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Yes

REPORTS:

974.90 New Jersey. Legislative. Assembly. Task Force on Domestic Violence.
W872 Findings and recommendations...July 1, 1998. Trenton, 1998.
1998c [See Recommendation 1]

HEARINGS:

Yes

974.90 New Jersey. Legislative. Assembly Task Force on Domestic Violence.
W872 Public hearing, held 12-5-07. Trenton, 1997.
1997a [See especially pp. 9, 15-18]

974.90 New Jersey. Legislative. General Assembly Task Force on Domestic Violence.
W872 Meeting held 3-20-98, Trenton, 1998.
1998b [see p. 46+]

NEWSPAPER ARTICLES:

Yes

"Domestic violence safeguard is law," 12-21-99, Record, p. A4.

P.L. 1999, CHAPTER 288, *approved December 20, 1999*
Assembly, No. 2785 (*First Reprint*)

1 AN ACT concerning the fingerprinting of domestic violence offenders
2 and amending R.S.53:1-15.

3

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

6

7 1. R.S.53:1-15 is amended to read as follows:

8 53:1-15. The sheriffs, chiefs of police, members of the State Police
9 and any other law enforcement agencies and officers shall, immediately
10 upon the arrest of any person for an indictable offense, ¹~~or for assault~~
11 ~~or harassment constituting domestic violence as defined in section 3~~
12 ~~of P.L.1991, c.261 (C.2C:25-19),]~~ or for any of the grounds specified
13 in paragraphs (1), (2), (3) or (4) of subsection a. of section 5 of
14 P.L.1991, c.261 (C.2C:25-21) ¹ or of any person believed to be
15 wanted for an indictable offense, ¹~~or believed to be wanted for~~
16 ~~assault or harassment constituting domestic violence as defined in~~
17 ~~section 3 of P.L.1991, c.261 (C.2C:25-19),]~~¹ or believed to be an
18 habitual criminal, or within a reasonable time after the filing of a
19 complaint by a law enforcement officer charging any person with an
20 indictable offense, ¹~~or with assault or harassment constituting~~
21 ~~domestic violence as defined in section 3 of P.L.1991, c.261 (C.2C:25-~~
22 ~~19)]~~¹ or upon the arrest of any person for shoplifting, pursuant to
23 N.J.S.2C:20-11, or upon the arrest of any person for prostitution,
24 pursuant to N.J.S.2C:34-1, or the conviction of any other person
25 charged with a nonindictable offense, where the identity of the person
26 charged is in question, take the fingerprints of such person, according
27 to the fingerprint system of identification established by the
28 Superintendent of State Police and on the forms prescribed, and
29 forward without delay two copies or more of the same, together with
30 photographs and such other descriptions as may be required and with
31 a history of the offense committed, to the State Bureau of
32 Identification.

33 Such sheriffs, chiefs of police, members of the State Police and any
34 other law enforcement agencies and officers shall also take the
35 fingerprints, descriptions and such other information as may be
36 required of unknown dead persons and as required by section 2 of
37 P.L.1982, c.79 (C.2A:4A-61) of juveniles adjudicated delinquent and
38 shall forward same to the State Bureau of Identification.

39 Any person charged in a complaint filed by a law enforcement
40 officer with an indictable offense, ¹~~or with assault or harassment~~

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly APR committee amendments adopted March 18, 1999.

1 constituting domestic violence as defined in section 3 of P.L.1991,
2 c.261 (C.2C:25-19)]¹ who has not been arrested, or any person
3 charged in an indictment, who has not been arrested, or any person
4 convicted of assault or harassment constituting domestic violence as
5 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), or any person
6 against whom a final order has been entered in any domestic violence
7 matter pursuant to the provisions of section 13 of P.L.1991, c.261
8 (C.2C:25-29) shall submit himself to the identification procedures
9 provided herein either on the date of any court appearance or upon
10 written request of the appropriate law enforcement agency within a
11 reasonable time after the filing of the complaint. Any person who
12 refuses to submit to such identification procedures shall be a disorderly
13 person.

14 (cf: P.L.1997, c.93, s.2)

15

16 2. This act shall take effect immediately.

17

18

19

20

21 _____
Requires fingerprinting of domestic violence offenders.

ASSEMBLY, No. 2785

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED JANUARY 12, 1999

Sponsored by:

Assemblywoman ROSE MARIE HECK

District 38 (Bergen)

Assemblyman NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Assemblymen Azzolina, Holzapfel and Wolfe

SYNOPSIS

Requires fingerprinting of domestic violence offenders.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/29/1999)

1 AN ACT concerning the fingerprinting of domestic violence offenders
2 and amending R.S.53:1-15.

3

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

6

7 1. R.S.53:1-15 is amended to read as follows:

8 53:1-15. The sheriffs, chiefs of police, members of the State Police
9 and any other law enforcement agencies and officers shall, immediately
10 upon the arrest of any person for an indictable offense, or for assault
11 or harassment constituting domestic violence as defined in section 3
12 of P.L.1991, c.261 (C.2C:25-19), or of any person believed to be
13 wanted for an indictable offense, or believed to be wanted for assault
14 or harassment constituting domestic violence as defined in section 3
15 of P.L.1991, c.261 (C.2C:25-19), or believed to be an habitual
16 criminal, or within a reasonable time after the filing of a complaint by
17 a law enforcement officer charging any person with an indictable
18 offense, or with assault or harassment constituting domestic violence
19 as defined in section 3 of P.L.1991, c.261 (C.2C:25-19) or upon the
20 arrest of any person for shoplifting, pursuant to N.J.S.2C:20-11, or
21 upon the arrest of any person for prostitution, pursuant to
22 N.J.S.2C:34-1, or the conviction of any other person charged with a
23 nonindictable offense, where the identity of the person charged is in
24 question, take the fingerprints of such person, according to the
25 fingerprint system of identification established by the Superintendent
26 of State Police and on the forms prescribed, and forward without delay
27 two copies or more of the same, together with photographs and such
28 other descriptions as may be required and with a history of the offense
29 committed, to the State Bureau of Identification.

30 Such sheriffs, chiefs of police, members of the State Police and any
31 other law enforcement agencies and officers shall also take the
32 fingerprints, descriptions and such other information as may be
33 required of unknown dead persons and as required by section 2 of
34 P.L.1982, c.79 (C.2A:4A-61) of juveniles adjudicated delinquent and
35 shall forward same to the State Bureau of Identification.

36 Any person charged in a complaint filed by a law enforcement
37 officer with an indictable offense, or with assault or harassment
38 constituting domestic violence as defined in section 3 of P.L.1991,
39 c.261 (C.2C:25-19) who has not been arrested, or any person charged
40 in an indictment, who has not been arrested, or any person convicted
41 of assault or harassment constituting domestic violence as defined in
42 section 3 of P.L.1991, c.261 (C.2C:25-19), or any person against
43 whom a final order has been entered in any domestic violence matter

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 pursuant to the provisions of section 13 of P.L.1991, c.261 (C.2C:25-
2 29) shall submit himself to the identification procedures provided
3 herein either on the date of any court appearance or upon written
4 request of the appropriate law enforcement agency within a reasonable
5 time after the filing of the complaint. Any person who refuses to
6 submit to such identification procedures shall be a disorderly person.
7 (cf: P.L.1997, c.93, s.2)

8

9 2. This act shall take effect immediately.

10

11

12

STATEMENT

13

14 N.J.S.A.53:1-15 requires the fingerprinting and photographing of
15 persons arrested for, or charged with, indictable offenses and certain
16 other offenses. This bill would add persons arrested for or charged
17 with assault or harassment constituting domestic violence. The
18 fingerprinting requirement would also apply to persons against whom
19 final orders have been entered under the domestic violence statutes.

20 This bill is based upon a recommendation of the Assembly Task
21 Force on Domestic Violence. The Task Force found that federal law
22 prohibits the possession of firearms by persons convicted of certain
23 qualifying domestic violence misdemeanor offenses, which in New
24 Jersey would include disorderly persons offenses. However, persons
25 arrested for such offenses are currently not fingerprinted, making it
26 difficult to conduct thorough background checks when these offenders
27 attempt to obtain firearm licenses.

28 This bill embodies Recommendation #1 of the Report and
29 Recommendations of the Assembly Task Force on Domestic Violence,
30 issued in July, 1998.

ASSEMBLY POLICY AND REGULATORY OVERSIGHT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2785

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 18, 1999

The Assembly Policy and Regulatory Oversight Committee reports favorably and with committee amendments Assembly Bill No. 2785.

Assembly Bill No. 2785 provides for certain domestic violence offenders to be fingerprinted and photographed upon arrest. The identification procedure also applies to persons against whom final orders have been entered under the domestic violence statutes.

The committee amended the bill to provide that only individuals who are arrested for any of the grounds specified in paragraphs (1), (2), (3) or (4) of subsection a. of section 5 of P.L. 1991, c.261 (C.2C:25-21) will be fingerprinted upon arrest.

These grounds include: (1) the victim exhibits signs of injury caused by an act of domestic violence; (2) a warrant is in effect; (3) there is probable cause to believe that the person has violated N.J.S.2C:29-9, and there is probable cause to believe that the person has been served with the order alleged to have been violated (if the victim does not have a copy of a purported order, the officer may verify the existence of an order with the appropriate law enforcement agency); or (4) there is probable cause to believe that a weapon as defined in N.J.S.2C:39-1 has been involved in the commission of an act of domestic violence. Only in these instances will the individual be fingerprinted and photographed upon arrest.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2785

STATE OF NEW JERSEY

DATED: SEPTEMBER 23, 1999

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 2785 (1R).

Assembly Bill No. 2785 (1R) provides for certain domestic violence offenders to be fingerprinted and photographed upon arrest. The identification procedure also applies to persons against whom final orders have been entered under the domestic violence statutes.

The bill provides that only individuals who are arrested for any of the grounds specified in paragraphs (1), (2), (3) or (4) of subsection a. of section 5 of P.L. 1991, c.261 (C.2C:25-21) will be fingerprinted upon arrest.

These grounds include: (1) the victim exhibits signs of injury caused by an act of domestic violence; (2) a warrant is in effect; (3) there is probable cause to believe that the person has violated N.J.S.2C:29-9, and there is probable cause to believe that the person has been served with the order alleged to have been violated (if the victim does not have a copy of a purported order, the officer may verify the existence of an order with the appropriate law enforcement agency); or (4) there is probable cause to believe that a weapon as defined in N.J.S.2C:39-1 has been involved in the commission of an act of domestic violence. Only in these instances will the individual be fingerprinted and photographed upon arrest.

This bill is identical to Senate Bill No. 1656, which was amended and also released by the committee on this date.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 2785

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JUNE 24, 1999

Assembly Bill No. 2785 (1R) of 1999 provides for persons charged with certain domestic violence offenses to be fingerprinted and photographed upon arrest. The identification procedure also would apply to persons convicted of domestic violence offenses and to those against whom final orders have been entered under the domestic violence statutes.

The Division of State Police in the Department of Law and Public Safety indicates, in response to a fiscal estimate for a prior similar bill, that this legislation would have a minimal fiscal impact on the division and on local law enforcement agencies because most persons arrested for domestic violence offenses are fingerprinted at the time of arrest. In addition, most convicted offenders are charged originally with an indictable offense which may be reduced to a lesser charge by the prosecutor. When this occurs, law enforcement officers are required under current law to remove the fingerprints of these persons from their records.

Therefore, while enactment of this bill will not greatly increase the number of violators fingerprinted, its effect will be to require law enforcement officers to retain the fingerprints of those convicted of nonindictable domestic violence offenses.

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.

[First Reprint]

SENATE, No. 1656

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JANUARY 21, 1999

Sponsored by:

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Senator JOHN O. BENNETT

District 12 (Monmouth)

Co-Sponsored by:

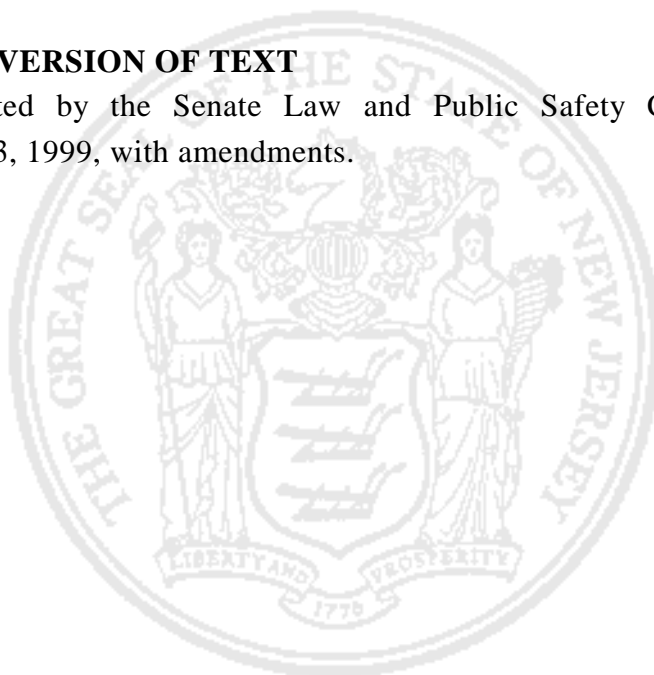
Senators Matheussen, Bucco, Sinagra, Kosco and Robertson

SYNOPSIS

Requires fingerprinting of domestic violence offenders.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on September 23, 1999, with amendments.



(Sponsorship Updated As Of: 9/28/1999)

1 AN ACT concerning the fingerprinting of domestic violence offenders
2 and amending R.S.53:1-15.

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

6
7 1. R.S.53:1-15 is amended to read as follows:

8 53:1-15. The sheriffs, chiefs of police, members of the State Police
9 and any other law enforcement agencies and officers shall, immediately
10 upon the arrest of any person for an indictable offense, ¹**or for assault**
11 **or harassment constituting domestic violence as defined in section 3**
12 **of P.L.1991, c.261 (C.2C:25-19).**¹ or for any of the grounds specified
13 in paragraphs (1), (2), (3) or (4) of subsection a. of section 5 of
14 P.L.1991, c.261 (C.2C:25-21)¹ or of any person believed to be wanted
15 for an indictable offense, ¹**or believed to be wanted for assault or**
16 **harassment constituting domestic violence as defined in section 3 of**
17 **P.L.1991, c.261 (C.2C:25-19).**¹ or believed to be an habitual
18 criminal, or within a reasonable time after the filing of a complaint by
19 a law enforcement officer charging any person with an indictable
20 offense, ¹**or with assault or harassment constituting domestic violence**
21 **as defined in section 3 of P.L.1991, c.261 (C.2C:25-19).**¹ or upon the
22 arrest of any person for shoplifting, pursuant to N.J.S.2C:20-11, or
23 upon the arrest of any person for prostitution, pursuant to
24 N.J.S.2C:34-1, or the conviction of any other person charged with a
25 nonindictable offense, where the identity of the person charged is in
26 question, take the fingerprints of such person, according to the
27 fingerprint system of identification established by the Superintendent
28 of State Police and on the forms prescribed, and forward without delay
29 two copies or more of the same, together with photographs and such
30 other descriptions as may be required and with a history of the offense
31 committed, to the State Bureau of Identification.

32 Such sheriffs, chiefs of police, members of the State Police and any
33 other law enforcement agencies and officers shall also take the
34 fingerprints, descriptions and such other information as may be
35 required of unknown dead persons and as required by section 2 of
36 P.L.1982, c.79 (C.2A:4A-61) of juveniles adjudicated delinquent and
37 shall forward same to the State Bureau of Identification.

38 Any person charged in a complaint filed by a law enforcement
39 officer with an indictable offense, ¹**or with assault or harassment**
40 **constituting domestic violence as defined in section 3 of P.L.1991,**
41 **c.261 (C.2C:25-19).**¹ who has not been arrested, or any person

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted September 23, 1999.

1 charged in an indictment, who has not been arrested, or any person
2 convicted of assault or harassment constituting domestic violence as
3 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), or any person
4 against whom a final order has been entered in any domestic violence
5 matter pursuant to the provisions of section 13 of P.L.1991, c.261
6 (C.2C:25-29) shall submit himself to the identification procedures
7 provided herein either on the date of any court appearance or upon
8 written request of the appropriate law enforcement agency within a
9 reasonable time after the filing of the complaint. Any person who
10 refuses to submit to such identification procedures shall be a disorderly
11 person.

12 (cf: P.L.1997, c.93, s.2)

13

14 2. This act shall take effect immediately.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1656

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 23, 1999

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1656.

Senate Bill No. 1656 provides for certain domestic violence offenders to be fingerprinted and photographed upon arrest. The identification procedure also applies to persons against whom final orders have been entered under the domestic violence statutes.

As amended and released by the committee, the bill provides that only individuals who are arrested for any of the grounds specified in paragraphs (1), (2), (3) or (4) of subsection a. of section 5 of P.L.1991, c.261 (C.2C:25-21) will be fingerprinted upon arrest.

These grounds include: (1) the victim exhibits signs of injury caused by an act of domestic violence; (2) a warrant is in effect; (3) there is probable cause to believe that the person has violated N.J.S.2C:29-9, and there is probable cause to believe that the person has been served with the order alleged to have been violated (if the victim does not have a copy of a purported order, the officer may verify the existence of an order with the appropriate law enforcement agency); or (4) there is probable cause to believe that a weapon as defined in N.J.S.2C:39-1 has been involved in the commission of an act of domestic violence. Only in these instances will the individual be fingerprinted and photographed upon arrest.

As amended and released by the committee, this bill is identical to Assembly Bill No. 2785 (1R), which also was released by the committee on this date.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Gene Herman
609-777-2600

RELEASE: December 20, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

ACS for A-1016, sponsored by Assembly Members Charles Zisa (D-Bergen), Francis J. Blee (R-Atlantic), Melvin Cottrell (R-Burlington/Monmouth/Ocean) and Joseph R. Malone, III (R-Burlington/Monmouth/Ocean), exempts law enforcement officers from certain bicycle laws in the performance of their official duties.

A-1126, sponsored by E. Scott Garrett (R-Sussex/Hunterdon/Morris) and Guy R. Gregg (R-Sussex/Hunterdon/Morris), clarifies existing law by providing that a recreational vehicle installed in a campsite is not subject to the property tax. The bill defines a recreational vehicle as a camper that is easily disassembled and removed from a campground. The bill specifically excludes a manufactured home or a permanent residence.

A-1884, sponsored by Assembly Members Carol J. Murphy (R-Essex/Morris/Passaic) and Nicholas Asselta (R-Atlantic/CapeMay/Cumberland) and Senator James S. Cafiero (R-Cape May/Atlantic/Cumberland), expands the eligibility for state grants to Alzheimer day care programs to include for-profit as well as public and non-profit programs. It also appropriates \$803,000 from the General Fund to increase the number of clients who can be served by Alzheimer's adult day care programs. The bill incorporates the recommendations the Governor made in a conditional veto of the bill.

A-2312, sponsored by Assembly Members Rose Marie Heck (R-Bergen) and David W. Wolfe (R-Monmouth/Ocean) and Senator Robert J. Martin (R-Essex/Morris/Passaic), provides that administrative penalty funds returned to school districts in the 1997-98 school year shall be included in each district's prebudget year total for the purpose of calculating stabilized aid in 1998-99 and thereafter. The bill incorporates the recommendations the Governor made in a conditional veto of the bill.

A-2785, sponsored by Assembly Members Rose Marie Heck (R-Bergen) and Nicholas Asselta (R-Cape May/Atlantic/Cumberland) and Senators Diane B. Allen (R-Burlington/Camden) and John O. Bennett (R-Monmouth), requires fingerprinting of domestic violence offenders. The bill was introduced upon the recommendation of the Assembly Task Force on Domestic Violence in order to enhance enforcement of the federal firearms ban with respect to domestic violence offenders. The bill requires fingerprinting upon conviction for the disorderly persons offenses of assault and harassment that constitute domestic violence. It also requires the fingerprinting of any persons against whom a final domestic violence restraining order has been entered.

A-2789, sponsored by Assembly Members Kevin J. O'Toole (R-Essex/Union) and Joseph Azzolina (R-Middlesex/Monmouth) and Senators Martha W. Bark (R-Atlantic/Burlington/Camden) and Robert W. Singer (R- Burlington/Monmouth/Ocean) and Diane B. Allen (R-Burlington/Camden), requires annual domestic violence training for family court judges. Under previous law, all judges and court personnel were required to receive biannual training on the handling of domestic violence matters. The Assembly Task Force on domestic violence recommended in a report issued in July, 1998 that the statutory requirement for biannual training be increased.

S-1258, sponsored by Senators James S. Cafiero (R-Cape May/Atlantic/Cumberland) and John A. Girgenti (D-Passaic) and Assembly Members Francis J. Blee (R-Atlantic) and Kenneth C. Lefevre (R-Atlantic), makes it a third degree crime to knowingly use a laser sighting system or device against a law enforcement officer who is engaged in the performance of his or her official duties and is in uniform or otherwise displaying evidence of his or her authority. Third degree crimes are punishable by a three-to-five-year term of imprisonment or a \$15,000 fine or both. For first offenders, however, a presumption against incarceration applies.

S-1378, revises various hunting, trapping and fishing license fees and related provisions, and changes the name of the Division of Fish, Game and Wildlife to the Division of Fish and Wildlife. The bill increases the fees for various hunting, fishing and trapping licenses, permits and stamps by an average of about 50 percent. The bill also authorizes the division to collect a new \$2 fee from migratory bird hunters to pay for information collection activities mandated by the United States Fish and Wildlife Service Migratory Bird Harvest Information Program. The legislation was sponsored by Senators Robert E. Littell (R-Sussex/Hunterdon/Morris) and Joseph F. Vitale (D-Middlesex) and Assembly Members Michael Patrick Carroll (R-Morris) and Melvin Cottrell (R-Burlington/Monmouth/Ocean).