

# 10:6-1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2004 **CHAPTER:** 143

**NJSA:** 10:6-1 ("New Jersey Civil Rights Act")

**BILL NO:** A2073 (Substituted for S1558)

**SPONSOR(S):** Cohen and others

**DATE INTRODUCED:** February 9, 2004

**COMMITTEE:** **ASSEMBLY:** Judiciary  
**SENATE:** Judiciary

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** June 24, 2004

**SENATE:** June 24, 2004

**DATE OF APPROVAL:** September 10, 2004

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) 3rd reprint enacted

### A2073

**[SPONSOR'S STATEMENT:](#)** (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **[ASSEMBLY:](#)** [Yes](#)

**[SENATE:](#)** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** Yes [6-10-2004](#)  
[6-24-2004](#)

**[LEGISLATIVE FISCAL ESTIMATE:](#)** [Yes](#)

### S1558

**[SPONSOR'S STATEMENT:](#)** (Begins on page 3 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **[ASSEMBLY:](#)** No

**[SENATE:](#)** [Yes](#)

**[FLOOR AMENDMENT STATEMENT:](#)** [Yes](#)

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**[GOVERNOR'S PRESS RELEASE ON SIGNING:](#)** [Yes](#)

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"McGreevey signs state Civil Rights Act into law," 9-13-2004, Philadelphia Inquirer p.B2

"New state law boosts civil rights lawsuits," 9-11-2004 Star-Ledger, p.8

P.L. 2004, CHAPTER 143, *approved September 10, 2004*  
Assembly, No. 2073 (*Third Reprint*)

1 AN ACT concerning civil rights and supplementing Title 10 of the  
2 <sup>1</sup>[New Jersey] Revised<sup>1</sup> Statutes.

3

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

6

7 1. This act shall be known and may be cited as the "New Jersey  
8 Civil Rights Act."

9

10 2. a. If a person, whether or not acting under color of law,  
11 subjects or causes to be subjected any other person to the deprivation  
12 of any <sup>3</sup>substantive<sup>3</sup> due process or equal protection rights, privileges  
13 or immunities secured by the Constitution or laws of the United States,  
14 or any <sup>3</sup>substantive<sup>3</sup> rights, privileges or immunities secured by the  
15 Constitution or laws of this State, the Attorney General may bring a  
16 civil action for damages and for injunctive or other appropriate relief.  
17 The civil action shall be brought in the name of the State and may be  
18 brought on behalf of the injured party. <sup>1</sup>If the Attorney General  
19 proceeds with and prevails in an action brought pursuant to this  
20 subsection, the court shall order the distribution of any award of  
21 damages to the injured party <sup>2</sup>and shall award reasonable attorney's  
22 fees and costs to the Attorney General<sup>2</sup> .<sup>1</sup> The penalty provided in  
23 subsection e. of this section shall be applicable to a violation of this  
24 subsection.

25 b. If a person, whether or not acting under color of law, interferes  
26 or attempts to interfere by threats, intimidation or coercion with the  
27 exercise or enjoyment by any other person of any <sup>3</sup>substantive<sup>3</sup> due  
28 process or equal protection rights, privileges or immunities secured by  
29 the Constitution or laws of the United States, or any <sup>3</sup>substantive<sup>3</sup>  
30 rights, privileges or immunities secured by the Constitution or laws of  
31 this State, the Attorney General may bring a civil action for damages  
32 and for injunctive or other appropriate relief. The civil action shall be  
33 brought in the name of the State and may be brought on behalf of the  
34 injured party. <sup>1</sup>If the Attorney General proceeds with and prevails in  
35 an action brought pursuant to this subsection, the court shall order the

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SJU committee amendments adopted May 6, 2004.

<sup>2</sup> Senate floor amendments adopted June 10, 2004.

<sup>3</sup> Assembly floor amendments adopted June 24, 2004.

1 distribution of any award of damages to the injured party <sup>2</sup>and shall  
2 award reasonable attorney's fees and costs to the Attorney General<sup>2</sup>

3 <sup>1</sup> The penalty provided in subsection e. of this section shall be  
4 applicable to a violation of this subsection.

5 c. Any <sup>2</sup>[individual] person<sup>2</sup> who has been deprived of any  
6 <sup>3</sup>substantive<sup>3</sup> due process or equal protection rights, privileges or  
7 immunities secured by the Constitution or laws of the United States,  
8 or any <sup>3</sup>substantive<sup>3</sup> rights, privileges or immunities secured by the  
9 Constitution or laws of this State, or whose exercise or enjoyment of  
10 those <sup>3</sup>substantive<sup>3</sup> rights, privileges or immunities has been interfered  
11 with or attempted to be interfered with , by threats, intimidation or  
12 coercion by a person acting under color of law, may bring a civil  
13 action for damages and for injunctive or other appropriate relief. The  
14 penalty provided in subsection e. of this section shall be applicable to  
15 a violation of this subsection.

16 d. An action brought pursuant to this act may be filed in Superior  
17 Court. Upon application of any party, a jury trial shall be directed.

18 e. Any person who deprives, interferes or attempts to interfere by  
19 threats, intimidation or coercion with the exercise or enjoyment by any  
20 other person of any <sup>3</sup>substantive<sup>3</sup> due process or equal protection  
21 rights, privileges or immunities secured by the Constitution or laws of  
22 the United States, or any <sup>3</sup>substantive<sup>3</sup> rights, privileges or immunities  
23 secured by the Constitution or laws of this State is liable for a civil  
24 penalty for each violation. The court or jury, as the case may be, shall  
25 determine the appropriate amount of the penalty. Any money  
26 collected by the court in payment of a civil penalty shall be conveyed  
27 to the State Treasurer for deposit into the State General Fund.

28 f. In addition to any damages, civil penalty, injunction or other  
29 appropriate relief awarded in an action brought pursuant to  
30 <sup>2</sup>subsection c. of<sup>2</sup> this ~~act~~ section <sup>2</sup>, the court may award the  
31 prevailing party<sup>2</sup> reasonable attorney's fees and costs.

32

33 3. This act shall take effect immediately .

34

35

36

37

38 Establishes the "New Jersey Civil Rights Act."

# ASSEMBLY, No. 2073

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 9, 2004

**Sponsored by:**

**Assemblyman NEIL M. COHEN**

**District 20 (Union)**

**Assemblywoman NELLIE POU**

**District 35 (Bergen and Passaic)**

**Assemblywoman BONNIE WATSON COLEMAN**

**District 15 (Mercer)**

**Assemblyman CRAIG A. STANLEY**

**District 28 (Essex)**

**Assemblyman HERBERT CONAWAY, JR.**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

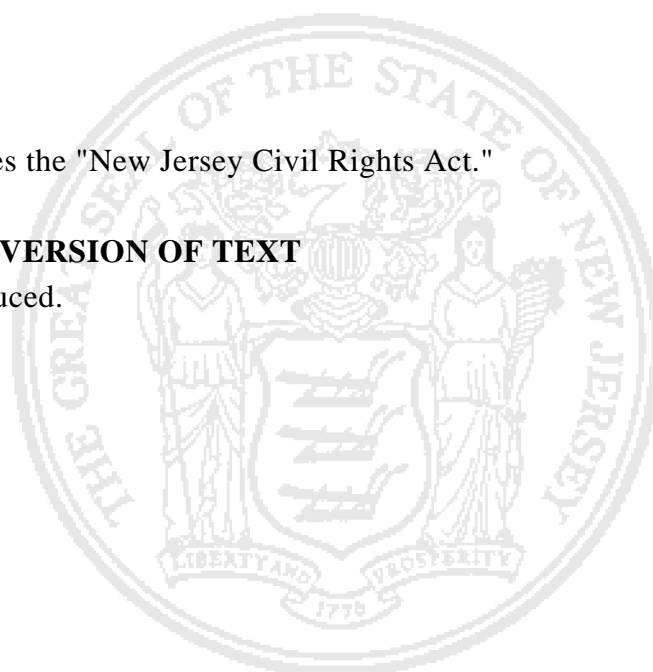
**Assemblymen Chivukula, Conners, Hackett and Manzo**

**SYNOPSIS**

Establishes the "New Jersey Civil Rights Act."

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/24/2004)**

1 AN ACT concerning civil rights and supplementing Title 10 of the New  
2 Jersey Statutes.

3

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

6

7 1. This act shall be known and may be cited as the "New Jersey  
8 Civil Rights Act."

9

10 2. a. If a person, whether or not acting under color of law,  
11 subjects or causes to be subjected any other person to the deprivation  
12 of any due process or equal protection rights, privileges or immunities  
13 secured by the Constitution or laws of the United States, or any rights,  
14 privileges or immunities secured by the Constitution or laws of this  
15 State, the Attorney General may bring a civil action for damages and  
16 for injunctive or other appropriate relief. The civil action shall be  
17 brought in the name of the State and may be brought on behalf of the  
18 injured party. The penalty provided in subsection e. of this section  
19 shall be applicable to a violation of this subsection.

20 b. If a person, whether or not acting under color of law, interferes  
21 or attempts to interfere by threats, intimidation or coercion with the  
22 exercise or enjoyment by any other person of any due process or  
23 equal protection rights, privileges or immunities secured by the  
24 Constitution or laws of the United States, or any rights, privileges or  
25 immunities secured by the Constitution or laws of this State, the  
26 Attorney General may bring a civil action for damages and for  
27 injunctive or other appropriate relief. The civil action shall be brought  
28 in the name of the State and may be brought on behalf of the injured  
29 party. The penalty provided in subsection e. of this section shall be  
30 applicable to a violation of this subsection.

31 c. Any individual who has been deprived of any due process or  
32 equal protection rights, privileges or immunities secured by the  
33 Constitution or laws of the United States, or any rights, privileges or  
34 immunities secured by the Constitution or laws of this State, or whose  
35 exercise or enjoyment of those rights, privileges or immunities has  
36 been interfered with or attempted to be interfered with, by threats,  
37 intimidation or coercion by a person acting under color of law, may  
38 bring a civil action for damages and for injunctive or other appropriate  
39 relief. The penalty provided in subsection e. of this section shall be  
40 applicable to a violation of this subsection.

41 d. An action brought pursuant to this act may be filed in Superior  
42 Court. Upon application of any party, a jury trial shall be directed.

43 e. Any person who deprives, interferes or attempts to interfere by  
44 threats, intimidation or coercion with the exercise or enjoyment by any  
45 other person of any due process or equal protection rights, privileges  
46 or immunities secured by the Constitution or laws of the United States,

1 or any rights, privileges or immunities secured by the Constitution or  
2 laws of this State is liable for a civil penalty for each violation. The  
3 court or jury, as the case may be, shall determine the appropriate  
4 amount of the penalty. Any money collected by the court in payment  
5 of a civil penalty shall be conveyed to the State Treasurer for deposit  
6 into the State General Fund.

7 f. In addition to any damages, civil penalty, injunction or other  
8 appropriate relief awarded in an action brought pursuant to this act,  
9 the court may award reasonable attorney's fees and costs.

10  
11 3. This act shall take effect immediately .  
12  
13

14 STATEMENT  
15

16 This bill establishes the "New Jersey Civil Rights Act."

17 Every individual in this State enjoys the free exercise of his civil  
18 rights which are guaranteed and secured under the New Jersey State  
19 Constitution and federal Constitution. In order to protect and assure  
20 against deprivation of these rights, it is the sponsor's belief that it is  
21 necessary to provide a remedy when one person interferes with the  
22 civil rights of another. This bill attempts to provide the citizens of  
23 New Jersey with a *State* remedy for deprivation or interference with  
24 the civil rights of an individual. By providing this remedy, the bill  
25 attempts to address any potential gaps which may exist under  
26 remedies currently in the law.

27 Under the provisions of the bill, the Attorney General may bring a  
28 civil action for damages, injunctive relief or other appropriate relief  
29 if a person, whether or not acting under color of law, subjects or  
30 causes to be subjected any other person to the deprivation of any due  
31 process or equal protection rights, privileges or immunities secured by  
32 the Constitution or laws of the United States, or any rights, privileges  
33 or immunities secured by the Constitution or laws of this State. An  
34 action may also be brought if a person interferes or attempts to  
35 interfere by threats, intimidation or coercion with the exercise or  
36 enjoyment of another person's rights, privileges or immunities  
37 guaranteed under the State or federal Constitutions. The action may  
38 be brought in the name of the State and on behalf of the injured party.

39 In addition, any person may bring a civil action if his rights,  
40 privileges or immunities have been deprived, interfered with or  
41 attempted to be interfered with by threats, intimidation or coercion by  
42 a person acting under color of law.

43 Upon application of any party, a jury trial could be directed.

44 The bill would also provide for a civil penalty for any violation of  
45 the act, regardless of whether the civil action is brought by the  
46 Attorney General or an individual. The amount of the penalty would

**A2073 COHEN, POU**

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- 1 be determined by the court or the jury, as the case may be. All monies
- 2 collected would be deposited in the State General Fund.
- 3 In addition, the bill would authorize the court to award reasonable
- 4 attorney's fees and costs.



# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2073

# STATE OF NEW JERSEY

DATED: FEBRUARY 19, 2004

The Assembly Judiciary Committee reports favorably Assembly Bill No. 2073.

This bill establishes the "New Jersey Civil Rights Act."

Every individual in this State enjoys the free exercise of his civil rights which are guaranteed and secured under the New Jersey Constitution and federal Constitution. In order to protect and assure against deprivation of these rights, it is the sponsor's belief that it is necessary to provide a remedy when one person interferes with the civil rights of another. This bill attempts to provide the citizens of New Jersey with a *State* remedy for deprivation of or interference with the civil rights of an individual. By providing this remedy, the bill is intended to address potential gaps which may exist under remedies currently provided by New Jersey's "Law Against Discrimination," N.J.S.A.10:5-1 et seq., and the law authorizing a civil cause of action for bias crime victims, N.J.S.A.2A:53A-21.

Under the provisions of the bill, the Attorney General may bring a civil action for damages, injunctive relief or other appropriate relief if a person, whether or not acting under color of law, subjects or causes to be subjected any other person to the deprivation of any due process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, or any rights, privileges or immunities secured by the Constitution or laws of this State. An action may also be brought by the Attorney General if a person, whether or not acting under color of law, interferes or attempts to interfere by threats, intimidation or coercion with the exercise or enjoyment of another person's rights, privileges or immunities guaranteed under the State or federal Constitutions. Either action may be brought by the Attorney General in the name of the State and on behalf of the injured party.

In addition, any individual may bring a civil action if his rights, privileges or immunities have been deprived, interfered with or attempted to be interfered with by threats, intimidation or coercion by a person acting under color of law.

Upon application of any party, a jury trial would be directed by the Superior Court.

The bill would also provide for a civil penalty for any violation of the act, regardless of whether the civil action is brought by the

Attorney General or an individual. The amount of the penalty would be determined by the court or the jury, as the case may be. All monies collected would be deposited in the State General Fund.

In addition, the bill would authorize the court to award reasonable attorney's fees and costs.

This bill is modeled on the Federal civil rights law which provides for a civil action for deprivation of civil rights (42 U.S.C.A. §1983), on the Massachusetts Civil Rights Act (MA ST 12 §11H et seq.) and on the Maine Civil Rights Act (5 M.R.S.A. §4681 et. seq.).

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2073**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 6, 2004

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2073.

This bill establishes the "New Jersey Civil Rights Act."

In order to protect and assure against deprivation of the free exercise of civil rights which are guaranteed and secured under the New Jersey Constitution and federal Constitution, this bill provides a remedy when one person interferes with the civil rights of another. This bill attempts to provide the citizens of New Jersey with a *State* remedy for deprivation of or interference with the civil rights of an individual. By providing this remedy, the bill is intended to address potential gaps which may exist under remedies currently provided by New Jersey's "Law Against Discrimination," N.J.S.A.10:5-1 et seq., and the law authorizing a civil cause of action for bias crime victims, N.J.S.A.2A:53A-21.

Under the provisions of the bill, the Attorney General may bring a civil action for damages, injunctive relief or other appropriate relief if a person, whether or not acting under color of law, subjects or causes to be subjected any other person to the deprivation of any due process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, or any rights, privileges or immunities secured by the Constitution or laws of this State. An action may also be brought by the Attorney General if a person, whether or not acting under color of law, interferes or attempts to interfere by threats, intimidation or coercion with the exercise or enjoyment of another person's rights, privileges or immunities guaranteed under the State or federal Constitutions. Either action may be brought by the Attorney General in the name of the State and on behalf of the injured party.

In addition, any individual may bring a civil action if his rights, privileges or immunities have been deprived, interfered with or attempted to be interfered with by threats, intimidation or coercion by a person acting under color of law.

Upon application of any party, a jury trial shall be directed by the Superior Court.

The bill would also provide for a civil penalty for any violation of

the act, regardless of whether the civil action is brought by the Attorney General or an individual. The amount of the penalty would be determined by the court or the jury, as the case may be. All monies collected would be deposited in the State General Fund.

In addition, the bill would authorize the court to award reasonable attorney's fees and costs.

This bill is modeled on the federal civil rights law which provides for a civil action for deprivation of civil rights (42 U.S.C.A. §1983), the Massachusetts Civil Rights Act (MA ST 12 §11H et seq.) and the Maine Civil Rights Act (5 M.R.S.A. §4681 et. seq.).

The committee amended the bill to clarify that if the Attorney General proceeds with and prevails in an action brought on behalf of an individual pursuant to the provisions of the bill, the court shall order the distribution of any award of damages to the injured party.

This bill is identical to Senate, No. 1558 (1R).

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 2073**

with Senate Floor Amendments  
(Proposed By Senator GILL)

ADOPTED: JUNE 10, 2004

These floor amendments would amend the proposed "New Jersey Civil Rights Act," to clarify when a party would receive reasonable attorney's fees and costs.

Subsections a. and b. of section 2 of the bill would be amended to provide that the Attorney General would recover reasonable attorney's fees and costs, if he proceeds with and prevails in an action brought under the bill.

Subsection c. of section 2 of the bill would be amended to change the word "individual" to the more inclusive term "person," which in the statutory law includes corporations and other legal entities. These floor amendments would also amend subsection f. of the bill to clarify that when a person brings an action, under this provision of the bill, the court may award the prevailing party reasonable attorney's fees and costs.

STATEMENT TO  
[Second Reprint]  
**ASSEMBLY, No. 2073**

with Assembly Floor Amendments  
(Proposed By Assemblyman COHEN)

ADOPTED: JUNE 24, 2004

This floor amendment would amend the proposed "New Jersey Civil Rights Act" to clarify that a claim becomes actionable under the provisions of the act when a person's *substantive* due process or equal protection rights, privileges or immunities have been interfered with or when a person has been deprived of substantive rights, privileges or immunities as secured by either the U.S. Constitution or the New Jersey Constitution.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 2073**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: MARCH 22, 2004

**SUMMARY**

**Synopsis:** Establishes the "New Jersey Civil Rights Act."  
**Type of Impact:** Potential expenditure increase, General Fund.  
 Potential revenue increase, General Fund.  
**Agencies Affected:** Division on Civil Rights, Division of Law, Office of the Attorney General.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>FY 2004</u></b>	<b><u>FY 2005</u></b>	<b><u>FY 2006</u></b>
<b>State Cost</b>	Unknown Increase	Unknown Increase	Unknown Increase
<b>State Revenue</b>	Unknown Increase	Unknown Increase	Unknown Increase

- \* Establishes the "New Jersey Civil Rights Act."
- \* Authorizes the Attorney General to bring a civil action for damages and for injunctive or other appropriate relief if a person, whether or not acting under color of law, subjects or causes to be subjected any other person to the deprivation of any rights, privileges or immunities secured by the Constitution or laws of the United States, or the Constitution or laws of this State.
- \* Entitles an individual, who has been deprived of rights, privileges or immunities secured by the Constitution or laws of the United States, or the Constitution or laws of this State, or whose exercise or enjoyment of those rights, privileges or immunities has been interfered with or attempted to be interfered with, by threats, intimidation or coercion by a person acting under color of law, to file a civil action for damages and for injunctive relief or other appropriate relief.
- \* Potentially increases the number of individuals suing the State and increases the number of civil action cases filed by the Attorney General, thus increasing the caseload in the Division on Civil Rights and widening the scope of defense in the Division of Law.
- \* Levies civil penalties on violations which would be deposited in the State General Fund.
- \* The Office of Legislative Services (OLS) cannot determine the fiscal impact of this bill because sufficient information is not available.

## **BILL DESCRIPTION**

Assembly Bill No. 2073 of 2004 establishes the "New Jersey Civil Rights Act. "Under the provisions of the bill, the Attorney General may bring a civil action for damages and for injunctive or other appropriate relief if a person, whether or not acting under color of law, subjects or causes to be subjected any other person to the deprivation of any rights, privileges or immunities secured by the Constitution or laws of the United States, or the Constitution or laws of this State. An action may also be brought if a person interferes or attempts to interfere by threats, intimidation or coercion with the exercise or enjoyment of another person's rights, privileges or immunities guaranteed under the State or federal Constitutions. The action may be brought in the name of the State or and behalf of the injured.

The bill entitles an individual, who has been deprived of rights, privileges or immunities secured by the Constitution or laws of the United States, or the Constitution or laws of this State, or whose exercise or enjoyment of those rights, privileges or immunities has been interfered with or attempted to be interfered with, by threats, intimidation or coercion by a person acting under color of law, to file a civil action for damages and for injunctive relief or other appropriate relief.

A person who violates the provisions of the act would be liable for a civil penalty, regardless of whether the civil action is brought by the Attorney General or an individual. The amount of the penalty would be determined by the court or the jury, as the case may be. All monies collected would be deposited in the State General Fund.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

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

The Office of Legislative Services (OLS) estimates that State costs will increase under the provisions of this bill. However, the extent of that increase cannot be determined at this time. The bill may lead to an increase in the number of individuals suing the State, thereby increasing State costs to defend against these actions. This bill may also increase the number of civil action cases filed by the Attorney General, thus increasing the caseload in the Division on Civil Rights. Sufficient information is lacking to permit an estimate of State costs under this bill.

OLS notes that State costs may be offset to some extent by the penalties collected under the provisions of the bill. Under the terms of the bill, a person who violates its provisions would be liable for a civil penalty, regardless of whether the civil action is brought by the Attorney General or an individual. These penalties would be deposited in the State General Fund. OLS cannot determine how much the State could expect to collect under this bill.



A2073

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Section: *Law and Public Safety*

Analyst: *Kristin A. Brunner*  
*Assistant Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

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

**SENATE, No. 1558**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED MAY 6, 2004

**Sponsored by:**  
**Senator NIA H. GILL**  
**District 34 (Essex and Passaic)**

**SYNOPSIS**

Establishes the "New Jersey Civil Rights Act."

**CURRENT VERSION OF TEXT**

As introduced.



S1558 GILL

2

1 AN ACT concerning civil rights and supplementing Title 10 of the New  
2 Jersey Statutes.

3

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

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15 State, the Attorney General may bring a civil action for damages and  
16 for injunctive or other appropriate relief. The civil action shall be  
17 brought in the name of the State and may be brought on behalf of the  
18 injured party. The penalty provided in subsection e. of this section  
19 shall be applicable to a violation of this subsection.

20 b. If a person, whether or not acting under color of law, interferes  
21 or attempts to interfere by threats, intimidation or coercion with the  
22 exercise or enjoyment by any other person of any due process or  
23 equal protection rights, privileges or immunities secured by the  
24 Constitution or laws of the United States, or any rights, privileges or  
25 immunities secured by the Constitution or laws of this State, the  
26 Attorney General may bring a civil action for damages and for  
27 injunctive or other appropriate relief. The civil action shall be brought  
28 in the name of the State and may be brought on behalf of the injured  
29 party. The penalty provided in subsection e. of this section shall be  
30 applicable to a violation of this subsection.

31 c. Any individual who has been deprived of any due process or  
32 equal protection rights, privileges or immunities secured by the  
33 Constitution or laws of the United States, or any rights, privileges or  
34 immunities secured by the Constitution or laws of this State, or whose  
35 exercise or enjoyment of those rights, privileges or immunities has  
36 been interfered with or attempted to be interfered with, by threats,  
37 intimidation or coercion by a person acting under color of law, may  
38 bring a civil action for damages and for injunctive or other appropriate  
39 relief. The penalty provided in subsection e. of this section shall be  
40 applicable to a violation of this subsection.

41 d. An action brought pursuant to this act may be filed in Superior  
42 Court. Upon application of any party, a jury trial shall be directed.

43 e. Any person who deprives, interferes or attempts to interfere by  
44 threats, intimidation or coercion with the exercise or enjoyment by any  
45 other person of any due process or equal protection rights, privileges  
46 or immunities secured by the Constitution or laws of the United States,

1 or any rights, privileges or immunities secured by the Constitution or  
2 laws of this State is liable for a civil penalty for each violation. The  
3 court or jury, as the case may be, shall determine the appropriate  
4 amount of the penalty. Any money collected by the court in payment  
5 of a civil penalty shall be conveyed to the State Treasurer for deposit  
6 into the State General Fund.

7 f. In addition to any damages, civil penalty, injunction or other  
8 appropriate relief awarded in an action brought pursuant to this act,  
9 the court may award reasonable attorney's fees and costs.

10  
11 3. This act shall take effect immediately .  
12  
13

14 STATEMENT  
15

16 This bill establishes the "New Jersey Civil Rights Act."

17 Every individual in this State enjoys the free exercise of his civil  
18 rights which are guaranteed and secured under the New Jersey  
19 Constitution and federal Constitution. In order to protect and assure  
20 against deprivation of these rights, it is the sponsor's belief that it is  
21 necessary to provide a remedy when one person interferes with the  
22 civil rights of another. This bill attempts to provide the citizens of  
23 New Jersey with a *State* remedy for deprivation of or interference with  
24 the civil rights of an individual. By providing this remedy, the bill is  
25 intended to address potential gaps which may exist under remedies  
26 currently provided by New Jersey's "Law Against Discrimination,"  
27 N.J.S.A.10:5-1 et seq., and the law authorizing a civil cause of action  
28 for bias crime victims, N.J.S.A.2A:53A-21.

29 Under the provisions of the bill, the Attorney General may bring a  
30 civil action for damages, injunctive relief or other appropriate relief  
31 if a person, whether or not acting under color of law, subjects or  
32 causes to be subjected any other person to the deprivation of any due  
33 process or equal protection rights, privileges or immunities secured by  
34 the Constitution or laws of the United States, or any rights, privileges  
35 or immunities secured by the Constitution or laws of this State. An  
36 action may also be brought by the Attorney General if a person,  
37 whether or not acting under color of law, interferes or attempts to  
38 interfere by threats, intimidation or coercion with the exercise or  
39 enjoyment of another person's rights, privileges or immunities  
40 guaranteed under the State or federal Constitutions. Either action  
41 may be brought by the Attorney General in the name of the State and  
42 on behalf of the injured party.

43 In addition, any individual may bring a civil action if his rights,  
44 privileges or immunities have been deprived, interfered with or  
45 attempted to be interfered with by threats, intimidation or coercion by  
46 a person acting under color of law.

**S1558 GILL**

1       Upon application of any party, a jury trial would be directed by the  
2 Superior Court.

3       The bill would also provide for a civil penalty for any violation of  
4 the act, regardless of whether the civil action is brought by the  
5 Attorney General or an individual. The amount of the penalty would  
6 be determined by the court or the jury, as the case may be. All monies  
7 collected would be deposited in the State General Fund.

8       In addition, the bill would authorize the court to award reasonable  
9 attorney's fees and costs.

10       This bill is modeled on the Federal civil rights law which provides  
11 for a civil action for deprivation of civil rights (42 U.S.C.A. §1983), on  
12 the Massachusetts Civil Rights Act (MA ST 12 §11H et seq.) and on  
13 the Maine Civil Rights Act (5 M.R.S.A. §4681 et. seq.).

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 1558**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 6, 2004

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1558.

This bill establishes the "New Jersey Civil Rights Act."

In order to protect and assure against deprivation of the free exercise of civil rights which are guaranteed and secured under the New Jersey Constitution and federal Constitution, this bill provides a remedy when one person interferes with the civil rights of another. This bill attempts to provide the citizens of New Jersey with a *State* remedy for deprivation of or interference with the civil rights of an individual. By providing this remedy, the bill is intended to address potential gaps which may exist under remedies currently provided by New Jersey's "Law Against Discrimination," N.J.S.A.10:5-1 et seq., and the law authorizing a civil cause of action for bias crime victims, N.J.S.A.2A:53A-21.

Under the provisions of the bill, the Attorney General may bring a civil action for damages, injunctive relief or other appropriate relief if a person, whether or not acting under color of law, subjects or causes to be subjected any other person to the deprivation of any due process or equal protection rights, privileges or immunities secured by the Constitution or laws of the United States, or any rights, privileges or immunities secured by the Constitution or laws of this State. An action may also be brought by the Attorney General if a person, whether or not acting under color of law, interferes or attempts to interfere by threats, intimidation or coercion with the exercise or enjoyment of another person's rights, privileges or immunities guaranteed under the State or federal Constitutions. Either action may be brought by the Attorney General in the name of the State and on behalf of the injured party.

In addition, any individual may bring a civil action if his rights, privileges or immunities have been deprived, interfered with or attempted to be interfered with by threats, intimidation or coercion by a person acting under color of law.

Upon application of any party, a jury trial shall be directed by the Superior Court.

The bill would also provide for a civil penalty for any violation of

the act, regardless of whether the civil action is brought by the Attorney General or an individual. The amount of the penalty would be determined by the court or the jury, as the case may be. All monies collected would be deposited in the State General Fund.

In addition, the bill would authorize the court to award reasonable attorney's fees and costs.

This bill is modeled on the federal civil rights law which provides for a civil action for deprivation of civil rights (42 U.S.C.A. §1983), the Massachusetts Civil Rights Act (MA ST 12 §11H et seq.) and the Maine Civil Rights Act (5 M.R.S.A. §4681 et. seq.).

The committee amended the bill to clarify that if the Attorney General proceeds with and prevails in an action brought on behalf of an individual pursuant to the provisions of the bill, the court shall order the distribution of any award of damages to the injured party.

This bill is identical to Assembly No. 2073 (1R).

STATEMENT TO  
[First Reprint]  
**SENATE, No. 1558**

with Senate Floor Amendments  
(Proposed By Senator GILL)

ADOPTED: JUNE 10, 2004

These floor amendments would amend the proposed "New Jersey Civil Rights Act," to clarify when a party would receive reasonable attorney's fees and costs.

Subsections a. and b. of section 2 of the bill would be amended to provide that the Attorney General would recover reasonable attorney's fees and costs, if he proceeds with and prevails in an action brought under the bill.

Subsection c. of section 2 of the bill would be amended to change the word "individual" to the more inclusive term "person," which in the statutory law includes corporations and other legal entities. These floor amendments would also amend subsection f. of the bill to clarify that when a person brings an action, under this provision of the bill, the court may award the prevailing party reasonable attorney's fees and costs.



## Office of the Governor

### News Releases

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#### **Governor's Statement Upon Signing Assembly Bill 2073**

(TRENTON) -- Governor James E. McGreevey issued the following statement today regarding the passage of Assembly Bill 2073:

*“Assembly Bill No. 2073, which I signed today, establishes the ‘New Jersey Civil Rights Act’ and provides additional statutory remedies for people whose constitutional rights are violated.*

*“This new law provides legal redress when a person’s substantive due process or equal protection rights, privileges or immunities have been interfered with or when a person has been deprived of substantive rights, privileges or immunities as secured by either the laws of the Constitution of the United States or the laws of the Constitution of New Jersey.*

*“The bill also authorizes the Attorney General to bring actions in the name of the State and on behalf of an injured party for damages, injunctive or other appropriate relief. Importantly, in signing this new law, New Jersey has now established a State analog to the federal civil rights act codified at 42 U.S.C.A. ' 1983.*

*“While the causes of action for which the new law provides statutory authorization are, for the most part, already available, this new civil rights act fills in the gaps in the breadth of our civil remedies, assuring that we have recourse when necessary to protect the enjoyment of our constitutional rights. These statutory causes of action will incorporate and integrate seamlessly with the existing jurisprudence that protects civil rights.*

*“This bill provides a powerful new procedural mechanism to safeguard the exercise of State and federal constitutional rights, enforceable in New Jersey state courts, the very existence of which will help deter those who would improperly deprive us of our constitutional rights, complementing existing statutes and procedural provisions applicable to litigation.*

*“It does not create any new substantive rights, override existing statutes of limitations,*



*waive immunities or alter jurisdictional or procedural requirements, including those established by the Rules Governing the Courts of the State of New Jersey, that are otherwise applicable to the assertion of constitutional and statutory rights. And it gives us an additional, robust tool for appropriate legal redress when our constitutionally protected rights are indeed violated, either by governmental or private actors.*

*“To accomplish these salutary purposes, to enhance the civil rights protections available to all our citizens, I am honored to sign this legislation.”*

**State of New Jersey Governor's Office**

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