

**2C:12-10.1**  
**LEGISLATIVE HISTORY CHECKLIST**  
Compiled by the NJ State Law Library

**LAWS OF:** 2009            **CHAPTER:** 232

**NJSA:** 2C:12-10.1    (Adds contact via electronic device to prohibited contact enumerated in permanent restraining orders for convicted stalkers)

**BILL NO:** A2143 (Substituted for S2294)

**SPONSOR(S)** Cryan and Others

**DATE INTRODUCED:** February 25, 2008

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

**SENATE:** Judiciary

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** January 11, 2010

**SENATE:** January 7, 2010

**DATE OF APPROVAL:** January 16, 2010

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Second reprint enacted)

**A2143**

**SPONSOR'S STATEMENT:** (Begins on page 3 of introduced bill) Yes

**COMMITTEE STATEMENT:**                        **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL NOTE:** No

**S2294**

**SPONSOR'S STATEMENT:** (Begins on page 3 of introduced bill) Yes

**COMMITTEE STATEMENT:**                        **ASSEMBLY:** No

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL NOTE:** No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/RWH

[Second Reprint]

**ASSEMBLY, No. 2143**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED FEBRUARY 25, 2008

**Sponsored by:**

**Assemblyman JOSEPH CRYAN**

**District 20 (Union)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

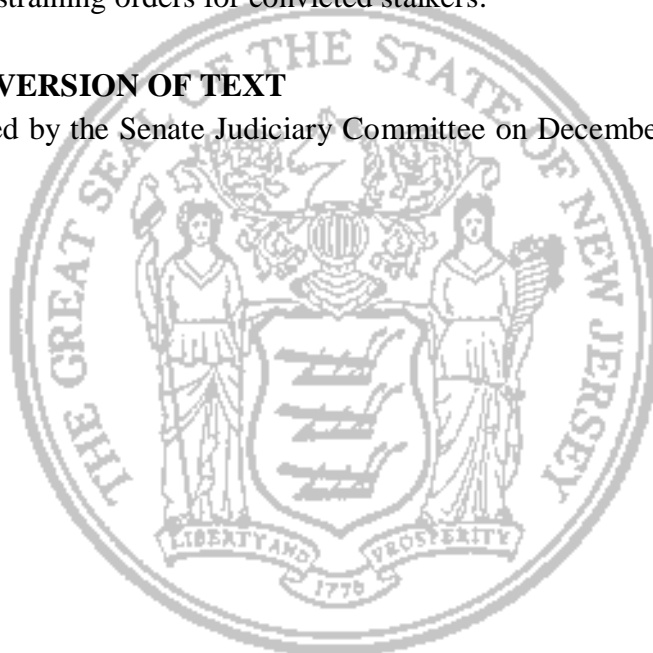
**Assemblyman Coutinho, Assemblywomen Quijano, Casagrande, Senators  
Lesniak and Sarlo**

**SYNOPSIS**

Adds contact via electronic device to prohibited contact enumerated in permanent restraining orders for convicted stalkers.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee on December 7, 2009, with amendments.



**(Sponsorship Updated As Of: 1/8/2010)**

1 AN ACT concerning stalkers and amending P.L.1996, c.39.

2

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

5

6 1. Section 3 of P.L.1996, c.39 (C.2C:12-10.1) is amended to  
7 read as follows:

8 3. a. A judgment of conviction for stalking shall operate as an  
9 application for a permanent restraining order limiting the contact of  
10 the defendant and the victim who was stalked.

11 b. A hearing shall be held on the application for a permanent  
12 restraining order at the time of the verdict or plea of guilty unless  
13 the victim requests otherwise. This hearing shall be in Superior  
14 Court. A permanent restraining order may grant the following  
15 specific relief:

16 (1) An order restraining the defendant from entering the  
17 residence, property, school, or place of employment of the victim  
18 and requiring the defendant to stay away from any specified place  
19 that is named in the order and is frequented regularly by the victim.

20 (2) An order restraining the defendant from making contact with  
21 the victim, including an order forbidding the defendant from  
22 personally or through an agent initiating any communication likely  
23 to cause annoyance or alarm including, but not limited to, personal,  
24 written, <sup>1</sup>**including emails sent via the Internet**<sup>1</sup> or telephone  
25 contact <sup>2</sup>**, or contact via electronic device,**<sup>2</sup> with the victim, the  
26 victim's employers, employees, or fellow workers, or others with  
27 whom communication would be likely to cause annoyance or alarm  
28 to the victim. <sup>1</sup>**As used in this paragraph, "communication"**  
29 <sup>2</sup>**includes but is not limited to e-mail and the use of any other**  
30 **online communication or website located on the Internet**<sup>1</sup> shall have  
31 **the same meaning as defined in subsection q. of N.J.S. 2C:1-14**.<sup>1</sup>

32 c. The permanent restraining order entered by the court  
33 subsequent to a conviction for stalking as provided in this act may  
34 be dissolved upon the application of the stalking victim to the court  
35 which granted the order.

36 d. Notice of permanent restraining orders issued pursuant to  
37 this act shall be sent by the clerk of the court or other person  
38 designated by the court to the appropriate chiefs of police, members  
39 of the State Police and any other appropriate law enforcement  
40 agency or court.

41 e. Any permanent restraining order issued pursuant to this act  
42 shall be in effect throughout the State, and shall be enforced by all  
43 law enforcement officers.

**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 floor amendments adopted May 21, 2009.**

<sup>2</sup>**Senate SJU committee amendments adopted December 7, 2009.**

1 f. A violation by the defendant of an order issued pursuant to  
2 this act shall constitute an offense under subsection a. of  
3 N.J.S.2C:29-9 and each order shall so state. Violations of these  
4 orders may be enforced in a civil or criminal action initiated by the  
5 stalking victim or by the court, on its own motion, pursuant to  
6 applicable court rules. Nothing in this act shall preclude the filing  
7 of a criminal complaint for stalking based on the same act which is  
8 the basis for the violation of the permanent restraining order.

9 (cf: P.L.1996, c.39, s.3)

10

11 2. This act shall take effect on the 60th day following  
12 enactment.

# ASSEMBLY, No. 2143

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 25, 2008

**Sponsored by:**

**Assemblyman JOSEPH CRYAN**

**District 20 (Union)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblyman Coutinho and Assemblywoman Quijano**

**SYNOPSIS**

Adds email messages to the list of prohibited contact enumerated in permanent restraining orders for convicted stalkers.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/19/2009)**

1 AN ACT concerning stalkers and amending P.L.1996, c.39.

2

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

5

6 1. Section 3 of P.L.1996, c.39 (C.2C:12-10.1) is amended to read  
7 as follows:

8 3. a. A judgment of conviction for stalking shall operate as an  
9 application for a permanent restraining order limiting the contact of  
10 the defendant and the victim who was stalked.

11 b. A hearing shall be held on the application for a permanent  
12 restraining order at the time of the verdict or plea of guilty unless  
13 the victim requests otherwise. This hearing shall be in Superior  
14 Court. A permanent restraining order may grant the following  
15 specific relief:

16 (1) An order restraining the defendant from entering the  
17 residence, property, school, or place of employment of the victim  
18 and requiring the defendant to stay away from any specified place  
19 that is named in the order and is frequented regularly by the victim.

20 (2) An order restraining the defendant from making contact with  
21 the victim, including an order forbidding the defendant from  
22 personally or through an agent initiating any communication likely  
23 to cause annoyance or alarm including, but not limited to, personal,  
24 written, including emails sent via the Internet, or telephone contact  
25 with the victim, the victim's employers, employees, or fellow  
26 workers, or others with whom communication would be likely to  
27 cause annoyance or alarm to the victim.

28 c. The permanent restraining order entered by the court  
29 subsequent to a conviction for stalking as provided in this act may  
30 be dissolved upon the application of the stalking victim to the court  
31 which granted the order.

32 d. Notice of permanent restraining orders issued pursuant to this  
33 act shall be sent by the clerk of the court or other person designated  
34 by the court to the appropriate chiefs of police, members of the  
35 State Police and any other appropriate law enforcement agency or  
36 court.

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

40 f. A violation by the defendant of an order issued pursuant to  
41 this act shall constitute an offense under subsection a. of  
42 N.J.S.2C:29-9 and each order shall so state. Violations of these  
43 orders may be enforced in a civil or criminal action initiated by the  
44 stalking victim or by the court, on its own motion, pursuant to  
45 applicable court rules. Nothing in this act shall preclude the filing

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

**Matter underlined thus is new matter.**

1 of a criminal complaint for stalking based on the same act which is  
2 the basis for the violation of the permanent restraining order.  
3 (cf: P.L.1996, c.39, s.3)

4

5 2. This act shall take effect on the 60th day following enactment.

6

7

8

STATEMENT

9

10 This bill would increase the amount of relief a victim of stalking  
11 would receive under a permanent restraining order. Specifically,  
12 this bill amends N.J.S.A.2C:12-10.1, to expand the list of prohibited  
13 contact to include emails via the Internet to add an extra level of  
14 protection for victims of stalking.

15 The effective date of the bill provides that the bill's provisions  
16 take effect on the 60th day following enactment.



ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2143**

**STATE OF NEW JERSEY**

DATED: MAY 11, 2009

The Assembly Judiciary Committee reports favorably Assembly Bill No. 2143.

Under current law, a conviction for stalking operates as an application for a permanent restraining order limiting the contact of the defendant and the victim. This bill would provide that, in addition to the restraints that a stalking victim may currently obtain, the court may also order that the defendant be restrained from communicating to the victim by email sent via the Internet. Specifically, this bill amends N.J.S.A.2C:12-10.1 to expand the list of prohibited contact to include emails via the Internet.

The bill would take effect on the 60th day following enactment.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

[First Reprint]

## **ASSEMBLY, No. 2143**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 7, 2009

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2143 (1R).

This bill would increase the amount of relief a victim of stalking would receive under a permanent restraining order. Prior to committee amendment this bill amended N.J.S.A.2C:12-10.1 to expand the list of prohibited contact to include emails via the Internet. The committee amendments remove the reference to emails and substitute “contact via electronic device” to be more expansive in application.

The amendments also provide that the term “communication” in the bill would have the same meaning as in subsection q. of N.J.S.2C:1-14. This subsection defines “communication” to mean any form of communication made by any means, including, but not limited to, any verbal or written communication, communications conveyed by any electronic communication device, which includes but is not limited to, a wire, radio, electromagnetic, photoelectric or photo-optical system, telephone, including a cordless, cellular or digital telephone, computer, video recorder, fax machine, pager, or any other means of transmitting voice or data and communications made by sign or gesture.

As amended, this bill is identical to Senate Bill No. 2294 (1R).

STATEMENT TO  
**ASSEMBLY, No. 2143**

with Assembly Floor Amendments  
(Proposed by Assemblyman CRYAN)

ADOPTED: MAY 21, 2009

This bill would provide that, in addition to the restraints that a stalking victim may currently obtain against a person convicted of stalking the victim, the court may also order that the defendant be restrained from communicating to the victim by e-mail sent via the Internet. These floor amendments would clarify that the restraints may include the use of any other online communication or website, in addition to e-mail.

**SENATE, No. 2294**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED OCTOBER 20, 2008

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**Senator PAUL A. SARLO**

**District 36 (Bergen, Essex and Passaic)**

**SYNOPSIS**

Adds email messages to the list of prohibited contact enumerated in permanent restraining orders for convicted stalkers.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/4/2009)**

1 AN ACT concerning stalkers and amending P.L.1996, c.39.

2

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

5

6 1. Section 3 of P.L.1996, c.39 (C.2C:12-10.1) is amended to  
7 read as follows:

8 3. a. A judgment of conviction for stalking shall operate as an  
9 application for a permanent restraining order limiting the contact of  
10 the defendant and the victim who was stalked.

11 b. A hearing shall be held on the application for a permanent  
12 restraining order at the time of the verdict or plea of guilty unless  
13 the victim requests otherwise. This hearing shall be in Superior  
14 Court. A permanent restraining order may grant the following  
15 specific relief:

16 (1) An order restraining the defendant from entering the  
17 residence, property, school, or place of employment of the victim  
18 and requiring the defendant to stay away from any specified place  
19 that is named in the order and is frequented regularly by the victim.

20 (2) An order restraining the defendant from making contact with  
21 the victim, including an order forbidding the defendant from  
22 personally or through an agent initiating any communication likely  
23 to cause annoyance or alarm including, but not limited to, personal,  
24 written, including emails sent via the Internet, or telephone contact  
25 with the victim, the victim's employers, employees, or fellow  
26 workers, or others with whom communication would be likely to  
27 cause annoyance or alarm to the victim.

28 c. The permanent restraining order entered by the court  
29 subsequent to a conviction for stalking as provided in this act may  
30 be dissolved upon the application of the stalking victim to the court  
31 which granted the order.

32 d. Notice of permanent restraining orders issued pursuant to  
33 this act shall be sent by the clerk of the court or other person  
34 designated by the court to the appropriate chiefs of police, members  
35 of the State Police and any other appropriate law enforcement  
36 agency or court.

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

40 f. A violation by the defendant of an order issued pursuant to  
41 this act shall constitute an offense under subsection a. of  
42 N.J.S.2C:29-9 and each order shall so state. Violations of these  
43 orders may be enforced in a civil or criminal action initiated by the  
44 stalking victim or by the court, on its own motion, pursuant to  
45 applicable court rules. Nothing in this act shall preclude the filing

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

**Matter underlined thus is new matter.**

1 of a criminal complaint for stalking based on the same act which is  
2 the basis for the violation of the permanent restraining order.  
3 (cf: P.L.1996, c.39, s.3)

4

5 2. This act shall take effect on the 60th day following  
6 enactment.

7

8

9

STATEMENT

10

11 This bill would increase the amount of relief a victim of stalking  
12 would receive under a permanent restraining order. Specifically,  
13 this bill amends N.J.S.A.2C:12-10.1, to expand the list of prohibited  
14 contact to include emails via the Internet to add an extra level of  
15 protection for victims of stalking.

16 The effective date of the bill provides that the bill's provisions  
17 take effect on the 60th day following enactment.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 2294**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 7, 2009

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 2294.

This bill would increase the amount of relief a victim of stalking would receive under a permanent restraining order. Prior to committee amendment this bill amended N.J.S.A.2C:12-10.1 to expand the list of prohibited contact to include emails via the Internet. The committee amendments remove the reference to emails and substitute “contact via electronic device” to be more expansive in application.

The amendments also provide that the term “communication” in the bill would have the same meaning as in subsection q. of N.J.S.2C:1-14. This subsection defines “communication” to mean any form of communication made by any means, including, but not limited to, any verbal or written communication, communications conveyed by any electronic communication device, which includes but is not limited to, a wire, radio, electromagnetic, photoelectric or photo-optical system, telephone, including a cordless, cellular or digital telephone, computer, video recorder, fax machine, pager, or any other means of transmitting voice or data and communications made by sign or gesture.

As amended, this bill is identical to Assembly Bill No. 2143 (2R).