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No

**NEWSPAPER ARTICLES:**

No

P.L. 1999, CHAPTER 421, *approved January 18, 2000*  
Assembly, No. 1109 (*Third Reprint*)

1 AN ACT concerning domestic violence <sup>1</sup>**[,]** and<sup>1</sup> amending and  
2 supplementing P.L.1991, c.261 <sup>1</sup>**[and making an appropriation]**<sup>1</sup>.  
3

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

7 1. (New section) The Administrative Office of the Courts shall  
8 establish and maintain a central registry of all persons who have had  
9 domestic violence restraining orders entered against them, all persons  
10 who have been charged with a crime or offense involving domestic  
11 violence, and all persons who have been charged with a violation of a  
12 court order involving domestic violence. All records made pursuant  
13 to this section shall be kept confidential and shall be released only to:

14 a. A public <sup>3</sup>**[or private]**<sup>3</sup> agency authorized to investigate a report  
15 of domestic violence;

16 b. A police or other law enforcement agency investigating a report  
17 of domestic violence<sup>1</sup>, or conducting a background investigation  
18 involving a person's application for a firearm permit<sup>1 3</sup> or employment  
19 as a police or law enforcement officer or for any other purpose  
20 authorized by law or the Supreme Court of the State of New Jersey<sup>3</sup>;  
21 or

22 c. A court, upon its finding that access to such records may be  
23 necessary for determination of an issue before the court.

24 Any individual, agency or court which receives from the  
25 Administrative Office of <sup>2</sup>the<sup>2</sup> Courts the records referred to in this  
26 section shall keep such records and reports, or parts thereof,  
27 confidential and shall not disseminate or disclose such records and  
28 reports, or parts thereof; provided that nothing in this section shall  
29 prohibit a receiving individual, agency or court from disclosing records  
30 and reports, or parts thereof, in a manner consistent with and in  
31 furtherance of the purpose for which the records and reports or parts  
32 thereof were received.

33 <sup>3</sup>Any individual who disseminates or discloses a record or report,  
34 or parts thereof, of the central registry, for a purpose other than  
35 investigating a report of domestic violence, conducting a background  
36 investigation involving a person's application for a firearm permit 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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ASC committee amendments adopted May 28, 1998.

<sup>2</sup> Senate SWF committee amendments adopted September 23, 1999.

<sup>3</sup> Senate floor amendments adopted December 6, 1999.

1 employment as a police or law enforcement officer, making a  
2 determination of an issue before the court, or for any other purpose  
3 other than that which is authorized by law or the Supreme Court of the  
4 State of New Jersey, shall be guilty of a crime of the fourth degree.<sup>3</sup>  
5

6 2. Section 10 of P.L.1991, c.261 (C.2C:25-26) is amended to read  
7 as follows:

8 10. a. When a defendant charged with a crime or offense involving  
9 domestic violence is released from custody before trial on bail or  
10 personal recognizance, the court authorizing the release may as a  
11 condition of release issue an order prohibiting the defendant from  
12 having any contact with the victim including, but not limited to,  
13 restraining the defendant from entering the victim's residence, place of  
14 employment or business, or school, and from harassing or stalking the  
15 victim or victim's relatives in any way. The court may enter an order  
16 prohibiting the defendant from possessing any firearm or other weapon  
17 enumerated in subsection r. of N.J.S.2C:39-1 and ordering the search  
18 for and seizure of any such weapon at any location where the judge  
19 has reasonable cause to believe the weapon is located. The judge shall  
20 state with specificity the reasons for and scope of the search and  
21 seizure authorized by the order.

22 b. The written court order releasing the defendant shall contain the  
23 court's directives specifically restricting the defendant's ability to have  
24 contact with the victim or the victim's friends, co-workers or  
25 relatives. The clerk of the court or other person designated by the  
26 court shall provide a copy of this order to the victim forthwith.

27 c. The victim's location shall remain confidential and shall not  
28 appear on any documents or records to which the defendant has  
29 access.

30 d. Before bail is set, the defendant's prior record shall be  
31 considered by the court. The court shall also conduct a search of the  
32 domestic violence central registry. Bail shall be set as soon as is  
33 feasible, but in all cases within 24 hours of arrest.

34 e. Once bail is set it shall not be reduced without prior notice to  
35 the county prosecutor and the victim. Bail shall not be reduced by a  
36 judge other than the judge who originally ordered bail, unless the  
37 reasons for the amount of the original bail are available to the judge  
38 who reduces the bail and are set forth in the record.

39 f. A victim shall not be prohibited from applying for, and a court  
40 shall not be prohibited from issuing, temporary restraints pursuant to  
41 this act because the victim has charged any person with commission of  
42 a criminal act.

43 (cf: P.L.1994, c.94, s.3)  
44

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

1       12. a. A victim may file a complaint alleging the commission of an  
2 act of domestic violence with the Family Part of the Chancery Division  
3 of the Superior Court in conformity with the rules of court. The court  
4 shall not dismiss any complaint or delay disposition of a case because  
5 the victim has left the residence to avoid further incidents of domestic  
6 violence. Filing a complaint pursuant to this section shall not prevent  
7 the filing of a criminal complaint for the same act.

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

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

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

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

30       d. Summons and complaint forms shall be readily available at the  
31 clerk's office, at the municipal courts and at municipal and State police  
32 stations.

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

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

41       g. If it appears that the plaintiff is in danger of domestic violence,  
42 the judge shall, upon consideration of the plaintiff's domestic violence  
43 complaint, order emergency ex parte relief, in the nature of a  
44 temporary restraining order. A decision shall be made by the judge  
45 regarding the emergency relief forthwith.

46       h. A judge may issue a temporary restraining order upon sworn

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

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

22 j. Emergency relief may include forbidding the defendant from  
23 returning to the scene of the domestic violence, forbidding the  
24 defendant to possess any firearm or other weapon enumerated in  
25 subsection r. of N.J.S.2C:39-1, ordering the search for and seizure of  
26 any such weapon at any location where the judge has reasonable cause  
27 to believe the weapon is located and any other appropriate relief. The  
28 judge shall state with specificity the reasons for and scope of the  
29 search and seizure authorized by the order.

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

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

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

46 n. Notice of temporary restraining orders issued pursuant to this

1 section shall be sent by the clerk of the court or other person  
2 designated by the court to the appropriate chiefs of police, members  
3 of the State Police and any other appropriate law enforcement agency  
4 or court.

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

6 p. Any temporary or permanent restraining order issued pursuant  
7 to this act shall be in effect throughout the State, and shall be enforced  
8 by all law enforcement officers.

9 q. Prior to the issuance of any temporary or permanent restraining  
10 order issued pursuant to this section, the court shall order that a  
11 search be made of the domestic violence central registry with regard  
12 to the defendant's record.

13 (cf: P.L.1994, c.94 s.4)

14

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

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

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

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

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

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

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

41 (6) The existence of a verifiable order of protection from another  
42 jurisdiction.

43 An order issued under this act shall only restrain or provide  
44 damages payable from a person against whom a complaint has been  
45 filed under this act and only after a finding or an admission is made  
46 that an act of domestic violence was committed by that person. The

1 issue of whether or not a violation of this act occurred, including an  
2 act of contempt under this act, shall not be subject to mediation or  
3 negotiation in any form. In addition, where a temporary or final order  
4 has been issued pursuant to this act, no party shall be ordered to  
5 participate in mediation on the issue of custody or parenting time.

6 b. In proceedings in which complaints for restraining orders have  
7 been filed, the court shall grant any relief necessary to prevent further  
8 abuse. At the hearing the judge of the Family Part of the Chancery  
9 Division of the Superior Court may issue an order granting any or all  
10 of the following relief:

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

13 (2) An order granting exclusive possession to the plaintiff of the  
14 residence or household regardless of whether the residence or  
15 household is jointly or solely owned by the parties or jointly or solely  
16 leased by the parties. This order shall not in any manner affect title or  
17 interest to any real property held by either party or both jointly. If it  
18 is not possible for the victim to remain in the residence, the court may  
19 order the defendant to pay the victim's rent at a residence other than  
20 the one previously shared by the parties if the defendant is found to  
21 have a duty to support the victim and the victim requires alternative  
22 housing.

23 (3) An order providing for parenting time. The order shall protect  
24 the safety and well-being of the plaintiff and minor children and shall  
25 specify the place and frequency of parenting time. Parenting time  
26 arrangements shall not compromise any other remedy provided by the  
27 court by requiring or encouraging contact between the plaintiff and  
28 defendant. Orders for parenting time may include a designation of a  
29 place of parenting time away from the plaintiff, the participation of a  
30 third party, or supervised parenting time.

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

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

43 (4) An order requiring the defendant to pay to the victim monetary  
44 compensation for losses suffered as a direct result of the act of  
45 domestic violence. The order may require the defendant to pay the  
46 victim directly, to reimburse the Violent Crimes Compensation Board



1 for any and all compensation paid by the Violent Crime Compensation  
2 Board directly to or on behalf of the victim, and may require that the  
3 defendant reimburse any parties that may have compensated the  
4 victim, as the court may determine. Compensatory losses shall  
5 include, but not be limited to, loss of earnings or other support,  
6 including child or spousal support, out-of-pocket losses for injuries  
7 sustained, cost of repair or replacement of real or personal property  
8 damaged or destroyed or taken by the defendant, cost of counseling  
9 for the victim, moving or other travel expenses, reasonable attorney's  
10 fees, court costs, and compensation for pain and suffering. Where  
11 appropriate, punitive damages may be awarded in addition to  
12 compensatory damages.

13 (5) An order requiring the defendant to receive professional  
14 domestic violence counseling from either a private source or a source  
15 appointed by the court and, in that event, at the court's discretion  
16 requiring the defendant to provide the court at specified intervals with  
17 documentation of attendance at the professional counseling. The court  
18 may order the defendant to pay for the professional counseling.

19 (6) An order restraining the defendant from entering the residence,  
20 property, school, or place of employment of the victim or of other  
21 family or household members of the victim and requiring the defendant  
22 to stay away from any specified place that is named in the order and  
23 is frequented regularly by the victim or other family or household  
24 members.

25 (7) An order restraining the defendant from making contact with  
26 the plaintiff or others, including an order forbidding the defendant  
27 from personally or through an agent initiating any communication  
28 likely to cause annoyance or alarm including, but not limited to,  
29 personal, written, or telephone contact with the victim or other family  
30 members, or their employers, employees, or fellow workers, or others  
31 with whom communication would be likely to cause annoyance or  
32 alarm to the victim.

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

39 (9) An order granting either party temporary possession of  
40 specified personal property, such as an automobile, checkbook,  
41 documentation of health insurance, an identification document, a key,  
42 and other personal effects.

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

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

4 (12) An order requiring that a law enforcement officer accompany  
5 either party to the residence or any shared business premises to  
6 supervise the removal of personal belongings in order to ensure the  
7 personal safety of the plaintiff when a restraining order has issued.  
8 This order shall be restricted in duration.

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

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

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

18 (16) An order prohibiting the defendant from possessing any  
19 firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1  
20 and ordering the search for and seizure of any such weapon at any  
21 location where the judge has reasonable cause to believe the weapon  
22 is located. The judge shall state with specificity the reasons for and  
23 scope of the search and seizure authorized by the order.

24 (17) An order prohibiting the defendant from stalking or following,  
25 or threatening to harm, to stalk or to follow, the complainant or any  
26 other person named in the order in a manner that, taken in the context  
27 of past actions of the defendant, would put the complainant in  
28 reasonable fear that the defendant would cause the death or injury of  
29 the complainant or any other person. Behavior prohibited under this  
30 act includes, but is not limited to, behavior prohibited under the  
31 provisions of P.L.1992, c.209 (C.2C:12-10).

32 (18) An order requiring the defendant to undergo a psychiatric  
33 evaluation.

34 c. Notice of orders issued pursuant to this section shall be sent by  
35 the clerk of the Family Part of the Chancery Division of the Superior  
36 Court or other person designated by the court to the appropriate chiefs  
37 of police, members of the State Police and any other appropriate law  
38 enforcement agency.

39 d. Upon good cause shown, any final order may be dissolved or  
40 modified upon application to the Family Part of the Chancery Division  
41 of the Superior Court, but only if the judge who dissolves or modifies  
42 the order is the same judge who entered the order, or has available a  
43 complete record of the hearing or hearings on which the order was  
44 based.

45 e. Prior to the issuance of any order pursuant to this section, the

1 court shall order that a search be made of the domestic violence  
2 central registry.

3 (cf: P.L.1997, c.299, s.8)

4

5 5. Section 15 of P.L.1991, c.261 (C.2C:25-31) is amended to read  
6 as follows:

7 15. Where a law enforcement officer finds that there is probable  
8 cause that a defendant has committed contempt of an order entered  
9 pursuant to the provisions of P.L.1981, c.426 (C.2C:25-1 et seq.) or  
10 P.L.1991, c.261 (C.2C:25-17 et seq.), the defendant shall be arrested  
11 and taken into custody by a law enforcement officer. The law  
12 enforcement officer shall follow these procedures:

13 The law enforcement officer shall transport the defendant to the  
14 police station or such other place as the law enforcement officer shall  
15 determine is proper. The law enforcement officer shall:

16 a. Conduct a search of the domestic violence<sup>2</sup>central<sup>2</sup> registry<sup>2</sup>;

17 b. Sign] and sign<sup>2</sup> a complaint concerning the incident which gave  
18 rise to the contempt charge;

19 [b.]<sup>2</sup>[c.] b.<sup>2</sup> Telephone or communicate in person or by facsimile  
20 with the appropriate judge assigned pursuant to this act and request  
21 bail be set on the contempt charge;

22 [c.]<sup>2</sup>[d.] c.<sup>2</sup> If the defendant is unable to meet the bail set, take  
23 the necessary steps to insure that the defendant shall be incarcerated  
24 at police headquarters or at the county jail; and

25 [d.]<sup>2</sup>[e.] d.<sup>2</sup> During regular court hours, the defendant shall have  
26 bail set by a Superior Court judge that day. On weekends, holidays  
27 and other times when the court is closed, the officer shall arrange to  
28 have the clerk of the Family Part notified on the next working day of  
29 the new complaint, the amount of bail, the defendant's whereabouts  
30 and all other necessary details. In addition, if a municipal court judge  
31 set the bail, the arresting officer shall notify the clerk of that municipal  
32 court of this information.

33 (cf: P.L.1994, c.94, s.7)

34

35 6. Section 17 of P.L.1991, c.261 (C.2C:25-33) is amended to read  
36 as follows:

37 17. The Administrative Office of the Courts shall, with the  
38 assistance of the Attorney General and the county prosecutors,  
39 maintain a uniform record of all applications for relief pursuant to  
40 sections 9, 10, 11, 12, and 13 of P.L.1991, c.261 (C.2C:25-25,  
41 C.2C:25-26, C.2C:25-27, C.2C:25-28, and C.2C:25-29). The record  
42 shall include the following information:

43 a. The number of criminal and civil complaints filed in all municipal  
44 courts and the Superior Court;

45 b. The sex of the parties;

46 c. The relationship of the parties;

- 1 d. The relief sought or the offense charged, or both;
- 2 e. The nature of the relief granted or penalty imposed, or both,
- 3 including, but not limited to, custody and child support;
- 4 f. The effective date of each order issued; and
- 5 g. In the case of a civil action in which no permanent restraints are
- 6 entered, or in the case of a criminal matter that does not proceed to
- 7 trial, the reason or reasons for the disposition.

8 It shall be the duty of the Director of the Administrative Office of  
9 the Courts to compile and report annually to the Governor, the  
10 Legislature and the Advisory Council on Domestic Violence on the  
11 data tabulated from the records of these orders.

12 All records maintained pursuant to this act shall be confidential and  
13 shall not be made available to any individual or institution except as  
14 otherwise provided by law.

15 (cf: P.L.1994, c.94, s.8)

16

17 <sup>1</sup>**[7.** (New section) There is appropriated from the General Fund  
18 to the Administrative Office of the Courts the sum of \$2,100,000 to  
19 effectuate the purposes of this act.]<sup>1</sup>

20

21 <sup>1</sup>**[8.] 7.<sup>1</sup> (New section) The Supreme Court of New Jersey may  
22 adopt Rules of Court appropriate or necessary to effectuate the  
23 purposes of this act.**

24

25 <sup>1</sup>**[9.] 8.<sup>1</sup> This act shall take effect immediately.**

26

27

28

29

30 Establishes a domestic violence central registry.

[First Reprint]

**ASSEMBLY, No. 1109**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Assemblyman JOSEPH AZZOLINA**

**District 13 (Middlesex and Monmouth)**

**Assemblyman GERALD J. LUONGO**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

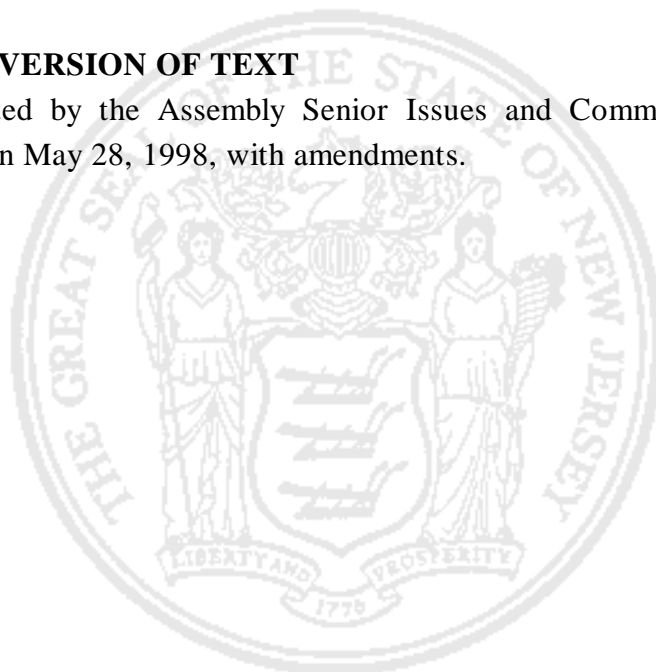
**Assemblymen Zecker, Blee and Assemblywoman Crecco**

**SYNOPSIS**

Establishes a domestic violence central registry.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Senior Issues and Community Services Committee on May 28, 1998, with amendments.



**(Sponsorship Updated As Of: 3/17/1998)**

1 AN ACT concerning domestic violence <sup>1</sup>**[,] and<sup>1</sup>** amending and  
2 supplementing P.L.1991, c.261 <sup>1</sup>**[and making an appropriation]<sup>1</sup>.**  
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11 violence, and all persons who have been charged with a violation of a  
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14 a. A public or private agency authorized to investigate a report of  
15 domestic violence;

16 b. A police or other law enforcement agency investigating a report  
17 of domestic violence <sup>1</sup>, or conducting a background investigation  
18 involving a person's application for a firearm permit<sup>1</sup> ; or

19 c. A court, upon its finding that access to such records may be  
20 necessary for determination of an issue before the court.

21 Any individual, agency or court which receives from the  
22 Administrative Office of Courts the records referred to in this section  
23 shall keep such records and reports, or parts thereof, confidential and  
24 shall not disseminate or disclose such records and reports, or parts  
25 thereof; provided that nothing in this section shall prohibit a receiving  
26 individual, agency or court from disclosing records and reports, or  
27 parts thereof, in a manner consistent with and in furtherance of the  
28 purpose for which the records and reports or parts thereof were  
29 received.  
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31 2. Section 10 of P.L.1991, c.261 (C.2C:25-26) is amended to read  
32 as follows:

33 10. a. When a defendant charged with a crime or offense involving  
34 domestic violence is released from custody before trial on bail or  
35 personal recognizance, the court authorizing the release may as a  
36 condition of release issue an order prohibiting the defendant from  
37 having any contact with the victim including, but not limited to,  
38 restraining the defendant from entering the victim's residence, place of  
39 employment or business, or school, and from harassing or stalking the  
40 victim or victim's relatives in any way. The court may enter an order  
41 prohibiting the defendant from possessing any firearm or other weapon

**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:**

<sup>1</sup> Assembly ASC committee amendments adopted May 28, 1998.

1 enumerated in subsection r. of N.J.S.2C:39-1 and ordering the search  
2 for and seizure of any such weapon at any location where the judge  
3 has reasonable cause to believe the weapon is located. The judge shall  
4 state with specificity the reasons for and scope of the search and  
5 seizure authorized by the order.

6 b. The written court order releasing the defendant shall contain the  
7 court's directives specifically restricting the defendant's ability to have  
8 contact with the victim or the victim's friends, co-workers or  
9 relatives. The clerk of the court or other person designated by the  
10 court shall provide a copy of this order to the victim forthwith.

11 c. The victim's location shall remain confidential and shall not  
12 appear on any documents or records to which the defendant has  
13 access.

14 d. Before bail is set, the defendant's prior record shall be  
15 considered by the court. The court shall also conduct a search of the  
16 domestic violence central registry. Bail shall be set as soon as is  
17 feasible, but in all cases within 24 hours of arrest.

18 e. Once bail is set it shall not be reduced without prior notice to  
19 the county prosecutor and the victim. Bail shall not be reduced by a  
20 judge other than the judge who originally ordered bail, unless the  
21 reasons for the amount of the original bail are available to the judge  
22 who reduces the bail and are set forth in the record.

23 f. A victim shall not be prohibited from applying for, and a court  
24 shall not be prohibited from issuing, temporary restraints pursuant to  
25 this act because the victim has charged any person with commission of  
26 a criminal act.

27 (cf: P.L.1994, c.94, s.3)

28

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

31 12. a. A victim may file a complaint alleging the commission of an  
32 act of domestic violence with the Family Part of the Chancery Division  
33 of the Superior Court in conformity with the rules of court. The court  
34 shall not dismiss any complaint or delay disposition of a case because  
35 the victim has left the residence to avoid further incidents of domestic  
36 violence. Filing a complaint pursuant to this section shall not prevent  
37 the filing of a criminal complaint for the same act.

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

44 A plaintiff may apply for relief under this section in a court having  
45 jurisdiction over the place where the alleged act of domestic violence  
46 occurred, where the defendant resides, or where the plaintiff resides

1 or is sheltered, and the court shall follow the same procedures  
2 applicable to other emergency applications. Criminal complaints filed  
3 pursuant to this act shall be investigated and prosecuted in the  
4 jurisdiction where the offense is alleged to have occurred. Contempt  
5 complaints filed pursuant to N.J.S.2C:29-9 shall be prosecuted in the  
6 county where the contempt is alleged to have been committed and a  
7 copy of the contempt complaint shall be forwarded to the court that  
8 issued the order alleged to have been violated.

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

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

14 d. Summons and complaint forms shall be readily available at the  
15 clerk's office, at the municipal courts and at municipal and State police  
16 stations.

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

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

25 g. If it appears that the plaintiff is in danger of domestic violence,  
26 the judge shall, upon consideration of the plaintiff's domestic violence  
27 complaint, order emergency ex parte relief, in the nature of a  
28 temporary restraining order. A decision shall be made by the judge  
29 regarding the emergency relief forthwith.

30 h. A judge may issue a temporary restraining order upon sworn  
31 testimony or complaint of an applicant who is not physically present,  
32 pursuant to court rules, or by a person who represents a person who  
33 is physically or mentally incapable of filing personally. A temporary  
34 restraining order may be issued if the judge is satisfied that exigent  
35 circumstances exist sufficient to excuse the failure of the applicant to  
36 appear personally and that sufficient grounds for granting the  
37 application have been shown.

38 i. An order for emergency, ex parte relief shall be granted upon  
39 good cause shown and shall remain in effect until a judge of the Family  
40 Part issues a further order. Any temporary order hereunder is  
41 immediately appealable for a plenary hearing de novo not on the  
42 record before any judge of the Family Part of the county in which the  
43 plaintiff resides or is sheltered if that judge issued the temporary order  
44 or has access to the reasons for the issuance of the temporary order  
45 and sets forth in the record the reasons for the modification or  
46 dissolution. The denial of a temporary restraining order by a municipal



1 court judge and subsequent administrative dismissal of the complaint  
2 shall not bar the victim from refileing a complaint in the Family Part  
3 based on the same incident and receiving an emergency, ex parte  
4 hearing de novo not on the record before a Family Part judge, and  
5 every denial of relief by a municipal court judge shall so state.

6 j. Emergency relief may include forbidding the defendant from  
7 returning to the scene of the domestic violence, forbidding the  
8 defendant to possess any firearm or other weapon enumerated in  
9 subsection r. of N.J.S.2C:39-1, ordering the search for and seizure of  
10 any such weapon at any location where the judge has reasonable cause  
11 to believe the weapon is located and any other appropriate relief. The  
12 judge shall state with specificity the reasons for and scope of the  
13 search and seizure authorized by the order.

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

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

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

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

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

36 p. Any temporary or permanent restraining order issued pursuant  
37 to this act shall be in effect throughout the State, and shall be enforced  
38 by all law enforcement officers.

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

43 (cf: P.L.1994, c.94 s.4)

44

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

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

- 18       (1) The previous history of domestic violence between the plaintiff  
19 and defendant, including threats, harassment and physical abuse;
- 20       (2) The existence of immediate danger to person or property;
- 21       (3) The financial circumstances of the plaintiff and defendant;
- 22       (4) The best interests of the victim and any child;
- 23       (5) In determining custody and parenting time the protection of the  
24 victim's safety; and
- 25       (6) The existence of a verifiable order of protection from another  
26 jurisdiction.

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

36       b. In proceedings in which complaints for restraining orders have  
37 been filed, the court shall grant any relief necessary to prevent further  
38 abuse. At the hearing the judge of the Family Part of the Chancery  
39 Division of the Superior Court may issue an order granting any or all  
40 of the following relief:

- 41       (1) An order restraining the defendant from subjecting the victim  
42 to domestic violence, as defined in this act.
- 43       (2) An order granting exclusive possession to the plaintiff of the  
44 residence or household regardless of whether the residence or  
45 household is jointly or solely owned by the parties or jointly or solely  
46 leased by the parties. This order shall not in any manner affect title or

1 interest to any real property held by either party or both jointly. If it  
2 is not possible for the victim to remain in the residence, the court may  
3 order the defendant to pay the victim's rent at a residence other than  
4 the one previously shared by the parties if the defendant is found to  
5 have a duty to support the victim and the victim requires alternative  
6 housing.

7 (3) An order providing for parenting time. The order shall protect  
8 the safety and well-being of the plaintiff and minor children and shall  
9 specify the place and frequency of parenting time. Parenting time  
10 arrangements shall not compromise any other remedy provided by the  
11 court by requiring or encouraging contact between the plaintiff and  
12 defendant. Orders for parenting time may include a designation of a  
13 place of parenting time away from the plaintiff, the participation of a  
14 third party, or supervised parenting time.

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

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

27 (4) An order requiring the defendant to pay to the victim monetary  
28 compensation for losses suffered as a direct result of the act of  
29 domestic violence. The order may require the defendant to pay the  
30 victim directly, to reimburse the Violent Crimes Compensation Board  
31 for any and all compensation paid by the Violent Crime Compensation  
32 Board directly to or on behalf of the victim, and may require that the  
33 defendant reimburse any parties that may have compensated the  
34 victim, as the court may determine. Compensatory losses shall  
35 include, but not be limited to, loss of earnings or other support,  
36 including child or spousal support, out-of-pocket losses for injuries  
37 sustained, cost of repair or replacement of real or personal property  
38 damaged or destroyed or taken by the defendant, cost of counseling  
39 for the victim, moving or other travel expenses, reasonable attorney's  
40 fees, court costs, and compensation for pain and suffering. Where  
41 appropriate, punitive damages may be awarded in addition to  
42 compensatory damages.

43 (5) An order requiring the defendant to receive professional  
44 domestic violence counseling from either a private source or a source  
45 appointed by the court and, in that event, at the court's discretion  
46 requiring the defendant to provide the court at specified intervals with

1 documentation of attendance at the professional counseling. The court  
2 may order the defendant to pay for the professional counseling.

3 (6) An order restraining the defendant from entering the residence,  
4 property, school, or place of employment of the victim or of other  
5 family or household members of the victim and requiring the defendant  
6 to stay away from any specified place that is named in the order and  
7 is frequented regularly by the victim or other family or household  
8 members.

9 (7) An order restraining the defendant from making contact with  
10 the plaintiff or others, including an order forbidding the defendant  
11 from personally or through an agent initiating any communication  
12 likely to cause annoyance or alarm including, but not limited to,  
13 personal, written, or telephone contact with the victim or other family  
14 members, or their employers, employees, or fellow workers, or others  
15 with whom communication would be likely to cause annoyance or  
16 alarm to the victim.

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

23 (9) An order granting either party temporary possession of  
24 specified personal property, such as an automobile, checkbook,  
25 documentation of health insurance, an identification document, a key,  
26 and other personal effects.

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

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

34 (12) An order requiring that a law enforcement officer accompany  
35 either party to the residence or any shared business premises to  
36 supervise the removal of personal belongings in order to ensure the  
37 personal safety of the plaintiff when a restraining order has issued.  
38 This order shall be restricted in duration.

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

40 (14) An order granting any other appropriate relief for the plaintiff  
41 and dependent children, provided that the plaintiff consents to such  
42 relief, including relief requested by the plaintiff at the final hearing,  
43 whether or not the plaintiff requested such relief at the time of the  
44 granting of the initial emergency order.

45 (15) An order that requires that the defendant report to the intake  
46 unit of the Family Part of the Chancery Division of the Superior Court

1 for monitoring of any other provision of the order.

2 (16) An order prohibiting the defendant from possessing any  
3 firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1  
4 and ordering the search for and seizure of any such weapon at any  
5 location where the judge has reasonable cause to believe the weapon  
6 is located. The judge shall state with specificity the reasons for and  
7 scope of the search and seizure authorized by the order.

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

16 (18) An order requiring the defendant to undergo a psychiatric  
17 evaluation.

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

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

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

32 (cf: P.L.1997, c.299, s.8)

33

34 5. Section 15 of P.L.1991, c.261 (C.2C:25-31) is amended to read  
35 as follows:

36 15. Where a law enforcement officer finds that there is probable  
37 cause that a defendant has committed contempt of an order entered  
38 pursuant to the provisions of P.L.1981, c.426 (C.2C:25-1 et seq.) or  
39 P.L.1991, c.261 (C.2C:25-17 et seq.), the defendant shall be arrested  
40 and taken into custody by a law enforcement officer. The law  
41 enforcement officer shall follow these procedures:

42 The law enforcement officer shall transport the defendant to the  
43 police station or such other place as the law enforcement officer shall  
44 determine is proper. The law enforcement officer shall:

45 a. Conduct a search of the domestic violence registry;

46 b. Sign a complaint concerning the incident which gave rise to the

1 contempt charge;

2 [ b. ] c. Telephone or communicate in person or by facsimile with  
3 the appropriate judge assigned pursuant to this act and request bail be  
4 set on the contempt charge;

5 [ c. ] d. If the defendant is unable to meet the bail set, take the  
6 necessary steps to insure that the defendant shall be incarcerated at  
7 police headquarters or at the county jail; and

8 [ d. ] e. During regular court hours, the defendant shall have bail  
9 set by a Superior Court judge that day. On weekends, holidays and  
10 other times when the court is closed, the officer shall arrange to have  
11 the clerk of the Family Part notified on the next working day of the  
12 new complaint, the amount of bail, the defendant's whereabouts and  
13 all other necessary details. In addition, if a municipal court judge set  
14 the bail, the arresting officer shall notify the clerk of that municipal  
15 court of this information.

16 (cf: P.L.1994, c.94, s.7)

17

18 6. Section 17 of P.L.1991, c.261 (C.2C:25-33) is amended to read  
19 as follows:

20 17. The Administrative Office of the Courts shall, with the  
21 assistance of the Attorney General and the county prosecutors,  
22 maintain a uniform record of all applications for relief pursuant to  
23 sections 9, 10, 11, 12, and 13 of P.L.1991, c.261 (C.2C:25-25,  
24 C.2C:25-26, C.2C:25-27, C.2C:25-28, and C.2C:25-29). The record  
25 shall include the following information:

26 a. The number of criminal and civil complaints filed in all municipal  
27 courts and the Superior Court;

28 b. The sex of the parties;

29 c. The relationship of the parties;

30 d. The relief sought or the offense charged, or both;

31 e. The nature of the relief granted or penalty imposed, or both,  
32 including, but not limited to, custody and child support;

33 f. The effective date of each order issued; and

34 g. In the case of a civil action in which no permanent restraints are  
35 entered, or in the case of a criminal matter that does not proceed to  
36 trial, the reason or reasons for the disposition.

37 It shall be the duty of the Director of the Administrative Office of  
38 the Courts to compile and report annually to the Governor, the  
39 Legislature and the Advisory Council on Domestic Violence on the  
40 data tabulated from the records of these orders.

41 All records maintained pursuant to this act shall be confidential and  
42 shall not be made available to any individual or institution except as  
43 otherwise provided by law.

44 (cf: P.L.1994, c.94, s.8)

45

46 <sup>1</sup>[7. (New section) There is appropriated from the General Fund

1 to the Administrative Office of the Courts the sum of \$2,100,000 to  
2 effectuate the purposes of this act.】<sup>1</sup>

3

4 <sup>1</sup>【8.】 7.<sup>1</sup> (New section) The Supreme Court of New Jersey may  
5 adopt Rules of Court appropriate or necessary to effectuate the  
6 purposes of this act.

7

8 <sup>1</sup>【9.】 8.<sup>1</sup> This act shall take effect immediately.

ASSEMBLY SENIOR ISSUES AND COMMUNITY SERVICES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1109**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 22, 1998

The Assembly Senior Issues and Community Services Committee favorably reports Assembly Bill No. 1109 with committee amendments.

As amended by committee, this bill would codify the pilot program currently operated by the Administrative Office of the Courts involving a central registry for domestic violence cases.

Under the provisions of the bill, the Administrative Office of the Courts would be required to establish and maintain a central registry of domestic violence cases. The registry would contain records of all persons who have had domestic violence restraining orders entered against them, all persons who have been charged with a crime or offense involving domestic violence, and all persons who have been charged with a violation of a court order involving domestic violence. All records would be confidential, and released only to law enforcement agencies and the courts. The receiving agency or court may disclose the records and reports in a manner consistent with and in furtherance with the purpose for which the records were received.

The bill would require a judge to conduct a search of the registry prior to issuing any order in a domestic violence case. The bill also provides that during times when the court is closed, when a person is arrested for contempt of a domestic violence order the arresting officer would be required to conduct a search of the registry.

The committee amendments eliminate the \$2,100,000 appropriation to the Administrative Office of the Courts for start-up costs for the registry system, since it is no longer needed. Currently, a combination of grants and Administrative Office of the Courts budget money is funding the development and piloting of the registry.

The amendments also add language to subsection b. of section 1 of the bill to allow the information in the central registry to be available to a police or other law enforcement agency conducting a background investigation involving a person's application for a firearm permit.

This bill was prefiled for introduction in the 1998-1999 session pending technical review. As reported, the bill includes changes required by technical review which has been performed.



SENATE WOMEN'S ISSUES, CHILDREN & FAMILY  
SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 1109**

with committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 23, 1999

The Senate Women's Issues, Children & Family Services Committee reports favorably and with committee amendments Assembly Bill No. 1109 (1R).

As amended by committee, this bill codifies the pilot program currently operated by the Administrative Office of the Courts involving a central registry for domestic violence cases.

Under the provisions of the bill, the Administrative Office of the Courts shall establish and maintain a central registry of domestic violence cases. The registry would contain records of all persons who have had domestic violence restraining orders entered against them, all persons who have been charged with a crime or offense involving domestic violence, and all persons who have been charged with a violation of a court order involving domestic violence. All records would be confidential, and released only to the courts and a police or other law enforcement agency investigating a report of domestic violence or conducting a background investigation involving a person's application for a firearm permit. The receiving agency or court may disclose the records and reports in a manner consistent with, and in furtherance of, the purpose for which the records were received.

The bill requires a judge to conduct a search of the registry prior to issuing any order in a domestic violence case. The bill also provides that during times when the court is closed and a person is arrested for contempt of a domestic violence order, the arresting officer shall conduct a search of the registry.

The committee adopted technical amendments which replace the terms "Administrative Office of Courts" with "Administrative Office of the Courts" in subsection c. of section 1 of the bill and "domestic violence registry" with "domestic violence central registry" in section 5 of the bill.

STATEMENT TO  
[Second Reprint]  
**ASSEMBLY, No. 1109**

with Senate Floor Amendments  
(Proposed By Senator ADLER)

ADOPTED: DECEMBER 6, 1999

This floor amendment to Assembly Bill No. 1109 (2R) deletes the provision that the records of the central registry may be released to a private agency authorized to investigate a report of domestic violence.

The floor amendment provides that the records of the central registry may be released to a police or other law enforcement agency conducting a background investigation involving a person's application for employment as a police or law enforcement officer, or for any other purpose authorized by law or the Supreme Court of the State of New Jersey.

The floor amendment also provides that any individual who disseminates or discloses any information contained in a record or report, or parts thereof, of the central registry, for a purpose other than investigating a report of domestic violence, conducting a background investigation involving a person's application for a firearm permit or employment as a police or law enforcement officer, making a determination of an issue before the court or for any other purpose other than that which is authorized by law or the Supreme Court of the State of New Jersey, shall be guilty of a crime of the fourth degree.

**SENATE, No. 2273**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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INTRODUCED NOVEMBER 15, 1999

**Sponsored by:**

**Senator PETER A. INVERSO**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Establishes a domestic violence central registry.

**CURRENT VERSION OF TEXT**

As introduced.



S2273 INVERSO

2

1 AN ACT concerning domestic violence and amending and  
2 supplementing P.L.1991, c.261.

3

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

6

7 1. (New section) The Administrative Office of the Courts shall  
8 establish and maintain a central registry of all persons who have had  
9 domestic violence restraining orders entered against them, all persons  
10 who have been charged with a crime or offense involving domestic  
11 violence, and all persons who have been charged with a violation of a  
12 court order involving domestic violence. All records made pursuant  
13 to this section shall be kept confidential and shall be released only to:

14 a. A public or private agency authorized to investigate a report of  
15 domestic violence;

16 b. A police or other law enforcement agency investigating a report  
17 of domestic violence, or conducting a background investigation  
18 involving a person's application for a firearm permit; or

19 c. A court, upon its finding that access to such records may be  
20 necessary for determination of an issue before the court.

21 Any individual, agency or court which receives from the  
22 Administrative Office of the Courts the records referred to in this  
23 section shall keep such records and reports, or parts thereof,  
24 confidential and shall not disseminate or disclose such records and  
25 reports, or parts thereof; provided that nothing in this section shall  
26 prohibit a receiving individual, agency or court from disclosing records  
27 and reports, or parts thereof, in a manner consistent with and in  
28 furtherance of the purpose for which the records and reports or parts  
29 thereof were received.

30

31 2. Section 10 of P.L.1991, c.261 (C.2C:25-26) is amended to read  
32 as follows:

33 10. a. When a defendant charged with a crime or offense involving  
34 domestic violence is released from custody before trial on bail or  
35 personal recognizance, the court authorizing the release may as a  
36 condition of release issue an order prohibiting the defendant from  
37 having any contact with the victim including, but not limited to,  
38 restraining the defendant from entering the victim's residence, place of  
39 employment or business, or school, and from harassing or stalking the  
40 victim or victim's relatives in any way. The court may enter an order  
41 prohibiting the defendant from possessing any firearm or other weapon  
42 enumerated in subsection r. of N.J.S.2C:39-1 and ordering the search  
43 for and seizure of any such weapon at any location where the judge

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

**Matter underlined thus is new matter.**

S2273 INVERSO

1 has reasonable cause to believe the weapon is located. The judge shall  
2 state with specificity the reasons for and scope of the search and  
3 seizure authorized by the order.

4 b. The written court order releasing the defendant shall contain the  
5 court's directives specifically restricting the defendant's ability to have  
6 contact with the victim or the victim's friends, co-workers or  
7 relatives. The clerk of the court or other person designated by the  
8 court shall provide a copy of this order to the victim forthwith.

9 c. The victim's location shall remain confidential and shall not  
10 appear on any documents or records to which the defendant has  
11 access.

12 d. Before bail is set, the defendant's prior record shall be  
13 considered by the court. The court shall also conduct a search of the  
14 domestic violence central registry. Bail shall be set as soon as is  
15 feasible, but in all cases within 24 hours of arrest.

16 e. Once bail is set it shall not be reduced without prior notice to  
17 the county prosecutor and the victim. Bail shall not be reduced by a  
18 judge other than the judge who originally ordered bail, unless the  
19 reasons for the amount of the original bail are available to the judge  
20 who reduces the bail and are set forth in the record.

21 f. A victim shall not be prohibited from applying for, and a court  
22 shall not be prohibited from issuing, temporary restraints pursuant to  
23 this act because the victim has charged any person with commission of  
24 a criminal act.

25 (cf: P.L.1994, c.94, s.3)

26

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

29 12. a. A victim may file a complaint alleging the commission of an  
30 act of domestic violence with the Family Part of the Chancery Division  
31 of the Superior Court in conformity with the rules of court. The court  
32 shall not dismiss any complaint or delay disposition of a case because  
33 the victim has left the residence to avoid further incidents of domestic  
34 violence. Filing a complaint pursuant to this section shall not prevent  
35 the filing of a criminal complaint for the same act.

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

42 A plaintiff may apply for relief under this section in a court having  
43 jurisdiction over the place where the alleged act of domestic violence  
44 occurred, where the defendant resides, or where the plaintiff resides  
45 or is sheltered, and the court shall follow the same procedures  
46 applicable to other emergency applications. Criminal complaints filed

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1 pursuant to this act shall be investigated and prosecuted in the  
2 jurisdiction where the offense is alleged to have occurred. Contempt  
3 complaints filed pursuant to N.J.S.2C:29-9 shall be prosecuted in the  
4 county where the contempt is alleged to have been committed and a  
5 copy of the contempt complaint shall be forwarded to the court that  
6 issued the order alleged to have been violated.

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

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

12 d. Summons and complaint forms shall be readily available at the  
13 clerk's office, at the municipal courts and at municipal and State police  
14 stations.

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

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

23 g. If it appears that the plaintiff is in danger of domestic violence,  
24 the judge shall, upon consideration of the plaintiff's domestic violence  
25 complaint, order emergency ex parte relief, in the nature of a  
26 temporary restraining order. A decision shall be made by the judge  
27 regarding the emergency relief forthwith.

28 h. A judge may issue a temporary restraining order upon sworn  
29 testimony or complaint of an applicant who is not physically present,  
30 pursuant to court rules, or by a person who represents a person who  
31 is physically or mentally incapable of filing personally. A temporary  
32 restraining order may be issued if the judge is satisfied that exigent  
33 circumstances exist sufficient to excuse the failure of the applicant to  
34 appear personally and that sufficient grounds for granting the  
35 application have been shown.

36 i. An order for emergency, ex parte relief shall be granted upon  
37 good cause shown and shall remain in effect until a judge of the Family  
38 Part issues a further order. Any temporary order hereunder is  
39 immediately appealable for a plenary hearing de novo not on the  
40 record before any judge of the Family Part of the county in which the  
41 plaintiff resides or is sheltered if that judge issued the temporary order  
42 or has access to the reasons for the issuance of the temporary order  
43 and sets forth in the record the reasons for the modification or  
44 dissolution. The denial of a temporary restraining order by a municipal  
45 court judge and subsequent administrative dismissal of the complaint  
46 shall not bar the victim from refileing a complaint in the Family Part

1 based on the same incident and receiving an emergency, ex parte  
2 hearing de novo not on the record before a Family Part judge, and  
3 every denial of relief by a municipal court judge shall so state.

4 j. Emergency relief may include forbidding the defendant from  
5 returning to the scene of the domestic violence, forbidding the  
6 defendant to possess any firearm or other weapon enumerated in  
7 subsection r. of N.J.S.2C:39-1, ordering the search for and seizure of  
8 any such weapon at any location where the judge has reasonable cause  
9 to believe the weapon is located and any other appropriate relief. The  
10 judge shall state with specificity the reasons for and scope of the  
11 search and seizure authorized by the order.

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

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

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

28 n. Notice of temporary restraining orders issued pursuant to this  
29 section shall be sent by the clerk of the court or other person  
30 designated by the court to the appropriate chiefs of police, members  
31 of the State Police and any other appropriate law enforcement agency  
32 or court.

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

34 p. Any temporary or permanent restraining order issued pursuant  
35 to this act shall be in effect throughout the State, and shall be enforced  
36 by all law enforcement officers.

37 q. Prior to the issuance of any temporary or permanent restraining  
38 order issued pursuant to this section, the court shall order that a  
39 search be made of the domestic violence central registry with regard  
40 to the defendant's record.

41 (cf: P.L.1994, c.94 s.4)

42  
43 4. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to read  
44 as follows:

45 13. a. A hearing shall be held in the Family Part of the Chancery  
46 Division of the Superior Court within 10 days of the filing of a

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

- 16 (1) The previous history of domestic violence between the plaintiff  
17 and defendant, including threats, harassment and physical abuse;
- 18 (2) The existence of immediate danger to person or property;
- 19 (3) The financial circumstances of the plaintiff and defendant;
- 20 (4) The best interests of the victim and any child;
- 21 (5) In determining custody and parenting time the protection of the  
22 victim's safety; and
- 23 (6) The existence of a verifiable order of protection from another  
24 jurisdiction.

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

34 b. In proceedings in which complaints for restraining orders have  
35 been filed, the court shall grant any relief necessary to prevent further  
36 abuse. At the hearing the judge of the Family Part of the Chancery  
37 Division of the Superior Court may issue an order granting any or all  
38 of the following relief:

- 39 (1) An order restraining the defendant from subjecting the victim  
40 to domestic violence, as defined in this act.
- 41 (2) An order granting exclusive possession to the plaintiff of the  
42 residence or household regardless of whether the residence or  
43 household is jointly or solely owned by the parties or jointly or solely  
44 leased by the parties. This order shall not in any manner affect title or  
45 interest to any real property held by either party or both jointly. If it  
46 is not possible for the victim to remain in the residence, the court may



1 order the defendant to pay the victim's rent at a residence other than  
2 the one previously shared by the parties if the defendant is found to  
3 have a duty to support the victim and the victim requires alternative  
4 housing.

5 (3) An order providing for parenting time. The order shall protect  
6 the safety and well-being of the plaintiff and minor children and shall  
7 specify the place and frequency of parenting time. Parenting time  
8 arrangements shall not compromise any other remedy provided by the  
9 court by requiring or encouraging contact between the plaintiff and  
10 defendant. Orders for parenting time may include a designation of a  
11 place of parenting time away from the plaintiff, the participation of a  
12 third party, or supervised parenting time.

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

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

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

41 (5) An order requiring the defendant to receive professional  
42 domestic violence counseling from either a private source or a source  
43 appointed by the court and, in that event, at the court's discretion  
44 requiring the defendant to provide the court at specified intervals with  
45 documentation of attendance at the professional counseling. The court  
46 may order the defendant to pay for the professional counseling.

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1       (6) An order restraining the defendant from entering the residence,  
2 property, school, or place of employment of the victim or of other  
3 family or household members of the victim and requiring the defendant  
4 to stay away from any specified place that is named in the order and  
5 is frequented regularly by the victim or other family or household  
6 members.

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

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

21       (9) An order granting either party temporary possession of  
22 specified personal property, such as an automobile, checkbook,  
23 documentation of health insurance, an identification document, a key,  
24 and other personal effects.

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

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

32       (12) An order requiring that a law enforcement officer accompany  
33 either party to the residence or any shared business premises to  
34 supervise the removal of personal belongings in order to ensure the  
35 personal safety of the plaintiff when a restraining order has issued.  
36 This order shall be restricted in duration.

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

38       (14) An order granting any other appropriate relief for the plaintiff  
39 and dependent children, provided that the plaintiff consents to such  
40 relief, including relief requested by the plaintiff at the final hearing,  
41 whether or not the plaintiff requested such relief at the time of the  
42 granting of the initial emergency order.

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

46       (16) An order prohibiting the defendant from possessing any

1 firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1  
2 and ordering the search for and seizure of any such weapon at any  
3 location where the judge has reasonable cause to believe the weapon  
4 is located. The judge shall state with specificity the reasons for and  
5 scope of the search and seizure authorized by the order.

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

14 (18) An order requiring the defendant to undergo a psychiatric  
15 evaluation.

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

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

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

30 (cf: P.L.1997, c.299, s.8)

31  
32 5. Section 15 of P.L.1991, c.261 (C.2C:25-31) is amended to read  
33 as follows:

34 15. Where a law enforcement officer finds that there is probable  
35 cause that a defendant has committed contempt of an order entered  
36 pursuant to the provisions of P.L.1981, c.426 (C.2C:25-1 et seq.) or  
37 P.L.1991, c.261 (C.2C:25-17 et seq.), the defendant shall be arrested  
38 and taken into custody by a law enforcement officer. The law  
39 enforcement officer shall follow these procedures:

40 The law enforcement officer shall transport the defendant to the  
41 police station or such other place as the law enforcement officer shall  
42 determine is proper. The law enforcement officer shall:

43 a. **【Sign】** Conduct a search of the domestic violence central  
44 registry and sign a complaint concerning the incident which gave rise  
45 to the contempt charge;

46 b. Telephone or communicate in person or by facsimile with the

1 appropriate judge assigned pursuant to this act and request bail be set  
2 on the contempt charge;

3 c. If the defendant is unable to meet the bail set, take the necessary  
4 steps to insure that the defendant shall be incarcerated at police  
5 headquarters or at the county jail; and

6 d. During regular court hours, the defendant shall have bail set by  
7 a Superior Court judge that day. On weekends, holidays and other  
8 times when the court is closed, the officer shall arrange to have the  
9 clerk of the Family Part notified on the next working day of the new  
10 complaint, the amount of bail, the defendant's whereabouts and all  
11 other necessary details. In addition, if a municipal court judge set the  
12 bail, the arresting officer shall notify the clerk of that municipal court  
13 of this information.

14 (cf: P.L.1994, c.94, s.7)

15

16 6. Section 17 of P.L.1991, c.261 (C.2C:25-33) is amended to read  
17 as follows:

18 17. The Administrative Office of the Courts shall, with the  
19 assistance of the Attorney General and the county prosecutors,  
20 maintain a uniform record of all applications for relief pursuant to  
21 sections 9, 10, 11, 12, and 13 of P.L.1991, c.261 (C.2C:25-25,  
22 C.2C:25-26, C.2C:25-27, C.2C:25-28, and C.2C:25-29). The record  
23 shall include the following information:

24 a. The number of criminal and civil complaints filed in all municipal  
25 courts and the Superior Court;

26 b. The sex of the parties;

27 c. The relationship of the parties;

28 d. The relief sought or the offense charged, or both;

29 e. The nature of the relief granted or penalty imposed, or both,  
30 including, but not limited to, custody and child support;

31 f. The effective date of each order issued; and

32 g. In the case of a civil action in which no permanent restraints are  
33 entered, or in the case of a criminal matter that does not proceed to  
34 trial, the reason or reasons for the disposition.

35 It shall be the duty of the Director of the Administrative Office of  
36 the Courts to compile and report annually to the Governor, the  
37 Legislature and the Advisory Council on Domestic Violence on the  
38 data tabulated from the records of these orders.

39 All records maintained pursuant to this act shall be confidential and  
40 shall not be made available to any individual or institution except as  
41 otherwise provided by law.

42 (cf: P.L.1994, c.94, s.8)

43

44 7. (New section) The Supreme Court of New Jersey may adopt  
45 Rules of Court appropriate or necessary to effectuate the purposes of  
46 this act.

1       8. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill codifies the pilot program currently operated by the  
7 Administrative Office of the Courts involving a central registry for  
8 domestic violence cases.

9       Under the provisions of the bill, the Administrative Office of the  
10 Courts shall establish and maintain a central registry of domestic  
11 violence cases. The registry would contain records of all persons who  
12 have had domestic violence restraining orders entered against them, all  
13 persons who have been charged with a crime or offense involving  
14 domestic violence, and all persons who have been charged with a  
15 violation of a court order involving domestic violence. All records  
16 would be confidential, and released only to the courts and a police or  
17 other law enforcement agency investigating a report of domestic  
18 violence or conducting a background investigation involving a person's  
19 application for a firearm permit. The receiving agency or court may  
20 disclose the records and reports in a manner consistent with and in  
21 furtherance with the purpose for which the records were received.

22       The bill requires a judge to conduct a search of the registry prior to  
23 issuing any order in a domestic violence case. The bill also provides  
24 that during times when the court is closed and a person is arrested for  
25 contempt of a domestic violence order, the arresting officer shall  
26 conduct a search of the registry.

27       Finally, the bill allows the Supreme Court of New Jersey to adopt  
28 Rules of Court appropriate or necessary to effectuate the purposes of  
29 this bill.

STATEMENT TO  
**SENATE, No. 2273**

with Senate Floor Amendments  
(Proposed By Senator INVERSO)

ADOPTED: DECEMBER 6, 1999

This floor amendment to Senate Bill No. 2273 deletes the provision that the records of the central registry may be released to a private agency authorized to investigate a report of domestic violence.

The floor amendment provides that the records of the central registry may be released to a police or other law enforcement agency conducting a background investigation involving a person's application for employment as a police or law enforcement officer, or for any other purpose authorized by law or the Supreme Court of the State of New Jersey.

The floor amendment also provides that any individual who disseminates or discloses any information contained in a record or report, or parts thereof, of the central registry, for a purpose other than investigating a report of domestic violence, conducting a background investigation involving a person's application for a firearm permit or employment as a police or law enforcement officer, making a determination of an issue before the court or for any other purpose other than that which is authorized by law or the Supreme Court of the State of New Jersey, shall be guilty of a crime of the fourth degree.