

2A:15-5.14

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 323

NJSA: 2A:15-5.14 (Removes limitation on punitive damages awards in civil actions arising from convictions for murder, aggravated manslaughter or manslaughter)

BILL NO: S1137 (Substituted for A2248)

SPONSOR(S): Littell and others

DATE INTRODUCED: February 23, 2004

COMMITTEE: **ASSEMBLY:** Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** January 9, 2006

SENATE: June 23, 2005

DATE OF APPROVAL: January 12, 2006

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

S1137

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

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

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

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A2248

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

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

[SENATE:](#) No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

IS 2/6/08

P.L. 2005, CHAPTER 323, *approved January 12, 2006*
Senate, No. 1137

1 AN ACT concerning punitive damages and amending P.L.1995, c.142.

2

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

5

6 1. Section 6 of P.L.1995, c.142 (C.2A:15-5.14) is amended to read
7 as follows:

8 6. a. Before entering judgment for an award of punitive damages,
9 the trial judge shall ascertain that the award is reasonable in its amount
10 and justified in the circumstances of the case, in light of the purpose
11 to punish the defendant and to deter that defendant from repeating
12 such conduct. If necessary to satisfy the requirements of this section,
13 the judge may reduce the amount of or eliminate the award of punitive
14 damages.

15 b. No defendant shall be liable for punitive damages in any action
16 in an amount in excess of five times the liability of that defendant for
17 compensatory damages or \$350,000, whichever is greater.

18 c. The provisions of subsection b. of this section shall not apply to
19 causes of action brought pursuant to P.L.1993, c.137 (C.2A:53A-21
20 et seq.), P.L.1945, c.169 (C.10:5-1 et seq.), P.L.1989, c.303
21 (C.26:5C-5 et seq.) or P.L.1992, c.109 (C.2A:61B-1), or in cases in
22 which a defendant has been convicted pursuant to N.J.S.2C:11-3,
23 N.J.S.2C:11-4, R.S.39:4-50 or section 2 of P.L.1981, c.512
24 (C.39:4-50.4a) or the equivalent under the laws of any other
25 jurisdiction.

26 (cf: P.L.1995, c.142, s.6)

27

28 2. This act shall take effect immediately.

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30

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STATEMENT

32

33 Under the "Punitive Damages Act," P.L.1995, c.142 (C.2A:15-5.9
34 et seq.), punitive damages in civil actions are "capped," with certain
35 exceptions. The statute provides that generally punitive damages
36 cannot exceed an amount in excess of five times the liability of the
37 defendant for compensatory damages or \$350,000, whichever is
38 greater.

39 However, the caps on punitive damages do not apply under current
40 law to the following causes of action: N.J.S.A. 2A:53A-21 et seq.
41 (bias crime victims); N.J.S.A.10:5-1 et seq. (Law Against

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.

1 Discrimination); N.J.S.A.26:5C-5 et seq. (confidentiality of AIDS and
2 HIV records); or N.J.S.A.2A:61B-1 (child sexual abuse), or in cases
3 in which a defendant has been convicted pursuant to N.J.S.A.39:4-50
4 (drunk driving) or N.J.S.A.39:4-50.4a (license revocation for refusal
5 to submit to a breath test). This bill would add causes of action
6 arising from the crimes of murder, aggravated manslaughter or
7 manslaughter to the list of exceptions from the caps on punitive
8 damages.

9

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13 Removes limitation on punitive damages awards in civil actions arising
14 from convictions for murder, aggravated manslaughter or
15 manslaughter.

SENATE, No. 1137

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 23, 2004

Sponsored by:

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

Senator ROBERT J. MARTIN

District 26 (Morris and Passaic)

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Removes limitation on punitive damages awards in civil actions arising from convictions for murder, aggravated manslaughter or manslaughter.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2006)

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10 and justified in the circumstances of the case, in light of the purpose
11 to punish the defendant and to deter that defendant from repeating
12 such conduct. If necessary to satisfy the requirements of this section,
13 the judge may reduce the amount of or eliminate the award of punitive
14 damages.

15 b. No defendant shall be liable for punitive damages in any action
16 in an amount in excess of five times the liability of that defendant for
17 compensatory damages or \$350,000, whichever is greater.

18 c. The provisions of subsection b. of this section shall not apply to
19 causes of action brought pursuant to P.L.1993, c.137 (C.2A:53A-21
20 et seq.), P.L.1945, c.169 (C.10:5-1 et seq.), P.L.1989, c.303
21 (C.26:5C-5 et seq.) or P.L.1992, c.109 (C.2A:61B-1), or in cases in
22 which a defendant has been convicted pursuant to N.J.S.2C:11-3,
23 N.J.S.2C:11-4, R.S.39:4-50 or section 2 of P.L.1981, c.512
24 (C.39:4-50.4a) or the equivalent under the laws of any other
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40 law to the following causes of action: N.J.S.A. 2A:53A-21 et seq.
41 (bias crime victims); N.J.S.A.10:5-1 et seq. (Law Against
42 Discrimination); N.J.S.A.26:5C-5 et seq. (confidentiality of AIDS and
43 HIV records); or N.J.S.A.2A:61B-1 (child sexual abuse), or in cases

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S1137 LITTELL, MARTIN

3

1 in which a defendant has been convicted pursuant to N.J.S.A.39:4-50
2 (drunk driving) or N.J.S.A.39:4-50.4a (license revocation for refusal
3 to submit to a breath test). This bill would add causes of action
4 arising from the crimes of murder, aggravated manslaughter or
5 manslaughter to the list of exceptions from the caps on punitive
6 damages.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1137

STATE OF NEW JERSEY

DATED: JANUARY 5, 2006

The Assembly Judiciary Committee reports favorably Senate Bill No. 1137.

This bill would add causes of action arising from convictions for the crimes of murder, aggravated manslaughter or manslaughter to the list of exceptions from the caps on punitive damages. Under the "Punitive Damages Act," P.L.1995, c.142 (C.2A:15-5.9 et seq.), punitive damages in civil actions are "capped," with certain exceptions. The statute provides that generally punitive damages cannot exceed an amount in excess of five times the liability of the defendant for compensatory damages or \$350,000, whichever is greater.

However, the caps on punitive damages do not apply under current law to the following causes of action: N.J.S.A.2A:53A-21 et seq. (bias crime victims); N.J.S.A.10:5-1 et seq. (Law Against Discrimination); N.J.S.A.26:5C-5 et seq. (confidentiality of AIDS and HIV records); or N.J.S.A.2A:61B-1 (child sexual abuse), or in cases in which a defendant has been convicted pursuant to N.J.S.A.39:4-50 (drunk driving) or N.J.S.A.39:4-50.4a (license revocation for refusal to submit to a breath test).

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1137

STATE OF NEW JERSEY

DATED: MAY 5, 2005

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ASSEMBLY, No. 2248

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED FEBRUARY 9, 2004

Sponsored by:

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Removes limitation on punitive damages awards in civil actions arising from convictions for murder, aggravated manslaughter or manslaughter.

CURRENT VERSION OF TEXT

As introduced.



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A2248 MCHOSE

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5 manslaughter to the list of exceptions from the caps on punitive
6 damages.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2248

STATE OF NEW JERSEY

DATED: JANUARY 5, 2006

The Assembly Judiciary Committee reports favorably Assembly Bill No. 2248.

This bill would add causes of action arising from convictions for the crimes of murder, aggravated manslaughter or manslaughter to the list of exceptions from the caps on punitive damages. Under the "Punitive Damages Act," P.L.1995, c.142 (C.2A:15-5.9 et seq.), punitive damages in civil actions are "capped," with certain exceptions. The statute provides that generally punitive damages cannot exceed an amount in excess of five times the liability of the defendant for compensatory damages or \$350,000, whichever is greater.

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