

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Domestic violence--revision)

NJSA: 2C:25-19

LAWS OF: 1994 **CHAPTER:** 93

BILL NO: A286

SPONSOR(S): Heck and others

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Judiciary; Law & Public Safety and Defense
SENATE: ---

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** June 20, 1994
SENATE: June 30, 1994

DATE OF APPROVAL: August 11, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: Yes

See newspaper clippings--attached:

"New laws target domestic abuse..." 8-12-94. Asbury Park Press."Domestic violence laws get tougher..." 8-12-94. Bergen Record."Whitman signs new domestic abuce laws," 8-12-94. Philadelphia Inquirer."New laws to aid victims of abuse," 8-12-94. Home News.

974.90 New Jersey. Commission on Sex Discrimination in the statutes.
W872 Public hearing held 3-20-82 and 3-27-92, Trenton and
1992a Newark, 1992.

[FIRST REPRINT]
ASSEMBLY, No. 286

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblywomen HECK, WEINBERG,
Assemblyman Bateman, Assemblywomen Crecco,
Gregory-Scocchi, Assemblyman Garrett,
Assemblywoman Turner, Assemblymen Warsh
and Roma

1 AN ACT concerning domestic violence and amending P.L.1991,
2 c.261.

3

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

6 1. Section 3 of P.L.1991, c.261 (C.2C:25-19) is amended to read
7 as follows:

8 3. As used in this act:

9 a. "Domestic violence" means the occurrence of one or more
10 of the following acts inflicted upon a person protected under this
11 act by an adult or an emancipated minor:

12 (1) Homicide N.J.S.2C:11-1 et seq.

13 (2) Assault N.J.S.2C:12-1

14 (3) Terroristic threats N.J.S.2C:12-3

15 (4) Kidnapping N.J.S.2C:13-1

16 (5) Criminal restraint N.J.S.2C:13-2

17 (6) False imprisonment N.J.S.2C:13-3

18 (7) Sexual assault N.J.S.2C:14-2

19 (8) Criminal sexual contact N.J.S.2C:14-3

20 (9) Lewdness N.J.S.2C:14-4

21 (10) Criminal mischief N.J.S.2C:17-3

22 (11) Burglary N.J.S.2C:18-2

23 (12) Criminal trespass N.J.S.2C:18-3

24 (13) Harassment N.J.S.2C:33-4

25 When one or more of these acts is inflicted by an
26 unemancipated minor upon a person protected under this act, the
27 occurrence shall not constitute "domestic violence," but may be
28 the basis for the filing of a petition or complaint pursuant to the
29 provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

30 b. "Law enforcement agency" means a department, division,
31 bureau, commission, board or other authority of the State or of
32 any political subdivision thereof which employs law enforcement
33 officers.

34 c. "Law enforcement officer" means a person whose public
35 duties include the power to act as an officer for the detection,
36 apprehension, arrest and conviction of offenders against the laws
37 of this State.

38 d. "Victim of domestic violence" means a person protected
39 under this act and shall include any person who is 18 years of age
40 or older or who is an emancipated minor and who has been
41 subjected to domestic violence by a spouse, former spouse, or any
42 other person who is a present or former household member, or a

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:
1 Assembly AJL committee amendments adopted May 19, 1994.

1 person with whom the victim has a child in common. "Victim of
2 domestic violence" also includes any person ¹[who is under 18
3 years of age and]¹ who has been subjected to domestic violence
4 by a person ¹with¹ whom the victim ¹[dated] has had a dating
5 relationship¹ .

6 ¹e. "Emancipated minor" means a person who is under 18
7 years of age but who has been married, has entered military
8 service, has a child or is pregnant or has been previously declared
9 by a court or an administrative agency to be emancipated.¹

10 (cf: P.L.1991, c.261, s.3)

11 2. Section 4 of P.L.1991, c.261 (C.2C:25-20) is amended to
12 read as follows:

13 4. The Division of Criminal Justice shall develop and approve a
14 training course and curriculum on the handling, investigation and
15 response procedures concerning reports of domestic violence and
16 abuse and neglect of the elderly and disabled. This training
17 course and curriculum shall be reviewed at least every two years
18 and modified by the Division of Criminal Justice from time to
19 time as need may require¹], and shall be made available to all law
20 enforcement personnel who are likely to encounter situations of
21 domestic violence]¹. The Division of Criminal Justice shall
22 distribute the curriculum to all local police agencies. The
23 Attorney General shall be responsible for ensuring that ¹all¹ law
24 enforcement officers ¹[throughout the State receive] attend
25 initial training within 90 days of appointment or transfer and
26 biannual inservice¹ training ¹[concerning domestic violence] as
27 described in this section¹.

28 The Administrative Office of the Courts shall develop and
29 approve a training course and a curriculum on the handling,
30 investigation and response procedures concerning allegations of
31 domestic violence. This training course shall ¹[consist of a 40
32 hour training program similar to the training required for a
33 victim counselor pursuant to section 3 of P.L.1987, c.169
34 (C.2A:84A-22.14) and shall]¹ be reviewed at least every two
35 years and modified by the Administrative Office of the Courts
36 from time to time as need may require¹], and shall be [made
37 available to] mandatory training for all judges and judicial
38 personnel of the Family Part of the Chancery Division of the
39 Superior Court and for all other judges and judicial personnel who
40 are likely to encounter situations of domestic violence]¹. The
41 Administrative Director of the Courts shall be responsible for
42 ensuring that ¹all¹ judges and judicial personnel ¹[throughout the
43 State receive] attend initial training within 90 days of
44 appointment or transfer and biannual inservice¹ training
45 ¹[concerning domestic violence] as described in this section¹.

46 The Division of Criminal Justice and the Administrative Office
47 of the Courts shall provide that all training on the handling of
48 domestic violence ¹[complaints] matters¹ shall ¹[stress the
49 enforcement of criminal laws in domestic situations, the
50 protection of the victim,] include information concerning the
51 impact of domestic violence on society, the dynamics of domestic
52 violence, the statutory and case law concerning domestic
53 violence, the necessary elements of a protection

1 order, policies and procedures as promulgated or ordered by the
2 Attorney General or the Supreme Court,¹ and the use of available
3 community resources¹, support services, available sanctions and
4 treatment options¹. Law enforcement agencies ¹[may] shall
5 either¹ establish domestic crisis teams or ¹train¹ individual
6 officers ¹[may be trained]¹ in methods of dealing with domestic
7 violence and neglect and abuse of the elderly and disabled. The
8 teams may include social workers, clergy or other persons trained
9 in counseling, crisis intervention or in the treatment of domestic
10 violence and neglect and abuse of the elderly and disabled victims.
11 (cf: P.L.1991, c.261, s.4)

12 3. Section 14 of P.L. 1991, c.261 (C.2C:25-30) is amended to
13 read as follows:

14 14. Except as provided below, a violation by the defendant of
15 an order issued pursuant to this act shall constitute an offense
16 under subsection b. of N.J.S.2C:29-9 and each order shall so
17 state. All contempt proceedings conducted pursuant to
18 N.J.S.2C:29-9 involving domestic violence orders, other than
19 those constituting indictable offenses, shall be heard by the
20 Family Part of the Chancery Division of the Superior Court
21 ¹[within 90 days]¹. ¹All contempt proceedings brought pursuant
22 to P.L. 1991, c. 261 (C. 2C:25-17 et seq.) shall be subject to any
23 rules or guidelines established by the Supreme Court to guarantee
24 the prompt disposition of criminal matters.¹ Additionally, and
25 notwithstanding the term of imprisonment provided in
26 N.J.S.2C:43-8, any person convicted of a second or subsequent
27 nonindictable domestic violence contempt offense shall serve a
28 minimum term of not less than 30 days. Orders entered pursuant
29 to paragraphs (3), (4), (8) and (9) of subsection b. of section 13 of
30 this act shall be excluded from enforcement under subsection b.
31 of N.J.S.2C:29-9; however, violations of these orders may be
32 enforced in a civil or criminal action initiated by the plaintiff or
33 by the court, on its own motion, pursuant to applicable court
34 rules.

35 (cf: P.L.1991, c.261, s.14)

36 4. This act shall take effect immediately.

37

38

39

40

41 Revises the statute concerning domestic violence.

1 N.J.S.2C:29-9 involving domestic violence orders, other than
2 those constituting indictable offenses, shall be heard by the
3 Family Part of the Chancery Division of the Superior Court
4 within 90 days. Additionally, and notwithstanding the term of
5 imprisonment provided in N.J.S.2C:43-8, any person convicted of
6 a second or subsequent nonindictable domestic violence contempt
7 offense shall serve a minimum term of not less than 30 days.
8 Orders entered pursuant to paragraphs (3), (4), (8) and (9) of
9 subsection b. of section 13 of this act shall be excluded from
10 enforcement under subsection b. of N.J.S.2C:29-9; however,
11 violations of these orders may be enforced in a civil or criminal
12 action initiated by the plaintiff or by the court, on its own
13 motion, pursuant to applicable court rules.

14 (cf: P.L.1991, c.261, s.14)

15 4. This act shall take effect immediately.

16

17

18 *SPONSORS'* STATEMENT

19

20 This bill makes three changes to provisions of the "Prevention
21 of Domestic Violence Act," P.L.1991, c.261. The bill would
22 broaden the definition of persons protected by the act to include
23 persons 18 years of age and under who are involved in teen date
24 abuse situations, in order to extend the provisions for the
25 imposition of court sanctions and professional interventions to
26 this population. In addition, the bill would expand the current
27 training for judges hearing domestic violence cases to mandate a
28 40 hour training program for judges and judicial personnel.
29 Finally, the bill would require that contempt proceeding be
30 conducted within 90 days.

31

32

33

34

35 _____
Revises the statute concerning domestic violence.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 286

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 1994

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 286.

This bill makes three changes to provisions of the "Prevention of Domestic Violence Act," P.L.1991, c.261. Prior to amendment, the bill would have broadened the definition of persons protected by the act to include persons 18 years of age and under who are involved in teen date abuse situations, in order to extend the provisions for the imposition of court sanctions and professional interventions to this population. In addition, the bill would have expanded the current training for judges hearing domestic violence cases to mandate a 40 hour training program for judges and judicial personnel. Finally, the bill would have required that contempt proceedings be conducted within 90 days.

The committee amended section 1 of the bill to clarify that a victim of domestic violence would also include any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has had a dating relationship. The amendments also define an "emancipated minor" as a person who is under 18 years of age and who has been married, entered military service or has been otherwise declared emancipated by a court or an administrative agency.

Section 2 of the bill was amended to eliminate the language in the bill which would require all judges and judicial personnel to undergo a mandatory 40 hour training program. The amendments would require the Division of Criminal Justice and the Administrative Office of the Courts to require all law enforcement officers, judges and judicial personnel to attend an initial training program within 90 days of appointment or transfer and biannual service training. The amendments also clarify that the training program would include information concerning the impact of domestic violence on society, the dynamics of domestic violence, the statutory and case law, the necessary elements of a protection order and the policies and procedures of the Attorney General and the Administrative Office of the Courts.

The committee amended section 3 of the bill to eliminate the requirement that all contempt proceedings involving domestic violence orders be conducted within 90 days. The amendment would provide that these contempt proceedings would be subject to any rules or guidelines the Supreme Court promulgates which would insure the prompt disposition of criminal matters.

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.

FISCAL NOTE TO
[FIRST REPRINT]
ASSEMBLY, No. 286

STATE OF NEW JERSEY

DATED: July 8, 1994

Assembly Bill No. 286 (1R) of 1994 broadens the definition of persons protected by the "Prevention of Domestic Violence Act," (P.L.1991, c.261) to include persons 18 years of age and under who are involved in teen date abuse situations. It requires all law enforcement officers, judges and judicial personnel to attend an initial training program within 90 days of appointment or transfer and biannual service training. The bill requires the Supreme Court to promulgate guidelines and rules which would insure the prompt disposition of the criminal matters.

The Administrative Office of the Courts (AOC) states that expanding the class of potential victims under this act would increase the number of complaints filed under the law, but it is not possible to estimate this increase since there are no available statistics upon which projections could be based.

The AOC further states that under the bill, approximately 425 employees at the Superior Court level and 1,575 at the Municipal Court level would need to be trained each year. At a cost of \$45 per participant for the training, the total would be \$90,000. The AOC further states that an additional \$60,000 would be required for faculty, materials and space. Thus, according to the AOC, the total cost of this training would be \$150,000.

The Office of Legislative Services concurs.

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



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact:

CARL GOLDEN
609-777-2205

TRENTON, N.J. 08625

Release: IMMEDIATE
AUG. 11, 1994

Gov. Christie Whitman today signed legislation to strengthen the state's laws against domestic violence and to broaden the law's coverage. The Governor, at the same time, signed legislation to strengthen the state's rape shield law for victims of sexual assaults.

The Governor signed the three bills at a public ceremony in her office.

The bills signed are:

A-286, sponsored by Assemblywomen Rose Heck R-Bergen, and Loretta Weinberg, D-Bergen, to expand the coverage of the domestic violence act to include any person who has been subjected to such violence at the hands of a person with whom the victim has had a dating relationship. The bill also requires training in domestic violence procedures for all law enforcement officers, judges and judicial personnel.

A-289, sponsored by Assemblywoman Heck, Assembly Speaker Garabed Haytaian, R-Warren; Assemblyman Joseph Azzolina, R-Monmouth; Assemblywoman Nia Gill, D-Essex, and Assemblyman Leroy Jones, D-Essex, and in the Senate By Sen. Robert Martin, R-Morris, to broaden the protection provided in the domestic violence act and to clarify court and police procedure in the handling of domestic violence matters.

A-677, sponsored by Assemblywoman Joanna Gregory-Scocchi, and Assemblyman Jeff Warsh, both R-Middlesex, to increase the restrictions on the admissibility of evidence concerning a sex crime victim's prior sexual conduct.
