b>State Cost</b>	\$100,000	\$0	\$0
<b>State Revenue</b>			
<b>Domestic Violence Victims' Fund</b>	\$257,000	\$376,000	\$367,000

- ! The Office of Legislative Services **concurs** with the Judiciary estimate.
- ! The bill authorizes the court to impose an assessment of between \$50 and \$500 on persons found in a final hearing to have committed acts of domestic violence. The court may waive the assessment in cases of extreme financial hardship. In addition, at the discretion of the court, the defendant may be ordered to participate in community service in lieu of part or all of the assessment.
- ! The moneys collected from the assessments are to be deposited in a new fund, the "Domestic Violence Victims' Fund" and are to be used for direct services to victims of domestic violence, including but not limited to shelter services and legal advocacy and legal assistance services, and for related administrative costs.

**BILL DESCRIPTION**

Assembly Committee Substitute for Assembly Bill Nos. 1500 and 2158 of 2000 authorizes the court to impose an assessment of between \$50 and \$500 on persons found in a final hearing to have committed acts of domestic violence. The court may waive the assessment in cases of extreme financial hardship. In addition, at the discretion of the court,

the defendant may be ordered to participate in community service in lieu of part or all of the assessment.

The moneys collected from the assessments are to be deposited in a new fund, the "Domestic Violence Victims' Fund" and are to be used for direct services to victims of domestic violence, including but not limited to shelter services and legal advocacy and legal assistance services, and for related administrative costs.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Administrative Office of the Courts (AOC) states that based on information provided by the AOC's Family Division, there were 13,181 restraining orders issued in 1999. This represents a decrease of about 10 percent under the number of restraining orders issued in 1996. As a result, the AOC assumes that the number of restraining orders will continue to decrease each year by a commensurate rate, or by about 2.5 percent each year.

The AOC further states that based on an implementation date of November, 2000, and assuming that 40 percent of those defendants who are issued a restraining order will have their assessment waived by the court, and the remaining 60 percent will be assessed the minimum \$50 assessment, revenue generated for the Domestic Violence Victims' Fund during the first year of implementation would total \$257,000. Factoring in the anticipated 2.5 percent annual reduction in restraining orders issued, second and third year revenue for the fund would total \$376,000 and \$367,000, respectively.

The AOC notes that it would incur a one-time implementation cost of \$100,000 to update the FACTS (Family Automated Case Tracking System) to accommodate the change.

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

The Office of Legislative Services (OLS) concurs with the Judiciary estimate.

Section: *Judiciary*

Analyst: *Anne C. Raughley*  
*Lead Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67.

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, Nos. 1500 and 2158**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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ADOPTED OCTOBER 16, 2000

**Sponsored by:**

**Assemblywoman ROSE MARIE HECK**

**District 38 (Bergen)**

**Assemblyman KEVIN J. O'TOOLE**

**District 21 (Essex and Union)**

**Co-Sponsored by:**

**Assemblymen Azzolina, Holzapfel, Wolfe, Garrett, Assemblywoman Murphy, Assemblymen Conaway, Corodemus, LeFevre, Assemblywoman Greenstein, Assemblyman R.Smith, Senators Allen, O'Connor, Connors, Bassano, Cafiero, Robertson, Inverso, Kosco, Singer, Bark, Martin, Sinagra, Cardinale, Ciesla, Bennett, Kyrillos, Gormley, Matheussen, Bucco and Baer**

**SYNOPSIS**

Imposes civil penalties on domestic violence offenders and establishes Domestic Violence Victims Fund.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on December 7, 2000, with amendments.

(Sponsorship Updated As Of: 6/8/2001)

1 AN ACT concerning penalties for domestic violence offenses and  
2 supplementing Title 2C of the New Jersey Statutes and Title 30 of  
3 the Revised Statutes.

4

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

7

8 1. <sup>1</sup>[a.]<sup>1</sup> In addition to any other disposition, any person found  
9 by the court in a final hearing pursuant to section 13 of P.L.1991,  
10 c.261 (C.2C:25-29) to have committed an act of domestic violence  
11 shall be <sup>1</sup>[assessed an amount] ordered by the court to pay a civil  
12 penalty<sup>1</sup> of at least \$50 , but not to exceed \$500. In imposing this  
13 <sup>1</sup>[assessment] civil penalty<sup>1</sup>, the court shall <sup>1</sup>[consider factors such  
14 as the nature of the act of domestic violence; the defendant's history  
15 of domestic violence and criminal record, if any; the defendant's ability  
16 to pay the assessment; and the economic impact of the assessment on  
17 the defendant's dependents] take into consideration the nature and  
18 degree of injury suffered by the victim<sup>1</sup>. The court may waive the  
19 <sup>1</sup>[assessment] penalty<sup>1</sup> in cases of extreme financial hardship.

20 <sup>1</sup>[b. At the discretion of the court, the defendant may be ordered  
21 to participate in community service in lieu of part or all of the  
22 assessment required to be imposed pursuant to subsection a. of this  
23 section.]<sup>1</sup>

24

25 2. All <sup>1</sup>[assessments] civil penalties<sup>1</sup> imposed to section 1 of  
26 P.L. , c. (C. )(now pending before the Legislature as this bill) shall  
27 be collected as provided by the Rules of Court. All moneys collected  
28 shall be forwarded to the Domestic Violence Victims' Fund established  
29 pursuant to section 3 of P.L. , c. (C. )(now pending before the  
30 Legislature as this bill).

31

32 3. a. There is hereby established the "Domestic Violence Victims'  
33 Fund," a dedicated fund within the General Fund and administered by  
34 the Division of Youth and Family Services in the Department of  
35 Human Services. The fund shall be the depository of moneys realized  
36 from the <sup>1</sup>[assessment] civil penalty<sup>1</sup> imposed pursuant to section 1  
37 of P.L. , c. (C. ) (now pending before the Legislature as this bill)  
38 and any other moneys made available for the purposes of the fund.

39 b. All moneys deposited in the "Domestic Violence Victims' Fund"  
40 shall be used for direct services to victims of domestic violence,  
41 including, but not limited to, shelter services, legal advocacy services

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 AAP committee amendments adopted December 7, 2000.

1 and legal assistance services, and for related administrative costs of the  
2 Division of Youth and Family Services.

3

4 4. The Supreme Court may promulgate Rules of Court to  
5 effectuate the purposes of this act.

6

7 5. The Department of Human Services may promulgate rules and  
8 regulations to effectuate the purposes of this act pursuant to the  
9 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

10

11 6. This act shall take effect on the 180th day following enactment,  
12 except for sections 4 and 5 which shall take effect immediately.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

### ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 1500 and 2158**

# **STATE OF NEW JERSEY**

DATED: MAY 31, 2001

The Senate Budget and Appropriations Committee reports favorably Assembly Bill Nos. 1500 and 2158 ACS (1R).

This bill authorizes the imposition of a special monetary civil penalty on domestic violence offenders and dedicates the proceeds of the assessment to funding the cost of victims' services.

The "Prevention of Domestic Violence Act of 1991" designates various specified offenses against certain present or former members of the offender's family or household as constituting acts of domestic violence. Among the specified offenses are homicide, sexual assault, kidnapping, false imprisonment, harassment, and stalking.

Under the bill, a person found in a final hearing in the Family Part of the Chancery Division of Superior Court to have committed one of those designated acts of domestic violence shall be subject, in addition to any other penalty, to an additional civil penalty of from \$50 to \$500. In determining the amount of the penalty, the court is to consider the nature and degree of injury suffered by the victim. The court could waive the penalty in cases of extreme financial hardship.

Moneys collected through imposition of the penalty are to be deposited in a new "Domestic Violence Victims' Fund" that the bill establishes in the General Fund under the administration of the Division of Youth and Family Services (DYFS) in the Department of Human Services. The moneys in the fund are to be used for direct services to victims of domestic violence, including, but not limited to, shelter services and legal advocacy and legal assistance services, and for DYFS's related administrative costs.

The provisions of this bill are identical to those of Senate Bill No. 183 (1R) (Sca), which the committee also reports this day.

#### FISCAL IMPACT

An analysis of caseload data by the Family Division of the Administrative Office of the Courts (AOC) shows the volume of restraining orders declining at the rate of about 2.5 percent per year to

roughly 13,200 in 1999, indicating a projected caseload of some 12,200 in 2002. Assuming that courts will waive the civil penalty for 40 percent of defendants and assess the minimum penalty of \$50 on the remaining 60 percent, revenue generated for the Domestic Violence Victims' Fund during implementation of the program for the duration of calendar year 2002 would be \$365,000. Under these same assumptions, the revenue for calendar year 2003 would be \$356,000.

The AOC notes that it would incur a one-time implementation cost of \$100,000 to update the FACTS (Family Automated Case Tracking System) to accommodate the change.



# SENATE, No. 183

## STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**Senator EDWARD T. O'CONNOR, JR.**

**District 31 (Hudson)**

**Co-Sponsored by:**

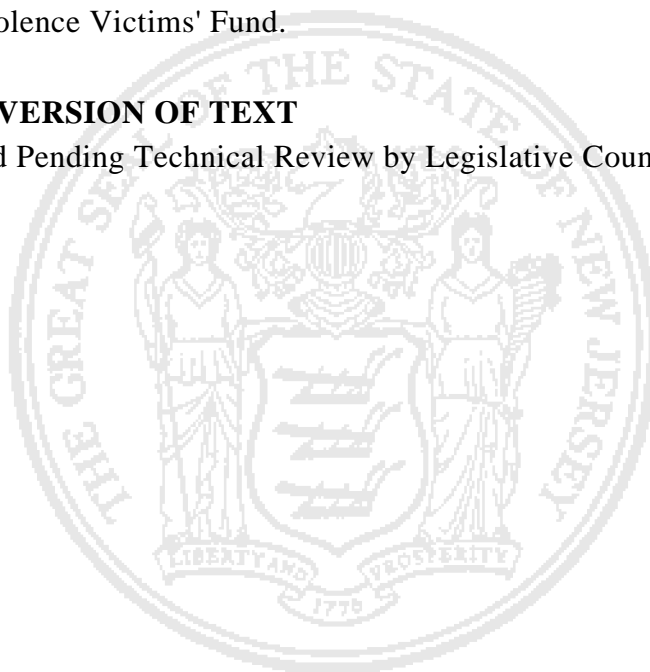
**Senators Connors, Bassano, Cafiero, Robertson, Inverso, Kosco, Singer,  
Bark, Martin, Sinagra, Cardinale, Ciesla, Bennett, Kyrillos, Gormley,  
Matheussen and Bucco**

**SYNOPSIS**

Imposes assessments on domestic violence offenders and establishes Domestic Violence Victims' Fund.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning penalties for domestic violence offenses and  
2 supplementing Title 2C of the New Jersey Statutes.

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

6  
7 1. a. In addition to any other disposition, any person found by the  
8 court in a final hearing pursuant to section 13 of P.L.1991, c.261  
9 (C.2C:25-29) to have committed an act of domestic violence shall be  
10 assessed an amount of at least \$50, but not to exceed \$500. In  
11 imposing this assessment, the court shall consider factors such as the  
12 nature of the act of domestic violence; the defendant's history of  
13 domestic violence and criminal record, if any; the defendant's ability to  
14 pay the assessment; and the economic impact of the assessment on the  
15 defendant's dependents. The court may waive the assessment in cases  
16 of extreme financial hardship.

17 b. At the discretion of the court, the defendant may be ordered to  
18 participate in community service in lieu of part or all of the assessment  
19 required to be imposed pursuant to subsection a. of this section.

20  
21 2. All assessments imposed to section 1 of P.L. , c. (C. )(now  
22 pending before the Legislature as this bill) shall be collected as  
23 provided by the Rules of Court. All moneys collected shall be  
24 forwarded to the Domestic Violence Victims' Fund established  
25 pursuant to section 3 of P.L. , c. (C. )(now pending before the  
26 Legislature as this bill).

27  
28 3. a. There is hereby established the "Domestic Violence Victims'  
29 Fund," a dedicated fund within the General Fund and administered by  
30 the Division of Criminal Justice, Department of Law and Public Safety.  
31 The fund shall be the depository of moneys realized from the  
32 assessment imposed pursuant to section 1 of P.L. , c. (C. )(now  
33 pending before the Legislature as this bill) and any other moneys made  
34 available for the purposes of the fund.

35 b. All moneys deposited in the "Domestic Violence Victims' Fund"  
36 shall be used for direct services to victims of domestic violence,  
37 including but not limited to shelter services, legal advocacy services  
38 and legal assistance services, and for related administrative costs of the  
39 Division of Criminal Justice.

40  
41 4. The Supreme Court may promulgate Rules of Court to  
42 effectuate the purposes of this act.

43  
44 5. The Department of Law and Public Safety may promulgate rules  
45 and regulations to effectuate the purposes of this act.

1       6. This act shall take effect on the 180th day following enactment,  
2 except for sections 4 and 5 which shall take effect immediately.

3

4

5

STATEMENT

6

7       This bill supplements Title 2C of the New Jersey Statutes to  
8 authorize the court to impose an assessment of between \$50 and \$500  
9 on persons found in a final hearing to have committed acts of domestic  
10 violence.

11       In determining the amount of the assessment to be imposed, the  
12 court is to consider factors such as: the nature of the act of domestic  
13 violence; the defendant's history of domestic violence and criminal  
14 record, if any; the defendant's ability to pay the assessment; and the  
15 economic impact of the assessment on the defendant's dependents.  
16 The court may waive the assessment in cases of extreme financial  
17 hardship. In addition, at the discretion of the court, the defendant may  
18 be ordered to participate in community service in lieu of part or all of  
19 the assessment.

20       The moneys collected from the assessments are to be deposited in  
21 a new fund, the "Domestic Violence Victims' Fund." The moneys in  
22 the fund are to be used for direct services to victims of domestic  
23 violence, including but not limited to shelter services and legal  
24 advocacy and legal assistance services, and for related administrative  
25 costs.

SENATE WOMAN'S ISSUES, CHILDREN AND FAMILY  
SERVICES COMMITTEE

STATEMENT TO

**SENATE, No. 183**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 10, 2000

The Senate Woman's Issues, Children & Family Services Committee reports favorably Senate Bill No. 183 with committee amendments.

As amended by committee, this bill authorizes the court to impose an assessment of between \$50 and \$500 on any person found in a final hearing to have committed an act of domestic violence.

In determining the amount of the assessment to be imposed, the court is to consider factors such as: the nature of the act of domestic violence; the defendant's history of domestic violence and criminal record, if any; the defendant's ability to pay the assessment; and the economic impact of the assessment on the defendant's dependents. The court may waive the assessment in cases of extreme financial hardship. In addition, at the discretion of the court, the defendant may be ordered to participate in community service in lieu of part or all of the assessment.

The moneys collected from the assessments are to be deposited in a new fund, the "Domestic Violence Victims' Fund." The moneys in the fund are to be used for direct services to victims of domestic violence, including, but not limited to, shelter services and legal advocacy and legal assistance services, and for related administrative costs of the Division of Youth and Family Services.

The committee amended the bill to establish the "Domestic Violence Victims' Fund" in the Division of Youth and Family Services in the Department of Human Services, rather than in the Division of Criminal Justice in the Department of Law and Public Safety, as provided in the original bill. The committee also amended the bill to allow the Department of Human Services to promulgate rules and regulations to effectuate the purposes of the bill, rather than the Department of Law and Public Safety, as provided in the original bill.

This bill is identical to Senate Bill No. 1663 (1R) of 1998, which the Senate Law and Public Safety Committee reported favorably during the prior session.

This bill was prefiled for introduction in the 2000-2001 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

[First Reprint]

**SENATE, No. 183**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**Senator EDWARD T. O'CONNOR, JR.**

**District 31 (Hudson)**

**Co-Sponsored by:**

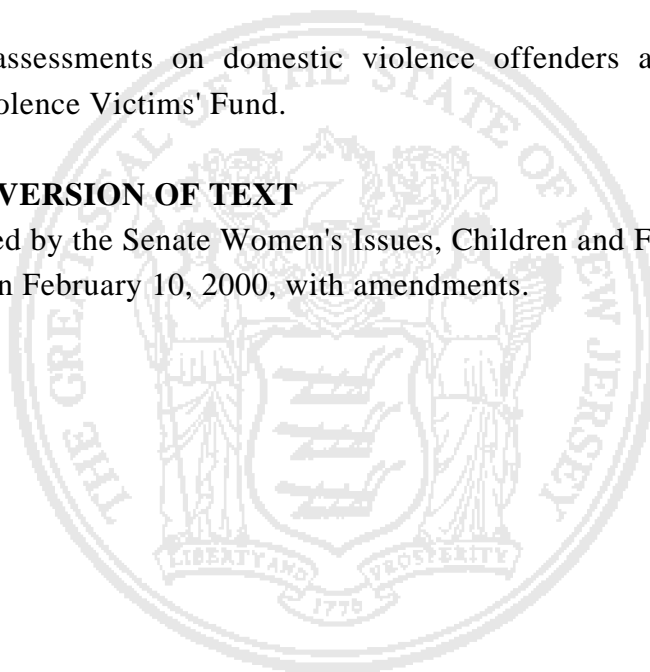
**Senators Connors, Bassano, Cafiero, Robertson, Inverso, Kosco, Singer,  
Bark, Martin, Sinagra, Cardinale, Ciesla, Bennett, Kyrillos, Gormley,  
Matheussen and Bucco**

**SYNOPSIS**

Imposes assessments on domestic violence offenders and establishes Domestic Violence Victims' Fund.

**CURRENT VERSION OF TEXT**

As reported by the Senate Women's Issues, Children and Family Services Committee on February 10, 2000, with amendments.



1 AN ACT concerning penalties for domestic violence offenses and  
2 supplementing Title 2C of the New Jersey Statutes <sup>1</sup>and Title 30 of  
3 the Revised Statutes<sup>1</sup>.

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

7  
8 1. a. In addition to any other disposition, any person found by the  
9 court in a final hearing pursuant to section 13 of P.L.1991, c.261  
10 (C.2C:25-29) to have committed an act of domestic violence shall be  
11 assessed an amount of at least \$50, but not to exceed \$500. In  
12 imposing this assessment, the court shall consider factors such as the  
13 nature of the act of domestic violence; the defendant's history of  
14 domestic violence and criminal record, if any; the defendant's ability to  
15 pay the assessment; and the economic impact of the assessment on the  
16 defendant's dependents. The court may waive the assessment in cases  
17 of extreme financial hardship.

18 b. At the discretion of the court, the defendant may be ordered to  
19 participate in community service in lieu of part or all of the assessment  
20 required to be imposed pursuant to subsection a. of this section.

21  
22 2. All assessments imposed to section 1 of P.L. , c. (C. )(now  
23 pending before the Legislature as this bill) shall be collected as  
24 provided by the Rules of Court. All moneys collected shall be  
25 forwarded to the Domestic Violence Victims' Fund established  
26 pursuant to section 3 of P.L. , c. (C. )(now pending before the  
27 Legislature as this bill).

28  
29 3. a. There is hereby established the "Domestic Violence Victims'  
30 Fund," a dedicated fund within the General Fund and administered by  
31 the Division of <sup>1</sup>[Criminal Justice, Department of Law and Public  
32 Safety] Youth and Family Services in the Department of Human  
33 Services<sup>1</sup>. The fund shall be the depository of moneys realized from  
34 the assessment imposed pursuant to section 1 of P.L. , c. (C. )  
35 (now pending before the Legislature as this bill) and any other moneys  
36 made available for the purposes of the fund.

37 b. All moneys deposited in the "Domestic Violence Victims' Fund"  
38 shall be used for direct services to victims of domestic violence,  
39 including <sup>1,1</sup> but not limited to <sup>1,1</sup> shelter services, legal advocacy  
40 services and legal assistance services, and for related administrative  
41 costs of the Division of <sup>1</sup>[Criminal Justice] Youth and Family

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 SWF committee amendments adopted February 10, 2000.

1 Services<sup>1</sup>.

2

3 4. The Supreme Court may promulgate Rules of Court to  
4 effectuate the purposes of this act.

5

6 5. The Department of <sup>1</sup>[Law and Public Safety] Human Services<sup>1</sup>  
7 may promulgate rules and regulations to effectuate the purposes of this  
8 act <sup>1</sup>pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
9 (C.52:14B-1 et seq.)<sup>1</sup>.

10

11 6. This act shall take effect on the 180th day following enactment,  
12 except for sections 4 and 5 which shall take effect immediately.

**FISCAL NOTE**  
[First Reprint]  
**SENATE, No. 183**  
**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

DATED: JULY 18, 2000

**SUMMARY**

**Synopsis:** Imposes assessments on domestic violence offenders and establishes Domestic Violence Victims' Fund.

**Type of Impact:** General Fund expenditure, Revenue collection for newly created Domestic Violence Victims' Fund.

**Agencies Affected:** Judiciary

**Executive Estimate**

<b>Fiscal Impact</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>
<b>State Cost</b>	\$100,000	\$0	\$0
<b>State Revenue</b>			
<b>Domestic Violence Victims' Fund</b>	\$257,000	\$376,000	\$367,000

- ! The Office of Legislative Services (OLS) concurs with the Judiciary estimate.
- ! The bill authorizes the court to impose an assessment of between \$50 and \$500 on persons found in a final hearing to have committed acts of domestic violence. The court may waive the assessment in cases of extreme financial hardship. In addition, at the discretion of the court, the defendant may be ordered to participate in community service in lieu of part or all of the assessment.
- ! The moneys collected from the assessments are to be deposited in a new fund, the "Domestic Violence Victims' Fund" and are to be used for direct services to victims of domestic violence, including but not limited to shelter services and legal advocacy and legal assistance services, and for related administrative costs.

**BILL DESCRIPTION**

Senate Bill No. 183 (1R) of 2000 authorizes the court to impose an assessment of between \$50 and \$500 on persons found in a final hearing to have committed acts of domestic



violence. The court may waive the assessment in cases of extreme financial hardship. In addition, at the discretion of the court, the defendant may be ordered to participate in community service in lieu of part or all of the assessment.

The moneys collected from the assessments are to be deposited in a new fund, the "Domestic Violence Victims' Fund" and are to be used for direct services to victims of domestic violence, including but not limited to shelter services and legal advocacy and legal assistance services, and for related administrative costs.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Administrative Office of the Courts (AOC) states that based on information provided by the AOC's Family Division, there were 13,181 restraining orders issued in 1999. This represents a decrease of about 10 percent under the number of restraining orders issued in 1996. As a result, the AOC assumes that the number of restraining orders will continue to decrease each year by a commensurate rate, or by about 2.5 percent each year.

The AOC further states that based on an implementation date of November, 2000, and assuming that 40 percent of those defendants who are issued a restraining order will have their assessment waived by the court, and the remaining 60 percent will be assessed the minimum \$50 assessment, revenue generated for the Domestic Violence Victims' Fund during the first year of implementation would total \$257,000. Factoring in the anticipated 2.5 percent annual reduction in restraining orders issued, second and third year revenue for the fund would total \$376,000 and \$367,000, respectively.

The AOC notes that it would incur a one-time implementation cost of \$100,000 to update the FACTS (Family Automated Case Tracking System) to accommodate the change.

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

The Office of Legislative Services (OLS) concurs with the Judiciary estimate.

Section: *Judiciary*

Analyst: *Anne C. Raughley*  
*Lead Fiscal Analyst*

Approved: *Alan R. Kooney*  
*Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## **SENATE, No. 183**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 31, 2001

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 183 (1R).

This bill authorizes the imposition of a special monetary civil penalty on domestic violence offenders and dedicates the proceeds of the assessment to funding the cost of victims' services.

The "Prevention of Domestic Violence Act of 1991" designates various specified offenses against certain present or former members of the offender's family or household as constituting acts of domestic violence. Among the specified offenses are homicide, sexual assault, kidnapping, false imprisonment, harassment, and stalking.

Under the bill, a person found in a final hearing in the Family Part of the Chancery Division of Superior Court to have committed one of those designated acts of domestic violence shall be subject, in addition to any other penalty, to a separate civil penalty of from \$50 to \$500. In determining the amount of the penalty, the court is to consider the nature and degree of the injury suffered by the victim. The court could waive the penalty in cases of extreme financial hardship.

Moneys collected through imposition of the penalty are to be deposited in a new "Domestic Violence Victims' Fund" that the bill establishes in the General Fund under the administration of the Division of Youth and Family Services (DYFS) in the Department of Human Services. The moneys in the fund are to be used for direct services to victims of domestic violence, including, but not limited to, shelter services and legal advocacy and legal assistance services, and for DYFS's related administrative costs.

The provisions of this bill, as amended, are identical to those of Assembly Bill Nos. 1500 and 2158 ACS (1R), which the committee also reports this day.

### COMMITTEE AMENDMENTS

Committee amendments to this bill (1) clarify that the fine for which the bill provides constitutes a civil penalty, and is not to be construed as in the nature of a criminal punishment, (2) limit the

factors that the court is *mandated* to consider in imposing the penalty to the nature and degree of the harm to the victim, and (3) delete a provision authorizing the substitution of community service for part or all of the fine.

#### FISCAL IMPACT

An analysis of caseload data by the Family Division of the Administrative Office of the Courts (AOC) shows the volume of restraining orders declining at the rate of about 2.5 percent per year to roughly 13,200 in 1999, indicating a projected caseload of some 12,200 in 2002. Assuming that courts will waive the civil penalty for 40 percent of defendants and assess the minimum penalty of \$50 on the remaining 60 percent, revenue generated for the Domestic Violence Victims' Fund during implementation of the program for the duration of calendar year 2002 would be \$365,000. Under these same assumptions, the revenue for calendar year 2003 would be \$356,000.

The AOC notes that it would incur a one-time implementation cost of \$100,000 to update the FACTS (Family Automated Case Tracking System) to accommodate the change.

[Second Reprint]

**SENATE, No. 183**

---

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

**Sponsored by:**

**Senator DIANE ALLEN**

**District 7 (Burlington and Camden)**

**Senator EDWARD T. O'CONNOR, JR.**

**District 31 (Hudson)**

**Co-Sponsored by:**

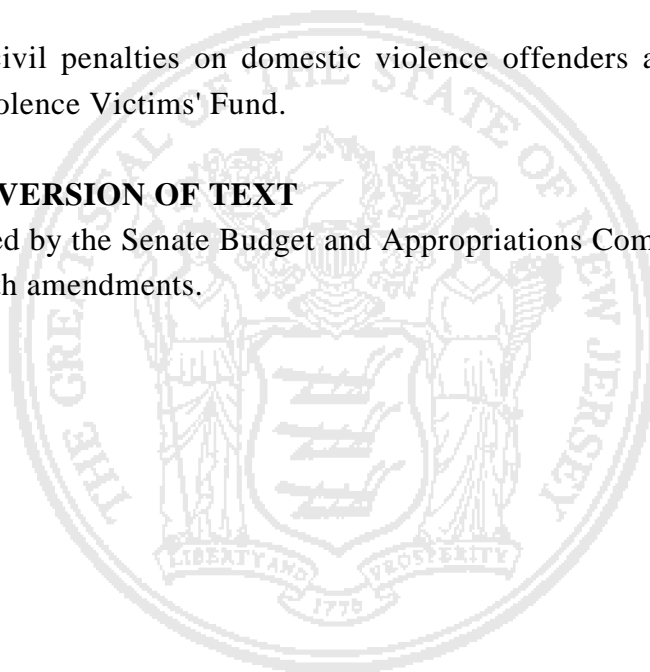
**Senators Connors, Bassano, Cafiero, Robertson, Inverso, Kosco, Singer,  
Bark, Martin, Sinagra, Cardinale, Ciesla, Bennett, Kyrillos, Gormley,  
Matheussen, Bucco and Baer**

**SYNOPSIS**

Imposes civil penalties on domestic violence offenders and establishes Domestic Violence Victims' Fund.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on May 31, 2001, with amendments.



**(Sponsorship Updated As Of: 6/8/2001)**

1 AN ACT concerning penalties for domestic violence offenses and  
2 supplementing Title 2C of the New Jersey Statutes <sup>1</sup>and Title 30 of  
3 the Revised Statutes<sup>1</sup>.

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

7  
8 1. <sup>2</sup>[a.]<sup>2</sup> In addition to any other disposition, any person found by  
9 the court in a final hearing pursuant to section 13 of P.L.1991, c.261  
10 (C.2C:25-29) to have committed an act of domestic violence shall be  
11 <sup>2</sup>[assessed an amount] ordered by the court to pay a civil penalty<sup>2</sup> of  
12 at least \$50, but not to exceed \$500. In imposing this <sup>2</sup>[assessment]  
13 civil penalty<sup>2</sup>, the court shall <sup>2</sup>[consider factors such as the nature of  
14 the act of domestic violence; the defendant's history of domestic  
15 violence and criminal record, if any; the defendant's ability to pay the  
16 assessment; and the economic impact of the assessment on the  
17 defendant's dependents] take into consideration the nature and degree  
18 of injury suffered by the victim<sup>2</sup>. The court may waive the  
19 <sup>2</sup>[assessment] penalty<sup>2</sup> in cases of extreme financial hardship.

20 <sup>2</sup>[b. At the discretion of the court, the defendant may be ordered  
21 to participate in community service in lieu of part or all of the  
22 assessment required to be imposed pursuant to subsection a. of this  
23 section.]<sup>2</sup>

24  
25 2. All <sup>2</sup>[assessments] civil penalties<sup>2</sup> imposed to section 1 of  
26 P.L. , c. (C. )(now pending before the Legislature as this bill) shall  
27 be collected as provided by the Rules of Court. All moneys collected  
28 shall be forwarded to the Domestic Violence Victims' Fund established  
29 pursuant to section 3 of P.L. , c. (C. )(now pending before the  
30 Legislature as this bill).

31  
32 3. a. There is hereby established the "Domestic Violence Victims'  
33 Fund," a dedicated fund within the General Fund and administered by  
34 the Division of <sup>1</sup>[Criminal Justice, Department of Law and Public  
35 Safety] Youth and Family Services in the Department of Human  
36 Services<sup>1</sup>. The fund shall be the depository of moneys realized from  
37 the <sup>2</sup>[assessment] civil penalty<sup>2</sup> imposed pursuant to section 1 of  
38 P.L. , c. (C. )(now pending before the Legislature as this bill) and  
39 any other moneys made available for the purposes of the fund.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 SWF committee amendments adopted February 10, 2000.

<sup>2</sup> Senate SBA committee amendments adopted May 31, 2001.

1       b. All moneys deposited in the "Domestic Violence Victims' Fund"  
2 shall be used for direct services to victims of domestic violence,  
3 including <sup>1</sup> but not limited to <sup>1</sup> shelter services, legal advocacy  
4 services and legal assistance services, and for related administrative  
5 costs of the Division of <sup>1</sup> [Criminal Justice] Youth and Family  
6 Services<sup>1</sup>.

7

8       4. The Supreme Court may promulgate Rules of Court to  
9 effectuate the purposes of this act.

10

11       5. The Department of <sup>1</sup> [Law and Public Safety] Human Services<sup>1</sup>  
12 may promulgate rules and regulations to effectuate the purposes of this  
13 act <sup>1</sup> pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
14 (C.52:14B-1 et seq.)<sup>1</sup>.

15

16       6. This act shall take effect on the 180th day following enactment,  
17 except for sections 4 and 5 which shall take effect immediately.

§§1,2,4 -  
C.2C:25-29.1  
to 2C:25-29.3  
§§3,5 -  
C.30:14-15 &  
30:14-16  
§6 - Note to  
§§1-5

P.L. 2001, CHAPTER 195, *approved August 2, 2001*  
Assembly Committee Substitute (*First Reprint*) for  
Assembly, Nos. 1500 and 2158

1 AN ACT concerning penalties for domestic violence offenses and  
2 supplementing Title 2C of the New Jersey Statutes and Title 30 of  
3 the Revised Statutes.

4

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

7

8 1. <sup>1</sup>[a.]<sup>1</sup> In addition to any other disposition, any person found  
9 by the court in a final hearing pursuant to section 13 of P.L.1991,  
10 c.261 (C.2C:25-29) to have committed an act of domestic violence  
11 shall be <sup>1</sup>[assessed an amount] ordered by the court to pay a civil  
12 penalty<sup>1</sup> of at least \$50 , but not to exceed \$500. In imposing this  
13 <sup>1</sup>[assessment] civil penalty<sup>1</sup>, the court shall <sup>1</sup>[consider factors such  
14 as the nature of the act of domestic violence; the defendant's history  
15 of domestic violence and criminal record, if any; the defendant's ability  
16 to pay the assessment; and the economic impact of the assessment on  
17 the defendant's dependents] take into consideration the nature and  
18 degree of injury suffered by the victim<sup>1</sup>. The court may waive the  
19 <sup>1</sup>[assessment] penalty<sup>1</sup> in cases of extreme financial hardship.

20 <sup>1</sup>[b. At the discretion of the court, the defendant may be ordered  
21 to participate in community service in lieu of part or all of the  
22 assessment required to be imposed pursuant to subsection a. of this  
23 section.]<sup>1</sup>

24

25 2. All <sup>1</sup>[assessments] civil penalties<sup>1</sup> imposed to section 1 of  
26 P.L. , c. (C. )(now pending before the Legislature as this bill) shall  
27 be collected as provided by the Rules of Court. All moneys collected  
28 shall be forwarded to the Domestic Violence Victims' Fund established  
29 pursuant to section 3 of P.L. , c. (C. )(now pending before the  
30 Legislature as this bill).

31

32 3. a. There is hereby established the "Domestic Violence Victims'  
33 Fund," a dedicated fund within the General Fund and administered by

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 AAP committee amendments adopted December 7, 2000.

1 the Division of Youth and Family Services in the Department of  
2 Human Services. The fund shall be the depository of moneys realized  
3 from the <sup>1</sup>[assessment] civil penalty<sup>1</sup> imposed pursuant to section 1  
4 of P.L. , c. (C. ) (now pending before the Legislature as this bill)  
5 and any other moneys made available for the purposes of the fund.

6 b. All moneys deposited in the "Domestic Violence Victims' Fund"  
7 shall be used for direct services to victims of domestic violence,  
8 including, but not limited to, shelter services, legal advocacy services  
9 and legal assistance services, and for related administrative costs of the  
10 Division of Youth and Family Services.

11

12 4. The Supreme Court may promulgate Rules of Court to  
13 effectuate the purposes of this act.

14

15 5. The Department of Human Services may promulgate rules and  
16 regulations to effectuate the purposes of this act pursuant to the  
17 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

18

19 6. This act shall take effect on the 180th day following enactment,  
20 except for sections 4 and 5 which shall take effect immediately.

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24

25 Imposes civil penalties on domestic violence offenders and establishes  
26 Domestic Violence Victims Fund.



## CHAPTER 195

**AN ACT** concerning penalties for domestic violence offenses and supplementing Title 2C of the New Jersey Statutes and Title 30 of the Revised Statutes.

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

C.2C:25-29.1 Civil penalty for certain domestic violence offenders.

1. In addition to any other disposition, any person found by the court in a final hearing pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29) to have committed an act of domestic violence shall be ordered by the court to pay a civil penalty of at least \$50, but not to exceed \$500. In imposing this civil penalty, the court shall take into consideration the nature and degree of injury suffered by the victim. The court may waive the penalty in cases of extreme financial hardship.

C.2C:25-29.2 Collection, distribution of civil penalties collected.

2. All civil penalties imposed pursuant to section 1 of P.L.2001, c.195 (C.2C:25-29.1) shall be collected as provided by the Rules of Court. All moneys collected shall be forwarded to the Domestic Violence Victims' Fund established pursuant to section 3 of P.L.2001, c.195 (C.30:14-15).

C.30:14-15 "Domestic Violence Victims" Fund."

3. a. There is hereby established the "Domestic Violence Victims' Fund," a dedicated fund within the General Fund and administered by the Division of Youth and Family Services in the Department of Human Services. The fund shall be the depository of moneys realized from the civil penalty imposed pursuant to section 1 of P.L.2001, c.195 (C.2C:25-29.1) and any other moneys made available for the purposes of the fund.

b. All moneys deposited in the "Domestic Violence Victims' Fund" shall be used for direct services to victims of domestic violence, including, but not limited to, shelter services, legal advocacy services and legal assistance services, and for related administrative costs of the Division of Youth and Family Services.

C.2C:25-29.3 Rules of Court.

4. The Supreme Court may promulgate Rules of Court to effectuate the purposes of this act.

C.30:14-16 Rules, regulations.

5. The Department of Human Services may promulgate rules and regulations to effectuate the purposes of this act pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

6. This act shall take effect on the 180th day following enactment, except for sections 4 and 5 which shall take effect immediately.

Approved August 2, 2001.

# Office of the Governor

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## NEWS RELEASE

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RELEASE: August 2, 2001

### **DiFrancesco Signs Law to Creating Fight Domestic Violence Victims Fund *Commits \$100,000 from Governor's Contingency Fund for Immediate Start up***

Acting Governor Donald T. DiFrancesco signed legislation today creating the Domestic Violence Victims Fund, providing support services for victims of domestic violence. DiFrancesco also announced an immediate transfer of \$100,000 from the Governor's Contingency Fund as seed money to get the program running immediately.

"Today I signed legislation that creates the Domestic Violence Victims Fund so victims of domestic violence can receive the support they need to recover. In addition, I authorized an immediate transfer of \$100,000 from the Governor's Contingency Fund, so we can start providing these essential services right away, said the acting Governor.

"The long term funding for this program comes from fines imposed on individuals found guilty of domestic abuse, the very people responsible for the problem. This innovative new funding mechanism puts the burden of the cost of domestic violence where it belongs."

The new law enables courts to impose civil penalties of between \$50 and \$500, based on the nature and degree of injury suffered by the victim, on persons found to have committed acts of domestic violence. The assessments will be deposited into the Domestic Violence Victims Fund and used to provide shelter services, legal assistance and other support related programs.

"This legislation came out of a recommendation from the Assembly Advisory Task Force on Domestic Violence, which was chaired by Assemblywoman Rose Heck. It is a very creative approach to a problem that we wish did not exist," said DiFrancesco.

"Assemblywoman Rose Heck has been a strong and effective voice for crime victims and especially the victims of domestic violence. Advocates for the victims of Domestic Violence know how hard she worked to pass this bill. It certainly wouldn't have happened without her leadership," said DiFrancesco.

The bill, A-1500/S-183, was signed at the Alternatives to Domestic Violence in the Bergen County Administration Building. It was sponsored by Assemblywoman Rose Heck (R-Bergen) and Senators Kevin O'Toole (R-Essex/Union), Diane Allen (R-Burlington/ Camden) and Edward O'Connor (D-Hudson).