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P.L.2015, CHAPTER 141, *approved November 9, 2015*
Assembly, No. 3841 (*Second Reprint*)

1 AN ACT concerning stalking and amending
2 ²[P.L.1992, c.209 and supplementing Title 2C of the New Jersey
3 Statutes] N.J.S.2C:29-9².
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 ²[1.Section 1 of P.L.1992, c.209 (C.2C:12-10) is amended to
9 read as follows:

10 1. a. As used in this act:

11 (1) "Course of conduct" means repeatedly maintaining a visual
12 or physical proximity to a person; directly, indirectly, or through
13 third parties, by any action, method, device, or means, following,
14 monitoring, observing, surveilling, threatening, or communicating
15 to or about, a person, or interfering with a person's property;
16 repeatedly committing harassment against a person; or repeatedly
17 conveying, or causing to be conveyed, verbal or written threats or
18 threats conveyed by any other means of communication or threats
19 implied by conduct or a combination thereof directed at or toward a
20 person.

21 (2) "Repeatedly" means on two or more occasions.

22 (3) "Emotional distress" means significant mental suffering or
23 distress.

24 (4) "Cause a reasonable person to fear" means to cause fear
25 which a reasonable victim, similarly situated, would have under the
26 circumstances.

27 b. A person is guilty of stalking, a crime of the fourth degree, if
28 he purposefully or knowingly engages in a course of conduct
29 directed at a specific person that would cause a reasonable person to
30 fear for his safety or the safety of a third person or suffer other
31 emotional distress.

32 c. A person is guilty of a crime of the third degree if he
33 commits the crime of stalking in violation of an existing court order
34 prohibiting the behavior.

35 d. A person who commits a second or subsequent offense of
36 stalking against the same victim is guilty of a crime of the third
37 degree. In addition, the court may order electronic monitoring of the
38 defendant pursuant to P.L. , c. (C.) (pending before the
39 Legislature as this bill).

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

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted December 11, 2014.

²Assembly floor amendments adopted December 18, 2014.

1 e. A person is guilty of a crime of the third degree if he
2 commits the crime of stalking while serving a term of imprisonment
3 or while on parole or probation as the result of a conviction for any
4 indictable offense under the laws of this State, any other state or the
5 United States.

6 f. This act shall not apply to conduct which occurs during
7 organized group picketing.

8 (cf: P.L.2009, c.28, s. 1).²

9
10 ²[2.(New section) a. The ¹[Director of the Administrative
11 Office of the Courts] Attorney General¹, in consultation with the
12 ¹[Attorney General] Director of the Administrative Office of the
13 Courts¹, shall establish a program for the continuous, satellite-based
14 monitoring of defendants convicted of a second or subsequent
15 offense of stalking against the same victim pursuant to subsection d.
16 of section 1 of P.L.1992, c.209 (C.2C:12-10). The system shall
17 provide for the capability of ¹[active and passive monitoring, or a
18 combination of both] transmitting proximity alerts¹.

19 b. The monitoring system, at a minimum, shall provide:

20 (1) Time-correlated or continuous tracking of the geographic
21 location of the monitored subject using a global positioning system
22 based on satellite and other location technology; and

23 (2) An automated monitoring system that can be used to permit
24 law enforcement agencies to compare the geographic positions of
25 monitored subjects with reported crime incidents and whether the
26 subject was in the proximity of such reported crime incidents.

27 c. The ¹[Administrative Office of the Courts] Attorney
28 General¹ shall develop procedures to determine, investigate, and
29 report on a 24-hour-per-day basis a monitored subject's
30 noncompliance with the terms and conditions of the monitoring
31 program. All reports of noncompliance shall be investigated
32 immediately by a parole or law enforcement officer.

33 d. The ¹[director may] Attorney General shall¹ promulgate
34 guidelines to effectuate the provisions of P.L. , c. (C.)
35 (pending before the Legislature as this bill).²

36
37 ²[¹3. Section 4 of P.L.2007, c.128 (C.30:4-123.92) is amended
38 to read as follows:

39 4. a. The chairman, in consultation with the Attorney General,
40 shall establish a program for the continuous, satellite-based
41 monitoring of sex offenders in this State. The system for monitoring
42 sex offenders shall provide for the capability of active and passive
43 monitoring, or a combination of both. In addition, the chairman
44 shall administer the program established pursuant to P.L. ,
45 c. (C.) (pending before the Legislature as this bill) which
46 monitors defendants convicted of a second or subsequent offense of
47 stalking against the same victim and provides for the capability of
48 transmitting proximity alerts.

1 b. The monitoring **【system】** systems, at a minimum, shall
2 provide:

3 (1) Time-correlated or continuous tracking of the geographic
4 location of the monitored subject using a global positioning system
5 based on satellite and other location technology; and

6 (2) An automated monitoring system that can be used to permit
7 law enforcement agencies to compare the geographic positions of
8 monitored subjects with reported crime incidents and whether the
9 subject was in the proximity of such reported crime incidents.

10 c. The State Parole Board shall develop procedures to
11 determine, investigate, and report on a 24 hours per day basis a
12 monitored subject's noncompliance with the terms and conditions of
13 the program. All reports of noncompliance shall be investigated
14 immediately by a parole or law enforcement officer.

15 d. The chairman may promulgate guidelines to effectuate the
16 provisions of this act.¹

17 (cf: P.L.2007, c.128, s.4)**】**²

18

19 ²**【**¹**3.】** 4.¹ (New section) Notwithstanding any provision of law,
20 rule or regulation to the contrary, the Director of the Administrative
21 Office of the Courts, the Attorney General, the Superintendent of
22 State Police and county and municipal law enforcement agencies
23 shall share criminal incident information with each other and the
24 vendor selected by the director to provide the monitoring equipment
25 for the program. The director may direct the vendor to use data
26 obtained pursuant to P.L. , c. (C.) (pending before the
27 Legislature as this bill) in preparing correlation reports for
28 distribution and use by State, county and municipal law
29 enforcement agencies.**】**²

30

31 ²**【**¹**4.】** 5.¹ (New section) A defendant ordered by the court to
32 placed on electronic monitoring pursuant to P.L. , c. (C.)
33 (pending before the Legislature as this bill) shall be assessed the
34 cost of the monitoring device.**】**²

35

36 ²**【**¹**5.】** 6.¹ (New section) Any person who tampers with,
37 removes or vandalizes a device worn or utilized by a monitored
38 subject pursuant to P.L. , c. (C.) (pending before the
39 Legislature as this bill) is guilty of a crime of the third degree.**】**²

40

41 ²1. N.J.S.2C:29-9 is amended to read as follows:

42 2C:29-9. Contempt. a. A person is guilty of a crime of the fourth
43 degree if he purposely or knowingly disobeys a judicial order or
44 protective order, pursuant to section 1 of P.L.1985, c.250 (C.2C:28-
45 5.1), or hinders, obstructs or impedes the effectuation of a judicial
46 order or the exercise of jurisdiction over any person, thing or
47 controversy by a court, administrative body or investigative entity.

1 b. (1) Except as provided **below** in paragraph (2) of this
 2 subsection, a person is guilty of a crime of the fourth degree if that
 3 person purposely or knowingly violates any provision in an order
 4 entered under the provisions of the "Prevention of Domestic
 5 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) or an
 6 order entered under the provisions of a substantially similar statute
 7 under the laws of another state or the United States when the
 8 conduct which constitutes the violation could also constitute a
 9 crime or a disorderly persons offense. Orders entered pursuant to
 10 paragraphs (3), (4), (5), (8) and (9) of subsection b. of section 13 of
 11 P.L.1991, c.261 (C.2C:25-29) or substantially similar orders entered
 12 under the laws of another state or the United States shall be
 13 excluded from the provisions of this subsection.

14 (2) In all other cases a person is guilty of a disorderly persons
 15 offense if that person purposely or knowingly violates an order
 16 entered under the provisions of **this act** the "Prevention of
 17 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
 18 al.) or an order entered under the provisions of a substantially
 19 similar statute under the laws of another state or the United States.
 20 Orders entered pursuant to paragraphs (3), (4), (5), (8) and (9) of
 21 subsection b. of section 13 of P.L.1991, c.261 (C.2C:25-29) or
 22 substantially similar orders entered under the laws of another state
 23 or the United States shall be excluded from the provisions of this
 24 subsection.

25 c. A person is guilty of a crime of the third degree if that person
 26 purposely or knowingly violates any provision in an order entered
 27 under the provisions of section 3 of P.L.1996, c.39 (C.2C:12-10.1)
 28 or section 2 of P.L.1999, c.47 (C.2C:12-10.2) or an order entered
 29 under the provisions of a substantially similar statute under the laws
 30 of another state or the United States when the conduct which
 31 constitutes the violation could also constitute a crime or a
 32 disorderly persons offense .

33 As used in this **subsection** section, "state" means a state of the
 34 United States, the District of Columbia, Puerto Rico, the United
 35 States Virgin Islands, or any territory or insular possession subject
 36 to the jurisdiction of the United States. The term includes an Indian
 37 tribe or band, or Alaskan native village, which is recognized by a
 38 federal law or formally acknowledged by a state.²

39 (cf: P.L. 2008, c.81, s.3)

40

41 ¹**[6.]** ²**[7.1]** 2.² This act shall take effect immediately and shall
 42 apply to persons convicted of ²**[a second or subsequent]** an²
 43 offense committed on or after the effective date.

44

45

46

47 Upgrades violation of a stalking restraining order to a crime of
 48 the third degree.

ASSEMBLY, No. 3841

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED OCTOBER 23, 2014

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

Assemblyman REED GUSCIORA

District 15 (Hunterdon and Mercer)

Assemblywoman MARY PAT ANGELINI

District 11 (Monmouth)

SYNOPSIS

Authorizes the court to order electronic monitoring of certain defendants upon a second or subsequent conviction of stalking.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning stalking, amending P.L.1992, c.209 and
2 supplementing Title 2C of the New Jersey Statutes.

3

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

6

7 1. Section 1 of P.L.1992, c.209 (C.2C:12-10) is amended to
8 read as follows:

9 1. a. As used in this act:

10 (1) "Course of conduct" means repeatedly maintaining a visual
11 or physical proximity to a person; directly, indirectly, or through
12 third parties, by any action, method, device, or means, following,
13 monitoring, observing, surveilling, threatening, or communicating
14 to or about, a person, or interfering with a person's property;
15 repeatedly committing harassment against a person; or repeatedly
16 conveying, or causing to be conveyed, verbal or written threats or
17 threats conveyed by any other means of communication or threats
18 implied by conduct or a combination thereof directed at or toward a
19 person.

20 (2) "Repeatedly" means on two or more occasions.

21 (3) "Emotional distress" means significant mental suffering or
22 distress.

23 (4) "Cause a reasonable person to fear" means to cause fear
24 which a reasonable victim, similarly situated, would have under the
25 circumstances.

26 b. A person is guilty of stalking, a crime of the fourth degree, if
27 he purposefully or knowingly engages in a course of conduct
28 directed at a specific person that would cause a reasonable person to
29 fear for his safety or the safety of a third person or suffer other
30 emotional distress.

31 c. A person is guilty of a crime of the third degree if he
32 commits the crime of stalking in violation of an existing court order
33 prohibiting the behavior.

34 d. A person who commits a second or subsequent offense of
35 stalking against the same victim is guilty of a crime of the third
36 degree. In addition, the court may order electronic monitoring of the
37 defendant pursuant to P.L. , c. (C.) (pending before the
38 Legislature as this bill).

39 e. A person is guilty of a crime of the third degree if he
40 commits the crime of stalking while serving a term of imprisonment
41 or while on parole or probation as the result of a conviction for any
42 indictable offense under the laws of this State, any other state or the
43 United States.

44 f. This act shall not apply to conduct which occurs during
45 organized group picketing.

46 (cf: P.L.2009, c.28, s. 1).

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

Matter underlined thus is new matter.

1 2. (New section) a. The Director of the Administrative Office
2 of the Courts, in consultation with the Attorney General, shall
3 establish a program for the continuous, satellite-based monitoring
4 of defendants convicted of a second or subsequent offense of
5 stalking against the same victim pursuant to subsection d. of section
6 1 of P.L.1992, c.209 (C.2C:12-10). The system shall provide for
7 the capability of active and passive monitoring, or a combination of
8 both.

9 b. The monitoring system, at a minimum, shall provide:

10 (1) Time-correlated or continuous tracking of the geographic
11 location of the monitored subject using a global positioning system
12 based on satellite and other location technology; and

13 (2) An automated monitoring system that can be used to permit
14 law enforcement agencies to compare the geographic positions of
15 monitored subjects with reported crime incidents and whether the
16 subject was in the proximity of such reported crime incidents.

17 c. The Administrative Office of the Courts shall develop
18 procedures to determine, investigate, and report on a 24-hour-per-
19 day basis a monitored subject's noncompliance with the terms and
20 conditions of the monitoring program. All reports of noncompliance
21 shall be investigated immediately by a parole or law enforcement
22 officer.

23 d. The director may promulgate guidelines to effectuate the
24 provisions of P.L. , c. (C.) (pending before the
25 Legislature as this bill).

26

27 3. (New section) Notwithstanding any provision of law, rule or
28 regulation to the contrary, the Director of the Administrative Office
29 of the Courts, the Attorney General, the Superintendent of State
30 Police and county and municipal law enforcement agencies shall
31 share criminal incident information with each other and the vendor
32 selected by the director to provide the monitoring equipment for the
33 program. The director may direct the vendor to use data obtained
34 pursuant to P.L. , c. (C.) (pending before the Legislature
35 as this bill) in preparing correlation reports for distribution and use
36 by State, county and municipal law enforcement agencies.

37

38 4. (New section) A defendant ordered by the court to placed
39 on electronic monitoring pursuant to P.L. , c. (C.)
40 (pending before the Legislature as this bill) shall be assessed the
41 cost of the monitoring device.

42

43 5. (New section) Any person who tampers with, removes or
44 vandalizes a device worn or utilized by a monitored subject
45 pursuant to P.L. , c. (C.) (pending before the Legislature
46 as this bill) is guilty of a crime of the third degree.

1 6. This act shall take effect immediately and shall apply to
2 persons convicted of a second or subsequent offense committed on
3 or after the effective date.

4

5

6

STATEMENT

7

8 This bill authorizes the court to order electronic monitoring of a
9 defendant convicted of a second or subsequent offense of stalking
10 against the same victim pursuant to subsection d. of section 1 of
11 P.L.1992, c.209 (C.2C:12-10).

12 Under the bill, the Administrative Office of the Courts in
13 consultation with the Attorney General is directed to establish a
14 program for the continuous, satellite-based monitoring of such
15 defendants. The monitoring system would use global positioning
16 system (GPS) technology.

17 The bill would also require the Director of the Administrative
18 Office of the Courts, Attorney General, Superintendent of State
19 Police and county and municipal law enforcement agencies to share
20 criminal incident information with each other and the vendor
21 selected by the director to provide the monitoring equipment for the
22 program.

23 The bill would assess the cost of the monitoring device to the
24 person being monitored. In addition, the bill makes it a crime of the
25 third degree to tamper with, remove, or vandalize a monitoring
26 device.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3841

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2014

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 3841.

This bill would authorize the court to order electronic monitoring of a defendant convicted of a second or subsequent offense of stalking against the same victim pursuant to subsection d. of section 1 of P.L.1992, c.209 (C.2C:12-10).

Under the bill as amended, the Attorney General, in consultation with the Director of the Administrative Office of the Courts, would be directed to establish a program for the continuous, satellite-based monitoring of such defendants. The monitoring system would use global positioning system (GPS) technology. The committee amended the bill to require the monitoring system to transmit proximity alerts.

The bill as introduced would have required the Administrative Office of the Courts to develop procedures to determine, investigate, and report on a 24-hour-per-day basis a monitored subject's noncompliance with the terms and conditions of the monitoring program. The committee amended the bill to require the Attorney General to develop these procedures and promulgate guidelines to effectuate the purpose of the program.

In addition, the committee amendments add a new section 3 to the bill which amends the "Sex Offender Monitoring Act," section 4 of P.L.2007, c. 128 (30:4-123.92), to require the Chairman of the State Parole Board to administer the new monitoring program created by the bill. The new program would require monitoring of defendants convicted of a second or subsequent offense of stalking against the same victim and would also provide for the capability of transmitting proximity alerts.

The bill would require the Director of the Administrative Office of the Courts, Attorney General, Superintendent of State Police and county and municipal law enforcement agencies to share criminal incident information with each other and the vendor selected by the director to provide the monitoring equipment for the program.

The bill would assess the cost of the monitoring device to the person being monitored. In addition, the bill makes it a crime of the third degree to tamper with, remove, or vandalize a monitoring device.

COMMITTEE AMENDMENTS:

1. Amend section 2 of the bill to require the Attorney General in consultation with the Director of the Administrative Office of the Courts to establish a monitoring program for defendants convicted of a second or subsequent offense of stalking.
2. Require that the monitoring program provide for transmitting proximity alerts.
3. Require the Attorney General to develop procedures to determine, investigate and report the monitored subject's noncompliance, and require the Attorney General to develop guidelines to effectuate the purposes of the bill.
4. Insert a new section 3 which amends the "Sex Offender Monitoring Act," section 4 of P.L.2007, c.128 (30:4-123.92), to require the Chairman of the State Parole to administer the new monitoring program created by the bill. The new program would require monitoring of defendants convicted of a second or subsequent offense of stalking against the same victim and would also provide for the capability of transmitting proximity alerts.
5. Renumber sections 3 through 4 as sections 4 through 7.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3841

with Assembly Floor Amendments
(Proposed by Assemblywoman MUNOZ)

ADOPTED: DECEMBER 18, 2014

These floor amendments would delete the provisions of the bill concerning monitoring systems. The amendments would make it a crime of the third degree to purposely or knowingly violate any provision in a stalking restraining order entered under the provisions of section 3 of P.L.1996, c.39 (C.2C:12-10.1) or section 2 of P.L.1999, c.47 (C.2C:12-10.2), or an order entered under the provisions of a substantially similar statute under the laws of another state or the United States when the conduct which constitutes the violation could also constitute a crime or a disorderly persons offense.

These floor amendments also make technical changes to the statute to accommodate the presence of the new third degree crime.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 3841

STATE OF NEW JERSEY

DATED: MAY 7, 2015

The Senate Judiciary Committee reports favorably Assembly Bill No. 3841 (2R).

This bill would make it a third degree crime of contempt for a person to purposefully or knowingly violate the provisions of any temporary restraining order for alleged stalking, or the provisions of any permanent restraining order issued for a stalking conviction, when the conduct constituting the violation could also be a crime or disorderly persons offense. A third degree crime is ordinarily punishable by a term of imprisonment of three to five years, and fine of up to \$15,000, or both.

The bill, as reported, is identical to Senate Bill No. 2540, as amended and also reported today by the committee.

SENATE, No. 2540

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED OCTOBER 27, 2014

Sponsored by:

Senator KEVIN J. O'TOOLE

District 40 (Bergen, Essex, Morris and Passaic)

Senator LORETTA WEINBERG

District 37 (Bergen)

Co-Sponsored by:

Senator Beach

SYNOPSIS

Authorizes the court to order electronic monitoring of certain defendants upon a second or subsequent conviction of stalking.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/25/2015)

1 AN ACT concerning stalking, amending P.L.1992, c.209 and
2 supplementing Title 2C of the New Jersey Statutes.

3

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

6

7 1. Section 1 of P.L.1992, c.209 (C.2C:12-10) is amended to
8 read as follows:

9 1. a. As used in this act:

10 (1) "Course of conduct" means repeatedly maintaining a visual
11 or physical proximity to a person; directly, indirectly, or through
12 third parties, by any action, method, device, or means, following,
13 monitoring, observing, surveilling, threatening, or communicating
14 to or about, a person, or interfering with a person's property;
15 repeatedly committing harassment against a person; or repeatedly
16 conveying, or causing to be conveyed, verbal or written threats or
17 threats conveyed by any other means of communication or threats
18 implied by conduct or a combination thereof directed at or toward a
19 person.

20 (2) "Repeatedly" means on two or more occasions.

21 (3) "Emotional distress" means significant mental suffering or
22 distress.

23 (4) "Cause a reasonable person to fear" means to cause fear
24 which a reasonable victim, similarly situated, would have under the
25 circumstances.

26 b. A person is guilty of stalking, a crime of the fourth degree, if
27 he purposefully or knowingly engages in a course of conduct
28 directed at a specific person that would cause a reasonable person to
29 fear for his safety or the safety of a third person or suffer other
30 emotional distress.

31 c. A person is guilty of a crime of the third degree if he
32 commits the crime of stalking in violation of an existing court order
33 prohibiting the behavior.

34 d. A person who commits a second or subsequent offense of
35 stalking against the same victim is guilty of a crime of the third
36 degree. In addition, the court may order electronic monitoring of
37 the defendant pursuant to P.L. , c. (C.) (pending before the
38 Legislature as this bill).

39 e. A person is guilty of a crime of the third degree if he
40 commits the crime of stalking while serving a term of imprisonment
41 or while on parole or probation as the result of a conviction for any
42 indictable offense under the laws of this State, any other state or the
43 United States.

44 f. This act shall not apply to conduct which occurs during

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 organized group picketing.
2 (cf: P.L.2009, c.28, s. 1).

3
4 2. (New section) a. The Director of the Administrative Office
5 of the Courts, in consultation with the Attorney General, shall
6 establish a program for the continuous, satellite-based monitoring
7 of defendants convicted of a second or subsequent offense of
8 stalking against the same victim pursuant to subsection d. of section
9 1 of P.L.1992, c.209 (C.2C:12-10). The system shall provide for
10 the capability of active and passive monitoring, or a combination of
11 both.

12 b. The monitoring system, at a minimum, shall provide:

13 (1) Time-correlated or continuous tracking of the geographic
14 location of the monitored subject using a global positioning system
15 based on satellite and other location technology; and

16 (2) An automated monitoring system that can be used to permit
17 law enforcement agencies to compare the geographic positions of
18 monitored subjects with reported crime incidents and whether the
19 subject was in the proximity of such reported crime incidents.

20 c. The Administrative Office of the Courts shall develop
21 procedures to determine, investigate, and report on a 24-hour-per-
22 day basis a monitored subject's noncompliance with the terms and
23 conditions of the monitoring program. All reports of noncompliance
24 shall be investigated immediately by a parole or law enforcement
25 officer.

26 d. The director may promulgate guidelines to effectuate the
27 provisions of P.L. , c. (C.) (pending before the
28 Legislature as this bill).

29
30 3. (New section) Notwithstanding any provision of law, rule or
31 regulation to the contrary, the Director of the Administrative Office
32 of the Courts, the Attorney General, the Superintendent of State
33 Police and county and municipal law enforcement agencies shall
34 share criminal incident information with each other and the vendor
35 selected by the director to provide the monitoring equipment for the
36 program. The director may direct the vendor to use data obtained
37 pursuant to P.L. , c. (C.) (pending before the Legislature
38 as this bill) in preparing correlation reports for distribution and use
39 by State, county and municipal law enforcement agencies.

40
41 4. (New section) A defendant ordered by the court to placed
42 on electronic monitoring pursuant to P.L. , c. (C.)
43 (pending before the Legislature as this bill) shall be assessed the
44 cost of the monitoring device.

45
46 5. (New section) Any person who tampers with, removes or
47 vandalizes a device worn or utilized by a monitored subject
48 pursuant to P.L. , c. (C.) (pending before the Legislature

1 as this bill) is guilty of a crime of the third degree.

2

3 6. This act shall take effect immediately and shall apply to
4 persons convicted of a second or subsequent offense committed on
5 or after the effective date.

6

7

8

STATEMENT

9

10 This bill authorizes the court to order electronic monitoring of a
11 defendant convicted of a second or subsequent offense of stalking
12 against the same victim pursuant to subsection d. of section 1 of
13 P.L.1992, c.209 (C.2C:12-10).

14 Under the bill, the Administrative Office of the Courts in
15 consultation with the Attorney General is directed to establish a
16 program for the continuous, satellite-based monitoring of such
17 defendants. The monitoring system would use global positioning
18 system (GPS) technology.

19 The bill would also require the Director of the Administrative
20 Office of the Courts, Attorney General, Superintendent of State
21 Police and county and municipal law enforcement agencies to share
22 criminal incident information with each other and the vendor
23 selected by the director to provide the monitoring equipment for the
24 program.

25 The bill would assess the cost of the monitoring device to the
26 person being monitored. In addition, the bill makes it a crime of the
27 third degree to tamper with, remove, or vandalize a monitoring
28 device.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2540

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 7, 2015

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 2540.

This bill, as amended, would make it a third degree crime of contempt for a person to purposefully or knowingly violate the provisions of any temporary restraining order for alleged stalking, or the provisions of any permanent restraining order issued for a stalking conviction, when the conduct constituting the violation could also be a crime or disorderly persons offense. A third degree crime is ordinarily punishable by a term of imprisonment of three to five years, and fine of up to \$15,000, or both.

The bill, as amended and reported, is identical to Assembly Bill No. 3841(2R), also reported today by the committee.

The committee amendments to the bill:

- eliminate all of the sections (1 through 5) pertaining to the proposed electronic monitoring of certain convicted stalkers;
- add a new section, making it a third degree crime of contempt for violating a stalking restraining order, as described above;
- clarify that the bill's third degree crime of contempt is a separate form of contempt from those that relate to violations of restraining orders issued pursuant to the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.); and
- update the bill's title and synopsis to reflect the changes made by the amendments.

Governor Christie Takes Action On Pending Legislation

Monday, November 9, 2015 Tags: [Bill Action](#)



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Trenton, NJ – Governor Chris Christie today took action on legislation, including a package of five bills intended to address the fiscal stability of Atlantic City.

Understanding both the immediate and long-term obstacles facing Atlantic City and its stabilization, the Governor has consistently highlighted the need for comprehensive reform efforts to confront the city's challenges – both from State and local leaders. The Governor remains committed to bringing about the necessary reforms to stabilize Atlantic City and continue an effective long-term transition to an economy that is diversified beyond its traditional gaming industry.

Continuing in that effort, Governor Christie conditionally vetoed A-3981, establishing a payment-in-lieu-of-taxes (PILOT) program for casinos operating in the City, A-3984, reallocating revenue derived from the casino investment alternative tax from the Casino Reinvestment Development Authority to the City to pay debt service on municipal bonds, and A-3985, repealing the Atlantic City Alliance.

"While I commend the Legislature for attempting to devise measures to stabilize the City's budget and finances, I am concerned that the bills, in their present form, fail to recognize the true path to economic revitalization and fiscal stability in the City," Governor Christie said. "While these bills represent the bipartisan efforts of many to provide important, near-term support to the City's immediate challenges, I do not believe they meet the goal of setting a course toward renewed, long-term prosperity and economic growth. To achieve these goals, we must continue our work and go further to ensure that the next step leads to that economically vibrant future for Atlantic City."

In addition, the Governor signed A- 3983, authorizing supplemental school aid to the Atlantic City school district, and vetoed the fifth bill, A-3982, which would add a costly and unjustified new mandate for casino business operation in the City by requiring each casino, as a condition of licensure, to provide to its full time employees "suitable" health care benefits and "suitable" retirement benefits.

"A-3982 would do nothing to enhance the financial condition of Atlantic City," Governor Christie wrote. "To be sure, this bill would make it more costly for casinos to operate in Atlantic City, thereby impeding the industry's ability to grow and expand."

Governor Christie also vetoed legislation designed to revise certain laws concerning domestic violence and firearms. The Christie Administration has made protecting our most vulnerable residents one of its main priorities and has enacted some of the toughest measures to combat domestic violence. Governor Christie has supported a comprehensive approach to addressing the level of violence within our society and recently signed legislation to further penalize aggravated assault perpetuated against domestic violence victims. This legislation, A-4218 (Mosquera, Greenwald, Lagana, Benson, Lampitt, Vainieri Huttie, Danielsen/Weinberg, Gill, Cruz-Perez), substantially restates New Jersey's existing laws that govern firearms and domestic violence and does not offer new and sensible improvements to those current laws. For that reason, rather than restate existing laws, the Governor is proposing significant amendments that will meaningfully deter future acts of violence.

• **Enhanced Penalties For Domestic Violence.** Governor Christie is proposing enhanced criminal penalties imposed against those who are convicted of domestic violence. To demonstrate society's unconditional condemnation of this conduct, perpetrators would receive the maximum available prison sentence under New Jersey law.

• **Tighter Restrictions On Parole Eligibility For Perpetrators Of Domestic Violence.** The Governor's recommended changes will strengthen penalties for perpetrators of domestic abuse by lengthening periods of parole

ineligibility.

- **Prioritizing Victims Who Seek Firearms For Protection.** The Governor is also recommending an immediate codification in statute of new rules currently being processed, giving expedited processing of firearm license applications for victims of domestic violence so that the victims may better defend themselves against future instances of abuse.

"I urge the Legislature to join with me in a bipartisan manner to broaden this bill's approach to reducing domestic violence while simultaneously empowering victims to protect themselves through lawful means," Governor Christie said. "Together, we can enact a more comprehensive approach and reduce the harm that domestic violence inflicts on victims, families, and our society."

The Governor also took the following action on other pending legislation:

BILL SIGNINGS:

S-2174/A-3364 (Barnes, Holzapfel/Quijano, Mainor, Pinkin) - Prohibits manufacture, sale, or installation of counterfeit or nonfunctional air bags in motor vehicles

A-815/S-852 (Coughlin, Ciattarelli, Diegnan, Pinkin, Giblin/Vitale) - Requires municipalities which license peddlers and solicitors to accept certain background check results from other municipalities

A-1029/S-274 (Benson, Vainieri Huttie, Jasey, Tucker, Wimberly/Greenstein, Ruiz) - Requires training program for school bus drivers and school bus aides on interacting with students with special needs, and requires development and use of student information cards

A-1041/S-2676 (Schaer, Johnson, Vainieri Huttie, Eustace, Mazzeo/Rumana, Gordon, Weinberg) - Exempts Holocaust reparations payments from legal process, and from estate recovery under Medicaid program

A-1102/S-1145 (Vainieri Huttie, Sumter, Spencer, Schaer, Wimberly/Weinberg, Cruz-Perez) - Provides for licensure of dementia care homes by DOH

ACS for A-1662/S-2856 (Johnson, Lagana, Wimberly/Weinberg) - Authorizes the court to order the deletion, sealing, labeling, or correction of certain personal information in government records involving certain victims of identity theft

AS for A-1678/SS for S-1365 (Johnson, Mainor, O'Scanlon, Wilson, Wimberly/Weinberg) - Authorizes court to order submission of DNA evidence to national database to determine whether evidence matches known individual or DNA profile from an unsolved crime

AS for ACS for A-2073/SCS for S-712 (Handlin, Space, Garcia, Pintor Marin/Cruz-Perez, Kyrillos, Lesniak) - Exempts certain offers and sales of securities from registration

A-2385/S-944 (McKeon, Diegnan, Jasey, Andrzejczak/Smith, Codey) - Authorizes rural electric cooperative and certain municipalities to establish municipal shared services authority

ACS for A-2477/SCS for S-1705 (Lampitt, Conaway, Benson, Sumter, Munoz, Pinkin/Vitale, Singer) - Establishes requirements for pharmacists to dispense biological products

A-2714/S-1993 (Giblin, Sumter/Barnes) - Requires continuing education for licensed practicing psychologists

A-2936/S-1957 (Mosquera, Lampitt, Singleton, Wimberly/Singer, Connors) - Requires complaint for guardianship of person receiving services from Division of Developmental Disabilities to include one of documents identified in bill

A-3012/S-2296 (Ciattarelli, Dancer/Bateman) - Criminalizes bestiality

A-3079/S-2766 (Jasey, Diegnan, Mainor, Wimberly, Oliver, DeCrose/Turner, Ruiz) - Prohibits administration of standardized assessments in kindergarten through second grade

A-3153/S-2415 (DeAngelo, Mosquera/Madden, Beach) - Requires UI employer contribution reports and remittances be submitted to the Division of Revenue

A-3248/S-2459 (Conaway, Sumter, Pintor Marin/Singer) - Establishes the Task Force on Chronic Obstructive Pulmonary Disease in DOH

A-3580/S-2846 (Moriarty, Dancer, Coughlin, Mainor, Pinkin, Munoz, Daniels, Wimberly/Madden, Turner) - Prohibits sale of powdered alcohol

A-3636/SCS for S-2393, 2408, 2411 (McKeon, Lagana, Spencer/Scutari, O'Toole, Holzapfel) - Establishes crime-fraud exception to marital and civil union partnership privilege

A-3669/S-2655 (Mazzeo, Burzichelli/Whelan) - Prohibits eligibility for certain sign programs from being conditioned on availability of free drinking water or public telephone

A-3807/S-2619 (Eustace, Greenwald/Whelan) - Permits educational research and services corporations to act as lead procurement agencies for local units and publically supported educational institutions; permits Council of County Colleges to act as lead procurement agency for county colleges

A-3841/S-2540 (Munoz, Gusciora, Angelini, DeCroce/O'Toole, Weinberg) – Upgrades violation of a stalking restraining order to a crime of the third degree

A-3843/S-2735 (Caputo, Giblin, Tucker, Johnson, Mainor, Sumter/Rice) - Permits municipality to enact ordinance allowing voluntary registration of private outdoor video surveillance cameras

A-3983/S-2574 (Mazzeo, Burzichelli, Giblin/Sweeney, Whelan) - Authorizes supplemental State aid to school districts in municipality with significant decrease in commercial property valuation; makes appropriation

A-4008/SCS for S-2334 (Singleton, Mukherji, Pintor Marin, Wimberly, Sumter/Cunningham, Ruiz) - Requires DOC to make reports containing information concerning treatment and reentry initiative participation; requires AOC to establish program that collects recidivism data and make reports concerning adults sentenced to period of probation

A-4013/S-2497 (Greenwald, Lagana, Coughlin/Oroho) - Eliminates mortgage guaranty insurance coverage cap of 25% of outstanding balance of insured loan

A-4073/S-2687 (Schaer, Prieto, Caride, Lagana, Giblin, Wimberly, Rumana/Sarlo, Gill) - Requires installation of carbon monoxide detectors in certain structures; designated as "Korman and Park's Law"

A-4078/S-2686 (Vainieri Huttie, Mosquera, McKeon, Munoz, Benson, Sumter/Pou, Beck) - "Sexual Assault Survivor Protection Act of 2015"; authorizes the court to issue protective orders for victims of certain nonconsensual sexual conduct

A-4089/S-2693 (Coughlin, Ciattarelli/Beach, Singer) - Revises certain provisions of dental service corporation law

A-4143/S-2514 (Lagana, Spencer, Mukherji, Johnson, Rumana, Rodriguez-Gregg, Gusciora, Mazzeo/Barnes, Addiego) - Permits holders of certain alcoholic beverage licenses to be issued amusement game license and updates definition of recognized amusement park

A-4144/S-2755 (Pintor Marin, Spencer, Caride, Quijano, Mukherji/Ruiz, Stack) – Requires insurance producer licensing examination and registration materials to be offered in English and Spanish, and examination instructional materials to be available in Spanish

A-4167/S-2751 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttie/Barnes) - Requires DHS to notify enrollees in Programs of All-Inclusive Care for the Elderly of Medicare eligibility

A-4168/S-2750 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttie/Barnes) - Requires providers to submit to DHS expenditure details of enrollees in Program of All-Inclusive Care for the Elderly

A-4169/S-2752 (Lagana, Mazzeo, Eustace, Andrzejczak, Vainieri Huttie/Barnes) - Requires DHS to monitor utilization and billing of services for Medicaid home and community-based long-term care

A-4333/S-3020 (Singleton, Gill) - Exempts certain activities of alarm businesses from statutes governing practice of locksmithing

A-4361/S-2891 (Johnson, A.M. Bucco, Garcia, S. Kean/Barnes, A.R. Bucco) - Revises definition of all-terrain vehicles

A-4375/S-3011 (Moriarty, Andrzejczak, Mazzeo, Mosquera, Quijano, Ciattarelli, Wimberly/Van Drew, Bateman) - Upgrades crimes of false public alarm under certain circumstances and establishes reporting requirements concerning crime

A-4485/S-2881 (Diegnan, Jasey, Wimberly, McKeon, Lagana/Gill, Turner) - Prohibits withholding of State school aid based on student participation rate on State assessments

A-4587/S-3049 (Greenwald, Lampitt, McKeon, Holley/Scutari, Cruz-Perez) – Requires facilities providing services to persons with developmental disabilities and schools to adopt policies permitting administration of medical marijuana to qualifying patients

AJR-64/SJR-82 (Schaer, Eustace, Lagana, Spencer, Caride, Mukherji/Pou, Ruiz) - Declares August 16 of each year as "Dominican Restoration Day" in New Jersey

BILLS VETOED:

S-929/A-1908 (Sweeney, Madden/Burzichelli, Riley, Moriarty) – **ABSOLUTE** -Concerns certain workers' compensation supplemental benefits

A-801/S-861 (Coughlin, Wisniewski, Mazzeo/Vitale, Sacco) - **CONDITIONAL** - Directs New Jersey Turnpike Authority and South Jersey Transportation Authority to study and report on potential revenue generating services of rest areas and service plazas

A-947/S-2216 (Singleton, Lagana, Diegnan/Pennacchio, Rice) – **CONDITIONAL** - Requires release of bid list prior to bid date under "Local Public Contracts Law"

A-1468/S-2513 (Diegnan, Lampitt, Caride/Barnes, Ruiz) – **CONDITIONAL** -Establishes Task Force on Engineering Curriculum and Instruction

A-1726/S-308 (Eustace, Lagana, Mosquera, Vainieri Huttie, Wimberly/Gordon) – **CONDITIONAL** - Amends "Flood Hazard Area Control Act" to require DEP to take certain actions concerning delineations of flood hazard areas and

floodplains

A-2579/S-1510 (Mukherji, Pintor Marin, Eustace/Smith, Bateman) – CONDITIONAL - Authorizes municipalities to facilitate private financing of water conservation, storm shelter construction, and flood and hurricane resistance projects through use of voluntary special assessments

A-2771/S-452 (Johnson, Burzichelli, Pintor Marin, Mosquera/Ruiz, Cruz-Perez) – CONDITIONAL - "The New Jersey Social Innovation Act"; establishes social innovation loan pilot program and study commission within EDA

A-2906/S-2926 (Stender, Pinkin, Mazzeo/Whelan, Scutari) – ABSOLUTE - Excludes from gross income compensation paid to members of district boards of election for services rendered in elections

A-3223/S-2056 (Singleton, Lampitt, Quijano, Pintor Marin, Wimberly/Sarlo, Ruiz) – CONDITIONAL - Requires Division of Local Government Services to include certain property tax information on division's web page

A-3393/S-2167 (Spencer, Pintor Marin, Caputo, Tucker/Rice, Ruiz) – CONDITIONAL - Permits Newark to use rental car tax proceeds over three-year period to help reduce its "cash deficit for preceding year" appropriation and operational deficit

A-3421/S-2220 (Dancer, Mukherji/Singer) – CONDITIONAL - Revises the "Self-Funded Multiple Employer Welfare Arrangement Regulation Act"

A-3435/S-2503 (Garcia, Mukherji, Vainieri Huttie, Mainor, Eustace, Mosquera/Stack, Gordon) - CONDITIONAL - "Boys & Girls Clubs Keystone Law"; permits minors to give consent for behavioral health care

A-3500/S-1973 (Andrzejczak, Pinkin, Quijano/Van Drew, Beach) – ABSOLUTE - Requires local recreation departments and youth serving organizations to have defibrillators for youth athletic events

A-3954/S-2981 (Conaway, Singleton, Spencer, McKeon/Greenstein) – CONDITIONAL - Requires maximum contaminant level to be established for 1,2,3-trichloropropane in drinking water

A-3981/S-2572 (Mazzeo, Burzichelli, Andrzejczak/Sweeney, Whelan) - CONDITIONAL - "Casino Property Taxation Stabilization Act"

A-3982/S-2573 (Mazzeo, Burzichelli, Andrzejczak/Sweeney, Whelan) – ABSOLUTE - Requires holder of casino license to provide certain employees with certain health care and retirement benefits

A-3984/S-2575 (Mazzeo, Burzichelli, Giblin/Sweeney, Whelan) – CONDITIONAL - Reallocates casino investment alternative tax to Atlantic City to pay debt service on municipal bonds issued

A-3985/S-2576 (Mazzeo, Burzichelli, Andrzejczak, Giblin/Sweeney, Whelan) – CONDITIONAL - Removes provisions of law relating to Atlantic City Alliance

A-4018/S-2843 (Burzichelli, Caputo, Mazzeo/Sarlo, Whelan) – ABSOLUTE - Authorizes operation of lottery courier services

A-4218/S-2786 (Mosquera, Greenwald, Lagana, Benson, Lampitt, Vainieri Huttie, Danielsen/Weinberg, Gill, Cruz-Perez) - CONDITIONAL - Revises certain laws concerning domestic violence and firearms

A-4265/S-2783 (McKeon, Pintor Marin, Jasey, Caputo, Giblin, Tucker, Spencer, Oliver, Gusciora, Danielson/Codey, Ruiz, Rice) – ABSOLUTE - Permits municipal, county, and regional police and fire forces to establish five-year residency requirement for police officers and firefighters; allows exceptions to requirement under certain circumstances

A-4337/S-3008 (Schaer, Danielsen, Dancer, Sumter/Barnes) – ABSOLUTE - Expands eligibility of inmates for medical parole and requires inmate's enrollment in Medicaid under certain circumstances

A-4476/S-2876 (Conaway/Codey) - CONDITIONAL - Requires certain surgical practices and ambulatory care facilities licensed in this State to be owned by hospital or medical school located in the State

A-4607/S-3106 (Pintor Marin, Schaer, Oliver, Lagana, Johnson, Singleton/Ruiz, Cunningham) – ABSOLUTE - Makes FY 2016 supplemental appropriations of \$6,500,000 and adds language provision

Press Contact:
Brian Murray
Nicole Sizemore
609-777-2600



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Office of the Governor
PO Box 001
Trenton, NJ 08625
609-292-6000