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: <u>ASSEMBLY</u>: <u>Yes</u>

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A2248

SPONSOR'S STATEMENT: (Begins on page 2 of original bill)

Yes

COMMITTEE STATEMENT: <u>ASSEMBLY</u>: <u>Yes</u>

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

Publications at the State Library (609) 278-2640 ext. 103 or mailto:refdesk@njstatelib.org

REPORTS: No

HEARINGS: No

No

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IS 2/6/08

NEWSPAPER ARTICLES:

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

1 2	AN ACT concerning punitive damages and amending P.L.1995, c.142.
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.
29	
30	
31	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

 $\label{lem:explanation} \textbf{EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.}$

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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 10 11 12 Removes limitation on punitive damages awards in civil actions arising 13 14 from convictions for murder, aggravated manslaughter or

manslaughter.

15

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.

CR.E.A.T.

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

1	AN ACT concerning punitive damages and amending P.L.1995, c.142.
2	Dr. It. Evis Cours by the Course and Course Assembly of the State
3	BE IT ENACTED by the Senate and General Assembly of the State
4 5	of New Jersey:
<i>5</i>	1 Section 6 of D.I. 1005 a 142 (C.24:15.5.14) is amonded to read
7	1. Section 6 of P.L.1995, c.142 (C.2A:15-5.14) is amended to read as follows:
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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
25	jurisdiction.
26	(cf: P.L.1995, c.142, s.6)
27	(ci. 1.2.1993, c.112, 5.0)
28	2. This act shall take effect immediately.
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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
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

 $\label{lem:explanation} \textbf{EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.}$

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- 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

The Senate 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.

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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.



BEIT ENACTED by the Senate and General Assembly of the State of New Jersey: 1. Section 6 of P.L.1995, c.142 (C.2A:15-5.14) is amended to read as follows: 6. a. Before entering judgment for an award of punitive damages, the trial judge shall ascertain that the award is reasonable in its amount and justified in the circumstances of the case, in light of the purpose to punish the defendant and to deter that defendant from repeating such conduct. If necessary to satisfy the requirements of this section, the judge may reduce the amount of or eliminate the award of punitive damages. b. No defendant shall be liable for punitive damages in any action in an amount in excess of five times the liability of that defendant for compensatory damages or \$350,000, whichever is greater. c. The provisions of subsection b. of this section shall not apply to causes of action brought pursuant to P.L.1993, c.137 (C.2A:53A-21 et seq.), P.L.1945, c.169 (C.10:5-1 et seq.), P.L.1989, c.303 (C.26:5C-5 et seq.) or P.L.1992, c.109 (C.2A:61B-1), or in cases in which a defendant has been convicted pursuant to N.J.S.2C:11-3, N.J.S.2C:11-4, R.S.39:4-50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) or the equivalent under the laws of any other jurisdiction. cf: P.L.1995, c.142, s.6) 2. This act shall take effect immediately. 2. This act shall take effect immediately. 2. This act shall take effect immediately. 3. STATEMENT 3. 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.	1	AN ACT concerning punitive damages and amending P.L.1995, c.142.
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 $\label{lem:explanation} \textbf{EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.}$

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- 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

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.

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).