

2C:43-6.8

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2016 **CHAPTER:** 91

NJSA: 2C:43-6.8 (Enhances protections for domestic violence victims by restricting access to firearms by certain persons; provides for minimum terms of incarceration for offenders who commit physically violent acts.)

BILL NO: S2483 (Substituted for A4126)

SPONSOR(S) Weinberg and others

DATE INTRODUCED: August 1, 2016

COMMITTEE: **ASSEMBLY:** Appropriations
Law and Public Safety

SENATE: ---

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 11/21/2016

SENATE: 11/21/2016

DATE OF APPROVAL: January 9, 2017

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted)

S2483

SPONSOR'S STATEMENT: (Begins on page 12 of introduced bill)	Yes	
COMMITTEE STATEMENT:	ASSEMBLY: Yes	Appropriations Law and Public Safety
	SENATE: No	

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

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	Yes

A4126

SPONSOR'S STATEMENT: (Begins on page 12 of introduced bill)	Yes	
COMMITTEE STATEMENT:	ASSEMBLY: Yes	Appropriations Law and Public Safety
	SENATE: No	

(continued)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"Christie signs bill enhancing domestic violence protections," Associated Press State Wire: New Jersey, January 9, 2017

"Christie signs bill limiting gun access for domestic violence offenders," Jersey Journal, January 10, 2017

"Giffords: N.J. is safer place to live thanks to firearm bill," Star-Ledger, January 10, 2017

RWH/JA

P.L.2016, CHAPTER 91, *approved January 9, 2017*

Senate, No. 2483

1 AN ACT concerning domestic violence and firearms, amending
2 P.L.1991, c.261, and supplementing Title 2C of the New Jersey
3 Statutes.

4

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

7

8 1. Section 11 of P.L.1991, c.261 (C:2C:25-27) is amended to
9 read as follows:

10 11. a. When a defendant is found guilty of a crime or offense
11 involving domestic violence and a condition of sentence restricts
12 the defendant's ability to have contact with the victim, the victim's
13 friends, co-workers, or relatives, or an animal owned, possessed,
14 leased, kept, or held by either party or a minor child residing in the
15 household, that condition shall be recorded in an order of the court
16 and a written copy of that order shall be provided to the victim by
17 the clerk of the court or other person designated by the court. In
18 addition to restricting a defendant's ability to have contact with the
19 victim, the victim's friends, co-workers, or relatives, or an animal
20 owned, possessed, leased, kept, or held by either party or a minor
21 child residing in the household, the court may require the defendant
22 to receive professional counseling from either a private source or a
23 source appointed by the court, and if the court so orders, the court
24 shall require the defendant to provide documentation of attendance
25 at the professional counseling. In any case where the court order
26 contains a requirement that the defendant receive professional
27 counseling, no application by the defendant to dissolve the
28 restraining order shall be granted unless, in addition to any other
29 provisions required by law or conditions ordered by the court, the
30 defendant has completed all required attendance at such counseling.

31 b. In addition the court may enter an order directing the
32 possession of an animal owned, possessed, leased, kept, or held by
33 either party or a minor child residing in the household. Where a
34 person has abused or threatened to abuse such animal, there shall be
35 a presumption that possession of the animal shall be awarded to the
36 non-abusive party.

37 c. (1) When a defendant is found guilty of a crime or offense
38 involving domestic violence, the court shall inform the defendant
39 that the defendant is prohibited from purchasing, owning,
40 possessing, or controlling a firearm pursuant to section 6 of

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

Matter underlined thus is new matter.

1 P.L.1979, c.179 (C.2C:39-7) and from receiving or retaining a
2 firearms purchaser identification card or permit to purchase a
3 handgun pursuant to N.J.S.2C:58-3. The court shall order the
4 defendant to arrange for the immediate surrender to a law
5 enforcement officer of any firearm that has not already been seized
6 or surrendered and any firearms purchaser identification card or
7 permit to purchase a handgun possessed by the defendant. No later
8 than five business days after the order is entered, however, the
9 defendant may arrange to sell any surrendered firearm to a licensed
10 retail dealer of firearms who shall be authorized to take possession
11 of that purchased firearm from the law enforcement agency to
12 which it was surrendered no later than 10 business days after the
13 order is entered. Any card or permit issued to the defendant shall be
14 deemed immediately revoked. The court shall establish a process
15 for notifying the appropriate authorities of the conviction requiring
16 the revocation of the card or permit. A law enforcement officer
17 accepting a surrendered firearm shall provide the defendant with a
18 receipt listing the date of surrender, the name of the defendant, and
19 any item that has been surrendered, including the serial number,
20 manufacturer, and model of the surrendered firearm. The defendant
21 shall provide a copy of this receipt to the prosecutor within 48 hours
22 of service of the order, and shall attest under penalty that any
23 firearms owned or possessed at the time of the order have been
24 transferred in accordance with this section and that the defendant
25 currently does not possess any firearms. The defendant alternatively
26 may attest under penalty that he did not own or possess a firearm at
27 the time of the order and currently does not possess a firearm. If
28 the court, upon motion of the prosecutor, finds probable cause that
29 the defendant has failed to surrender any firearm, card, or permit,
30 the court may order a search for and removal of these items at any
31 location where the judge has reasonable cause to believe these items
32 are located. The judge shall state with specificity the reasons for
33 and the scope of the search and seizure authorized by the order.

34 (2) A law enforcement officer who receives a firearm that is
35 surrendered, but not purchased and taken possession of by a
36 licensed retail dealer of firearms within 10 business days of when
37 the order is entered pursuant to paragraph (1) of this subsection,
38 may dispose of the surrendered firearm in accordance with the
39 provisions of N.J.S.2C:64-6. A firearm purchased by a licensed
40 retail dealer from a defendant shall become part of the inventory of
41 the dealer.

42 (cf: P.L.2011, c.213, s.2)

43

44 2. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to
45 read as follows:

46 12. a. A victim may file a complaint alleging the commission of
47 an act of domestic violence with the Family Part of the Chancery
48 Division of the Superior Court in conformity with the Rules of

1 Court. The court shall not dismiss any complaint or delay
2 disposition of a case because the victim has left the residence to
3 avoid further incidents of domestic violence. Filing a complaint
4 pursuant to this section shall not prevent the filing of a criminal
5 complaint for the same act.

6 On weekends, holidays and other times when the court is closed,
7 a victim may file a complaint before a judge of the Family Part of
8 the Chancery Division of the Superior Court or a municipal court
9 judge who shall be assigned to accept complaints and issue
10 emergency, ex parte relief in the form of temporary restraining
11 orders pursuant to this act.

12 A plaintiff may apply for relief under this section in a court
13 having jurisdiction over the place where the alleged act of domestic
14 violence occurred, where the defendant resides, or where the
15 plaintiff resides or is sheltered, and the court shall follow the same
16 procedures applicable to other emergency applications. Criminal
17 complaints filed pursuant to this act shall be investigated and
18 prosecuted in the jurisdiction where the offense is alleged to have
19 occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9
20 shall be prosecuted in the county where the contempt is alleged to
21 have been committed and a copy of the contempt complaint shall be
22 forwarded to the court that issued the order alleged to have been
23 violated.

24 b. The court shall waive any requirement that the petitioner's
25 place of residence appear on the complaint.

26 c. (1) The clerk of the court, or other person designated by the
27 court, shall assist the parties in completing any forms necessary for
28 the filing of a summons, complaint, answer or other pleading.

29 (2) The plaintiff may provide information concerning firearms
30 to which the defendant has access, including the location of these
31 firearms, if known, on a form to be prescribed by the
32 Administrative Director of the Courts.

33 (3) Information provided by the plaintiff concerning firearms to
34 which the defendant has access shall be kept confidential and shall
35 not be disseminated or disclosed, provided that nothing in this
36 subsection shall prohibit dissemination or disclosure of this
37 information in a manner consistent with and in furtherance of the
38 purpose for which the information was provided.

39 d. Summons and complaint forms shall be readily available at
40 the clerk's office, at the municipal courts and at municipal and State
41 police stations.

42 e. As soon as the domestic violence complaint is filed, both the
43 victim and the abuser shall be advised of any programs or services
44 available for advice and counseling.

45 f. A plaintiff may seek emergency, ex parte relief in the nature
46 of a temporary restraining order. A municipal court judge or a
47 judge of the Family Part of the Chancery Division of the Superior
48 Court may enter an ex parte order when necessary to protect the

1 life, health or well-being of a victim on whose behalf the relief is
2 sought.

3 g. If it appears that the plaintiff is in danger of domestic
4 violence, the judge shall, upon consideration of the plaintiff's
5 domestic violence complaint, order emergency ex parte relief, in the
6 nature of a temporary restraining order. A decision shall be made
7 by the judge regarding the emergency relief forthwith.

8 h. A judge may issue a temporary restraining order upon sworn
9 testimony or complaint of an applicant who is not physically
10 present, pursuant to court rules, or by a person who represents a
11 person who is physically or mentally incapable of filing personally.
12 A temporary restraining order may be issued if the judge is satisfied
13 that exigent circumstances exist sufficient to excuse the failure of
14 the applicant to appear personally and that sufficient grounds for
15 granting the application have been shown.

16 i. An order for emergency, ex parte relief shall be granted
17 upon good cause shown and shall remain in effect until a judge of
18 the Family Part issues a further order. Any temporary order
19 hereunder is immediately appealable for a plenary hearing de novo
20 not on the record before any judge of the Family Part of the county
21 in which the plaintiff resides or is sheltered if that judge issued the
22 temporary order or has access to the reasons for the issuance of the
23 temporary order and sets forth in the record the reasons for the
24 modification or dissolution. The denial of a temporary restraining
25 order by a municipal court judge and subsequent administrative
26 dismissal of the complaint shall not bar the victim from refileing a
27 complaint in the Family Part based on the same incident and
28 receiving an emergency, ex parte hearing de novo not on the record
29 before a Family Part judge, and every denial of relief by a
30 municipal court judge shall so state.

31 j. Emergency relief may include forbidding the defendant from
32 returning to the scene of the domestic violence, forbidding the
33 defendant from possessing any firearm or other weapon enumerated
34 in subsection r. of N.J.S.2C:39-1, ordering the search for and
35 seizure of any **[such]** firearm or other weapon at any location
36 where the judge has reasonable cause to believe the weapon is
37 located and the seizure of any firearms purchaser identification card
38 or permit to purchase a handgun issued to the defendant and any
39 other appropriate relief.

40 If the order requires the surrender of any firearm or other
41 weapon, a law enforcement officer shall accompany the defendant,
42 or may proceed without the defendant if necessary, to the scene of
43 the domestic violence or any other location where the judge has
44 reasonable cause to believe any firearm or other weapon belonging
45 to the defendant is located, to ensure that the defendant does not
46 gain access to any firearm or other weapon, and that the firearm or
47 other weapon is appropriately surrendered in accordance with the
48 order. If the order prohibits the defendant from returning to the

1 scene of domestic violence or any other location where the judge
2 has reasonable cause to believe any firearm or other weapon
3 belonging to the defendant is located, any firearm or other weapon
4 located there shall be seized by a law enforcement officer. The
5 order shall include notice to the defendant of the penalties for a
6 violation of any provision of the order, including but not limited to
7 the penalties for contempt of court and unlawful possession of a
8 firearm or other weapon pursuant to N.J.S.2C:39-5. Other
9 appropriate relief may include but is not limited to an order
10 directing the possession of any animal owned, possessed, leased,
11 kept, or held by either party or a minor child residing in the
12 household and providing that the animal shall not be disposed of
13 prior to entry of a final order pursuant to section 13 of P.L.1991,
14 c.261 (C.2C:25-29).

15 The judge shall state with specificity the reasons for and scope of
16 any search and seizure authorized by the order. The provisions of
17 this subsection prohibiting a defendant from possessing a firearm or
18 other weapon shall not apply to any law enforcement officer while
19 actually on duty, or to any member of the Armed Forces of the
20 United States or member of the National Guard while actually on
21 duty or traveling to or from an authorized place of duty.

22 k. The judge may permit the defendant to return to the scene of
23 the domestic violence to pick up personal belongings and effects
24 but shall, in the order granting relief, restrict the time and duration
25 of such permission and provide for police supervision of such visit.

26 l. An order granting emergency relief, together with the
27 complaint or complaints, shall immediately be forwarded to the
28 appropriate law enforcement agency for service on the defendant,
29 and to the police of the municipality in which the plaintiff resides or
30 is sheltered, and shall immediately be served upon the defendant by
31 the police, except that an order issued during regular court hours
32 may be forwarded to the sheriff for immediate service upon the
33 defendant in accordance with the Rules of Court. If personal
34 service cannot be effected upon the defendant, the court may order
35 other appropriate substituted service. At no time shall the plaintiff
36 be asked or required to serve any order on the defendant.

37 m. (Deleted by amendment, P.L.1994, c.94.)

38 n. 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, members
41 of the State Police and any other appropriate law enforcement
42 agency or court.

43 o. (Deleted by amendment, P.L.1994, c.94.)

44 p. Any temporary or final restraining order issued pursuant to
45 this act shall be in effect throughout the State, and shall be enforced
46 by all law enforcement officers.

47 q. Prior to the issuance of any temporary or final restraining
48 order issued pursuant to this section, the court shall order that a

1 search be made of the domestic violence central registry with regard
2 to the defendant's record.
3 (cf: P.L.2011, c.213, s.3)
4

5 3. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to
6 read as follows:

7 13. a. A hearing shall be held in the Family Part of the
8 Chancery Division of the Superior Court within 10 days of the
9 filing of a complaint pursuant to section 12 of P.L.1991, c.261
10 (C.2C:25-28) in the county where the ex parte restraints were
11 ordered, unless good cause is shown for the hearing to be held
12 elsewhere. A copy of the complaint shall be served on the
13 defendant in conformity with the Rules of Court. If a criminal
14 complaint arising out of the same incident which is the subject
15 matter of a complaint brought under P.L.1981, c.426 (C.2C:25-1 et
16 seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has been filed,
17 testimony given by the plaintiff or defendant in the domestic
18 violence matter shall not be used in the simultaneous or subsequent
19 criminal proceeding against the defendant, other than domestic
20 violence contempt matters and where it would otherwise be
21 admissible hearsay under the rules of evidence that govern where a
22 party is unavailable. At the hearing the standard for proving the
23 allegations in the complaint shall be by a preponderance of the
24 evidence. The court shall consider but not be limited to the
25 following factors:

26 (1) The previous history of domestic violence between the
27 plaintiff and defendant, including threats, harassment and physical
28 abuse;

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

30 (3) The financial circumstances of the plaintiff and defendant;

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

32 (5) In determining custody and parenting time the protection of
33 the victim's safety; and

34 (6) The existence of a verifiable order of protection from
35 another jurisdiction.

36 An order issued under this act shall only restrain or provide
37 damages payable from a person against whom a complaint has been
38 filed under this act and only after a finding or an admission is made
39 that an act of domestic violence was committed by that person. The
40 issue of whether or not a violation of this act occurred, including an
41 act of contempt under this act, shall not be subject to mediation or
42 negotiation in any form. In addition, where a temporary or final
43 order has been issued pursuant to this act, no party shall be ordered
44 to participate in mediation on the issue of custody or parenting time.

45 b. In proceedings in which complaints for restraining orders
46 have been filed, the court shall grant any relief necessary to prevent
47 further abuse. In addition to any other provisions, any restraining
48 order issued by the court shall bar the defendant from purchasing,

1 owning, possessing or controlling a firearm and from receiving or
2 retaining a firearms purchaser identification card or permit to
3 purchase a handgun pursuant to N.J.S.2C:58-3 during the period in
4 which the restraining order is in effect or two years, whichever is
5 greater¹, except that this provision². The order shall require the
6 immediate surrender of any firearm or other weapon belonging to
7 the defendant. The order shall include notice to the defendant of
8 the penalties for a violation of any provision of the order, including
9 but not limited to the penalties for contempt of court and unlawful
10 possession of a firearm or other weapon pursuant to N.J.S.2C:39-5.

11 A law enforcement officer shall accompany the defendant, or
12 may proceed without the defendant if necessary, to any place where
13 any firearm or other weapon belonging to the defendant is located
14 to ensure that the defendant does not gain access to any firearm or
15 other weapon, and a law enforcement officer shall take custody of
16 any firearm or other weapon belonging to the defendant. If the
17 order prohibits the defendant from returning to the scene of
18 domestic violence or other place where firearms or other weapons
19 belonging to the defendant are located, any firearm or other weapon
20 located there shall be seized by a law enforcement officer. The
21 provisions of this subsection requiring the surrender or removal of a
22 firearm, card, or permit shall not apply to any law enforcement
23 officer while actually on duty, or to any member of the Armed
24 Forces of the United States or member of the National Guard while
25 actually on duty or traveling to or from an authorized place of duty.
26 At the hearing the judge of the Family Part of the Chancery
27 Division of the Superior Court may issue an order granting any or
28 all of the following relief:

29 (1) An order restraining the defendant from subjecting the
30 victim to domestic violence, as defined in this act.

31 (2) An order granting exclusive possession to the plaintiff of the
32 residence or household regardless of whether the residence or
33 household is jointly or solely owned by the parties or jointly or
34 solely leased by the parties. This order shall not in any manner
35 affect title or interest to any real property held by either party or
36 both jointly. If it is not possible for the victim to remain in the
37 residence, the court may order the defendant to pay the victim's rent
38 at a residence other than the one previously shared by the parties if
39 the defendant is found to have a duty to support the victim and the
40 victim requires alternative housing.

41 (3) An order providing for parenting time. The order shall
42 protect the safety and well-being of the plaintiff and minor children
43 and shall specify the place and frequency of parenting time.
44 Parenting time arrangements shall not compromise any other
45 remedy provided by the court by requiring or encouraging contact
46 between the plaintiff and defendant. Orders for parenting time may
47 include a designation of a place of parenting time away from the

1 plaintiff, the participation of a third party, or supervised parenting
2 time.

3 (a) The court shall consider a request by a custodial parent who
4 has been subjected to domestic violence by a person with parenting
5 time rights to a child in the parent's custody for an investigation or
6 evaluation by the appropriate agency to assess the risk of harm to
7 the child prior to the entry of a parenting time order. Any denial of
8 such a request must be on the record and shall only be made if the
9 judge finds the request to be arbitrary or capricious.

10 (b) The court shall consider suspension of the parenting time
11 order and hold an emergency hearing upon an application made by
12 the plaintiff certifying under oath that the defendant's access to the
13 child pursuant to the parenting time order has threatened the safety
14 and well-being of the child.

15 (4) An order requiring the defendant to pay to the victim
16 monetary compensation for losses suffered as a direct result of the
17 act of domestic violence. The order may require the defendant to
18 pay the victim directly, to reimburse the Victims of Crime
19 Compensation Office for any and all compensation paid by the
20 Victims of Crime Compensation Office directly to or on behalf of
21 the victim, and may require that the defendant reimburse any parties
22 that may have compensated the victim, as the court may determine.
23 Compensatory losses shall include, but not be limited to, loss of
24 earnings or other support, including child or spousal support, out-
25 of-pocket losses for injuries sustained, cost of repair or replacement
26 of real or personal property damaged or destroyed or taken by the
27 defendant, cost of counseling for the victim, moving or other travel
28 expenses, reasonable attorney's fees, court costs, and compensation
29 for pain and suffering. Where appropriate, punitive damages may be
30 awarded in addition to compensatory damages.

31 (5) An order requiring the defendant to receive professional
32 domestic violence counseling from either a private source or a
33 source appointed by the court and, in that event, requiring the
34 defendant to provide the court at specified intervals with
35 documentation of attendance at the professional counseling. The
36 court may order the defendant to pay for the professional
37 counseling. No application by the defendant to dissolve a final
38 order which contains a requirement for attendance at professional
39 counseling pursuant to this paragraph shall be granted by the court
40 unless, in addition to any other provisions required by law or
41 conditions ordered by the court, the defendant has completed all
42 required attendance at such counseling.

43 (6) An order restraining the defendant from entering the
44 residence, property, school, or place of employment of the victim or
45 of other family or household members of the victim and requiring
46 the defendant to stay away from any specified place that is named
47 in the order and is frequented regularly by the victim or other
48 family or household members.

1 (7) An order restraining the defendant from making contact with
2 the plaintiff or others, including an order forbidding the defendant
3 from personally or through an agent initiating any communication
4 likely to cause annoyance or alarm including, but not limited to,
5 personal, written, or telephone contact with the victim or other
6 family members, or their employers, employees, or fellow workers,
7 or others with whom communication would be likely to cause
8 annoyance or alarm to the victim.

9 (8) An order requiring that the defendant make or continue to
10 make rent or mortgage payments on the residence occupied by the
11 victim if the defendant is found to have a duty to support the victim
12 or other dependent household members; provided that this issue has
13 not been resolved or is not being litigated between the parties in
14 another action.

15 (9) An order granting either party temporary possession of
16 specified personal property, such as an automobile, checkbook,
17 documentation of health insurance, an identification document, a
18 key, and other personal effects.

19 (10) An order awarding emergency monetary relief, including
20 emergency support for minor children, to the victim and other
21 dependents, if any. An ongoing obligation of support shall be
22 determined at a later date pursuant to applicable law.

23 (11) An order awarding temporary custody of a minor child. The
24 court shall presume that the best interests of the child are served by
25 an award of custody to the non-abusive parent.

26 (12) An order requiring that a law enforcement officer
27 accompany either party to the residence or any shared business
28 premises to supervise the removal of personal belongings in order
29 to ensure the personal safety of the plaintiff when a restraining
30 order has been issued. This order shall be restricted in duration.

31 (13) (Deleted by amendment, P.L.1995, c.242).

32 (14) An order granting any other appropriate relief for the
33 plaintiff and dependent children, provided that the plaintiff consents
34 to such relief, including relief requested by the plaintiff at the final
35 hearing, whether or not the plaintiff requested such relief at the time
36 of the granting of the initial emergency order.

37 (15) An order that requires that the defendant report to the
38 intake unit of the Family Part of the Chancery Division of the
39 Superior Court for monitoring of any other provision of the order.

40 (16) In addition to the order required by this subsection
41 prohibiting the defendant from possessing any firearm, the court
42 may also issue an order prohibiting the defendant from possessing
43 any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and
44 ordering the search for and seizure of any firearm or other weapon
45 at any location where the judge has reasonable cause to believe the
46 weapon is located. The judge shall state with specificity the reasons
47 for and scope of the search and seizure authorized by the order.

1 (17) An order prohibiting the defendant from stalking or
2 following, or threatening to harm, to stalk or to follow, the
3 complainant or any other person named in the order in a manner
4 that, taken in the context of past actions of the defendant, would put
5 the complainant in reasonable fear that the defendant would cause
6 the death or injury of the complainant or any other person.
7 Behavior prohibited under this act includes, but is not limited to,
8 behavior prohibited under the provisions of P.L.1992, c.209
9 (C.2C:12-10).

10 (18) An order requiring the defendant to undergo a psychiatric
11 evaluation.

12 (19) An order directing the possession of any animal owned,
13 possessed, leased, kept, or held by either party or a minor child
14 residing in the household. Where a person has abused or threatened
15 to abuse such animal, there shall be a presumption that possession
16 of the animal shall be awarded to the non-abusive party.

17 c. Notice of orders issued pursuant to this section shall be sent
18 by the clerk of the Family Part of the Chancery Division of the
19 Superior Court or other person designated by the court to the
20 appropriate chiefs of police, members of the State Police and any
21 other appropriate law enforcement agency.

22 d. Upon good cause shown, any final order may be dissolved or
23 modified upon application to the Family Part of the Chancery
24 Division of the Superior Court, but only if the judge who dissolves
25 or modifies the order is the same judge who entered the order, or
26 has available a complete record of the hearing or hearings on which
27 the order was based.

28 e. Prior to the issuance of any order pursuant to this section,
29 the court shall order that a search be made of the domestic violence
30 central registry.

31 (cf: P.L.2011, c.213, s.4)

32

33 4. (New section) a. Notwithstanding the provisions of
34 subsection f. of N.J.S.2C:44-1, a person convicted of any of the
35 following crimes of domestic violence, as defined in section 3 of
36 P.L.1991, c.261 (C.2C:25-19), shall be sentenced in accordance
37 with subsection b. of this section:

38 (1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;

39 (2) Aggravated assault, pursuant to paragraph (1), (2), (3), (4),
40 (6), (7) or (8) of subsection b. of N.J.S.2C:12-1;

41 (3) Assault by auto or vessel, pursuant to subsection c. of
42 N.J.S.2C:12-1;

43 (4) Kidnapping, pursuant to N.J.S.2C:13-1;

44 (5) Criminal restraint, pursuant to N.J.S.2C:13-2;

45 (6) Sexual assault, pursuant to N.J.S.2C:14-2; or

46 (7) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

47 b. (1) Unless the provisions of any other law provide for a
48 higher mandatory minimum term of imprisonment, a person

1 convicted of a crime of domestic violence set forth in subsection a.
2 of this section shall be sentenced to a term of imprisonment as
3 follows: for a second or subsequent crime of the fourth degree set
4 forth in subsection a. of this section, 18 months; for a second or
5 subsequent crime of the third degree set forth in subsection a. of
6 this section, five years; for a crime of the second degree, 10 years;
7 and for a crime of the first degree, 20 years.

8 (2) The term of imprisonment imposed pursuant to paragraph (1)
9 of this subsection shall include the imposition of a minimum term.
10 The minimum term shall be fixed at one-half of the sentence
11 imposed by the court or 42 months, whichever is greater, or 18
12 months in the case of a fourth degree crime, during which the
13 defendant shall be ineligible for parole.

14
15 5. This act shall take effect on the first day of the seventh month
16 next following enactment.

17 18 19 STATEMENT

20
21 This bill enhances protections for domestic violence victims by
22 restricting access to firearms by a person convicted of a domestic
23 violence crime or subject to a domestic violence restraining order.

24 Specifically, the bill requires the sentencing court to inform
25 defendants convicted of a domestic violence crime or offense that
26 they are prohibited from possessing a firearm, or obtaining a
27 firearms purchaser identification card or permit to purchase a
28 handgun. The bill also requires the court to order the defendant to
29 arrange for the immediate surrender of firearms, firearms purchaser
30 identification cards, and permits to purchase a handgun to a law
31 enforcement officer. The bill allows the defendant five days after
32 conviction to arrange to sell a surrendered firearm to a licensed
33 firearms dealer; the dealer has 10 days after the date of the order to
34 take possession of the firearm from the law enforcement agency to
35 which it was surrendered. If the firearm is not purchased by a retail
36 dealer within 10 days, it is subject to forfeiture; if it is purchased by
37 a dealer, it becomes part of the dealer's inventory.

38 The bill requires any identification card and permit that has been
39 issued to a connected defendant to be immediately revoked and
40 requires the court to establish a process for notifying the
41 appropriate authorities of the revocation. It also requires a law
42 enforcement officer to whom weapons are surrendered to provide
43 the defendant with a receipt naming the defendant, the surrender
44 date, and description of a surrendered item, and requiring the
45 defendant to provide a copy of the receipt to the prosecutor within
46 48 hours. Defendants are required by the bill to attest under penalty
47 that they surrendered or do not possess a firearm. The court is
48 permitted to order a search for and removal of firearms if there is

1 probable cause that the defendant has failed to surrender firearms
2 and is required to state with specificity the reasons for and the
3 scope of the search and seizure.

4 The bill also protects domestic violence victims by specifying
5 that the plaintiff may provide information concerning firearms to
6 which the defendant has access, including the location of these
7 firearms, if known, on a form to be prescribed by the
8 Administrative Director of the Courts. The form is to also clarify
9 the confidential nature of this information.

10 Under the bill, an order for a temporary or final restraining order
11 is to include notice to the defendant of the penalties for a violation
12 of any provision of the order, including but not limited to the
13 penalties for contempt of court and unlawful possession of a firearm
14 or other weapon.

15 Further, when a temporary restraining order requires the
16 surrender of any firearm or other weapon and when a final
17 restraining order is issued, the bill requires a law enforcement
18 officer to accompany the defendant or proceed without the
19 defendant if necessary to where the firearm or other weapon is
20 located to ensure that the items are appropriately surrendered in
21 accordance with the order. If the order prohibits the defendant from
22 returning to a location where firearms or other weapons are located,
23 any firearm or other weapon located there will be seized by a law
24 enforcement officer.

25 Finally, the bill further strengthens protections for victims of
26 domestic violence by providing mandatory minimum terms of
27 incarceration, with set periods of parole ineligibility, for offenders
28 who commit physically violent acts.

29 Under the provisions of the bill, a person convicted of any of the
30 following crimes of domestic violence would be subject to the
31 enhanced penalties provided in the bill:

- 32 (1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;
- 33 (2) Aggravated assault and assault by auto or vessel pursuant to
34 subsection b. and c. of N.J.S.2C:12-1;
- 35 (3) Kidnapping, pursuant to N.J.S.2C:13-1;
- 36 (4) Criminal restraint, pursuant to N.J.S.2C:13-2;
- 37 (5) Sexual assault, pursuant to N.J.S.2C:14-2; and
- 38 (6) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

39 The bill provides that a person will be sentenced to a term of
40 imprisonment as follows: 18 months for a second or subsequent
41 crime of the fourth degree, five years for a second or subsequent
42 crime of the third degree, 10 years for a crime of the second degree,
43 and 20 years for a crime of the first degree, unless the provisions of
44 any other law provide for a higher mandatory minimum term.

45 The court additionally will impose a period of parole ineligibility
46 as follows: 18 months for a crime of the fourth degree, 42 months
47 for a crime of the third degree, five years for a crime of the second
48 degree, and 10 years for a crime of the first degree.

S2483

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Enhances protections for domestic violence victims by restricting access to firearms by certain persons; provides for minimum terms of incarceration for offenders who commit physically violent acts.

SENATE, No. 2483

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED AUGUST 1, 2016

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator JENNIFER BECK

District 11 (Monmouth)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

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District 11 (Monmouth)

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District 11 (Monmouth)

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District 14 (Mercer and Middlesex)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

Senators T.Kean, Allen, Addiego, Bateman, Assemblyman Holley, Assemblywomen Vainieri Huttle, Muoio, Jimenez, Assemblyman Lagana, Assemblywomen McKnight, Jones, Tucker and Pinkin

SYNOPSIS

Enhances protections for domestic violence victims by restricting access to firearms by certain persons; provides for minimum terms of incarceration for offenders who commit physically violent acts.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 11/22/2016)

S2483 WEINBERG, BECK

2

1 AN ACT concerning domestic violence and firearms, amending
2 P.L.1991, c.261, and supplementing Title 2C of the New Jersey
3 Statutes.

4

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

7

8 1. Section 11 of P.L.1991, c.261 (C:2C:25-27) is amended to
9 read as follows:

10 11. a. When a defendant is found guilty of a crime or offense
11 involving domestic violence and a condition of sentence restricts
12 the defendant's ability to have contact with the victim, the victim's
13 friends, co-workers, or relatives, or an animal owned, possessed,
14 leased, kept, or held by either party or a minor child residing in the
15 household, that condition shall be recorded in an order of the court
16 and a written copy of that order shall be provided to the victim by
17 the clerk of the court or other person designated by the court. In
18 addition to restricting a defendant's ability to have contact with the
19 victim, the victim's friends, co-workers, or relatives, or an animal
20 owned, possessed, leased, kept, or held by either party or a minor
21 child residing in the household, the court may require the defendant
22 to receive professional counseling from either a private source or a
23 source appointed by the court, and if the court so orders, the court
24 shall require the defendant to provide documentation of attendance
25 at the professional counseling. In any case where the court order
26 contains a requirement that the defendant receive professional
27 counseling, no application by the defendant to dissolve the
28 restraining order shall be granted unless, in addition to any other
29 provisions required by law or conditions ordered by the court, the
30 defendant has completed all required attendance at such counseling.

31 b. In addition the court may enter an order directing the
32 possession of an animal owned, possessed, leased, kept, or held by
33 either party or a minor child residing in the household. Where a
34 person has abused or threatened to abuse such animal, there shall be
35 a presumption that possession of the animal shall be awarded to the
36 non-abusive party.

37 c. (1) When a defendant is found guilty of a crime or offense
38 involving domestic violence, the court shall inform the defendant
39 that the defendant is prohibited from purchasing, owning,
40 possessing, or controlling a firearm pursuant to section 6 of
41 P.L.1979, c.179 (C.2C:39-7) and from receiving or retaining a
42 firearms purchaser identification card or permit to purchase a
43 handgun pursuant to N.J.S.2C:58-3. The court shall order the
44 defendant to arrange for the immediate surrender to a law
45 enforcement officer of any firearm that has not already been seized

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

Matter underlined thus is new matter.

1 or surrendered and any firearms purchaser identification card or
2 permit to purchase a handgun possessed by the defendant. No later
3 than five business days after the order is entered, however, the
4 defendant may arrange to sell any surrendered firearm to a licensed
5 retail dealer of firearms who shall be authorized to take possession
6 of that purchased firearm from the law enforcement agency to
7 which it was surrendered no later than 10 business days after the
8 order is entered. Any card or permit issued to the defendant shall be
9 deemed immediately revoked. The court shall establish a process
10 for notifying the appropriate authorities of the conviction requiring
11 the revocation of the card or permit. A law enforcement officer
12 accepting a surrendered firearm shall provide the defendant with a
13 receipt listing the date of surrender, the name of the defendant, and
14 any item that has been surrendered, including the serial number,
15 manufacturer, and model of the surrendered firearm. The defendant
16 shall provide a copy of this receipt to the prosecutor within 48 hours
17 of service of the order, and shall attest under penalty that any
18 firearms owned or possessed at the time of the order have been
19 transferred in accordance with this section and that the defendant
20 currently does not possess any firearms. The defendant alternatively
21 may attest under penalty that he did not own or possess a firearm at
22 the time of the order and currently does not possess a firearm. If
23 the court, upon motion of the prosecutor, finds probable cause that
24 the defendant has failed to surrender any firearm, card, or permit,
25 the court may order a search for and removal of these items at any
26 location where the judge has reasonable cause to believe these items
27 are located. The judge shall state with specificity the reasons for
28 and the scope of the search and seizure authorized by the order.

29 (2) A law enforcement officer who receives a firearm that is
30 surrendered, but not purchased and taken possession of by a
31 licensed retail dealer of firearms within 10 business days of when
32 the order is entered pursuant to paragraph (1) of this subsection,
33 may dispose of the surrendered firearm in accordance with the
34 provisions of N.J.S.2C:64-6. A firearm purchased by a licensed
35 retail dealer from a defendant shall become part of the inventory of
36 the dealer.

37 (cf: P.L.2011, c.213, s.2)

38

39 2. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to
40 read as follows:

41 12. a. A victim may file a complaint alleging the commission of
42 an act of domestic violence with the Family Part of the Chancery
43 Division of the Superior Court in conformity with the Rules of
44 Court. The court shall not dismiss any complaint or delay
45 disposition of a case because the victim has left the residence to
46 avoid further incidents of domestic violence. Filing a complaint
47 pursuant to this section shall not prevent the filing of a criminal
48 complaint for the same act.

1 On weekends, holidays and other times when the court is closed,
2 a victim may file a complaint before a judge of the Family Part of
3 the Chancery Division of the Superior Court or a municipal court
4 judge who shall be assigned to accept complaints and issue
5 emergency, ex parte relief in the form of temporary restraining
6 orders pursuant to this act.

7 A plaintiff may apply for relief under this section in a court
8 having jurisdiction over the place where the alleged act of domestic
9 violence occurred, where the defendant resides, or where the
10 plaintiff resides or is sheltered, and the court shall follow the same
11 procedures applicable to other emergency applications. Criminal
12 complaints filed pursuant to this act shall be investigated and
13 prosecuted in the jurisdiction where the offense is alleged to have
14 occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9
15 shall be prosecuted in the county where the contempt is alleged to
16 have been committed and a copy of the contempt complaint shall be
17 forwarded to the court that issued the order alleged to have been
18 violated.

19 b. The court shall waive any requirement that the petitioner's
20 place of residence appear on the complaint.

21 c. (1) The clerk of the court, or other person designated by the
22 court, shall assist the parties in completing any forms necessary for
23 the filing of a summons, complaint, answer or other pleading.

24 (2) The plaintiff may provide information concerning firearms
25 to which the defendant has access, including the location of these
26 firearms, if known, on a form to be prescribed by the
27 Administrative Director of the Courts.

28 (3) Information provided by the plaintiff concerning firearms to
29 which the defendant has access shall be kept confidential and shall
30 not be disseminated or disclosed, provided that nothing in this
31 subsection shall prohibit dissemination or disclosure of this
32 information in a manner consistent with and in furtherance of the
33 purpose for which the information was provided.

34 d. Summons and complaint forms shall be readily available at
35 the clerk's office, at the municipal courts and at municipal and State
36 police stations.

37 e. As soon as the domestic violence complaint is filed, both the
38 victim and the abuser shall be advised of any programs or services
39 available for advice and counseling.

40 f. A plaintiff may seek emergency, ex parte relief in the nature
41 of a temporary restraining order. A municipal court judge or a
42 judge of the Family Part of the Chancery Division of the Superior
43 Court may enter an ex parte order when necessary to protect the
44 life, health or well-being of a victim on whose behalf the relief is
45 sought.

46 g. If it appears that the plaintiff is in danger of domestic
47 violence, the judge shall, upon consideration of the plaintiff's
48 domestic violence complaint, order emergency ex parte relief, in the

1 nature of a temporary restraining order. A decision shall be made
2 by the judge regarding the emergency relief forthwith.

3 h. A judge may issue a temporary restraining order upon sworn
4 testimony or complaint of an applicant who is not physically
5 present, pursuant to court rules, or by a person who represents a
6 person who is physically or mentally incapable of filing personally.
7 A temporary restraining order may be issued if the judge is satisfied
8 that exigent circumstances exist sufficient to excuse the failure of
9 the applicant to appear personally and that sufficient grounds for
10 granting the application have been shown.

11 i. An order for emergency, ex parte relief shall be granted
12 upon good cause shown and shall remain in effect until a judge of
13 the Family Part issues a further order. Any temporary order
14 hereunder is immediately appealable for a plenary hearing de novo
15 not on the record before any judge of the Family Part of the county
16 in which the plaintiff resides or is sheltered if that judge issued the
17 temporary order or has access to the reasons for the issuance of the
18 temporary order and sets forth in the record the reasons for the
19 modification or dissolution. The denial of a temporary restraining
20 order by a municipal court judge and subsequent administrative
21 dismissal of the complaint shall not bar the victim from refiling a
22 complaint in the Family Part based on the same incident and
23 receiving an emergency, ex parte hearing de novo not on the record
24 before a Family Part judge, and every denial of relief by a
25 municipal court judge shall so state.

26 j. Emergency relief may include forbidding the defendant from
27 returning to the scene of the domestic violence, forbidding the
28 defendant from possessing any firearm or other weapon enumerated
29 in subsection r. of N.J.S.2C:39-1, ordering the search for and
30 seizure of any **[such]** firearm or other weapon at any location
31 where the judge has reasonable cause to believe the weapon is
32 located and the seizure of any firearms purchaser identification card
33 or permit to purchase a handgun issued to the defendant and any
34 other appropriate relief.

35 If the order requires the surrender of any firearm or other
36 weapon, a law enforcement officer shall accompany the defendant,
37 or may proceed without the defendant if necessary, to the scene of
38 the domestic violence or any other location where the judge has
39 reasonable cause to believe any firearm or other weapon belonging
40 to the defendant is located, to ensure that the defendant does not
41 gain access to any firearm or other weapon, and that the firearm or
42 other weapon is appropriately surrendered in accordance with the
43 order. If the order prohibits the defendant from returning to the
44 scene of domestic violence or any other location where the judge
45 has reasonable cause to believe any firearm or other weapon
46 belonging to the defendant is located, any firearm or other weapon
47 located there shall be seized by a law enforcement officer. The
48 order shall include notice to the defendant of the penalties for a

1 violation of any provision of the order, including but not limited to
2 the penalties for contempt of court and unlawful possession of a
3 firearm or other weapon pursuant to N.J.S.2C:39-5. Other
4 appropriate relief may include but is not limited to an order
5 directing the possession of any animal owned, possessed, leased,
6 kept, or held by either party or a minor child residing in the
7 household and providing that the animal shall not be disposed of
8 prior to entry of a final order pursuant to section 13 of P.L.1991,
9 c.261 (C.2C:25-29).

10 The judge shall state with specificity the reasons for and scope of
11 any search and seizure authorized by the order. The provisions of
12 this subsection prohibiting a defendant from possessing a firearm or
13 other weapon shall not apply to any law enforcement officer while
14 actually on duty, or to any member of the Armed Forces of the
15 United States or member of the National Guard while actually on
16 duty or traveling to or from an authorized place of duty.

17 k. The judge may permit the defendant to return to the scene of
18 the domestic violence to pick up personal belongings and effects
19 but shall, in the order granting relief, restrict the time and duration
20 of such permission and provide for police supervision of such visit.

21 l. An order granting emergency relief, together with the
22 complaint or complaints, shall immediately be forwarded to the
23 appropriate law enforcement agency for service on the defendant,
24 and to the police of the municipality in which the plaintiff resides or
25 is sheltered, and shall immediately be served upon the defendant by
26 the police, except that an order issued during regular court hours
27 may be forwarded to the sheriff for immediate service upon the
28 defendant in accordance with the Rules of Court. If personal
29 service cannot be effected upon the defendant, the court may order
30 other appropriate substituted service. At no time shall the plaintiff
31 be asked or required to serve any order on the defendant.

32 m. (Deleted by amendment, P.L.1994, c.94.)

33 n. Notice of temporary restraining orders issued pursuant to
34 this section shall be sent by the clerk of the court or other person
35 designated by the court to the appropriate chiefs of police, members
36 of the State Police and any other appropriate law enforcement
37 agency or court.

38 o. (Deleted by amendment, P.L.1994, c.94.)

39 p. Any temporary or final restraining order issued pursuant to
40 this act shall be in effect throughout the State, and shall be enforced
41 by all law enforcement officers.

42 q. Prior to the issuance of any temporary or final restraining
43 order issued pursuant to this section, the court shall order that a
44 search be made of the domestic violence central registry with regard
45 to the defendant's record.

46 (cf: P.L.2011, c.213, s.3)

1 3. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to
2 read as follows:

3 13. a. A hearing shall be held in the Family Part of the
4 Chancery Division of the Superior Court within 10 days of the
5 filing of a complaint pursuant to section 12 of P.L.1991, c.261
6 (C.2C:25-28) in the county where the ex parte restraints were
7 ordered, unless good cause is shown for the hearing to be held
8 elsewhere. A copy of the complaint shall be served on the
9 defendant in conformity with the Rules of Court. If a criminal
10 complaint arising out of the same incident which is the subject
11 matter of a complaint brought under P.L.1981, c.426 (C.2C:25-1 et
12 seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has been filed,
13 testimony given by the plaintiff or defendant in the domestic
14 violence matter shall not be used in the simultaneous or subsequent
15 criminal proceeding against the defendant, other than domestic
16 violence contempt matters and where it would otherwise be
17 admissible hearsay under the rules of evidence that govern where a
18 party is unavailable. At the hearing the standard for proving the
19 allegations in the complaint shall be by a preponderance of the
20 evidence. The court shall consider but not be limited to the
21 following factors:

22 (1) The previous history of domestic violence between the
23 plaintiff and defendant, including threats, harassment and physical
24 abuse;

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

26 (3) The financial circumstances of the plaintiff and defendant;

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

28 (5) In determining custody and parenting time the protection of
29 the victim's safety; and

30 (6) The existence of a verifiable order of protection from
31 another jurisdiction.

32 An order issued under this act shall only restrain or provide
33 damages payable from a person against whom a complaint has been
34 filed under this act and only after a finding or an admission is made
35 that an act of domestic violence was committed by that person. The
36 issue of whether or not a violation of this act occurred, including an
37 act of contempt under this act, shall not be subject to mediation or
38 negotiation in any form. In addition, where a temporary or final
39 order has been issued pursuant to this act, no party shall be ordered
40 to participate in mediation on the issue of custody or parenting time.

41 b. In proceedings in which complaints for restraining orders
42 have been filed, the court shall grant any relief necessary to prevent
43 further abuse. In addition to any other provisions, any restraining
44 order issued by the court shall bar the defendant from purchasing,
45 owning, possessing or controlling a firearm and from receiving or
46 retaining a firearms purchaser identification card or permit to
47 purchase a handgun pursuant to N.J.S.2C:58-3 during the period in
48 which the restraining order is in effect or two years, whichever is

1 greater~~], except that this provision]~~. The order shall require the
2 immediate surrender of any firearm or other weapon belonging to
3 the defendant. The order shall include notice to the defendant of
4 the penalties for a violation of any provision of the order, including
5 but not limited to the penalties for contempt of court and unlawful
6 possession of a firearm or other weapon pursuant to N.J.S.2C:39-5.

7 A law enforcement officer shall accompany the defendant, or
8 may proceed without the defendant if necessary, to any place where
9 any firearm or other weapon belonging to the defendant is located
10 to ensure that the defendant does not gain access to any firearm or
11 other weapon, and a law enforcement officer shall take custody of
12 any firearm or other weapon belonging to the defendant. If the
13 order prohibits the defendant from returning to the scene of
14 domestic violence or other place where firearms or other weapons
15 belonging to the defendant are located, any firearm or other weapon
16 located there shall be seized by a law enforcement officer. The
17 provisions of this subsection requiring the surrender or removal of a
18 firearm, card, or permit shall not apply to any law enforcement
19 officer while actually on duty, or to any member of the Armed
20 Forces of the United States or member of the National Guard while
21 actually on duty or traveling to or from an authorized place of duty.
22 At the hearing the judge of the Family Part of the Chancery
23 Division of the Superior Court may issue an order granting any or
24 all of the following relief:

25 (1) An order restraining the defendant from subjecting the
26 victim to domestic violence, as defined in this act.

27 (2) An order granting exclusive possession to the plaintiff of the
28 residence or household regardless of whether the residence or
29 household is jointly or solely owned by the parties or jointly or
30 solely leased by the parties. This order shall not in any manner
31 affect title or interest to any real property held by either party or
32 both jointly. If it is not possible for the victim to remain in the
33 residence, the court may order the defendant to pay the victim's rent
34 at a residence other than the one previously shared by the parties if
35 the defendant is found to have a duty to support the victim and the
36 victim requires alternative housing.

37 (3) An order providing for parenting time. The order shall
38 protect the safety and well-being of the plaintiff and minor children
39 and shall specify the place and frequency of parenting time.
40 Parenting time arrangements shall not compromise any other
41 remedy provided by the court by requiring or encouraging contact
42 between the plaintiff and defendant. Orders for parenting time may
43 include a designation of a place of parenting time away from the
44 plaintiff, the participation of a third party, or supervised parenting
45 time.

46 (a) The court shall consider a request by a custodial parent who
47 has been subjected to domestic violence by a person with parenting
48 time rights to a child in the parent's custody for an investigation or

1 evaluation by the appropriate agency to assess the risk of harm to
2 the child prior to the entry of a parenting time order. Any denial of
3 such a request must be on the record and shall only be made if the
4 judge finds the request to be arbitrary or capricious.

5 (b) The court shall consider suspension of the parenting time
6 order and hold an emergency hearing upon an application made by
7 the plaintiff certifying under oath that the defendant's access to the
8 child pursuant to the parenting time order has threatened the safety
9 and well-being of the child.

10 (4) An order requiring the defendant to pay to the victim
11 monetary compensation for losses suffered as a direct result of the
12 act of domestic violence. The order may require the defendant to
13 pay the victim directly, to reimburse the Victims of Crime
14 Compensation Office for any and all compensation paid by the
15 Victims of Crime Compensation Office directly to or on behalf of
16 the victim, and may require that the defendant reimburse any parties
17 that may have compensated the victim, as the court may determine.
18 Compensatory losses shall include, but not be limited to, loss of
19 earnings or other support, including child or spousal support, out-
20 of-pocket losses for injuries sustained, cost of repair or replacement
21 of real or personal property damaged or destroyed or taken by the
22 defendant, cost of counseling for the victim, moving or other travel
23 expenses, reasonable attorney's fees, court costs, and compensation
24 for pain and suffering. Where appropriate, punitive damages may be
25 awarded in addition to compensatory damages.

26 (5) An order requiring the defendant to receive professional
27 domestic violence counseling from either a private source or a
28 source appointed by the court and, in that event, requiring the
29 defendant to provide the court at specified intervals with
30 documentation of attendance at the professional counseling. The
31 court may order the defendant to pay for the professional
32 counseling. No application by the defendant to dissolve a final
33 order which contains a requirement for attendance at professional
34 counseling pursuant to this paragraph shall be granted by the court
35 unless, in addition to any other provisions required by law or
36 conditions ordered by the court, the defendant has completed all
37 required attendance at such counseling.

38 (6) An order restraining the defendant from entering the
39 residence, property, school, or place of employment of the victim or
40 of other family or household members of the victim and requiring
41 the defendant to stay away from any specified place that is named
42 in the order and is frequented regularly by the victim or other
43 family or household members.

44 (7) An order restraining the defendant from making contact with
45 the plaintiff or others, including an order forbidding the defendant
46 from personally or through an agent initiating any communication
47 likely to cause annoyance or alarm including, but not limited to,
48 personal, written, or telephone contact with the victim or other

1 family members, or their employers, employees, or fellow workers,
2 or others with whom communication would be likely to cause
3 annoyance or alarm to the victim.

4 (8) An order requiring that the defendant make or continue to
5 make rent or mortgage payments on the residence occupied by the
6 victim if the defendant is found to have a duty to support the victim
7 or other dependent household members; provided that this issue has
8 not been resolved or is not being litigated between the parties in
9 another action.

10 (9) An order granting either party temporary possession of
11 specified personal property, such as an automobile, checkbook,
12 documentation of health insurance, an identification document, a
13 key, and other personal effects.

14 (10) An order awarding emergency monetary relief, including
15 emergency support for minor children, to the victim and other
16 dependents, if any. An ongoing obligation of support shall be
17 determined at a later date pursuant to applicable law.

18 (11) An order awarding temporary custody of a minor child. The
19 court shall presume that the best interests of the child are served by
20 an award of custody to the non-abusive parent.

21 (12) An order requiring that a law enforcement officer
22 accompany either party to the residence or any shared business
23 premises to supervise the removal of personal belongings in order
24 to ensure the personal safety of the plaintiff when a restraining
25 order has been issued. This order shall be restricted in duration.

26 (13) (Deleted by amendment, P.L.1995, c.242).

27 (14) An order granting any other appropriate relief for the
28 plaintiff and dependent children, provided that the plaintiff consents
29 to such relief, including relief requested by the plaintiff at the final
30 hearing, whether or not the plaintiff requested such relief at the time
31 of the granting of the initial emergency order.

32 (15) An order that requires that the defendant report to the
33 intake unit of the Family Part of the Chancery Division of the
34 Superior Court for monitoring of any other provision of the order.

35 (16) In addition to the order required by this subsection
36 prohibiting the defendant from possessing any firearm, the court
37 may also issue an order prohibiting the defendant from possessing
38 any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and
39 ordering the search for and seizure of any firearm or other weapon
40 at any location where the judge has reasonable cause to believe the
41 weapon is located. The judge shall state with specificity the reasons
42 for and scope of the search and seizure authorized by the order.

43 (17) An order prohibiting the defendant from stalking or
44 following, or threatening to harm, to stalk or to follow, the
45 complainant or any other person named in the order in a manner
46 that, taken in the context of past actions of the defendant, would put
47 the complainant in reasonable fear that the defendant would cause
48 the death or injury of the complainant or any other person.

1 Behavior prohibited under this act includes, but is not limited to,
2 behavior prohibited under the provisions of P.L.1992, c.209
3 (C.2C:12-10).

4 (18) An order requiring the defendant to undergo a psychiatric
5 evaluation.

6 (19) An order directing the possession of any animal owned,
7 possessed, leased, kept, or held by either party or a minor child
8 residing in the household. Where a person has abused or threatened
9 to abuse such animal, there shall be a presumption that possession
10 of the animal shall be awarded to the non-abusive party.

11 c. Notice of orders issued pursuant to this section shall be sent
12 by the clerk of the Family Part of the Chancery Division of the
13 Superior Court or other person designated by the court to the
14 appropriate chiefs of police, members of the State Police and any
15 other appropriate law enforcement agency.

16 d. Upon good cause shown, any final order may be dissolved or
17 modified upon application to the Family Part of the Chancery
18 Division of the Superior Court, but only if the judge who dissolves
19 or modifies the order is the same judge who entered the order, or
20 has available a complete record of the hearing or hearings on which
21 the order was based.

22 e. Prior to the issuance of any order pursuant to this section,
23 the court shall order that a search be made of the domestic violence
24 central registry.

25 (cf: P.L.2011, c.213, s.4)

26

27 4. (New section) a. Notwithstanding the provisions of
28 subsection f. of N.J.S.2C:44-1, a person convicted of any of the
29 following crimes of domestic violence, as defined in section 3 of
30 P.L.1991, c.261 (C.2C:25-19), shall be sentenced in accordance
31 with subsection b. of this section:

32 (1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;

33 (2) Aggravated assault, pursuant to paragraph (1), (2), (3), (4),
34 (6), (7) or (8) of subsection b. of N.J.S.2C:12-1;

35 (3) Assault by auto or vessel, pursuant to subsection c. of
36 N.J.S.2C:12-1;

37 (4) Kidnapping, pursuant to N.J.S.2C:13-1;

38 (5) Criminal restraint, pursuant to N.J.S.2C:13-2;

39 (6) Sexual assault, pursuant to N.J.S.2C:14-2; or

40 (7) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

41 b. (1) Unless the provisions of any other law provide for a
42 higher mandatory minimum term of imprisonment, a person
43 convicted of a crime of domestic violence set forth in subsection a.
44 of this section shall be sentenced to a term of imprisonment as
45 follows: for a second or subsequent crime of the fourth degree set
46 forth in subsection a. of this section, 18 months; for a second or
47 subsequent crime of the third degree set forth in subsection a. of

1 this section, five years; for a crime of the second degree, 10 years;
2 and for a crime of the first degree, 20 years.

3 (2) The term of imprisonment imposed pursuant to paragraph (1)
4 of this subsection shall include the imposition of a minimum term.
5 The minimum term shall be fixed at one-half of the sentence
6 imposed by the court or 42 months, whichever is greater, or 18
7 months in the case of a fourth degree crime, during which the
8 defendant shall be ineligible for parole.

9
10 5. This act shall take effect on the first day of the seventh month
11 next following enactment.

12

13

14

STATEMENT

15

16 This bill enhances protections for domestic violence victims by
17 restricting access to firearms by a person convicted of a domestic
18 violence crime or subject to a domestic violence restraining order.

19 Specifically, the bill requires the sentencing court to inform
20 defendants convicted of a domestic violence crime or offense that
21 they are prohibited from possessing a firearm, or obtaining a
22 firearms purchaser identification card or permit to purchase a
23 handgun. The bill also requires the court to order the defendant to
24 arrange for the immediate surrender of firearms, firearms purchaser
25 identification cards, and permits to purchase a handgun to a law
26 enforcement officer. The bill allows the defendant five days after
27 conviction to arrange to sell a surrendered firearm to a licensed
28 firearms dealer; the dealer has 10 days after the date of the order to
29 take possession of the firearm from the law enforcement agency to
30 which it was surrendered. If the firearm is not purchased by a retail
31 dealer within 10 days, it is subject to forfeiture; if it is purchased by
32 a dealer, it becomes part of the dealer's inventory.

33 The bill requires any identification card and permit that has been
34 issued to a connected defendant to be immediately revoked and
35 requires the court to establish a process for notifying the
36 appropriate authorities of the revocation. It also requires a law
37 enforcement officer to whom weapons are surrendered to provide
38 the defendant with a receipt naming the defendant, the surrender
39 date, and description of a surrendered item, and requiring the
40 defendant to provide a copy of the receipt to the prosecutor within
41 48 hours. Defendants are required by the bill to attest under penalty
42 that they surrendered or do not possess a firearm. The court is
43 permitted to order a search for and removal of firearms if there is
44 probable cause that the defendant has failed to surrender firearms
45 and is required to state with specificity the reasons for and the
46 scope of the search and seizure.

47 The bill also protects domestic violence victims by specifying
48 that the plaintiff may provide information concerning firearms to

1 which the defendant has access, including the location of these
2 firearms, if known, on a form to be prescribed by the
3 Administrative Director of the Courts. The form is to also clarify
4 the confidential nature of this information.

5 Under the bill, an order for a temporary or final restraining order
6 is to include notice to the defendant of the penalties for a violation
7 of any provision of the order, including but not limited to the
8 penalties for contempt of court and unlawful possession of a firearm
9 or other weapon.

10 Further, when a temporary restraining order requires the
11 surrender of any firearm or other weapon and when a final
12 restraining order is issued, the bill requires a law enforcement
13 officer to accompany the defendant or proceed without the
14 defendant if necessary to where the firearm or other weapon is
15 located to ensure that the items are appropriately surrendered in
16 accordance with the order. If the order prohibits the defendant from
17 returning to a location where firearms or other weapons are located,
18 any firearm or other weapon located there will be seized by a law
19 enforcement officer.

20 Finally, the bill further strengthens protections for victims of
21 domestic violence by providing mandatory minimum terms of
22 incarceration, with set periods of parole ineligibility, for offenders
23 who commit physically violent acts.

24 Under the provisions of the bill, a person convicted of any of the
25 following crimes of domestic violence would be subject to the
26 enhanced penalties provided in the bill:

- 27 (1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;
- 28 (2) Aggravated assault and assault by auto or vessel pursuant to
29 subsection b. and c. of N.J.S.2C:12-1;
- 30 (3) Kidnapping, pursuant to N.J.S.2C:13-1;
- 31 (4) Criminal restraint, pursuant to N.J.S.2C:13-2;
- 32 (5) Sexual assault, pursuant to N.J.S.2C:14-2; and
- 33 (6) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

34 The bill provides that a person will be sentenced to a term of
35 imprisonment as follows: 18 months for a second or subsequent
36 crime of the fourth degree, five years for a second or subsequent
37 crime of the third degree, 10 years for a crime of the second degree,
38 and 20 years for a crime of the first degree, unless the provisions of
39 any other law provide for a higher mandatory minimum term.

40 The court additionally will impose a period of parole ineligibility
41 as follows: 18 months for a crime of the fourth degree, 42 months
42 for a crime of the third degree, five years for a crime of the second
43 degree, and 10 years for a crime of the first degree.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2483

STATE OF NEW JERSEY

DATED: OCTOBER 27, 2016

The Assembly Appropriations Committee reports favorably Senate Bill No. 2483.

This bill enhances protections for domestic violence victims by restricting access to firearms by a person convicted of a domestic violence crime or subject to a domestic violence restraining order.

The bill requires the sentencing court to inform defendants convicted of a domestic violence crime or offense that they are prohibited from possessing a firearm, or obtaining a firearms purchaser identification card or permit to purchase a handgun. The bill requires the court to order the defendant to arrange for the immediate surrender to a law enforcement officer of firearms, firearms purchaser identification cards, and permits to purchase a handgun. The bill allows the defendant five days after conviction to arrange to sell a surrendered firearm to a licensed firearms dealer; the dealer has 10 days after the date of the order to take possession of the firearm from the law enforcement agency to which it was surrendered. The bill directs that if the firearm is not purchased by a retail dealer within 10 days, it is subject to forfeiture; if it is purchased by a dealer, it becomes part of the dealer's inventory.

The bill requires any identification card and permit that has been issued to a convicted defendant to be immediately revoked and requires the court to establish a process for notifying the appropriate authorities of the revocation. It requires a law enforcement officer to whom weapons are surrendered to provide the defendant with a receipt naming the defendant, the surrender date, and description of a surrendered item, and requires the defendant to provide a copy of the receipt to the prosecutor within 48 hours. The bill calls for defendants to attest under penalty that they surrendered or do not possess a firearm, and permits the court to order a search for and removal of firearms if there is probable cause that the defendant has failed to surrender firearms. The bill requires the court to state with specificity the reasons for and the scope of the search and seizure.

The bill also protects domestic violence victims by specifying that the plaintiff may provide information concerning firearms to which the defendant has access, including the location of these firearms, if known, on a form to be prescribed by the Administrative Director of the Courts. The bill clarifies that the form information is confidential.

The bill specifies that an order for a temporary or final restraining

order must include notice to the defendant of the penalties for a violation of any provision of the order, including but not limited to the penalties for contempt of court and unlawful possession of a firearm or other weapon.

Further, when a temporary restraining order requires the surrender of any firearm or other weapon and when a final restraining order is issued, the bill requires a law enforcement officer to accompany the defendant or proceed without the defendant if necessary to where the firearm or other weapon is located to ensure that the item is appropriately surrendered in accordance with the order. If the order prohibits the defendant from returning to a location where firearms or other weapons are located, the bill directs that any firearm or other weapon located there be seized by a law enforcement officer.

The bill further strengthens protections for victims of domestic violence by providing mandatory minimum terms of incarceration, with set periods of parole ineligibility, for offenders who commit physically violent acts.

Under the provisions of the bill, a person convicted of any of the following crimes of domestic violence would be subject to the enhanced penalties provided in the bill:

- (1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;
- (2) Aggravated assault and assault by auto or vessel pursuant to subsection b. and c. of N.J.S.2C:12-1;
- (3) Kidnapping, pursuant to N.J.S.2C:13-1;
- (4) Criminal restraint, pursuant to N.J.S.2C:13-2;
- (5) Sexual assault, pursuant to N.J.S.2C:14-2; and
- (6) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

The bill provides that a person will be sentenced to a term of imprisonment as follows: 18 months for a second or subsequent crime of the fourth degree, five years for a second or subsequent crime of the third degree, 10 years for a crime of the second degree, and 20 years for a crime of the first degree, unless the provisions of any other law provide for a higher mandatory minimum term.

The court additionally will impose a period of parole ineligibility as follows: 18 months for a crime of the fourth degree, 42 months for a crime of the third degree, five years for a crime of the second degree, and 10 years for a crime of the first degree.

As reported, this bill is identical to Assembly Bill No. 4126, as reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services anticipates annually recurring expenditure increases to the State, counties, and municipalities from implementing the provisions of this bill, but lacks sufficient information to quantify the increases.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2483

STATE OF NEW JERSEY

DATED: OCTOBER 6, 2016

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 2483.

Senate Bill No. 2483 enhances protections for domestic violence victims by restricting access to firearms by a person convicted of a domestic violence crime or subject to a domestic violence restraining order.

Specifically, the bill requires the sentencing court to inform defendants convicted of a domestic violence crime or offense that they are prohibited from possessing a firearm, or obtaining a firearms purchaser identification card or permit to purchase a handgun. The bill also requires the court to order the defendant to arrange for the immediate surrender of firearms, firearms purchaser identification cards, and permits to purchase a handgun to a law enforcement officer. The bill allows the defendant five days after conviction to arrange to sell a surrendered firearm to a licensed firearms dealer; the dealer has 10 days after the date of the order to take possession of the firearm from the law enforcement agency to which it was surrendered. If the firearm is not purchased by a retail dealer within 10 days, it is subject to forfeiture; if it is purchased by a dealer, it becomes part of the dealer's inventory.

The bill requires any identification card and permit that has been issued to a convicted defendant to be immediately revoked and requires the court to establish a process for notifying the appropriate authorities of the revocation. It also requires a law enforcement officer to whom weapons are surrendered to provide the defendant with a receipt naming the defendant, the surrender date, and description of a surrendered item, and requires the defendant to provide a copy of the receipt to the prosecutor within 48 hours. Defendants are required by the bill to attest under penalty that they surrendered or do not possess a firearm. The court is permitted to order a search for and removal of firearms if there is probable cause that the defendant has failed to surrender firearms and is required to state with specificity the reasons for and the scope of the search and seizure.

The bill also protects domestic violence victims by specifying that the plaintiff may provide information concerning firearms to which the defendant has access, including the location of these firearms, if known, on a form to be prescribed by the Administrative Director of

the Courts. The form is to also clarify the confidential nature of this information.

Under the bill, an order for a temporary or final restraining order is to include notice to the defendant of the penalties for a violation of any provision of the order, including but not limited to the penalties for contempt of court and unlawful possession of a firearm or other weapon.

Further, when a temporary restraining order requires the surrender of any firearm or other weapon and when a final restraining order is issued, the bill requires a law enforcement officer to accompany the defendant or proceed without the defendant if necessary to where the firearm or other weapon is located to ensure that the items are appropriately surrendered in accordance with the order. If the order prohibits the defendant from returning to a location where firearms or other weapons are located, any firearm or other weapon located there will be seized by a law enforcement officer.

Finally, the bill further strengthens protections for victims of domestic violence by providing mandatory minimum terms of incarceration, with set periods of parole ineligibility, for offenders who commit physically violent acts.

Under the provisions of the bill, a person convicted of any of the following crimes of domestic violence would be subject to the enhanced penalties provided in the bill:

- (1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;
- (2) Aggravated assault and assault by auto or vessel pursuant to subsection b. and c. of N.J.S.2C:12-1;
- (3) Kidnapping, pursuant to N.J.S.2C:13-1;
- (4) Criminal restraint, pursuant to N.J.S.2C:13-2;
- (5) Sexual assault, pursuant to N.J.S.2C:14-2; and
- (6) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

The bill provides that a person will be sentenced to a term of imprisonment as follows: 18 months for a second or subsequent crime of the fourth degree, five years for a second or subsequent crime of the third degree, 10 years for a crime of the second degree, and 20 years for a crime of the first degree, unless the provisions of any other law provide for a higher mandatory minimum term.

The court additionally will impose a period of parole ineligibility as follows: 18 months for a crime of the fourth degree, 42 months for a crime of the third degree, five years for a crime of the second degree, and 10 years for a crime of the first degree.

As reported by the committee, Senate Bill No. 2483 is identical to Assembly Bill No. 4126 which was also reported by the committee on this date.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2483
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: SEPTEMBER 7, 2016

SUMMARY

- Synopsis:** Enhances protections for domestic violence victims by restricting access to firearms by certain persons; provides for minimum terms of incarceration for offenders who commit physically violent acts.
- Type of Impact:** Annual State, County, and Municipal Expenditure Increases.
- Agencies Affected:** Department of Corrections; Department of Law and Public Safety; Administrative Office of the Courts; County and Municipal Law Enforcement Agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State and Local Expenditure Increases	Indeterminate – See comments below.

- The Office of Legislative Services (OLS) anticipates annually recurring expenditure increases to the State, counties, and municipalities from implementing the provisions of this bill, but lacks sufficient information to quantify the increases.

BILL DESCRIPTION

Senate Bill No. 2483 of 2016 prohibits persons convicted of a domestic violence crime from possessing a firearm, tightens the enforcement of the existing firearm possession ban on persons subject to a domestic violence restraining order, and increases mandatory minimum terms of incarceration for persons convicted of certain crimes of domestic violence.

Specifically, the bill prohibits a person convicted of a domestic violence crime from possessing a firearm, a firearms purchaser identification card, or a permit to purchase a handgun. Upon conviction, any firearms identification card and permit that has previously been issued to a convicted defendant is immediately revoked and the defendant must arrange for the immediate surrender of firearms, firearms purchaser identification cards, and permits to purchase a handgun to a law enforcement officer. The defendant has five days after conviction to arrange the sale of a surrendered firearm to a licensed firearms dealer who has 10 days after the date of the order to take possession of the firearm from the law enforcement agency to which the firearm was surrendered. If the firearm is not purchased by a retail dealer, it is subject to forfeiture. If there

is probable cause that the defendant has failed to surrender firearms the sentencing court may order a search for and removal of firearms.

The bill also specifies that the plaintiff may provide information concerning firearms to which the defendant has access, including the location of these firearms, on a form to be prescribed by the Administrative Director of the Courts.

In addition, the bill tightens the enforcement of the existing firearm possession prohibition on persons subject to a domestic violence restraining order by requiring courts to provide a notice to the defendant of the penalties for violations of the order, including penalties for unlawful possession of a firearm or other weapon. Furthermore, when a temporary restraining order requires the surrender of any firearm or other weapon and when a final restraining order is issued, the bill requires a law enforcement officer to accompany the defendant, or proceed without the defendant, if necessary, to the location of the firearm or other weapon to ensure the appropriate surrender thereof.

Finally, the bill increases mandatory minimum terms of imprisonment for persons convicted of domestic violence crimes involving homicide, aggravated assault and assault by auto or vessel, kidnapping, criminal restraint, sexual assault, and criminal sexual contact as follows: 18 months for a second or subsequent crime of the fourth degree, five years for a second or subsequent crime of the third degree, 10 years for a crime of the second degree, and 20 years for a crime of the first degree, unless other laws provide for higher mandatory minimum terms. The bill's mandatory terms reflect the maximum periods allowed under current law for each crime.

The bill also mandates the following periods of parole ineligibility: 18 months for a crime of the fourth degree, 42 months for a crime of the third degree, five years for a crime of the second degree, and 10 years for a crime of the first degree.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates annually recurring expenditure increases to the State, counties, and municipalities from implementing the provisions of this bill, but lacks sufficient information to quantify the increases.

The OLS projects that the largest cost increase may accrue to the State Department of Corrections from the bill's increases in the mandatory minimum terms of imprisonment for persons convicted of domestic violence crimes involving homicide, aggravated assault and assault by auto or vessel, kidnapping, criminal restraint, sexual assault, and criminal sexual contact. But the OLS cannot determine the cost of the higher minimum sentences because it is not clear to what extent the higher minimum prison sentences will exceed the ones courts currently order, as the bill's higher minimum sentences reflect the maximums of current ranges of terms of imprisonment for the enumerated crimes. To the extent that persons convicted of domestic violence crimes will spend more time in prison, the correctional facilities will experience an increase in the number of incarceration days and associated costs.

In addition, the OLS anticipates that the State Administrative Office of the Courts will incur annual minimal cost increases from: a) developing, updating, and operating a system for notifying the appropriate authorities of a convicted offender's surrender of identification cards

and permits; b) developing and updating a form that will allow plaintiffs in domestic violence cases to provide information concerning firearms to which defendants have access; c) providing persons subject to domestic violence restraining orders with a notice of the penalties for violations of the order, including penalties for unlawful possession of a firearm or other weapon; and d) ordering search warrants to remove firearms if there is probable cause that defendants failed to surrender them.

Furthermore, the OLS expects that State, county, and municipal law enforcement agencies will experience an indeterminate workload increase from having to: a) receive, inventory, store, and dispose of surrendered firearms; b) issue receipts of the surrendered items to defendants; and c) in cases of temporary restraining orders, ensure the surrender of firearms and weapons.

The New Jersey Domestic Violence Offense Report issued by the Department of Law and Public Safety is an annual report based on the domestic violence offense reports submitted to the New Jersey Uniform Crime Reporting System by every New Jersey law enforcement agency. The most recent report available is for calendar year 2014. According to the report, there were 62,055 domestic violence offenses reported by law enforcement in 2014, a four-percent decrease compared to the 64,556 offenses reported in 2013. Of those 2014 offenses, 139 involved a firearm which is a one-percent decrease from 141 such cases reported in 2013.

The report noted further that there were 2,667 total arrests involving domestic violence restraining orders reported by police in 2014. Of these, 1,391 were arrests for violations of a restraining order only, while 1,276 were arrests for violations of a restraining order with an offense arrest.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

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

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

ASSEMBLY, No. 4126

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED SEPTEMBER 19, 2016

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman Holley, Assemblywomen Vainieri Huttle, Muoio, Jimenez,

Assemblyman Lagana, Assemblywomen McKnight, Jones, Tucker and Pinkin

SYNOPSIS

Enhances protections for domestic violence victims by restricting access to firearms by certain persons; provides for minimum terms of incarceration for offenders who commit physically violent acts.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 11/22/2016)

1 AN ACT concerning domestic violence and firearms, amending
2 P.L.1991, c.261, and supplementing Title 2C of the New Jersey
3 Statutes.

4

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

7

8 1. Section 11 of P.L.1991, c.261 (C:2C:25-27) is amended to
9 read as follows:

10 11. a. When a defendant is found guilty of a crime or offense
11 involving domestic violence and a condition of sentence restricts
12 the defendant's ability to have contact with the victim, the victim's
13 friends, co-workers, or relatives, or an animal owned, possessed,
14 leased, kept, or held by either party or a minor child residing in the
15 household, that condition shall be recorded in an order of the court
16 and a written copy of that order shall be provided to the victim by
17 the clerk of the court or other person designated by the court. In
18 addition to restricting a defendant's ability to have contact with the
19 victim, the victim's friends, co-workers, or relatives, or an animal
20 owned, possessed, leased, kept, or held by either party or a minor
21 child residing in the household, the court may require the defendant
22 to receive professional counseling from either a private source or a
23 source appointed by the court, and if the court so orders, the court
24 shall require the defendant to provide documentation of attendance
25 at the professional counseling. In any case where the court order
26 contains a requirement that the defendant receive professional
27 counseling, no application by the defendant to dissolve the
28 restraining order shall be granted unless, in addition to any other
29 provisions required by law or conditions ordered by the court, the
30 defendant has completed all required attendance at such counseling.

31 b. In addition the court may enter an order directing the
32 possession of an animal owned, possessed, leased, kept, or held by
33 either party or a minor child residing in the household. Where a
34 person has abused or threatened to abuse such animal, there shall be
35 a presumption that possession of the animal shall be awarded to the
36 non-abusive party.

37 c. (1) When a defendant is found guilty of a crime or offense
38 involving domestic violence, the court shall inform the defendant
39 that the defendant is prohibited from purchasing, owning,
40 possessing, or controlling a firearm pursuant to section 6 of
41 P.L.1979, c.179 (C.2C:39-7) and from receiving or retaining a
42 firearms purchaser identification card or permit to purchase a
43 handgun pursuant to N.J.S.2C:58-3. The court shall order the
44 defendant to arrange for the immediate surrender to a law
45 enforcement officer of any firearm that has not already been seized
46 or surrendered and any firearms purchaser identification card or

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

Matter underlined thus is new matter.

1 permit to purchase a handgun possessed by the defendant. No later
2 than five business days after the order is entered, however, the
3 defendant may arrange to sell any surrendered firearm to a licensed
4 retail dealer of firearms who shall be authorized to take possession
5 of that purchased firearm from the law enforcement agency to
6 which it was surrendered no later than 10 business days after the
7 order is entered. Any card or permit issued to the defendant shall be
8 deemed immediately revoked. The court shall establish a process
9 for notifying the appropriate authorities of the conviction requiring
10 the revocation of the card or permit. A law enforcement officer
11 accepting a surrendered firearm shall provide the defendant with a
12 receipt listing the date of surrender, the name of the defendant, and
13 any item that has been surrendered, including the serial number,
14 manufacturer, and model of the surrendered firearm. The defendant
15 shall provide a copy of this receipt to the prosecutor within 48 hours
16 of service of the order, and shall attest under penalty that any
17 firearms owned or possessed at the time of the order have been
18 transferred in accordance with this section and that the defendant
19 currently does not possess any firearms. The defendant alternatively
20 may attest under penalty that he did not own or possess a firearm at
21 the time of the order and currently does not possess a firearm. If
22 the court, upon motion of the prosecutor, finds probable cause that
23 the defendant has failed to surrender any firearm, card, or permit,
24 the court may order a search for and removal of these items at any
25 location where the judge has reasonable cause to believe these items
26 are located. The judge shall state with specificity the reasons for
27 and the scope of the search and seizure authorized by the order.

28 (2) A law enforcement officer who receives a firearm that is
29 surrendered, but not purchased and taken possession of by a
30 licensed retail dealer of firearms within 10 business days of when
31 the order is entered pursuant to paragraph (1) of this subsection,
32 may dispose of the surrendered firearm in accordance with the
33 provisions of N.J.S.2C:64-6. A firearm purchased by a licensed
34 retail dealer from a defendant shall become part of the inventory of
35 the dealer.

36 (cf: P.L.2011, c.213, s.2)

37

38 2. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to
39 read as follows:

40 12. a. A victim may file a complaint alleging the commission
41 of an act of domestic violence with the Family Part of the Chancery
42 Division of the Superior Court in conformity with the Rules of
43 Court. The court shall not dismiss any complaint or delay
44 disposition of a case because the victim has left the residence to
45 avoid further incidents of domestic violence. Filing a complaint
46 pursuant to this section shall not prevent the filing of a criminal
47 complaint for the same act.

1 On weekends, holidays and other times when the court is closed,
2 a victim may file a complaint before a judge of the Family Part of
3 the Chancery Division of the Superior Court or a municipal court
4 judge who shall be assigned to accept complaints and issue
5 emergency, ex parte relief in the form of temporary restraining
6 orders pursuant to this act.

7 A plaintiff may apply for relief under this section in a court
8 having jurisdiction over the place where the alleged act of domestic
9 violence occurred, where the defendant resides, or where the
10 plaintiff resides or is sheltered, and the court shall follow the same
11 procedures applicable to other emergency applications. Criminal
12 complaints filed pursuant to this act shall be investigated and
13 prosecuted in the jurisdiction where the offense is alleged to have
14 occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9
15 shall be prosecuted in the county where the contempt is alleged to
16 have been committed and a copy of the contempt complaint shall be
17 forwarded to the court that issued the order alleged to have been
18 violated.

19 b. The court shall waive any requirement that the petitioner's
20 place of residence appear on the complaint.

21 c. (1) The clerk of the court, or other person designated by the
22 court, shall assist the parties in completing any forms necessary for
23 the filing of a summons, complaint, answer or other pleading.

24 (2) The plaintiff may provide information concerning firearms to
25 which the defendant has access, including the location of these
26 firearms, if known, on a form to be prescribed by the
27 Administrative Director of the Courts.

28 (3) Information provided by the plaintiff concerning firearms to
29 which the defendant has access shall be kept confidential and shall
30 not be disseminated or disclosed, provided that nothing in this
31 subsection shall prohibit dissemination or disclosure of this
32 information in a manner consistent with and in furtherance of the
33 purpose for which the information was provided.

34 d. Summons and complaint forms shall be readily available at
35 the clerk's office, at the municipal courts and at municipal and State
36 police stations.

37 e. As soon as the domestic violence complaint is filed, both the
38 victim and the abuser shall be advised of any programs or services
39 available for advice and counseling.

40 f. A plaintiff may seek emergency, ex parte relief in the nature
41 of a temporary restraining order. A municipal court judge or a
42 judge of the Family Part of the Chancery Division of the Superior
43 Court may enter an ex parte order when necessary to protect the
44 life, health or well-being of a victim on whose behalf the relief is
45 sought.

46 g. If it appears that the plaintiff is in danger of domestic
47 violence, the judge shall, upon consideration of the plaintiff's
48 domestic violence complaint, order emergency ex parte relief, in the

1 nature of a temporary restraining order. A decision shall be made
2 by the judge regarding the emergency relief forthwith.

3 h. A judge may issue a temporary restraining order upon sworn
4 testimony or complaint of an applicant who is not physically
5 present, pursuant to court rules, or by a person who represents a
6 person who is physically or mentally incapable of filing personally.
7 A temporary restraining order may be issued if the judge is satisfied
8 that exigent circumstances exist sufficient to excuse the failure of
9 the applicant to appear personally and that sufficient grounds for
10 granting the application have been shown.

11 i. An order for emergency, ex parte relief shall be granted
12 upon good cause shown and shall remain in effect until a judge of
13 the Family Part issues a further order. Any temporary order
14 hereunder is immediately appealable for a plenary hearing de novo
15 not on the record before any judge of the Family Part of the county
16 in which the plaintiff resides or is sheltered if that judge issued the
17 temporary order or has access to the reasons for the issuance of the
18 temporary order and sets forth in the record the reasons for the
19 modification or dissolution. The denial of a temporary restraining
20 order by a municipal court judge and subsequent administrative
21 dismissal of the complaint shall not bar the victim from refileing a
22 complaint in the Family Part based on the same incident and
23 receiving an emergency, ex parte hearing de novo not on the record
24 before a Family Part judge, and every denial of relief by a
25 municipal court judge shall so state.

26 j. Emergency relief may include forbidding the defendant from
27 returning to the scene of the domestic violence, forbidding the
28 defendant from possessing any firearm or other weapon enumerated
29 in subsection r. of N.J.S.2C:39-1, ordering the search for and
30 seizure of any **[such]** firearm or other weapon at any location
31 where the judge has reasonable cause to believe the weapon is
32 located and the seizure of any firearms purchaser identification card
33 or permit to purchase a handgun issued to the defendant and any
34 other appropriate relief.

35 If the order requires the surrender of any firearm or other
36 weapon, a law enforcement officer shall accompany the defendant,
37 or may proceed without the defendant if necessary, to the scene of
38 the domestic violence or any other location where the judge has
39 reasonable cause to believe any firearm or other weapon belonging
40 to the defendant is located, to ensure that the defendant does not
41 gain access to any firearm or other weapon, and that the firearm or
42 other weapon is appropriately surrendered in accordance with the
43 order. If the order prohibits the defendant from returning to the
44 scene of domestic violence or any other location where the judge
45 has reasonable cause to believe any firearm or other weapon
46 belonging to the defendant is located, any firearm or other weapon
47 located there shall be seized by a law enforcement officer. The
48 order shall include notice to the defendant of the penalties for a

1 violation of any provision of the order, including but not limited to
2 the penalties for contempt of court and unlawful possession of a
3 firearm or other weapon pursuant to N.J.S.2C:39-5. Other
4 appropriate relief may include but is not limited to an order
5 directing the possession of any animal owned, possessed, leased,
6 kept, or held by either party or a minor child residing in the
7 household and providing that the animal shall not be disposed of
8 prior to entry of a final order pursuant to section 13 of P.L.1991,
9 c.261 (C.2C:25-29).

10 The judge shall state with specificity the reasons for and scope of
11 any search and seizure authorized by the order. The provisions of
12 this subsection prohibiting a defendant from possessing a firearm or
13 other weapon shall not apply to any law enforcement officer while
14 actually on duty, or to any member of the Armed Forces of the
15 United States or member of the National Guard while actually on
16 duty or traveling to or from an authorized place of duty.

17 k. The judge may permit the defendant to return to the scene of
18 the domestic violence to pick up personal belongings and effects
19 but shall, in the order granting relief, restrict the time and duration
20 of such permission and provide for police supervision of such visit.

21 l. An order granting emergency relief, together with the
22 complaint or complaints, shall immediately be forwarded to the
23 appropriate law enforcement agency for service on the defendant,
24 and to the police of the municipality in which the plaintiff resides or
25 is sheltered, and shall immediately be served upon the defendant by
26 the police, except that an order issued during regular court hours
27 may be forwarded to the sheriff for immediate service upon the
28 defendant in accordance with the Rules of Court. If personal
29 service cannot be effected upon the defendant, the court may order
30 other appropriate substituted service. At no time shall the plaintiff
31 be asked or required to serve any order on the defendant.

32 m. (Deleted by amendment, P.L.1994, c.94.)

33 n. Notice of temporary restraining orders issued pursuant to
34 this section shall be sent by the clerk of the court or other person
35 designated by the court to the appropriate chiefs of police, members
36 of the State Police and any other appropriate law enforcement
37 agency or court.

38 o. (Deleted by amendment, P.L.1994, c.94.)

39 p. Any temporary or final restraining order issued pursuant to
40 this act shall be in effect throughout the State, and shall be enforced
41 by all law enforcement officers.

42 q. Prior to the issuance of any temporary or final restraining
43 order issued pursuant to this section, the court shall order that a
44 search be made of the domestic violence central registry with regard
45 to the defendant's record.

46 (cf: P.L.2011, c.213, s.3)

1 3. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to
2 read as follows:

3 13. a. A hearing shall be held in the Family Part of the
4 Chancery Division of the Superior Court within 10 days of the
5 filing of a complaint pursuant to section 12 of P.L.1991, c.261
6 (C.2C:25-28) in the county where the ex parte restraints were
7 ordered, unless good cause is shown for the hearing to be held
8 elsewhere. A copy of the complaint shall be served on the
9 defendant in conformity with the Rules of Court. If a criminal
10 complaint arising out of the same incident which is the subject
11 matter of a complaint brought under P.L.1981, c.426 (C.2C:25-1 et
12 seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has been filed,
13 testimony given by the plaintiff or defendant in the domestic
14 violence matter shall not be used in the simultaneous or subsequent
15 criminal proceeding against the defendant, other than domestic
16 violence contempt matters and where it would otherwise be
17 admissible hearsay under the rules of evidence that govern where a
18 party is unavailable. At the hearing the standard for proving the
19 allegations in the complaint shall be by a preponderance of the
20 evidence. The court shall consider but not be limited to the
21 following factors:

22 (1) The previous history of domestic violence between the
23 plaintiff and defendant, including threats, harassment and physical
24 abuse;

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

26 (3) The financial circumstances of the plaintiff and defendant;

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

28 (5) In determining custody and parenting time the protection of
29 the victim's safety; and

30 (6) The existence of a verifiable order of protection from
31 another jurisdiction.

32 An order issued under this act shall only restrain or provide
33 damages payable from a person against whom a complaint has been
34 filed under this act and only after a finding or an admission is made
35 that an act of domestic violence was committed by that person. The
36 issue of whether or not a violation of this act occurred, including an
37 act of contempt under this act, shall not be subject to mediation or
38 negotiation in any form. In addition, where a temporary or final
39 order has been issued pursuant to this act, no party shall be ordered
40 to participate in mediation on the issue of custody or parenting time.

41 b. In proceedings in which complaints for restraining orders
42 have been filed, the court shall grant any relief necessary to prevent
43 further abuse. In addition to any other provisions, any restraining
44 order issued by the court shall bar the defendant from purchasing,
45 owning, possessing or controlling a firearm and from receiving or
46 retaining a firearms purchaser identification card or permit to
47 purchase a handgun pursuant to N.J.S.2C:58-3 during the period in
48 which the restraining order is in effect or two years, whichever is

1 greater~~], except that this provision]~~. The order shall require the
2 immediate surrender of any firearm or other weapon belonging to
3 the defendant. The order shall include notice to the defendant of
4 the penalties for a violation of any provision of the order, including
5 but not limited to the penalties for contempt of court and unlawful
6 possession of a firearm or other weapon pursuant to N.J.S.2C:39-5.

7 A law enforcement officer shall accompany the defendant, or
8 may proceed without the defendant if necessary, to any place where
9 any firearm or other weapon belonging to the defendant is located
10 to ensure that the defendant does not gain access to any firearm or
11 other weapon, and a law enforcement officer shall take custody of
12 any firearm or other weapon belonging to the defendant. If the
13 order prohibits the defendant from returning to the scene of
14 domestic violence or other place where firearms or other weapons
15 belonging to the defendant are located, any firearm or other weapon
16 located there shall be seized by a law enforcement officer. The
17 provisions of this subsection requiring the surrender or removal of a
18 firearm, card, or permit shall not apply to any law enforcement
19 officer while actually on duty, or to any member of the Armed
20 Forces of the United States or member of the National Guard while
21 actually on duty or traveling to or from an authorized place of duty.
22 At the hearing the judge of the Family Part of the Chancery
23 Division of the Superior Court may issue an order granting any or
24 all of the following relief:

25 (1) An order restraining the defendant from subjecting the
26 victim to domestic violence, as defined in this act.

27 (2) An order granting exclusive possession to the plaintiff of the
28 residence or household regardless of whether the residence or
29 household is jointly or solely owned by the parties or jointly or
30 solely leased by the parties. This order shall not in any manner
31 affect title or interest to any real property held by either party or
32 both jointly. If it is not possible for the victim to remain in the
33 residence, the court may order the defendant to pay the victim's rent
34 at a residence other than the one previously shared by the parties if
35 the defendant is found to have a duty to support the victim and the
36 victim requires alternative housing.

37 (3) An order providing for parenting time. The order shall
38 protect the safety and well-being of the plaintiff and minor children
39 and shall specify the place and frequency of parenting time.
40 Parenting time arrangements shall not compromise any other
41 remedy provided by the court by requiring or encouraging contact
42 between the plaintiff and defendant. Orders for parenting time may
43 include a designation of a place of parenting time away from the
44 plaintiff, the participation of a third party, or supervised parenting
45 time.

46 (a) The court shall consider a request by a custodial parent who
47 has been subjected to domestic violence by a person with parenting
48 time rights to a child in the parent's custody for an investigation or

1 evaluation by the appropriate agency to assess the risk of harm to
2 the child prior to the entry of a parenting time order. Any denial of
3 such a request must be on the record and shall only be made if the
4 judge finds the request to be arbitrary or capricious.

5 (b) The court shall consider suspension of the parenting time
6 order and hold an emergency hearing upon an application made by
7 the plaintiff certifying under oath that the defendant's access to the
8 child pursuant to the parenting time order has threatened the safety
9 and well-being of the child.

10 (4) An order requiring the defendant to pay to the victim
11 monetary compensation for losses suffered as a direct result of the
12 act of domestic violence. The order may require the defendant to
13 pay the victim directly, to reimburse the Victims of Crime
14 Compensation Office for any and all compensation paid by the
15 Victims of Crime Compensation Office directly to or on behalf of
16 the victim, and may require that the defendant reimburse any parties
17 that may have compensated the victim, as the court may determine.
18 Compensatory losses shall include, but not be limited to, loss of
19 earnings or other support, including child or spousal support, out-
20 of-pocket losses for injuries sustained, cost of repair or replacement
21 of real or personal property damaged or destroyed or taken by the
22 defendant, cost of counseling for the victim, moving or other travel
23 expenses, reasonable attorney's fees, court costs, and compensation
24 for pain and suffering. Where appropriate, punitive damages may be
25 awarded in addition to compensatory damages.

26 (5) An order requiring the defendant to receive professional
27 domestic violence counseling from either a private source or a
28 source appointed by the court and, in that event, requiring the
29 defendant to provide the court at specified intervals with
30 documentation of attendance at the professional counseling. The
31 court may order the defendant to pay for the professional
32 counseling. No application by the defendant to dissolve a final
33 order which contains a requirement for attendance at professional
34 counseling pursuant to this paragraph shall be granted by the court
35 unless, in addition to any other provisions required by law or
36 conditions ordered by the court, the defendant has completed all
37 required attendance at such counseling.

38 (6) An order restraining the defendant from entering the
39 residence, property, school, or place of employment of the victim or
40 of other family or household members of the victim and requiring
41 the defendant to stay away from any specified place that is named
42 in the order and is frequented regularly by the victim or other
43 family or household members.

44 (7) An order restraining the defendant from making contact with
45 the plaintiff or others, including an order forbidding the defendant
46 from personally or through an agent initiating any communication
47 likely to cause annoyance or alarm including, but not limited to,
48 personal, written, or telephone contact with the victim or other

1 family members, or their employers, employees, or fellow workers,
2 or others with whom communication would be likely to cause
3 annoyance or alarm to the victim.

4 (8) An order requiring that the defendant make or continue to
5 make rent or mortgage payments on the residence occupied by the
6 victim if the defendant is found to have a duty to support the victim
7 or other dependent household members; provided that this issue has
8 not been resolved or is not being litigated between the parties in
9 another action.

10 (9) An order granting either party temporary possession of
11 specified personal property, such as an automobile, checkbook,
12 documentation of health insurance, an identification document, a
13 key, and other personal effects.

14 (10) An order awarding emergency monetary relief, including
15 emergency support for minor children, to the victim and other
16 dependents, if any. An ongoing obligation of support shall be
17 determined at a later date pursuant to applicable law.

18 (11) An order awarding temporary custody of a minor child.
19 The court shall presume that the best interests of the child are
20 served by an award of custody to the non-abusive parent.

21 (12) An order requiring that a law enforcement officer
22 accompany either party to the residence or any shared business
23 premises to supervise the removal of personal belongings in order
24 to ensure the personal safety of the plaintiff when a restraining
25 order has been issued. This order shall be restricted in duration.

26 (13) (Deleted by amendment, P.L.1995, c.242).

27 (14) An order granting any other appropriate relief for the
28 plaintiff and dependent children, provided that the plaintiff consents
29 to such relief, including relief requested by the plaintiff at the final
30 hearing, whether or not the plaintiff requested such relief at the time
31 of the granting of the initial emergency order.

32 (15) An order that requires that the defendant report to the intake
33 unit of the Family Part of the Chancery Division of the Superior
34 Court for monitoring of any other provision of the order.

35 (16) In addition to the order required by this subsection
36 prohibiting the defendant from possessing any firearm, the court
37 may also issue an order prohibiting the defendant from possessing
38 any other weapon enumerated in subsection r. of N.J.S.2C:39-1 and
39 ordering the search for and seizure of any firearm or other weapon
40 at any location where the judge has reasonable cause to believe the
41 weapon is located. The judge shall state with specificity the reasons
42 for and scope of the search and seizure authorized by the order.

43 (17) An order prohibiting the defendant from stalking or
44 following, or threatening to harm, to stalk or to follow, the
45 complainant or any other person named in the order in a manner
46 that, taken in the context of past actions of the defendant, would put
47 the complainant in reasonable fear that the defendant would cause
48 the death or injury of the complainant or any other person.

1 Behavior prohibited under this act includes, but is not limited to,
2 behavior prohibited under the provisions of P.L.1992, c.209
3 (C.2C:12-10).

4 (18) An order requiring the defendant to undergo a psychiatric
5 evaluation.

6 (19) An order directing the possession of any animal owned,
7 possessed, leased, kept, or held by either party or a minor child
8 residing in the household. Where a person has abused or threatened
9 to abuse such animal, there shall be a presumption that possession
10 of the animal shall be awarded to the non-abusive party.

11 c. Notice of orders issued pursuant to this section shall be sent
12 by the clerk of the Family Part of the Chancery Division of the
13 Superior Court or other person designated by the court to the
14 appropriate chiefs of police, members of the State Police and any
15 other appropriate law enforcement agency.

16 d. Upon good cause shown, any final order may be dissolved or
17 modified upon application to the Family Part of the Chancery
18 Division of the Superior Court, but only if the judge who dissolves
19 or modifies the order is the same judge who entered the order, or
20 has available a complete record of the hearing or hearings on which
21 the order was based.

22 e. Prior to the issuance of any order pursuant to this section,
23 the court shall order that a search be made of the domestic violence
24 central registry.

25 (cf: P.L.2011, c.213, s.4)

26

27 4. (New section) a. Notwithstanding the provisions of
28 subsection f. of N.J.S.2C:44-1, a person convicted of any of the
29 following crimes of domestic violence, as defined in section 3 of
30 P.L.1991, c.261 (C.2C:25-19), shall be sentenced in accordance
31 with subsection b. of this section:

32 (1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;

33 (2) Aggravated assault, pursuant to paragraph (1), (2), (3), (4),
34 (6), (7) or (8) of subsection b. of N.J.S.2C:12-1;

35 (3) Assault by auto or vessel, pursuant to subsection c. of
36 N.J.S.2C:12-1;

37 (4) Kidnapping, pursuant to N.J.S.2C:13-1;

38 (5) Criminal restraint, pursuant to N.J.S.2C:13-2;

39 (6) Sexual assault, pursuant to N.J.S.2C:14-2; or

40 (7) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

41 b. (1) Unless the provisions of any other law provide for a higher
42 mandatory minimum term of imprisonment, a person convicted of a
43 crime of domestic violence set forth in subsection a. of this section
44 shall be sentenced to a term of imprisonment as follows: for a
45 second or subsequent crime of the fourth degree set forth in
46 subsection a. of this section, 18 months; for a second or subsequent
47 crime of the third degree set forth in subsection a. of this section,

1 five years; for a crime of the second degree, 10 years; and for a
2 crime of the first degree, 20 years.

3 (2) The term of imprisonment imposed pursuant to paragraph (1)
4 of this subsection shall include the imposition of a minimum term.
5 The minimum term shall be fixed at one-half of the sentence
6 imposed by the court or 42 months, whichever is greater, or 18
7 months in the case of a fourth degree crime, during which the
8 defendant shall be ineligible for parole.

9
10 5. This act shall take effect on the first day of the seventh
11 month next following enactment.

12

13

14

STATEMENT

15

16 This bill enhances protections for domestic violence victims by
17 restricting access to firearms by a person convicted of a domestic
18 violence crime or subject to a domestic violence restraining order.

19 Specifically, the bill requires the sentencing court to inform
20 defendants convicted of a domestic violence crime or offense that
21 they are prohibited from possessing a firearm, or obtaining a
22 firearms purchaser identification card or permit to purchase a
23 handgun. The bill also requires the court to order the defendant to
24 arrange for the immediate surrender of firearms, firearms purchaser
25 identification cards, and permits to purchase a handgun to a law
26 enforcement officer. The bill allows the defendant five days after
27 conviction to arrange to sell a surrendered firearm to a licensed
28 firearms dealer; the dealer has 10 days after the date of the order to
29 take possession of the firearm from the law enforcement agency to
30 which it was surrendered. If the firearm is not purchased by a retail
31 dealer within 10 days, it is subject to forfeiture; if it is purchased by
32 a dealer, it becomes part of the dealer's inventory.

33 The bill requires any identification card and permit that has been
34 issued to a connected defendant to be immediately revoked and
35 requires the court to establish a process for notifying the
36 appropriate authorities of the revocation. It also requires a law
37 enforcement officer to whom weapons are surrendered to provide
38 the defendant with a receipt naming the defendant, the surrender
39 date, and description of a surrendered item, and requiring the
40 defendant to provide a copy of the receipt to the prosecutor within
41 48 hours. Defendants are required by the bill to attest under penalty
42 that they surrendered or do not possess a firearm. The court is
43 permitted to order a search for and removal of firearms if there is
44 probable cause that the defendant has failed to surrender firearms
45 and is required to state with specificity the reasons for and the
46 scope of the search and seizure.

47 The bill also protects domestic violence victims by specifying
48 that the plaintiff may provide information concerning firearms to

1 which the defendant has access, including the location of these
2 firearms, if known, on a form to be prescribed by the
3 Administrative Director of the Courts. The form is to also clarify
4 the confidential nature of this information.

5 Under the bill, an order for a temporary or final restraining order
6 is to include notice to the defendant of the penalties for a violation
7 of any provision of the order, including but not limited to the
8 penalties for contempt of court and unlawful possession of a firearm
9 or other weapon.

10 Further, when a temporary restraining order requires the
11 surrender of any firearm or other weapon and when a final
12 restraining order is issued, the bill requires a law enforcement
13 officer to accompany the defendant or proceed without the
14 defendant if necessary to where the firearm or other weapon is
15 located to ensure that the items are appropriately surrendered in
16 accordance with the order. If the order prohibits the defendant from
17 returning to a location where firearms or other weapons are located,
18 any firearm or other weapon located there will be seized by a law
19 enforcement officer.

20 Finally, the bill further strengthens protections for victims of
21 domestic violence by providing mandatory minimum terms of
22 incarceration, with set periods of parole ineligibility, for offenders
23 who commit physically violent acts.

24 Under the provisions of the bill, a person convicted of any of the
25 following crimes of domestic violence would be subject to the
26 enhanced penalties provided in the bill:

- 27 (1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;
- 28 (2) Aggravated assault and assault by auto or vessel pursuant to
29 subsection b. and c. of N.J.S.2C:12-1;
- 30 (3) Kidnapping, pursuant to N.J.S.2C:13-1;
- 31 (4) Criminal restraint, pursuant to N.J.S.2C:13-2;
- 32 (5) Sexual assault, pursuant to N.J.S.2C:14-2; and
- 33 (6) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

34 The bill provides that a person will be sentenced to a term of
35 imprisonment as follows: 18 months for a second or subsequent
36 crime of the fourth degree, five years for a second or subsequent
37 crime of the third degree, 10 years for a crime of the second degree,
38 and 20 years for a crime of the first degree, unless the provisions of
39 any other law provide for a higher mandatory minimum term.

40 The court additionally will impose a period of parole ineligibility
41 as follows: 18 months for a crime of the fourth degree, 42 months
42 for a crime of the third degree, five years for a crime of the second
43 degree, and 10 years for a crime of the first degree.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4126

STATE OF NEW JERSEY

DATED: OCTOBER 27, 2016

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4126.

This bill enhances protections for domestic violence victims by restricting access to firearms by a person convicted of a domestic violence crime or subject to a domestic violence restraining order.

The bill requires the sentencing court to inform defendants convicted of a domestic violence crime or offense that they are prohibited from possessing a firearm, or obtaining a firearms purchaser identification card or permit to purchase a handgun. The bill requires the court to order the defendant to arrange for the immediate surrender to a law enforcement officer of firearms, firearms purchaser identification cards, and permits to purchase a handgun. The bill allows the defendant five days after conviction to arrange to sell a surrendered firearm to a licensed firearms dealer; the dealer has 10 days after the date of the order to take possession of the firearm from the law enforcement agency to which it was surrendered. The bill directs that if the firearm is not purchased by a retail dealer within 10 days, it is subject to forfeiture; if it is purchased by a dealer, it becomes part of the dealer's inventory.

The bill requires any identification card and permit that has been issued to a convicted defendant to be immediately revoked and requires the court to establish a process for notifying the appropriate authorities of the revocation. It requires a law enforcement officer to whom weapons are surrendered to provide the defendant with a receipt naming the defendant, the surrender date, and description of a surrendered item, and requires the defendant to provide a copy of the receipt to the prosecutor within 48 hours. The bill calls for defendants to attest under penalty that they surrendered or do not possess a firearm, and permits the court to order a search for and removal of firearms if there is probable cause that the defendant has failed to surrender firearms. The bill requires the court to state with specificity the reasons for and the scope of the search and seizure.

The bill also protects domestic violence victims by specifying that the plaintiff may provide information concerning firearms to which the defendant has access, including the location of these firearms, if known, on a form to be prescribed by the Administrative Director of the Courts. The bill clarifies that the form information is confidential.

The bill specifies that an order for a temporary or final restraining order must include notice to the defendant of the penalties for a violation of any provision of the order, including but not limited to the penalties for contempt of court and unlawful possession of a firearm or other weapon.

Further, when a temporary restraining order requires the surrender of any firearm or other weapon and when a final restraining order is issued, the bill requires a law enforcement officer to accompany the defendant or proceed without the defendant if necessary to where the firearm or other weapon is located to ensure that the item is appropriately surrendered in accordance with the order. If the order prohibits the defendant from returning to a location where firearms or other weapons are located, the bill directs that any firearm or other weapon located there be seized by a law enforcement officer.

The bill further strengthens protections for victims of domestic violence by providing mandatory minimum terms of incarceration, with set periods of parole ineligibility, for offenders who commit physically violent acts.

Under the provisions of the bill, a person convicted of any of the following crimes of domestic violence would be subject to the enhanced penalties provided in the bill:

- (1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;
- (2) Aggravated assault and assault by auto or vessel pursuant to subsection b. and c. of N.J.S.2C:12-1;
- (3) Kidnapping, pursuant to N.J.S.2C:13-1;
- (4) Criminal restraint, pursuant to N.J.S.2C:13-2;
- (5) Sexual assault, pursuant to N.J.S.2C:14-2; and
- (6) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

The bill provides that a person will be sentenced to a term of imprisonment as follows: 18 months for a second or subsequent crime of the fourth degree, five years for a second or subsequent crime of the third degree, 10 years for a crime of the second degree, and 20 years for a crime of the first degree, unless the provisions of any other law provide for a higher mandatory minimum term.

The court additionally will impose a period of parole ineligibility as follows: 18 months for a crime of the fourth degree, 42 months for a crime of the third degree, five years for a crime of the second degree, and 10 years for a crime of the first degree.

As reported by the committee, this bill is identical to Senate Bill No. 2483 as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services anticipates annually recurring expenditure increases to the State, counties, and municipalities from implementing the provisions of this bill, but lacks sufficient information to quantify the increases.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4126

STATE OF NEW JERSEY

DATED: OCTOBER 27, 2016

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4126.

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The bill requires the sentencing court to inform defendants convicted of a domestic violence crime or offense that they are prohibited from possessing a firearm, or obtaining a firearms purchaser identification card or permit to purchase a handgun. The bill requires the court to order the defendant to arrange for the immediate surrender to a law enforcement officer of firearms, firearms purchaser identification cards, and permits to purchase a handgun. The bill allows the defendant five days after conviction to arrange to sell a surrendered firearm to a licensed firearms dealer; the dealer has 10 days after the date of the order to take possession of the firearm from the law enforcement agency to which it was surrendered. The bill directs that if the firearm is not purchased by a retail dealer within 10 days, it is subject to forfeiture; if it is purchased by a dealer, it becomes part of the dealer's inventory.

The bill requires any identification card and permit that has been issued to a convicted defendant to be immediately revoked and requires the court to establish a process for notifying the appropriate authorities of the revocation. It requires a law enforcement officer to whom weapons are surrendered to provide the defendant with a receipt naming the defendant, the surrender date, and description of a surrendered item, and requires the defendant to provide a copy of the receipt to the prosecutor within 48 hours. The bill calls for defendants to attest under penalty that they surrendered or do not possess a firearm, and permits the court to order a search for and removal of firearms if there is probable cause that the defendant has failed to surrender firearms. The bill requires the court to state with specificity the reasons for and the scope of the search and seizure.

The bill also protects domestic violence victims by specifying that the plaintiff may provide information concerning firearms to which the defendant has access, including the location of these firearms, if known, on a form to be prescribed by the Administrative Director of the Courts. The bill clarifies that the form information is confidential.

The bill specifies that an order for a temporary or final restraining order must include notice to the defendant of the penalties for a violation of any provision of the order, including but not limited to the penalties for contempt of court and unlawful possession of a firearm or other weapon.

Further, when a temporary restraining order requires the surrender of any firearm or other weapon and when a final restraining order is issued, the bill requires a law enforcement officer to accompany the defendant or proceed without the defendant if necessary to where the firearm or other weapon is located to ensure that the item is appropriately surrendered in accordance with the order. If the order prohibits the defendant from returning to a location where firearms or other weapons are located, the bill directs that any firearm or other weapon located there be seized by a law enforcement officer.

The bill further strengthens protections for victims of domestic violence by providing mandatory minimum terms of incarceration, with set periods of parole ineligibility, for offenders who commit physically violent acts.

Under the provisions of the bill, a person convicted of any of the following crimes of domestic violence would be subject to the enhanced penalties provided in the bill:

- (1) Homicide, pursuant to N.J.S.2C:11-1 et seq.;
- (2) Aggravated assault and assault by auto or vessel pursuant to subsection b. and c. of N.J.S.2C:12-1;
- (3) Kidnapping, pursuant to N.J.S.2C:13-1;
- (4) Criminal restraint, pursuant to N.J.S.2C:13-2;
- (5) Sexual assault, pursuant to N.J.S.2C:14-2; and
- (6) Criminal sexual contact, pursuant to N.J.S.2C:14-3.

The bill provides that a person will be sentenced to a term of imprisonment as follows: 18 months for a second or subsequent crime of the fourth degree, five years for a second or subsequent crime of the third degree, 10 years for a crime of the second degree, and 20 years for a crime of the first degree, unless the provisions of any other law provide for a higher mandatory minimum term.

The court additionally will impose a period of parole ineligibility as follows: 18 months for a crime of the fourth degree, 42 months for a crime of the third degree, five years for a crime of the second degree, and 10 years for a crime of the first degree.

As reported by the committee, this bill is identical to Senate Bill No. 2483 as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services anticipates annually recurring expenditure increases to the State, counties, and municipalities from implementing the provisions of this bill, but lacks sufficient information to quantify the increases.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 4126
STATE OF NEW JERSEY
217th LEGISLATURE

DATED: OCTOBER 28, 2016

SUMMARY

- Synopsis:** Enhances protections for domestic violence victims by restricting access to firearms by certain persons; provides for minimum terms of incarceration for offenders who commit physically violent acts.
- Type of Impact:** Annual State, County, and Municipal Expenditure Increases.
- Agencies Affected:** Department of Corrections; Department of Law and Public Safety; Administrative Office of the Courts; County and Municipal Law Enforcement Agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State and Local Expenditure Increases	Indeterminate – See comments below.

- The Office of Legislative Services (OLS) anticipates annually recurring expenditure increases to the State, counties, and municipalities from implementing the provisions of this bill, but lacks sufficient information to quantify the increases.

BILL DESCRIPTION

Assembly Bill No. 4126 of 2016 prohibits persons convicted of a domestic violence crime from possessing a firearm, tightens the enforcement of the existing firearm possession ban on persons subject to a domestic violence restraining order, and increases mandatory minimum terms of incarceration for persons convicted of certain crimes of domestic violence.

Specifically, the bill prohibits a person convicted of a domestic violence crime from possessing a firearm, a firearms purchaser identification card, or a permit to purchase a handgun. Upon conviction, any firearms identification card and permit that has previously been issued to a convicted defendant is immediately revoked and the defendant must arrange for the immediate surrender of firearms, firearms purchaser identification cards, and permits to purchase a handgun to a law enforcement officer. The defendant has five days after conviction to arrange the sale of a surrendered firearm to a licensed firearms dealer who has 10 days after the date of the order to take possession of the firearm from the law enforcement agency to which the firearm was surrendered. If the firearm is not purchased by a retail dealer, it is subject to forfeiture. If there

is probable cause that the defendant has failed to surrender firearms the sentencing court may order a search for and removal of firearms.

The bill also specifies that the plaintiff may provide information concerning firearms to which the defendant has access, including the location of these firearms, on a form to be prescribed by the Administrative Director of the Courts.

In addition, the bill tightens the enforcement of the existing firearm possession prohibition on persons subject to a domestic violence restraining order by requiring courts to provide a notice to the defendant of the penalties for violations of the order, including penalties for unlawful possession of a firearm or other weapon. Furthermore, when a temporary restraining order requires the surrender of any firearm or other weapon and when a final restraining order is issued, the bill requires a law enforcement officer to accompany the defendant, or proceed without the defendant, if necessary, to the location of the firearm or other weapon to ensure the appropriate surrender thereof.

Finally, the bill increases mandatory minimum terms of imprisonment for persons convicted of domestic violence crimes involving homicide, aggravated assault and assault by auto or vessel, kidnapping, criminal restraint, sexual assault, and criminal sexual contact as follows: 18 months for a second or subsequent crime of the fourth degree, five years for a second or subsequent crime of the third degree, 10 years for a crime of the second degree, and 20 years for a crime of the first degree, unless other laws provide for higher mandatory minimum terms. The bill's mandatory terms reflect the maximum periods allowed under current law for each crime.

The bill also mandates the following periods of parole ineligibility: 18 months for a crime of the fourth degree, 42 months for a crime of the third degree, five years for a crime of the second degree, and 10 years for a crime of the first degree.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates annually recurring expenditure increases to the State, counties, and municipalities from implementing the provisions of this bill, but lacks sufficient information to quantify the increases.

The OLS projects that the largest cost increase may accrue to the State Department of Corrections from the bill's increases in the mandatory minimum terms of imprisonment for persons convicted of domestic violence crimes involving homicide, aggravated assault and assault by auto or vessel, kidnapping, criminal restraint, sexual assault, and criminal sexual contact. But the OLS cannot determine the cost of the higher minimum sentences because it is not clear to what extent the higher minimum prison sentences will exceed the ones courts currently order, as the bill's higher minimum sentences reflect the maximums of current ranges of terms of imprisonment for the enumerated crimes. To the extent that persons convicted of domestic violence crimes will spend more time in prison, the correctional facilities will experience an increase in the number of incarceration days and associated costs.

In addition, the OLS anticipates that the State Administrative Office of the Courts will incur annual minimal cost increases from: a) developing, updating, and operating a system for notifying the appropriate authorities of a convicted offender's surrender of identification cards

and permits; b) developing and updating a form that will allow plaintiffs in domestic violence cases to provide information concerning firearms to which defendants have access; c) providing persons subject to domestic violence restraining orders with a notice of the penalties for violations of the order, including penalties for unlawful possession of a firearm or other weapon; and d) ordering search warrants to remove firearms if there is probable cause that defendants failed to surrender them.

Furthermore, the OLS expects that State, county, and municipal law enforcement agencies will experience an indeterminate workload increase from having to: a) receive, inventory, store, and dispose of surrendered firearms; b) issue receipts of the surrendered items to defendants; and c) in cases of temporary restraining orders, ensure the surrender of firearms and weapons.

The New Jersey Domestic Violence Offense Report issued by the Department of Law and Public Safety is an annual report based on the domestic violence offense reports submitted to the New Jersey Uniform Crime Reporting System by every New Jersey law enforcement agency. The most recent report available is for calendar year 2014. According to the report, there were 62,055 domestic violence offenses reported by law enforcement in 2014, a four-percent decrease compared to the 64,556 offenses reported in 2013. Of those 2014 offenses, 139 involved a firearm which is a one-percent decrease from 141 such cases reported in 2013.

The report noted further that there were 2,667 total arrests involving domestic violence restraining orders reported by police in 2014. Of these, 1,391 were arrests for violations of a restraining order only, while 1,276 were arrests for violations of a restraining order with an offense arrest.

Section: Law and Public Safety
Analyst: Kristin Brunner Santos
Senior Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

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

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

Governor Chris Christie Signs Legislation Enhancing Protections For Domestic Violence Survivors

Monday, January 9, 2017

Tags: [Bill Action](#)



Trenton, NJ - Governor Chris Christie today signed legislation to enhance protections for survivors of domestic violence.

This new law will deter domestic violence, partly by increasing criminal penalties for offences including maximums for repeat offenders, as urged in Governor Christie's conditional vetoes of earlier versions of this legislation.

"This new law will help prevent domestic violence in New Jersey by enhancing criminal penalties and ensuring immediate compliance with stronger protective orders," Governor Christie said. "Survivors of domestic violence will be safer than ever before. I am proud we came together to enact this model legislation that is much more than just symbolic and is real reform that fulfills our primary responsibility of improving public safety in New Jersey."

This new law reinforces existing laws by creating a more in-depth process to ensure domestic violence offenders' firearms, identification cards and permits are confiscated as required while they are subject to restraining orders. It forces offenders to immediately upon sentencing – rather than after several days – arrange for the surrender of their firearms, identification cards and permits to a law enforcement officer. It also requires an order for a temporary or final restraining order to include notice to the defendant of the penalties for a violation of any provision of the order, including but not limited to the penalties for contempt of court and unlawful possession of a firearm or other weapon.

In addition to signing S-2483/A-4126 (Weinberg, Beck/Mosquera, Greenwald, Downey, Houghtaling, Munoz, Sumter, Benson, Lampitt, Wimberly) into law, the Governor also took action today on the following legislation:

BILL SIGNINGS:

S-909/A-2688 (Rice/Spencer, Pintor Marin) - Exempts person who remediates property in environmental opportunity zone from remediation funding source requirement

S-976/A-2332 (Gordon, Beck/Benson, Downey, Eustace) - Requires Public Health Council to promulgate rules and regulations for use of quality control programs in bio-analytical and clinical laboratories

S-981/A-2375 (Smith, Bateman, Greenstein/McKeon, Gusciora, Spencer) - Revises "Electronic Waste Management Act"

S-1489/A-1465 (Cruz-Perez, Cunningham/Lampitt, Mosquera, Wimberly, Downey, McKnight) - Ensures equal rights and opportunities for pregnant students in institutions of higher education

S-2098/A-3549 (Sacco, Pennacchio/Johnson, Zwicker, Wisniewski, Benson) - Exempts hydrogen fuel cell-powered vehicles from certain labeling requirements

S-2463/A-3892 (Vitale, Rice, Allen/Vainieri Huttel, Lampitt, Mukherji) - Changes the time when child placement review hearings are initiated from 45 days to 60 days

S-2526/A-4105 (Diegnan, Thompson/Dancer, DeCroce, Clifton, Pinkin, Mukherji) - Designates portion of Interstate Highway Route 195 in Upper Freehold Township as "State Trooper Anthony A. Raspa Memorial Highway"

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[SENATE BILL NO. 790](#)

[ASSEMBLY BILL NO. 312](#)

S-2601/A-4207 (Pou, Beck/Vainieri Huttie, Holley, Downey, Mukherji, Muoio, Jasey) - Modifies scope of "Sexual Assault Survivor Protection Act of 2015" and enforcement of protective orders under that act

S-2708/A-4064 (Codey/Jasey, McKeon, Mukherji) - Authorizes State Treasurer to convey surplus real property known as Millburn Regional Day School in Millburn Township, Essex County, to Millburn Township Board of Education or to Millburn Township for \$3,550,000

SJR-29/AJR-58 (Weinberg/Vainieri Huttie, Jasey, Jones, McKnight, Phoebus, Wimberly) - Designates one night in November of each year as a "Night of Conversation" about drug and alcohol addiction

A-793/S-316 (Andrzejczak, Land, Taliaferro/Van Drew, Connors) - Requires Dept. of Agriculture and DEP to work with US Army Corps of Engineers to establish joint permit application process for aquaculture projects

A-794/S-317 (Andrzejczak, Land, Taliaferro, Van Drew, Connors) - Requires Dept. of Agriculture and DEP to adopt coordinated permit application and review program for aquaculture projects

A-1424/S-1050 (Johnson, Wimberly, Sumter/Weinberg, Stack) - Authorizes Victims of Crime Compensation Office to make payment for relocation expenses of certain witnesses of crimes

A-2106/S-2351 (Mukherji, Chaparro, Holley, Jimenez, Pintor Marin, Sumter, Wimberly/Ruiz, Madden) - Permits homeless to receive certified copy of birth certificate without fee

A-2107/S-2350 (Mukherji, Holley, Gusciora, Pintor Marin, Wimberly/Ruiz, Madden) - Exempts homeless from fee for non-driver identification cards

A-2158/S-2241 (Coughlin, Wolfe, Holley, McKnight/Diegnan) - Authorizes use of emergency reserve fund or proceeds from bonds issued by EDA to finance school security improvements

A-2763/S-1933 (Mazzeo, Mosquera, Mukherji, Andrzejczak, Land, Houghtaling/Sweeney, Stack) - Enters NJ in Interstate Wildlife Violator Compact

A-3534/S-2086 (A.M. Bucco, Singleton, Webber, Benson, Moriarty/A.R. Bucco, Van Drew) - Permits authorities and local units operating water supply or sewerage facilities to waive, reduce, or defer sewerage and water service fees for deployed military personnel

BILLS VETOED:

S-790/A-3256 (Sarlo, O'Toole/Lagana, Benson, Sumter) – CONDITIONAL - Requires Police Training Commission to develop accelerated training course for certain county corrections officers

A-312/S-2557 (Singleton, Lampitt, Quijano, Pintor Marin, Wimberly, Downey/Cruz-Perez, Stack) – CONDITIONAL - Requires Division of Local Government Services to include certain property tax information on division's web page

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