

LEGISLATIVE HISTORY CHECKLIST  
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2C:25-28.1

(Restraining orders--domestic violence)

NJSA: 2C:25-28.1

IS OF: 1995

CHAPTER: 242

BILL NO: S207

SPONSOR(S): Bassano and others

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: June 29, 1995

SENATE: November 10, 1994

DATE OF APPROVAL: September 1, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

- 1 Superior Court 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  
4 N.J.S.2C:39-1.
- 5 c. Notice of orders issued pursuant to this section shall be sent  
6 by the clerk of the Family Part of the Chancery Division of the  
7 Superior Court or other person designated by the court to the  
8 appropriate chiefs of police, members of the State Police and any  
9 other appropriate law enforcement agency.
- 10 d. Upon good cause shown, any final order may be dissolved or  
11 modified upon application to the Family Part of the Chancery  
12 Division of the Superior Court, but only if the judge who dissolves  
13 or modifies the order has available a complete record of the  
14 hearing or hearings on which the order was based.  
15 (cf: P.L.1991, c.261, s.13)
- 16 2. (New section) Notwithstanding any provision of P.L.1991,  
17 c.261 (C.2C:25-17 et seq.) to the contrary, no order issued by the  
18 Family Part of the Chancery Division of the Superior Court  
19 pursuant to section 12 or section 13 of P.L.1991, c.261  
20 (C.2C:25-28 or 2C:25-29) regarding emergency, temporary or  
21 final relief shall include an in-house restraining order which  
22 permits the victim and the defendant to occupy the same  
23 premises but limits the defendant's use of that premises.
- 24 3. This act shall take effect immediately.

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27 STATEMENT

28  
29 This bill prohibits the use of in-house restraining orders in  
30 cases involving domestic violence. An in-house restraining order  
31 permits the defendant to occupy the same premises as the victim,  
32 but restricts his use of the premises. For example, the defendant  
33 may be restricted to a certain portion of the premises or the  
34 defendant's use of the premises may be conditioned upon his  
35 receiving certain types of counselling.

36 It is the sponsor's view that in-house restraining orders are  
37 unworkable since they do not provide adequate protection to the  
38 victim because the defendant can easily move beyond the  
39 boundaries of the order. This is of particular concern where  
40 there has been actual physical violence. Additionally, police find  
41 these orders difficult to enforce. Permanent restraints are more  
42 effective since they provide a protective environment and  
43 therefore more stability for the victim and the family.  
44  
45  
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48 Prohibits use of in-house restraining orders in domestic violence  
49 cases.

ASSEMBLY JUDICIARY LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

SENATE, No. 207

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1995

The Assembly Judiciary, Law and Public Safety Committee reports favorably Senate Bill No. 207.

Presently, under the provisions of the "Prevention of Domestic Violence Act of 1990," a court may issue an order granting relief in a variety of forms including an "in-house" restraining order. An "in-house" restraining order permits both the plaintiff and the defendant to occupy the same premises but limits the defendant's use of the premises. Under present law, a court is not authorized to order an "in-house" restraining order unless the plaintiff specifically and voluntarily requests such an order. "In-house" restraining orders are also not to be entered unless the court determines that the plaintiff knows that the order may not provide the same protection as an order excluding the defendant from the premises and that the plaintiff knows that the order may be difficult to enforce.

This bill would eliminate the use of "in-house" restraining orders in domestic violence cases.

This bill is identical to Assembly Bill No. 2276.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 207

STATE OF NEW JERSEY

DATED: OCTOBER 13, 1994

The Senate Judiciary Committee reports favorably Senate Bill No. 207

Presently, under the provisions of the "Prevention of Domestic Violence Act of 1990," a court may issue an order granting relief in a variety of forms. Among the forms of relief that may be ordered is an "in-house" restraining order. An "in-house" restraining order permits both the plaintiff and the defendant to occupy the same premises but limits the defendant's use of the premises. Under present law, a court is not authorized to issue an "in-house" restraining order unless the plaintiff specifically and voluntarily requests such an order. "In-house" restraining orders are also not to be entered unless the court determines that the plaintiff knows that the order may not provide the same protection as an order excluding the defendant from the premises and that the plaintiff knows that the order may be difficult to enforce. This bill would eliminate the use of "in-house" restraining orders in domestic violence cases.

This bill was prefiled for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.