

2C:25-19

**LEGISLATIVE HISTORY CHECKLIST**  
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(Domestic violence--amendments)

NJSA: 2C:25-19

LAWS OF: 1994 CHAPTER: 94

BILL NO: A289

SPONSOR(S): Heck

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Judiciary; Law & Public Safety

SENATE: ---

AMENDED DURING PASSAGE: No Assembly Committee substitute enacted

DATE OF PASSAGE: ASSEMBLY: June 20, 1994

SENATE: June 30, 1994

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FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: ~~Yes~~ No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: Yes

974.90 New Jersey Commission on Sex Discrimination in the statutes.  
W872 Public hearing..., held 3-20-92 & 3-27-1992. Trenton,  
1992a and Newark, 1992.  
[see especially vol.2--pp17]

Hearing by New Jersey Assembly Advisory Council on Women not transcribed as of 10-1-94.

KBG:pp

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 289, 751, 757 and 1298

STATE OF NEW JERSEY

ADOPTED MAY 19, 1994

Sponsored by Assemblywoman HECK, Assemblymen HAYTAIAN,  
AZZOLINA, Assemblywoman GILL and Assemblyman JONES

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  
7 read 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 (14) Stalking P.L.1992, c.209 (C.2C:12-10)

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

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

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

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

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 regardless of age, who has been subjected to domestic violence by  
2 a person with whom the victim has a child in common, or with  
3 whom the victim anticipates having a child in common, if one of  
4 the parties is pregnant.

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

6 2. Section 6 of P.L.1991, c.261 (C.2C:25-22) is amended to  
7 read as follows:

8 6. A law enforcement officer or a member of a domestic crisis  
9 team or any person who, in good faith, reports a possible incident  
10 of domestic violence to the police shall not be held liable in any  
11 civil action brought by any party for an arrest based on probable  
12 cause, enforcement in good faith of a court order, or any other  
13 act or omission in good faith under this act.

14 (cf: P.L.1991, c.261, s.6)

15 3. Section 10 of P.L.1991, c.261 (C.2C:25-26) is amended to  
16 read as follows:

17 10. a. When a defendant charged with a crime or offense  
18 involving domestic violence is released from custody before trial  
19 on bail or personal recognizance, the court authorizing the  
20 release may as a condition of release issue an order prohibiting  
21 the defendant from having any contact with the victim including,  
22 but not limited to, restraining the defendant from entering the  
23 victim's residence, place of employment or business, or school,  
24 and from harassing or stalking the victim or victim's relatives in  
25 any way. The court may enter an order prohibiting the defendant  
26 from possessing any firearm or other weapon enumerated in  
27 subsection r. of N.J.S.2C:39-1 and ordering the search for and  
28 seizure of any such weapon at any location where the judge has  
29 reasonable cause to believe the weapon is located. The judge  
30 shall state with specificity the reasons for and scope of the  
31 search and seizure authorized by the order.

32 b. The written court order releasing the defendant shall  
33 contain the court's directives specifically restricting the  
34 defendant's ability to have contact with the victim or the  
35 victim's friends, co-workers or relatives. The clerk of the court  
36 or other person designated by the court shall provide a copy of  
37 this order to the victim forthwith.

38 c. The victim's location shall remain confidential and shall not  
39 appear on any documents or records to which the defendant has  
40 access.

41 d. Before bail is set, the defendant's prior record shall be  
42 considered by the court. Bail shall be set as soon as is feasible,  
43 but in all cases within 24 hours of arrest.

44 e. Once bail is set it shall not be reduced without prior notice  
45 to the county prosecutor and the victim. Bail shall not be  
46 reduced by a judge other than the judge who originally ordered  
47 bail, unless the reasons for the amount of the original bail are  
48 available to the judge who reduces the bail and are set forth in  
49 the record.

50 f. A victim shall not be prohibited from applying for, and a  
51 court shall not be prohibited from issuing, temporary restraints  
52 pursuant to this act because the victim has charged any person  
53 with commission of a criminal act.

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

1       4. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to  
2 read as follows:

3       12. a. A victim may file a complaint alleging the commission  
4 of an act of domestic violence with the Family Part of the  
5 Chancery Division of the Superior Court in conformity with the  
6 rules of court. The court shall not dismiss any complaint or delay  
7 disposition of a case because the victim has left the residence to  
8 avoid further incidents of domestic violence. Filing a complaint  
9 pursuant to this section shall not prevent the filing of a criminal  
10 complaint for the same act.

11       On weekends, holidays and other times when the court is  
12 closed, a victim may file a complaint before a judge of the  
13 Family Part of the Chancery Division of the Superior Court or a  
14 municipal court judge who shall be assigned to accept complaints  
15 and issue emergency, ex parte relief in the form of temporary  
16 restraining orders pursuant to this act.

17       A plaintiff may apply for relief under this section in a court  
18 having jurisdiction over the place where the alleged act of  
19 domestic violence occurred, where the defendant resides, or  
20 where the plaintiff resides or is sheltered, and the court shall  
21 follow the same procedures applicable to other [emergent]  
22 emergency applications. Criminal complaints filed pursuant to  
23 this act shall be investigated and prosecuted in the jurisdiction  
24 where the offense is alleged to have occurred. Contempt  
25 complaints filed pursuant to N.J.S.2C:29-9 shall be prosecuted in  
26 the county where the contempt is alleged to have been  
27 committed and a copy of the contempt complaint shall be  
28 forwarded to the court that issued the order alleged to have been  
29 violated.

30       b. The court shall waive any requirement that the petitioner's  
31 place of residence appear on the complaint.

32       c. The clerk of the court, or other person designated by the  
33 court, shall assist the parties in completing any forms necessary  
34 for the filing of a summons, complaint, answer or other pleading.

35       d. Summons and complaint forms shall be readily available at  
36 the clerk's office, at the municipal courts and at municipal and  
37 State police stations.

38       e. As soon as the domestic violence complaint is filed, both  
39 the victim and the abuser shall be advised of any programs or  
40 services available for advice and counseling.

41       f. A plaintiff may seek emergency, ex parte relief in the  
42 nature of a temporary restraining order. [The] A municipal court  
43 judge or a judge of the Family Part of the Chancery Division of  
44 the Superior Court may enter an ex parte [orders] order when  
45 necessary to protect the life, health or well-being of a victim on  
46 whose behalf the relief is sought.

47       g. If it appears that the plaintiff is in danger of domestic  
48 violence, the judge shall, upon consideration of the plaintiff's  
49 domestic violence complaint, order emergency [relief, including]  
50 ex parte relief, in the nature of a temporary restraining order. A  
51 decision shall be made by the judge regarding the emergency  
52 relief forthwith. [An order granting emergency relief, together  
53 with all pleadings, process and other orders, shall immediately be  
54 forwarded to the sheriff for immediate service of the order for

1 emergency relief upon the defendant.]

2 h. A judge may issue a temporary restraining order upon sworn  
3 testimony or complaint of an applicant who is not physically  
4 present, pursuant to court rules, or by a person who represents a  
5 person who is physically or mentally incapable of filing  
6 personally. A temporary restraining order may be issued if the  
7 judge is satisfied that exigent circumstances exist sufficient to  
8 excuse the failure of the applicant to appear personally and that  
9 sufficient grounds for granting the application have been shown.

10 i. An order for emergency, ex parte relief shall be granted  
11 upon good cause shown and shall remain in effect until a judge of  
12 the Family Part issues a further order. [The Family Part of the  
13 Chancery Division of the Superior Court shall hold a hearing on  
14 an emergency order within 10 days.] Any temporary order  
15 hereunder [may be dissolved or modified on 24 hours' notice or] is  
16 immediately appealable for a plenary hearing de novo not on the  
17 record [before the judge who issued the temporary order, or]  
18 before any judge of the Family Part of the county in which the  
19 plaintiff resides or is sheltered if that judge issued the temporary  
20 order or has access to the reasons for the issuance of the  
21 temporary order and sets forth in the record the reasons for the  
22 modification or dissolution. The denial of a temporary  
23 restraining order by a municipal court judge and subsequent  
24 administrative dismissal of the complaint shall not bar the victim  
25 from refileing a complaint in the Family Part based on the same  
26 incident and receiving an emergency, ex parte hearing de novo  
27 not on the record before a Family Part judge, and every denial of  
28 relief by a municipal court judge shall so state.

29 j. Emergency relief may include forbidding the defendant from  
30 returning to the scene of the domestic violence, forbidding the  
31 defendant to possess any firearm or other weapon enumerated in  
32 subsection r. of N.J.S.2C:39-1, ordering the search for and  
33 seizure of any such weapon at any location where the judge has  
34 reasonable cause to believe the weapon is located and any other  
35 appropriate relief. The judge shall state with specificity the  
36 reasons for and scope of the search and seizure authorized by the  
37 order.

38 k. The judge may permit the defendant to return to the scene  
39 of the domestic violence to pick up personal belongings and  
40 effects but shall [by] , in the order granting relief, restrict the  
41 time and duration of such permission and provide for police  
42 supervision of such visit.

43 l. An order granting emergency relief , together with the  
44 complaint or complaints, shall immediately be forwarded to the  
45 appropriate law enforcement agency for service on the  
46 defendant, and to the police of the municipality in which the  
47 plaintiff resides or is sheltered, and shall immediately be served  
48 upon the defendant by the police, except that an order issued  
49 during regular court hours may be forwarded to the sheriff for  
50 immediate service upon the defendant in accordance with the  
51 rules of court. If personal service cannot be effected upon the  
52 defendant, the court may order other appropriate substituted  
53 service. At no time shall the plaintiff be asked or required to  
54 serve any order on the defendant.

1 m. [A temporary restraining order shall remain in effect until  
2 further action by the court] (Deleted by amendment, P.L. , c.  
3 .) (now pending before the Legislature as this bill)

4 n. Notice of temporary restraining orders issued pursuant to  
5 this section shall be sent by the clerk of the court or other person  
6 designated by the court to the appropriate chiefs of police,  
7 members of the State Police and any other appropriate law  
8 enforcement agency or court.

9 o. [All pleadings, process, and other orders filed pursuant to  
10 this act shall be served upon the defendant in accordance with  
11 the rules of court. If personal service cannot be effected upon  
12 the defendant, the court may order other appropriate substituted  
13 service. At no time shall the plaintiff be asked or required to  
14 serve any order on the defendant.] (Deleted by amendment,  
15 P.L. , c. .)(now pending before the Legislature as this bill)

16 p. Any temporary or permanent restraining order issued  
17 pursuant to this act shall be in effect throughout the State, and  
18 shall be enforced by all law enforcement officers.

19 (cf: P.L.1991, c.261, s.12)

20 5. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to  
21 read as follows:

22 13. a. A hearing shall be held in the Family Part of the  
23 Chancery Division of the Superior Court within 10 days of the  
24 filing of a complaint pursuant to section 12 of this act in the  
25 county where the ex parte restraints were ordered, unless good  
26 cause is shown for the hearing to be held elsewhere. A copy of  
27 the complaint shall be served on the defendant in conformity with  
28 the rules of court. If a criminal complaint arising out of the same  
29 incident which is the subject matter of a complaint brought under  
30 P.L.1981, c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261  
31 (C.2C:25-17 et seq.) has been filed, testimony given by the  
32 plaintiff or defendant in the domestic violence matter shall not  
33 be used in the simultaneous or subsequent criminal proceeding  
34 against the defendant, other than domestic violence contempt  
35 matters and where it would

36 otherwise be admissible hearsay under the rules of evidence that  
37 govern where a party is unavailable. At the hearing the standard  
38 for proving the allegations in the complaint shall be by a  
39 preponderance of the evidence. The court shall consider but not  
40 be limited to the following factors:

41 (1) The previous history of domestic violence between the  
42 plaintiff and defendant, including threats, harassment and  
43 physical abuse;

44 (2) The existence of immediate danger to person or property;

45 (3) The financial circumstances of the plaintiff and defendant;

46 (4) The best interests of the victim and any child;

47 (5) In determining custody and visitation the protection of the  
48 victim's safety; and

49 (6) The existence of a verifiable order of protection from  
50 another jurisdiction.

51 An order issued under this act shall only restrain or provide  
52 damages payable from a person against whom a complaint has  
53 been filed under this act and only after a finding or an admission  
54 is made that an act of domestic violence was committed by that

1 person. The issue of whether or not a violation of this act  
2 occurred, including an act of contempt under this act, shall not  
3 be subject to mediation or negotiation in any form. In addition,  
4 where a temporary or final order has been issued pursuant to this  
5 act, no party shall be ordered to participate in mediation on the  
6 issue of custody or visitation.

7 b. In proceedings in which complaints for restraining orders  
8 have been filed, the court shall grant any relief necessary to  
9 prevent further abuse. At the hearing the judge of the Family  
10 Part of the Chancery Division of the Superior Court may issue an  
11 order granting any or all of the following relief:

12 (1) An order restraining the defendant from subjecting the  
13 victim to domestic violence, as defined in this act.

14 (2) An order granting exclusive possession to the plaintiff of  
15 the residence or household regardless of whether the residence or  
16 household is jointly or solely owned by the parties or jointly or  
17 solely leased by the parties. This order shall not in any manner  
18 affect title or interest to any real property held by either party  
19 or both jointly. If it is not possible for the victim to remain in  
20 the residence, the court may order the defendant to pay the  
21 victim's rent at a residence other than the one previously shared  
22 by the parties if the defendant is found to have a duty to support  
23 the victim and the victim requires alternative housing.

24 (3) An order providing for visitation. The order shall protect  
25 the safety and well-being of the plaintiff and minor children and  
26 shall specify the place and frequency of visitation. Visitation  
27 arrangements shall not compromise any other remedy provided by  
28 the court by requiring or encouraging contact between the  
29 plaintiff and defendant. Orders for visitation may include a  
30 designation of a place of visitation away from the plaintiff, the  
31 participation of a third party, or supervised visitation.

32 (a) The court shall consider a request by [the plaintiff] a  
33 custodial parent who has been subjected to domestic violence by  
34 a person with visitation rights to a child in the parent's custody  
35 for an investigation or evaluation by the appropriate agency to  
36 assess the risk of harm to the child prior to the entry of a  
37 visitation order. Any denial of such a request must be on the  
38 record and shall only be made if the judge finds the request to be  
39 arbitrary or capricious.

40 (b) The court shall consider suspension of the visitation order  
41 and hold an [emergent] emergency hearing upon an application  
42 made by the plaintiff certifying under oath that the defendant's  
43 access to the child pursuant to the visitation order has threatened  
44 the safety and well-being of the child.

45 (4) An order requiring the defendant to pay to the victim  
46 monetary compensation for losses suffered as a direct result of  
47 the act of domestic violence. The order may require the  
48 defendant to pay the victim directly, to reimburse the Violent  
49 Crimes Compensation Board for any and all compensation paid by  
50 the Violent Crimes Compensation Board directly to or on behalf  
51 of the victim, and may require that the defendant reimburse any  
52 parties that may have compensated the victim, as the court may  
53 determine. Compensatory losses shall include, but not be limited  
54 to, loss of earnings or other support, including child or spousal

1 support, out-of-pocket losses for injuries sustained, cost of repair  
2 or replacement of real or personal property damaged or destroyed  
3 or taken by the defendant, cost of counseling for the victim,  
4 moving or other travel expenses, reasonable attorney's fees,  
5 court costs, and compensation for pain and suffering. Where  
6 appropriate, punitive damages may be awarded in addition to  
7 compensatory damages.

8 (5) An order requiring the defendant to receive professional  
9 domestic violence counseling from either a private source or a  
10 source appointed by the court and, in that event, at the court's  
11 discretion requiring the defendant to provide the court at  
12 specified intervals with documentation of attendance at the  
13 professional counseling. The court may order the defendant to  
14 pay for the professional counseling.

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

21 (7) An order restraining the defendant from making contact  
22 with the plaintiff or others, including an order forbidding the  
23 defendant from personally or through an agent initiating any  
24 communication likely to cause annoyance or alarm including, but  
25 not limited to, personal, written, or telephone contact with the  
26 victim or other family members, or their employers, employees,  
27 or fellow workers, or others with whom communication would be  
28 likely to cause annoyance or alarm to the victim.

29 (8) An order requiring that the defendant make or continue to  
30 make rent or mortgage payments on the residence occupied by  
31 the victim if the defendant is found to have a duty to support the  
32 victim or other dependent household members; provided that this  
33 issue has not been resolved or is not being litigated between the  
34 parties in another action.

35 (9) An order granting either party temporary possession of  
36 specified personal property, such as an automobile, checkbook,  
37 documentation of health insurance, an identification document, a  
38 key, and other personal effects.

39 (10) An order awarding [emergent] emergency monetary relief,  
40 including emergency support for minor children, to the victim and  
41 other dependents, if any. An ongoing obligation of support shall  
42 be determined at a later date pursuant to applicable law.

43 (11) An order awarding temporary custody of a minor child.  
44 The court shall presume that the best interests of the child are  
45 served by an award of custody to the non-abusive parent.

46 (12) An order requiring that a law enforcement officer  
47 accompany either party to the residence or any shared business  
48 premises to supervise the removal of personal belongings in order  
49 to ensure the personal safety of the plaintiff when a restraining  
50 order has been issued. This order shall be restricted in duration.

51 (13) An order which permits the victim and the defendant to  
52 occupy the same premises but limits the defendant's use of that  
53 premises, but only if it is documented by the judge granting the  
54 order that:



1 (a) The plaintiff specifically and voluntarily requests such an  
2 order; and

3 (b) The judge determines that the request is made voluntarily  
4 and with the plaintiff's knowledge that the order may not provide  
5 the same protection as an order excluding the defendant from the  
6 premises and with the plaintiff's knowledge that the order may  
7 be difficult to enforce; and

8 (c) Any conditions placed upon the defendant in connection  
9 with the continued access to the premises and any penalties for  
10 noncompliance with those conditions shall be explicitly set out in  
11 the order and shall be in addition to any other remedies for  
12 noncompliance available to the victim.

13 (14) An order granting any other appropriate relief for the  
14 plaintiff and dependent children, provided that the plaintiff  
15 consents to such relief, including relief requested by the plaintiff  
16 at the final hearing, whether or not the plaintiff requested such  
17 relief at the time of the granting of the initial emergency order.

18 (15) An order that requires that the defendant report to the  
19 intake unit of the Family Part of the Chancery Division of the  
20 Superior Court for monitoring of any other provision of the order.

21 (16) An order prohibiting the defendant from possessing any  
22 firearm or other weapon enumerated in subsection r. of  
23 N.J.S.2C:39-1 and ordering the search for and seizure of any such  
24 weapon at any location where the judge has reasonable cause to  
25 believe the weapon is located. The judge shall state with  
26 specificity the reasons for and scope of the search and seizure  
27 authorized by the order.

28 (17) An order prohibiting the defendant from stalking or  
29 following, or threatening to harm, to stalk or to follow, the  
30 complainant or any other person named in the order in a manner  
31 that, taken in the context of past actions of the defendant, would  
32 put the complainant in reasonable fear that the defendant would  
33 cause the death or injury of the complainant or any other person.  
34 Behavior prohibited under this act includes, but is not limited to,  
35 behavior prohibited under the provisions of P.L.1992, c.209  
36 (C.2C:12-10).

37 c. Notice of orders issued pursuant to this section shall be sent  
38 by the clerk of the Family Part of the Chancery Division of the  
39 Superior Court or other person designated by the court to the  
40 appropriate chiefs of police, members of the State Police and any  
41 other appropriate law enforcement agency.

42 d. Upon good cause shown, any final order may be dissolved or  
43 modified upon application to the Family Part of the Chancery  
44 Division of the Superior Court, but only if the judge who dissolves  
45 or modifies the order is the same judge who entered the order, or  
46 has available a complete record of the hearing or hearings on  
47 which the order was based.

48 (cf: P.L.1991, c.261, s.13)

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

51 14. Except as provided below, a violation by the defendant of  
52 an order issued pursuant to this act shall constitute an offense  
53 under subsection b. of N.J.S.2C:29-9 and each order shall so  
54 state. All contempt proceedings conducted pursuant to

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 Additionally, and notwithstanding the term of imprisonment  
5 provided in N.J.S.2C:43-8, any person convicted of a second or  
6 subsequent nonindictable domestic violence contempt offense  
7 shall serve a minimum term of not less than 30 days. Orders  
8 entered pursuant to paragraphs (3), (4), (5), (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 7. Section 15 of P.L.1991, c.261 (C.2C:25-31) is amended to  
16 read as follows:

17 15. Where a law enforcement officer finds that there is  
18 probable cause that a defendant has committed contempt of an  
19 order entered pursuant to the provisions of P.L.1981, c.426  
20 (C.2C:25-1 et seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.), the  
21 defendant shall be arrested and taken into custody by a law  
22 enforcement officer. The law enforcement officer shall follow  
23 these procedures:

24 [a. On weekends, holidays and other times when the court is  
25 closed, the] The law enforcement officer shall transport the  
26 defendant to [either] the police station [or the municipal court] or  
27 such other place as the law enforcement officer shall determine  
28 is proper. The law enforcement officer shall:

29 [(1)]a. Sign a complaint concerning the incident which gave  
30 rise to the contempt charge;

31 [(2)]b. Telephone or communicate in person or by facsimile  
32 with the appropriate judge assigned pursuant to this act and  
33 request bail be set on the contempt charge;

34 [(3)]c. If the defendant is unable to meet the bail set, take the  
35 necessary steps to insure that the defendant shall be incarcerated  
36 at police headquarters or at the county jail; and

37 [(4)]d. [On the next working day notify] During regular court  
38 hours, the defendant shall have bail set by a Superior Court judge  
39 that day. On weekends, holidays and other times when the court  
40 is closed, the officer shall arrange to have the clerk of the  
41 Family Part notified on the next working day of the new  
42 complaint, the amount of bail, the defendant's whereabouts and  
43 all other necessary details. In addition, if a municipal court judge  
44 set the bail, the arresting officer shall notify the clerk of that  
45 municipal court of this information.

46 [b. During regular court hours, the law enforcement officer  
47 shall transport the defendant to the Family Part of the Chancery  
48 Division of the Superior Court or to such other place as the law  
49 enforcement officer shall determine is proper. The law  
50 enforcement officer shall complete and sign a complaint  
51 concerning the incident which gave rise to the contempt charge,  
52 and the defendant shall have bail set by a judge that day.]  
53 Deleted by amendment, P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)(now pending  
54 before the Legislature as this bill)

55 (cf: P.L.1991, c.261, s.15)

1 8. Section 17 of P.L.1991, c.261 (C.2C:25-33) is amended to  
2 read as follows:

3 17. The Administrative Office of the Courts shall, with the  
4 assistance of the Attorney General and the county prosecutors,  
5 maintain a uniform record of all [requests for orders issued]  
6 applications for relief pursuant to sections 9, 10, 12, and 13 of  
7 [this act] P.L.1991, c. 261 (C.2C:25-25, C.2C:25-26, C.2C:25-28,  
8 and C.2C:25-29). The record shall include the following  
9 information:

- 10 a. The number of criminal and civil complaints filed in all  
11 municipal courts and the Superior Court;  
12 b. The sex of the parties;  
13 c. The relationship of the parties;  
14 d. The relief sought or the offense charged, or both;  
15 e. The nature of the relief granted or penalty imposed, or  
16 both, including, but not limited to, custody and child support; [and]  
17 f. The effective date of each order issued; and  
18 g. In the case of a civil action in which no permanent  
19 restraints are entered, or in the case of a criminal matter that  
20 does not proceed to trial, the reason or reasons for the disposition.

21 It shall be the duty of the Director of the Administrative  
22 Office of the Courts to compile and report annually to the  
23 Governor, the Legislature and the Advisory Council on Domestic  
24 Violence on the data tabulated from the records of these orders.

25 All records maintained pursuant to this act shall be  
26 confidential and shall not be made available to any individual or  
27 institution except as otherwise provided by law.

28 (cf: P.L.1991, c.261, s.17)

29 9. This act shall take effect immediately.

30

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33

34 Clarifies and broadens several provisions of the "Prevention of  
35 Domestic Violence Act of 1990."

ASSEMBLY, No. 289

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblywoman HECK

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  
7 read 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 (14) Stalking P.L.1992, c.209 (C.2C:12-10)

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

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

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

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

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 other person who is a present or former household member,  
2 "Victim of domestic violence" also includes any person,  
3 regardless of age, who has been subjected to domestic violence by  
4 [or] a person with whom the victim has a child in common, or, if  
5 the victim is pregnant, by a person who the victim alleges is the  
6 father of the child.

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

8 2. Section 6 of P.L.1991, c.261 (C.2C:25-22) is amended to  
9 read as follows:

10 6. A law enforcement officer or a member of a domestic crisis  
11 team or any person who, in good faith, reports a possible incident  
12 of domestic violence to the police shall not be held liable in any  
13 civil action brought by any party for an arrest based on probable  
14 cause, enforcement in good faith of a court order, or any other  
15 act or omission in good faith under this act.

16 (cf: P.L.1991, c.261, s.6)

17 3. Section 10 of P.L.1991, c.261 (C.2C:25-26) is amended to  
18 read as follows:

19 10. a. When a defendant charged with a crime or offense  
20 involving domestic violence is released from custody before trial  
21 on bail or personal recognizance, the court authorizing the  
22 release may as a condition of release issue an order prohibiting  
23 the defendant from having any contact with the victim including,  
24 but not limited to, restraining the defendant from entering the  
25 victim's residence, place of employment or business, or school,  
26 and from harassing or stalking the victim or victim's relatives in  
27 any way. The court may enter an order prohibiting the defendant  
28 from possessing any firearm or other weapon enumerated in  
29 subsection r. of N.J.S.2C:39-1.

30 b. The written court order releasing the defendant shall  
31 contain the court's directives restricting the defendant's ability  
32 to have contact with the victim or the victim's relatives. The  
33 clerk of the court or other person designated by the court shall  
34 provide a copy of this order to the victim forthwith.

35 c. The victim's location shall remain confidential and shall not  
36 appear on any documents or records to which the defendant has  
37 access.

38 d. Before bail is set, the defendant's prior record shall be  
39 considered by the court. Bail shall be set as soon as is feasible,  
40 but in all cases within 24 hours of arrest.

41 e. Once bail is set it shall not be reduced without prior notice  
42 to the county prosecutor and the victim. Bail shall not be  
43 reduced by a judge other than the judge who originally ordered  
44 bail, unless the reasons for the amount of the original bail are  
45 available to the judge who reduces the bail and are set forth in  
46 the record.

47 f. A victim shall not be prohibited from applying for, and a  
48 court shall not be prohibited from issuing, temporary restraints  
49 pursuant to this act because the victim has charged any person  
50 with commission of a criminal act.

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

52 4. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to  
53 read as follows:

54 12. a. A victim may file a complaint alleging the commission

1 of an act of domestic violence with the Family Part of the  
2 Chancery Division of the Superior Court in conformity with the  
3 rules of court. The court shall not dismiss any complaint or delay  
4 disposition of a case because the victim has left the residence to  
5 avoid further incidents of domestic violence. Filing a complaint  
6 pursuant to this section shall not prevent the filing of a criminal  
7 complaint for the same act.

8 On weekends, holidays and other times when the court is  
9 closed, a victim may file a complaint before a judge of the  
10 Family Part of the Chancery Division of the Superior Court or a  
11 municipal court judge who shall be assigned to accept complaints  
12 and issue emergency, ex parte relief in the form of temporary  
13 restraining orders pursuant to this act.

14 A plaintiff may apply for relief under this section in a court  
15 having jurisdiction over the place where the alleged act of  
16 domestic violence occurred, where the defendant resides, or  
17 where the plaintiff resides or is sheltered, and the court shall  
18 follow the same procedures applicable to other [emergent]  
19 emergency applications. Criminal complaints filed pursuant to  
20 this act shall be investigated and prosecuted in the jurisdiction  
21 where the offense is alleged to have occurred. Contempt  
22 complaints filed pursuant to N.J.S.2C:29-9 shall be prosecuted in  
23 the county where the contempt is alleged to have been  
24 committed and a copy of the contempt complaint shall be  
25 forwarded to the court that issued the order alleged to have been  
26 violated.

27 b. The court shall waive any requirement that the petitioner's  
28 place of residence appear on the complaint.

29 c. The clerk of the court, or other person designated by the  
30 court, shall assist the parties in completing any forms necessary  
31 for the filing of a summons, complaint, answer or other pleading.

32 d. Summons and complaint forms shall be readily available at  
33 the clerk's office, at the municipal courts and at municipal and  
34 State police stations.

35 e. As soon as the domestic violence complaint is filed, both  
36 the victim and the abuser shall be advised of any programs or  
37 services available for advice and counseling.

38 f. A plaintiff may seek emergency, ex parte relief in the  
39 nature of a temporary restraining order. The judge [of the  
40 Family Part of the Chancery Division of the Superior Court] may  
41 enter ex parte orders when necessary to protect the life, health  
42 or well-being of a victim on whose behalf the relief is sought.

43 g. If it appears that the plaintiff is in danger of domestic  
44 violence, the judge shall, upon consideration of the plaintiff's  
45 domestic violence complaint, order emergency [relief, including]  
46 ex parte relief, in the nature of a temporary restraining order. A  
47 decision shall be made by the judge regarding the emergency  
48 relief forthwith. An order granting emergency relief, together  
49 with all pleadings, process and other orders, shall immediately be  
50 forwarded to the sheriff [for immediate service of the order for  
51 emergency relief upon the defendant] and the police of the  
52 municipality in which the plaintiff resides or is sheltered.

53 h. A judge may issue a temporary restraining order upon sworn  
54 testimony or complaint of an applicant who is not physically

- 1 present, pursuant to court rules, or by a person who represents a  
2 person who is physically or mentally incapable of filing  
3 personally. A temporary restraining order may be issued if the  
4 judge is satisfied that exigent circumstances exist sufficient to  
5 excuse the failure of the applicant to appear personally and that  
6 sufficient grounds for granting the application have been shown.
- 7 i. An order for emergency, ex parte relief shall be granted  
8 upon good cause shown and shall remain in effect until a judge of  
9 the Family Part issues a further order. [The Family Part of the  
10 Chancery Division of the Superior Court shall hold a hearing on  
11 an emergency order within 10 days.] Any temporary order  
12 hereunder [may be dissolved or modified on 24 hours' notice or] is  
13 immediately appealable for a plenary hearing de novo not on the  
14 record [before the judge who issued the temporary order, or]  
15 before any judge of the Family Part of the county in which the  
16 plaintiff resides or is sheltered if that judge issued the temporary  
17 order or has access to the reasons for the issuance of the  
18 temporary order and sets forth in the record the reasons for the  
19 modification or dissolution. The denial of a temporary  
20 restraining order by a municipal court judge and subsequent  
21 administrative dismissal of the complaint shall not bar the victim  
22 from refileing a complaint in the Family Part based on the same  
23 incident and receiving an emergency, ex parte hearing de novo  
24 not on the record before a Family Part judge, and every denial of  
25 relief by a municipal court judge shall so state.
- 26 j. Emergency relief may include forbidding the defendant from  
27 returning to the scene of the domestic violence, forbidding the  
28 defendant to possess any firearm or other weapon enumerated in  
29 subsection r. of N.J.S.2C:39-1 and any other appropriate relief.
- 30 k. The judge may permit the defendant to return to the scene  
31 of the domestic violence to pick up personal belongings and  
32 effects but shall by order restrict the time and duration and  
33 provide for police supervision of such visit.
- 34 l. An order granting emergency relief shall immediately be  
35 served upon the defendant by the police, except that an order  
36 issued during regular court hours may be forwarded to the sheriff  
37 for immediate service upon the defendant in accordance with the  
38 rules of court. At no time shall the plaintiff be asked or required  
39 to serve any order on the defendant.
- 40 m. [A temporary restraining order shall remain in effect until  
41 further action by the court] The Family Part of the Chancery  
42 Division of the Superior Court shall hold a hearing on an  
43 emergency order within 10 days, and the hearing shall be held in  
44 the county where the ex parte restraints were ordered unless  
45 good cause is shown for the hearing to be held elsewhere.
- 46 n. Notice of temporary restraining orders issued pursuant to  
47 this section shall be sent by the clerk of the court or other person  
48 designated by the court to the appropriate chiefs of police,  
49 members of the State Police and any other appropriate law  
50 enforcement agency or court.
- 51 o. [All pleadings, process, and other orders filed pursuant to  
52 this act shall be served upon the defendant in accordance with  
53 the rules of court. If personal service cannot be effected upon  
54 the defendant, the court may order other appropriate substituted

1 service. At no time shall the plaintiff be asked or required to  
2 serve any order on the defendant.] (Deleted by amendment,  
3 P.L. , c. .)(now pending before the Legislature as this bill)

4 p. Any temporary or permanent restraining order issued  
5 pursuant to this act shall be in effect throughout the State, and  
6 shall be enforced by all law enforcement officers.

7 (cf: P.L.1991, c.261, s.12)

8 5. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to  
9 read as follows:

10 13. a. A hearing shall be held in the Family Part of the  
11 Chancery Division of the Superior Court within 10 days of the  
12 filing of a complaint pursuant to section 12 of this act. A copy of  
13 the complaint shall be served on the defendant in conformity with  
14 the rules of court. If a criminal complaint arising out of the same  
15 incident which is the subject matter of a complaint brought under  
16 P.L.1981, c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261 has been  
17 filed, testimony given by the plaintiff or defendant in the  
18 domestic violence matter shall not be used in the simultaneous or  
19 subsequent criminal proceeding against the defendant, other than  
20 domestic violence contempt matters and where it would  
21 otherwise be admissible hearsay under the rules of evidence that  
22 govern where a party is unavailable. At the hearing the standard  
23 for proving the allegations in the complaint shall be by a  
24 preponderance of the evidence. The court shall consider but not  
25 be limited to the following factors:

26 (1) The previous history of domestic violence between the  
27 plaintiff and defendant, including threats, harassment and  
28 physical abuse;

29 (2) The existence of immediate danger to person or property;

30 (3) The financial circumstances of the plaintiff and defendant;

31 (4) The best interests of the victim and any child;

32 (5) In determining custody and visitation the protection of the  
33 victim's safety; and

34 (6) The existence of a verifiable order of protection from  
35 another jurisdiction.

36 An order issued under this act shall only restrain or provide for  
37 damages payable from a person against whom a complaint has  
38 been filed by this act, and only after a finding or an admission  
39 that an act of domestic violence was committed by that person.  
40 The issue of whether or not a violation of this act occurred,  
41 including an act of contempt under this act, shall not be subject  
42 to mediation or negotiation in any form. In addition, where a  
43 temporary or final order has been issued pursuant to this act, no  
44 party shall be ordered to participate in mediation on the issue of  
45 custody or visitation.

46 b. In proceedings in which complaints for restraining orders  
47 have been filed, the court shall grant any relief necessary to  
48 prevent further abuse. At the hearing the judge of the Family  
49 Part of the Chancery Division of the Superior Court may issue an  
50 order granting any or all of the following relief:

51 (1) An order restraining the defendant from subjecting the  
52 victim to domestic violence, as defined in this act.

53 (2) An order granting exclusive possession to the plaintiff of  
54 the residence or household regardless of whether the residence or



1 household is jointly or solely owned by the parties or jointly or  
2 solely leased by the parties. This order shall not in any manner  
3 affect title or interest to any real property held by either party  
4 or both jointly. If it is not possible for the victim to remain in  
5 the residence, the court may order the defendant to pay the  
6 victim's rent at a residence other than the one previously shared  
7 by the parties if the defendant is found to have a duty to support  
8 the victim and the victim requires alternative housing.

9 (3) An order providing for visitation. The order shall protect  
10 the safety and well-being of the plaintiff and minor children and  
11 shall specify the place and frequency of visitation. Visitation  
12 arrangements shall not compromise any other remedy provided by  
13 the court by requiring or encouraging contact between the  
14 plaintiff and defendant. Orders for visitation may include a  
15 designation of a place of visitation away from the plaintiff, the  
16 participation of a third party, or supervised visitation.

17 (a) The court shall consider a request by the plaintiff for an  
18 investigation or evaluation by the appropriate agency to assess  
19 the risk of harm to the child prior to the entry of a visitation  
20 order. Any denial of such a request must be on the record and  
21 shall only be made if the judge finds the request to be arbitrary  
22 or capricious.

23 (b) The court shall consider suspension of the visitation order  
24 and hold an [emergent] emergency hearing upon an application  
25 made by the plaintiff certifying under oath that the defendant's  
26 access to the child pursuant to the visitation order has threatened  
27 the safety and well-being of the child.

28 (4) An order requiring the defendant to pay to the victim  
29 monetary compensation for losses suffered as a direct result of  
30 the act of domestic violence. The order may require the  
31 defendant to pay the victim directly, to reimburse the Violent  
32 Crimes Compensation Board for any and all compensation paid by  
33 the Violent Crimes Compensation Board directly to or on behalf  
34 of the victim, and may require that the defendant reimburse any  
35 parties that may have compensated the victim, as the court may  
36 determine. Compensatory losses shall include, but not be limited  
37 to, loss of earnings or other support, including child or spousal  
38 support, out-of-pocket losses for injuries sustained, cost of repair  
39 or replacement of real or personal property damaged or destroyed  
40 or taken, cost of counseling for the victim, moving or other  
41 travel expenses, reasonable attorney's fees, court costs, and  
42 compensation for pain and suffering. Where appropriate, punitive  
43 damages may be awarded in addition to compensatory damages.

44 (5) An order requiring the defendant to receive professional  
45 domestic violence counseling from either a private source or a  
46 source appointed by the court and, in that event, at the court's  
47 discretion requiring the defendant to provide the court at  
48 specified intervals with documentation of attendance at the  
49 professional counseling. The court may order the defendant to  
50 pay for the professional counseling.

51 (6) An order restraining the defendant from entering the  
52 residence, property, school, or place of employment of the victim  
53 or of other family or household members of the victim and  
54 requiring the defendant to stay away from any specified place

1 that is named in the order and is frequented regularly by the  
2 victim or other family or household members.

3 (7) An order restraining the defendant from making contact  
4 with the plaintiff or others, including an order forbidding the  
5 defendant from making any communication likely to cause  
6 annoyance or alarm including, but not limited to, personal,  
7 written, or telephone contact with the victim or other family  
8 members, or their employers, employees, or fellow workers, or  
9 others with whom communication would be likely to cause  
10 annoyance or alarm to the victim.

11 (8) An order requiring that the defendant make or continue to  
12 make rent or mortgage payments on the residence occupied by  
13 the victim if the defendant is found to have a duty to support the  
14 victim or other dependent household members; provided that this  
15 issue has not been resolved or is not being litigated between the  
16 parties in another action.

17 (9) An order granting either party temporary possession of  
18 specified personal property, such as an automobile, checkbook,  
19 documentation of health insurance, an identification document, a  
20 key, and other personal effects.

21 (10) An order awarding [emergent] emergency monetary relief,  
22 including emergency support for minor children, to the victim and  
23 other dependents, if any. An ongoing obligation of support shall  
24 be determined at a later date pursuant to applicable law.

25 (11) An order awarding temporary custody of a minor child.  
26 The court shall presume that the best interests of the child are  
27 served by an award of custody to the non-abusive parent.

28 (12) An order requiring that a law enforcement officer  
29 accompany either party to the residence or any shared business  
30 premises to supervise the removal of personal belongings in order  
31 to ensure the personal safety of the plaintiff when a restraining  
32 order has been issued. This order shall be restricted in duration.

33 (13) An order which permits the victim and the defendant to  
34 occupy the same premises but limits the defendant's use of that  
35 premises, but only if it is documented by the judge granting the  
36 order that:

37 (a) The plaintiff specifically and voluntarily requests such an  
38 order; and

39 (b) The judge determines that the request is made voluntarily  
40 and with the plaintiff's knowledge that the order may not provide  
41 the same protection as an order excluding the defendant from the  
42 premises and with the plaintiff's knowledge that the order may  
43 be difficult to enforce; and

44 (c) Any conditions placed upon the defendant in connection  
45 with the continued access to the premises and any penalties for  
46 noncompliance with those conditions shall be explicitly set out in  
47 the order and shall be in addition to any other remedies for  
48 noncompliance available to the victim.

49 (14) An order granting any other appropriate relief for the  
50 plaintiff and dependent children, provided that the plaintiff  
51 consents to such relief, including relief requested by the plaintiff  
52 at the final hearing, whether or not the plaintiff requested such  
53 relief at the time of the granting of the initial emergency order.

54 (15) An order that requires that the defendant report to the

1 intake unit of the Family Part of the Chancery Division of the  
2 Superior Court for monitoring of any other provision of the order.

3 (16) An order prohibiting the defendant from possessing any  
4 firearm or other weapon enumerated in subsection r. of  
5 N.J.S.2C:39-1 and ordering the seizure of any such weapon at any  
6 location where the judge has reasonable cause to believe the  
7 weapon is located. The judge shall state with specificity the  
8 reasons for and scope of the seizure authorized by the order.

9 (17) An order prohibiting the defendant from stalking or  
10 following, or threatening to harm, to stalk or to follow, the  
11 complainant or any other person named in the order in a manner  
12 that, taken in the context of past actions of the defendant, would  
13 put the complainant in reasonable fear that the defendant would  
14 cause the death or injury of the complainant or any other person.  
15 Behavior prohibited under this act includes, but is not limited to,  
16 behavior prohibited under the provisions of P.L.1992, c.209  
17 (C.2C:12-10).

18 c. Notice of orders issued pursuant to this section shall be sent  
19 by the clerk of the Family Part of the Chancery Division of the  
20 Superior Court or other person designated by the court to the  
21 appropriate chiefs of police, members of the State Police and any  
22 other appropriate law enforcement agency.

23 d. Upon good cause shown, any final order may be dissolved or  
24 modified upon application to the Family Part of the Chancery  
25 Division of the Superior Court, but only if the judge who dissolves  
26 or modifies the order is the same judge who entered the order, or  
27 has available a complete record of the hearing or hearings on  
28 which the order was based.

29 (cf: P.L.1991, c.261, s.13)

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

32 14. Except as provided below, a violation by the defendant of  
33 an order issued pursuant to this act shall constitute an offense  
34 under subsection b. of N.J.S.2C:29-9 and each order shall so  
35 state. All contempt proceedings conducted pursuant to  
36 N.J.S.2C:29-9 involving domestic violence orders, other than  
37 those constituting indictable offenses, shall be heard by the  
38 Family Part of the Chancery Division of the Superior Court.  
39 Additionally, and notwithstanding the term of imprisonment  
40 provided in N.J.S.2C:43-8, any person convicted of a second or  
41 subsequent nonindictable domestic violence contempt offense  
42 shall serve a minimum term of not less than 30 days. Orders  
43 entered pursuant to paragraphs (3), (4), (5), (8) and (9) of  
44 subsection b. of section 13 of this act shall be excluded from  
45 enforcement under subsection b. of N.J.S.2C:29-9; however,  
46 violations of these orders may be enforced in a civil or criminal  
47 action initiated by the plaintiff or by the court, on its own  
48 motion, pursuant to applicable court rules.

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

50 7. Section 15 of P.L.1991, c.261 (C.2C:25-31) is amended to  
51 read as follows:

52 15. Where a law enforcement officer finds that there is  
53 probable cause that a defendant has committed contempt of an  
54 order entered pursuant to the provisions of P.L.1981, c.426

1 (C.2C:25-1 et seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.), the  
2 defendant shall be arrested and taken into custody by a law  
3 enforcement officer. The law enforcement officer shall follow  
4 these procedures:

5 [a. On weekends, holidays and other times when the court is  
6 closed, the] The law enforcement officer shall transport the  
7 defendant to [either] the police station [or the municipal court] or  
8 such other place as the law enforcement officer shall determine  
9 is proper. The law enforcement officer shall:

10 [(1)]a. Sign a complaint concerning the incident which gave  
11 rise to the contempt charge;

12 [(2)]b. Telephone or communicate in person or by facsimile  
13 with the appropriate judge assigned pursuant to this act and  
14 request bail be set on the contempt charge;

15 [(3)]c. If the defendant is unable to meet the bail set, take the  
16 necessary steps to insure that the defendant shall be incarcerated  
17 at police headquarters or at the county jail; and

18 [(4)]d. [On the next working day notify] During regular court  
19 hours, the defendant shall have bail set by a Superior Court judge  
20 that day. On weekends, holidays and other times when the court  
21 is closed, the officer shall arrange to have the clerk of the  
22 Family Part notified on the next working day of the new  
23 complaint, the amount of bail, the defendant's whereabouts and  
24 all other necessary details. In addition, if a municipal court judge  
25 set the bail, the officer shall notify the clerk of that municipal  
26 court of this information.

27 [b. During regular court hours, the law enforcement officer  
28 shall transport the defendant to the Family Part of the Chancery  
29 Division of the Superior Court or to such other place as the law  
30 enforcement officer shall determine is proper. The law  
31 enforcement officer shall complete and sign a complaint  
32 concerning the incident which gave rise to the contempt charge,  
33 and the defendant shall have bail set by a judge that day.]

34 (cf: P.L.1991,c.261,s.15)

35 8. This act shall take effect immediately.

36  
37  
38 *Sponsor's* STATEMENT  
39

40 This bill amends, amplifies, and corrects some minor points in  
41 the "Prevention of Domestic Violence Act of 1990," P.L.1991,  
42 c.261.

43 Section 1 amends the definition of "domestic violence" to  
44 include the new crime of stalking, recently enacted as P.L.1992,  
45 c.209. The section also broadens the definition of "victim of  
46 domestic violence" to include persons not over 18 or emancipated  
47 who allege abuse by the father of their child, and persons who are  
48 pregnant and allege abuse by the putative father of the fetus.

49 Section 2 would grant immunity from liability to anyone who,  
50 in good faith, reports domestic violence to the police. The bill  
51 would not provide immunity to untrained persons who intervene in  
52 domestic violence situations without police assistance, a course  
53 that could be dangerous to both the intervenor and the victim.

54 Section 3 allows the court to prohibit the defendant from

1 stalking the victim or the victim's relatives as a condition of  
2 release on bail or personal recognizance.

3 Section 4 resolves discrepancies in current law concerning the  
4 requirements for service on the defendant. The amendments  
5 allow the plaintiff, as well as the defendant, to appeal the  
6 outcome of an application for temporary restraints. Other  
7 amendments clarify that "emergency, ex parte relief" is  
8 available for victims -- this term is used inconsistently in several  
9 portions of the current law. In addition, other amendments  
10 clarify that a victim whose application for relief was denied by a  
11 municipal court and subsequently dismissed administratively may  
12 refile the application in the Superior Court.

13 Section 5 amends 2C:25-29 to require a finding or admission of  
14 domestic violence before relief can be granted, and to require  
15 that anyone restrained under the act be the subject defendant of  
16 a complaint filed under the act. The amendments also  
17 specifically add child support to the list of the types of  
18 emergency monetary relief which can be ordered by the court.  
19 This addition is intended to clarify that the support is temporary,  
20 and not in lieu of a formal support hearing at a later time, where  
21 the court will have full access to the records and financial  
22 information of both parties. Several types of relief which may be  
23 ordered by the court are added by the amendments: restraints  
24 against contact with the plaintiff or others; the seizure of  
25 weapons in the possession of a defendant; restraints against  
26 stalking; and adding shared business premises as a place where  
27 the police can be required to escort a defendant for the purpose  
28 of removing personal belongings. The final amendment to this  
29 section clarifies that if the judge dissolving or modifying an order  
30 is the judge who entered the original order, there is no  
31 requirement that the judge have access to the entire record on  
32 which the order was based.

33 Section 6 conforms the exemptions to criminal contempt  
34 enforcement with the list in N.J.S.2C:29-9.

35 Section 7 clarifies the responsibility of a police officer who  
36 arrests a defendant for contempt to transport the defendant,  
37 provides that the police station is the usual situs for the  
38 completion of the criminal complaint, and allows the use of  
39 facsimile transmissions for communication with the judge who is  
40 responsible to set bail.

41

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45 Clarifies and broadens several provisions of the "Prevention of  
46 Domestic Violence Act of 1990."

**ASSEMBLY, No. 751**  
**STATE OF NEW JERSEY**

Introduced Pending Technical Review by Legislative Counsel  
PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblyman AZZOLINA

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  
7 read 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 (14) Stalking P.L. , c. (C. ) (now pending before the  
26 Legislature as Senate Bill No. 256)

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

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

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

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

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 other person who is a present or former household member, [or] a  
2 person with whom the victim has a child in common or if the  
3 victim is pregnant, by a person who the victim alleges will be the  
4 father of the child.

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

6 2. Section 6 of P.L.1991, c.261 (C.2C:25-22) is amended to  
7 read as follows:

8 6. A law enforcement officer [or] , a member of a domestic  
9 crisis team or any other person who in good faith reports an  
10 incident of domestic violence shall not be held liable in any civil  
11 action brought by any party for an arrest based on probable  
12 cause, enforcement in good faith of a court order, or any other  
13 act or omission in good faith under this act.

14 (cf: P.L.1991, c.261, s.6)

15 3. This act shall take effect immediately except that section 1  
16 shall remain inoperative until the operative date of P.L. , c.  
17 (C. ) (now pending before the Legislature as Senate  
18 Bill No. 256).

19  
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21 STATEMENT

22  
23 This bill amends the "Prevention of Domestic Violence Act of  
24 1991," N.J.S.A.2C:25-17 et seq., to include "stalking" as one of  
25 the enumerated offenses which, if committed upon a person  
26 protected under the act, would constitute an act of domestic  
27 violence. This section of the bill is conditioned upon the passage  
28 of Senate Bill No. 256, which is presently pending in the  
29 Legislature. Senate Bill No. 256 makes "stalking" a crime.

30 The bill also expands the definition of "victim" to include  
31 persons who are pregnant and being abused by the father of the  
32 child. In addition, the bill would grant civil immunity to anyone  
33 who, in good faith, reports an incident of domestic violence.  
34 Currently, the law grants civil immunity to law enforcement  
35 officers and members of a domestic crisis team.

36 These amendments are based on recommendations contained in  
37 a study of violence against women in New Jersey issued by the  
38 Commission on Sex Discrimination in the Statutes.

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42  
43 Amends the "Prevention of Domestic Violence Act" to include  
44 stalking.

ASSEMBLY, No. 757

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblyman AZZOLINA

1 AN ACT concerning victims of domestic violence and amending  
2 P.L. 1991, 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  
7 read as follows:

8 2C:25-19. Definitions.

9 3. As used in this act:

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

- 13 (1) Homicide N.J.S.2C:11-1 et seq.  
14 (2) Assault N.J.S.2C:12-1  
15 (3) Terroristic threats N.J.S.2C:12-3  
16 (4) Kidnapping N.J.S.2C:13-1  
17 (5) Criminal restraint N.J.S.2C:13-2  
18 (6) False imprisonment N.J.S.2C:13-3  
19 (7) Sexual assault N.J.S.2C:14-2  
20 (8) Criminal sexual contact N.J.S.2C:14-3  
21 (9) Lewdness N.J.S.2C:14-4  
22 (10) Criminal mischief N.J.S.2C:17-3  
23 (11) Burglary N.J.S.2C:18-2  
24 (12) Criminal trespass N.J.S.2C:18-3  
25 (13) Harassment N.J.S.2C:33-4  
26 (14) Stalking P.L.1992, c.209 (C.2C:12-10)

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

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

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

40 d. "Victim of domestic violence" means a person protected  
41 under this act and shall include any person who is 18 years of age  
42 or older or who is an emancipated minor and who has been

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 subjected to domestic violence by a spouse, former spouse, or any  
2 other person who is a present or former household member, [or] a  
3 person with whom the victim has a child in common or a person  
4 whom the victim dated or with whom the victim had an intimate  
5 relationship.

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

7 2. This act shall take effect immediately.

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#### STATEMENT

12 This bill would broaden the provisions of the "Prevention of  
13 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et  
14 seq.), to protect a person who suffers domestic violence at the  
15 hands of someone the victim once dated. Currently, the  
16 Domestic Violence Act only covers people who have been  
17 subjected to domestic violence by a spouse, former spouse, a  
18 present or former household member, or a person with whom the  
19 victim has a child in common.

20 The sponsor believes that the omission from this list of persons  
21 who were once involved in dating relationships or other intimate  
22 relationships is an oversight that must be rectified. Ironically,  
23 the Act currently does apply to persons who may have had even a  
24 relatively minor relationship with a victim; under present law, a  
25 victim can obtain a restraining order against a former roommate,  
26 but not against a former boyfriend.

27 The bill would also broaden the list of criminal offenses which  
28 trigger the Act's protections to include the new crime of  
29 stalking, N.J.S.A.2C:12-10 (established by P.L.1992, c.209).

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Provides that Domestic Violence Act applies if domestic violence  
is committed by a person whom the victim dated; adds stalking to  
list of covered offenses.

**ASSEMBLY, No. 1298**  
**STATE OF NEW JERSEY**

INTRODUCED FEBRUARY 10, 1994

By Assemblywoman GILL

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

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  
7 read 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 (14) Stalking P.L.1992, c.209 (C.2C:12-10)

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

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

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

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

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 other person who is a present or former household member,  
2 "Victim of domestic violence" also includes any person,  
3 regardless of age, who has been subjected to domestic violence by  
4 [or] a person with whom the victim has a child in common, or  
5 with whom the victim anticipates having a child in common, if  
6 one of the parties is pregnant.

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

8 2. Section 6 of P.L.1991, c.261 (C.2C:25-22) is amended to  
9 read as follows:

10 6. A law enforcement officer or a member of a domestic crisis  
11 team or any person who, in good faith, reports a possible incident  
12 of domestic violence to the police shall not be held liable in any  
13 civil action brought by any party for an arrest based on probable  
14 cause, enforcement in good faith of a court order, or any other  
15 act or omission in good faith under this act.

16 (cf: P.L.1991, c.261, s.6)

17 3. Section 10 of P.L.1991, c.261 (C.2C:25-26) is amended to  
18 read as follows:

19 10. a. When a defendant charged with a crime or offense  
20 involving domestic violence is released from custody before trial  
21 on bail or personal recognizance, the court authorizing the  
22 release may as a condition of release issue an order prohibiting  
23 the defendant from having any contact with the victim including,  
24 but not limited to, restraining the defendant from entering the  
25 victim's residence, place of employment or business, or school,  
26 and from harassing or stalking the victim or victim's relatives in  
27 any way. The court may enter an order prohibiting the defendant  
28 from possessing any firearm or other weapon enumerated in  
29 subsection r. of N.J.S.2C:39-1.

30 b. The written court order releasing the defendant shall  
31 contain the court's directives specifically restricting the  
32 defendant's ability to have contact with the victim or the  
33 victim's friends, co-workers or relatives. The clerk of the court  
34 or other person designated by the court shall provide a copy of  
35 this order to the victim forthwith.

36 c. The victim's location shall remain confidential and shall not  
37 appear on any documents or records to which the defendant has  
38 access.

39 d. Before bail is set, the defendant's prior record shall be  
40 considered by the court. Bail shall be set as soon as is feasible,  
41 but in all cases within 24 hours of arrest.

42 e. Once bail is set it shall not be reduced without prior notice  
43 to the county prosecutor and the victim. Bail shall not be  
44 reduced by a judge other than the judge who originally ordered  
45 bail, unless the reasons for the amount of the original bail are  
46 available to the judge who reduces the bail and are set forth in  
47 the record.

48 f. A victim shall not be prohibited from applying for, and a  
49 court shall not be prohibited from issuing, temporary restraints  
50 pursuant to this act because the victim has charged any person  
51 with commission of a criminal act.

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

53 4. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to  
54 read as follows:

1 12. a. A victim may file a complaint alleging the commission  
2 of an act of domestic violence with the Family Part of the  
3 Chancery Division of the Superior Court in conformity with the  
4 rules of court. The court shall not dismiss any complaint or delay  
5 disposition of a case because the victim has left the residence to  
6 avoid further incidents of domestic violence. Filing a complaint  
7 pursuant to this section shall not prevent the filing of a criminal  
8 complaint for the same act.

9 On weekends, holidays and other times when the court is  
10 closed, a victim may file a complaint before a judge of the  
11 Family Part of the Chancery Division of the Superior Court or a  
12 municipal court judge who shall be assigned to accept complaints  
13 and issue emergency, ex parte relief in the form of temporary  
14 restraining orders pursuant to this act.

15 A plaintiff may apply for relief under this section in a court  
16 having jurisdiction over the place where the alleged act of  
17 domestic violence occurred, where the defendant resides, or  
18 where the plaintiff resides or is sheltered, and the court shall  
19 follow the same procedures applicable to other [emergent]  
20 emergency applications. Criminal complaints filed pursuant to  
21 this act shall be investigated and prosecuted in the jurisdiction  
22 where the offense is alleged to have occurred. Contempt  
23 complaints filed pursuant to N.J.S.2C:29-9 shall be prosecuted in  
24 the county where the contempt is alleged to have been  
25 committed and a copy of the contempt complaint shall be  
26 forwarded to the court that issued the order alleged to have been  
27 violated.

28 b. The court shall waive any requirement that the petitioner's  
29 place of residence appear on the complaint.

30 c. The clerk of the court, or other person designated by the  
31 court, shall assist the parties in completing any forms necessary  
32 for the filing of a summons, complaint, answer or other pleading.

33 d. Summons and complaint forms shall be readily available at  
34 the clerk's office, at the municipal courts and at municipal and  
35 State police stations.

36 e. As soon as the domestic violence complaint is filed, both  
37 the victim and the abuser shall be advised of any programs or  
38 services available for advice and counseling.

39 f. A plaintiff may seek emergency, ex parte relief in the  
40 nature of a temporary restraining order. [The] A municipal court  
41 judge or a judge of the Family Part of the Chancery Division of  
42 the Superior Court may enter an ex parte [orders] order when  
43 necessary to protect the life, health or well-being of a victim on  
44 whose behalf the relief is sought.

45 g. If it appears that the plaintiff is in danger of domestic  
46 violence, the judge shall, upon consideration of the plaintiff's  
47 domestic violence complaint, order emergency [relief, including]  
48 ex parte relief, in the nature of a temporary restraining order. A  
49 decision shall be made by the judge regarding the emergency  
50 relief forthwith. [An order granting emergency relief, together  
51 with all pleadings, process and other orders, shall immediately be  
52 forwarded to the sheriff for immediate service of the order for  
53 emergency relief upon the defendant.]

54 h. A judge may issue a temporary restraining order upon sworn

1 testimony or complaint of an applicant who is not physically  
2 present, pursuant to court rules, or by a person who represents a  
3 person who is physically or mentally incapable of filing  
4 personally. A temporary restraining order may be issued if the  
5 judge is satisfied that exigent circumstances exist sufficient to  
6 excuse the failure of the applicant to appear personally and that  
7 sufficient grounds for granting the application have been shown.

8 i. An order for emergency, ex parte relief shall be granted  
9 upon good cause shown and shall remain in effect until a judge of  
10 the Family Part issues a further order. [The Family Part of the  
11 Chancery Division of the Superior Court shall hold a hearing on  
12 an emergency order within 10 days.] Any temporary order  
13 hereunder [may be dissolved or modified on 24 hours' notice or] is  
14 immediately appealable for a plenary hearing de novo not on the  
15 record [before the judge who issued the temporary order, or]  
16 before any judge of the Family Part of the county in which the  
17 plaintiff resides or is sheltered if that judge issued the temporary  
18 order or has access to the reasons for the issuance of the  
19 temporary order and sets forth in the record the reasons for the  
20 modification or dissolution. The denial of a temporary  
21 restraining order by a municipal court judge and subsequent  
22 administrative dismissal of the complaint shall not bar the victim  
23 from refiling a complaint in the Family Part based on the same  
24 incident and receiving an emergency, ex parte hearing de novo  
25 not on the record before a Family Part judge, and every denial of  
26 relief by a municipal court judge shall so state.

27 j. Emergency relief may include forbidding the defendant from  
28 returning to the scene of the domestic violence, forbidding the  
29 defendant to possess any firearm or other weapon enumerated in  
30 subsection r. of N.J.S.2C:39-1 and any other appropriate relief.

31 k. The judge may permit the defendant to return to the scene  
32 of the domestic violence to pick up personal belongings and  
33 effects but shall, [by] in the order granting relief, restrict the  
34 time and duration of such permission and provide for police  
35 supervision of such visit.

36 l. An order granting emergency relief, together with all  
37 pleadings, process and other orders, shall immediately be  
38 forwarded to the appropriate law enforcement agency for service  
39 on the defendant, and to the police of the municipality in which  
40 the plaintiff resides or is sheltered, and shall immediately be  
41 served upon the defendant by the police, except that an order  
42 issued during regular court hours may be forwarded to the sheriff  
43 for immediate service upon the defendant in accordance with the  
44 rules of court. If personal service cannot be effected upon the  
45 defendant, the court may order other appropriate substituted  
46 service. At no time shall the plaintiff be asked or required to  
47 serve any order on the defendant.

48 m. [A temporary restraining order shall remain in effect until  
49 further action by the court.] (Deleted by amendment, P.L. \_\_\_\_\_,  
50 c. \_\_\_\_\_)(now pending before the Legislature as this bill)

51 n. Notice of temporary restraining orders issued pursuant to  
52 this section shall be sent by the clerk of the court or other person  
53 designated by the court to the appropriate chiefs of police,  
54 members of the State Police and any other appropriate law

1 enforcement agency or court.

2 o. [All pleadings, process, and other orders filed pursuant to  
3 this act shall be served upon the defendant in accordance with  
4 the rules of court. If personal service cannot be effected upon  
5 the defendant, the court may order other appropriate substituted  
6 service. At no time shall the plaintiff be asked or required to  
7 serve any order on the defendant.] (Deleted by amendment,  
8 P.L. , c. )(now pending before the Legislature as this bill)

9 p. Any temporary or permanent restraining order issued  
10 pursuant to this act shall be in effect throughout the State, and  
11 shall be enforced by all law enforcement officers.

12 (cf: P.L.1991, c.261, s.12)

13 5. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to  
14 read as follows:

15 13. a. A hearing shall be held in the Family Part of the  
16 Chancery Division of the Superior Court within 10 days of the  
17 filing of a complaint pursuant to section 12 of this act in the  
18 county where the ex parte restraints were ordered, unless good  
19 cause is shown for the hearing to be held elsewhere. A copy of  
20 the complaint shall be served on the defendant in conformity with  
21 the rules of court. If a criminal complaint arising out of the same  
22 incident which is the subject matter of a complaint brought under  
23 P.L.1981, c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261 has been  
24 filed, testimony given by the plaintiff or defendant in the  
25 domestic violence matter shall not be used in the simultaneous or  
26 subsequent criminal proceeding against the defendant, other than  
27 domestic violence contempt matters and where it would  
28 otherwise be admissible hearsay under the rules of evidence that  
29 govern where a party is unavailable. At the hearing the standard  
30 for proving the allegations in the complaint shall be by a  
31 preponderance of the evidence. The court shall consider but not  
32 be limited to the following factors:

- 33 (1) The previous history of domestic violence between the  
34 plaintiff and defendant, including threats, harassment and  
35 physical abuse;  
36 (2) The existence of immediate danger to person or property;  
37 (3) The financial circumstances of the plaintiff and defendant;  
38 (4) The best interests of the victim and any child;  
39 (5) In determining custody and visitation the protection of the  
40 victim's safety; and  
41 (6) The existence of a verifiable order of protection from  
42 another jurisdiction.

43 The issue of whether or not a violation of this act occurred,  
44 including an act of contempt under this act, shall not be subject  
45 to mediation, conciliation or negotiation in any form. In addition,  
46 where a temporary or final order has been issued pursuant to this  
47 act, no party shall be ordered to participate in mediation on the  
48 issue of custody or visitation.

49 b. In proceedings in which complaints for restraining orders  
50 have been filed, the court shall grant any relief necessary to  
51 prevent further abuse. At the hearing the judge of the Family  
52 Part of the Chancery Division of the Superior Court may issue an  
53 order granting any or all of the following relief:

- 54 (1) An order restraining the defendant from subjecting the

1 victim to domestic violence, as defined in this act.

2 (2) An order granting exclusive possession to the plaintiff of  
3 the residence or household regardless of whether the residence or  
4 household is jointly or solely owned by the parties or jointly or  
5 solely leased by the parties. This order shall not in any manner  
6 affect title or interest to any real property held by either party  
7 or both jointly. If it is not possible for the victim to remain in  
8 the residence, the court may order the defendant to pay the  
9 victim's rent at a residence other than the one previously shared  
10 by the parties if the defendant is found to have a duty to support  
11 the victim and the victim requires alternative housing.

12 (3) An order providing for visitation. The order shall protect  
13 the safety and well-being of the plaintiff and minor children and  
14 shall specify the place and frequency of visitation. Visitation  
15 arrangements shall not compromise any other remedy provided by  
16 the court by requiring or encouraging contact between the  
17 plaintiff and defendant. Orders for visitation may include a  
18 designation of a place of visitation away from the plaintiff, the  
19 participation of a third party, or supervised visitation.

20 (a) The court shall consider a request by the plaintiff for an  
21 investigation or evaluation by the appropriate agency to assess  
22 the risk of harm to the child prior to the entry of a visitation  
23 order. Any denial of such a request must be on the record and  
24 shall only be made if the judge finds the request to be arbitrary  
25 or capricious.

26 (b) The court shall consider suspension of the visitation order  
27 and hold an [emergent] emergency hearing upon an application  
28 made by the plaintiff certifying under oath that the defendant's  
29 access to the child pursuant to the visitation order has threatened  
30 the safety and well-being of the child.

31 (4) An order requiring the defendant to pay to the victim  
32 monetary compensation for losses suffered as a direct result of  
33 the act of domestic violence. The order may require the  
34 defendant to pay the victim directly, to reimburse the Violent  
35 Crimes Compensation Board for any and all compensation paid by  
36 the Violent Crimes Compensation Board directly to or on behalf  
37 of the victim, and may require that the defendant reimburse any  
38 parties that may have compensated the victim, as the court may  
39 determine. Compensatory losses shall include, but not be limited  
40 to, loss of earnings or other support, including child or spousal  
41 support, out-of-pocket losses for injuries sustained, cost of repair  
42 or replacement of real or personal property damaged or destroyed  
43 or taken by the defendant, cost of counseling for the victim,  
44 moving or other travel expenses, reasonable attorney's fees,  
45 court costs, and compensation for pain and suffering. Where  
46 appropriate, punitive damages may be awarded in addition to  
47 compensatory damages.

48 (5) An order requiring the defendant to receive professional  
49 domestic violence counseling from either a private source or a  
50 source appointed by the court and, in that event, at the court's  
51 discretion requiring the defendant to provide the court at  
52 specified intervals with documentation of attendance at the  
53 professional counseling. The court may order the defendant to  
54 pay for the professional counseling.

1 (6) An order restraining the defendant from entering the  
2 residence, property, school, or place of employment of the victim  
3 or of other family or household members of the victim and  
4 requiring the defendant to stay away from any specified place  
5 that is named in the order and is frequented regularly by the  
6 victim or other family or household members.

7 (7) An order restraining the defendant from making contact  
8 with the plaintiff or others, including an order forbidding the  
9 defendant from personally or through an agent initiating any  
10 communication likely to cause annoyance or alarm including, but  
11 not limited to, personal, written, or telephone contact with the  
12 victim or other family members, or their employers, employees,  
13 or fellow workers, or others with whom communication would be  
14 likely to cause annoyance or alarm to the victim.

15 (8) An order requiring that the defendant make or continue to  
16 make rent or mortgage payments on the residence occupied by  
17 the victim if the defendant is found to have a duty to support the  
18 victim or other dependent household members; provided that this  
19 issue has not been resolved or is not being litigated between the  
20 parties in another action.

21 (9) An order granting either party temporary possession of  
22 specified personal property, such as an automobile, checkbook,  
23 documentation of health insurance, an identification document, a  
24 key, and other personal effects.

25 (10) An order awarding [emergent] emergency monetary relief,  
26 including emergency support for minor children, to the victim and  
27 other dependents, if any. An ongoing obligation of support shall  
28 be determined at a later date pursuant to applicable law.

29 (11) An order awarding temporary custody of a minor child.  
30 The court shall presume that the best interests of the child are  
31 served by an award of custody to the non-abusive parent.

32 (12) An order requiring that a law enforcement officer  
33 accompany either party to the residence or any shared business  
34 premises to supervise the removal of personal belongings in order  
35 to ensure the personal safety of the plaintiff when a restraining  
36 order has been issued. This order shall be restricted in duration.

37 (13) An order which permits the victim and the defendant to  
38 occupy the same premises but limits the defendant's use of that  
39 premises, but only if it is documented by the judge granting the  
40 order that:

41 (a) The plaintiff specifically and voluntarily requests such an  
42 order; and

43 (b) The judge determines that the request is made voluntarily  
44 and with the plaintiff's knowledge that the order may not provide  
45 the same protection as an order excluding the defendant from the  
46 premises and with the plaintiff's knowledge that the order may  
47 be difficult to enforce; and

48 (c) Any conditions placed upon the defendant in connection  
49 with the continued access to the premises and any penalties for  
50 noncompliance with those conditions shall be explicitly set out in  
51 the order and shall be in addition to any other remedies for  
52 noncompliance available to the victim.

53 (14) An order granting any other appropriate relief for the  
54 plaintiff and dependent children, provided that the plaintiff



1 consents to such relief, including relief requested by the plaintiff  
2 at the final hearing, whether or not the plaintiff requested such  
3 relief at the time of the granting of the initial emergency order.

4 (15) An order that requires that the defendant report to the  
5 intake unit of the Family Part of the Chancery Division of the  
6 Superior Court for monitoring of any other provision of the order.

7 (16) An order prohibiting the defendant from possessing any  
8 firearm or other weapon enumerated in subsection r. of  
9 N.J.S.2C:39-1 and ordering the seizure of any such weapon at any  
10 location where the judge has reasonable cause to believe the  
11 weapon is located. The judge shall state with specificity the  
12 reasons for and scope of the seizure authorized by the order.

13 (17) An order prohibiting the defendant from stalking or  
14 following, or threatening to harm, to stalk or to follow, the  
15 complainant or any other person named in the order in a manner  
16 that, taken in the context of past actions of the defendant, would  
17 put the complainant in reasonable fear that the defendant would  
18 cause the death or injury of the complainant or any other person.  
19 Behavior prohibited under this act includes, but is not limited to,  
20 behavior prohibited under the provisions of P.L.1992, c.209  
21 (C.2C:12-10).

22 c. Notice of orders issued pursuant to this section shall be sent  
23 by the clerk of the Family Part of the Chancery Division of the  
24 Superior Court or other person designated by the court to the  
25 appropriate chiefs of police, members of the State Police and any  
26 other appropriate law enforcement agency.

27 d. Upon good cause shown, any final order may be dissolved or  
28 modified upon application to the Family Part of the Chancery  
29 Division of the Superior Court, but only if the judge who dissolves  
30 or modifies the order is the same judge who entered the order, or  
31 has available a complete record of the hearing or hearings on  
32 which the order was based.

33 (cf: P.L.1991, c.261, s.13)

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

36 14. Except as provided below, a violation by the defendant of  
37 an order issued pursuant to this act shall constitute an offense  
38 under subsection b. of N.J.S.2C:29-9 and each order shall so  
39 state. All contempt proceedings conducted pursuant to  
40 N.J.S.2C:29-9 involving domestic violence orders, other than  
41 those constituting indictable offenses, shall be heard by the  
42 Family Part of the Chancery Division of the Superior Court.  
43 Additionally, and notwithstanding the term of imprisonment  
44 provided in N.J.S.2C:43-8, any person convicted of a second or  
45 subsequent nonindictable domestic violence contempt offense  
46 shall serve a minimum term of not less than 30 days. Orders  
47 entered pursuant to paragraphs (3), (4), (5), (8) and (9) of  
48 subsection b. of section 13 of this act shall be excluded from  
49 enforcement under subsection b. of N.J.S.2C:29-9; however,  
50 violations of these orders may be enforced in a civil or criminal  
51 action initiated by the plaintiff or by the court, on its own  
52 motion, pursuant to applicable court rules.

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

54 7. Section 15 of P.L.1991, c.261 (C.2C:25-31) is amended to

1 read as follows:

2 15. Where a law enforcement officer finds that there is  
3 probable cause that a defendant has committed contempt of an  
4 order entered pursuant to the provisions of P.L.1981, c.426  
5 (C.2C:25-1 et seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.), the  
6 defendant shall be arrested and taken into custody by a law  
7 enforcement officer. The law enforcement officer shall follow  
8 these procedures:

9 [a. On weekends, holidays and other times when the court is  
10 closed, the] The law enforcement officer shall transport the  
11 defendant to [either] the police station [or the municipal court] or  
12 such other place as the law enforcement officer shall determine  
13 is proper. The law enforcement officer shall:

14 [(1)]a. Sign a complaint concerning the incident which gave  
15 rise to the contempt charge;

16 [(2)]b. Telephone or communicate in person or by facsimile  
17 with the appropriate judge assigned pursuant to this act and  
18 request bail be set on the contempt charge;

19 [(3)]c. If the defendant is unable to meet the bail set, take the  
20 necessary steps to insure that the defendant shall be incarcerated  
21 at police headquarters or at the county jail; and

22 [(4)]d. [On the next working day notify] During regular court  
23 hours, the defendant shall have bail set by a Superior Court judge  
24 that day. On weekends, holidays and other times when the court  
25 is closed, the officer shall arrange to have the clerk of the  
26 Family Part notified on the next working day of the new  
27 complaint, the amount of bail, the defendant's whereabouts and  
28 all other necessary details. In addition, if a municipal court judge  
29 set the bail, the arresting officer shall notify the clerk of that  
30 municipal court of this information.

31 [b. During regular court hours, the law enforcement officer  
32 shall transport the defendant to the Family Part of the Chancery  
33 Division of the Superior Court or to such other place as the law  
34 enforcement officer shall determine is proper. The law  
35 enforcement officer shall complete and sign a complaint  
36 concerning the incident which gave rise to the contempt charge,  
37 and the defendant shall have bail set by a judge that day.]

38 (cf: P.L.1991,c.261,s.15)

39 8. Section 17 of P.L.1991, c.261 (C.2C:25-33) is amended to  
40 read as follows:

41 17. The Administrative Office of the Courts shall, with the  
42 assistance of the Attorney General and the county prosecutors,  
43 maintain a uniform record of all [requests for orders issued]  
44 applications for relief pursuant to sections 9, 10, 12, and 13 of  
45 [this act] P.L. 1991, c. 261 (C.2C:25-25, C.2C:25-26, C.2C:25-28,  
46 and C.2C:25-29). The record shall include the following  
47 information:

48 a. The number of criminal and civil complaints filed in all  
49 municipal courts and the Superior Court;

50 b. The sex of the parties;

51 c. The relationship of the parties;

52 d. The relief sought or the offense charged or both;

53 e. The nature of the relief granted or penalty imposed or both,  
54 including, but not limited to, custody and child support; [and]

- 1 f. The effective date of each order issued; and  
2 g. In the case of a civil action in which no permanent  
3 restraints are entered, or in the case of a criminal matter that  
4 does not proceed to trial, the reason or reasons for the disposition.

5 It shall be the duty of the Director of the Administrative  
6 Office of the Courts to compile and report annually to the  
7 Governor, the Legislature and the Advisory Council on Domestic  
8 Violence on the data tabulated from the records of these orders.

9 All records maintained pursuant to this act shall be  
10 confidential and shall not be made available to any individual or  
11 institution except as otherwise provided by law.  
12 (cf: P.L.1991, c.261, s.17)

13 9. (New section) There is appropriated \$750,000.00 from the  
14 general fund to the Department of Human Services to fund,  
15 through the designated domestic violence service provider in each  
16 county, victim counselors who shall work in the buildings in which  
17 the Family Part of the Chancery Division of the Superior Court  
18 holds domestic violence hearings, and who shall be responsible for  
19 victim counseling pursuant to this act. The Department shall  
20 promulgate rules to govern the uniform operation of the victim  
21 counseling program.

22 10. (New section) There is appropriated \$750,000.00 from the  
23 general fund to the Department of Law and Public Safety. Of  
24 this amount, \$500,000.00 shall be distributed in grants to three  
25 county prosecutors for demonstration projects on the targeted  
26 prosecution of domestic violence offenses, including all of the  
27 offenses set out in section 3 of P.L. 1991, c. 261 (C.2C:25-19) and  
28 violations of subsection b. of N.J.S. 2C:29-9 (contempt of an  
29 order entered under the "Prevention of Domestic Violence Act of  
30 1991," P.L.1991, c.261 (C.2C:25-17 et al.)), and \$250,000.00 shall  
31 be distributed in grants to municipalities to fund the  
32 establishment or the continued operation of domestic crisis  
33 teams, pursuant to section 4 of P.L. 1991, c.261 (C. 2C:25-20).

34 11. This act shall take effect immediately.  
35  
36

#### 37 STATEMENT

38  
39 This bill amends, amplifies, and clarifies several provisions of  
40 the "Prevention of Domestic Violence Act of 1990," P.L.1991,  
41 c.261.

42 Section 1 amends the definition of "domestic violence" to  
43 include the new crime of stalking, recently enacted as P.L.1992,  
44 c.209. The section also broadens the definition of "victim of  
45 domestic violence" to include persons not over 18 or emancipated  
46 who allege abuse by a person with whom the victim has a child in  
47 common, or with whom the victim anticipates having a child in  
48 common, if one of the parties is pregnant.

49 Section 2 would grant immunity from liability to anyone who,  
50 in good faith, reports domestic violence to the police. The bill  
51 would not provide immunity to untrained persons who intervene in  
52 domestic violence situations without police assistance, a course  
53 that could be dangerous to both the intervenor and the victim.

54 Section 3 allows the court to prohibit the defendant from

1 stalking the victim or the victim's friends, co-workers or  
2 relatives as a condition of release on bail or personal  
3 recognizance.

4 Section 4 resolves discrepancies in current law concerning the  
5 requirements for service on the defendant. The amendments  
6 clarify that the plaintiff, as well as the defendant, may appeal  
7 the outcome of an application for temporary restraints. Other  
8 amendments clarify that "emergency, ex parte relief" is  
9 available for victims -- this term is used inconsistently in several  
10 portions of the current law. In addition, other amendments  
11 clarify that a victim whose application for relief was denied by a  
12 municipal court and subsequently dismissed administratively may  
13 refile the application in the Superior Court. The amendments  
14 also remove redundancies in the statutory language and  
15 consolidate the requirements for service of process into one  
16 subsection.

17 Section 5 amends 2C:25-29 to provide that the issue of  
18 whether or not an act of domestic violence occurred shall not be  
19 subject to mediation or negotiation. The amendments also  
20 provide that, where a temporary or final domestic violence order  
21 has been issued, no party shall be ordered to participate in  
22 mediation on the issue of custody or visitation. In addition, the  
23 amendments specifically add reimbursement for support of the  
24 victim or children to the list of the types of emergency monetary  
25 relief which can be ordered by the court, and add emergency  
26 child support to the list of the types of relief available to the  
27 plaintiff at the final hearing. This addition is intended to clarify  
28 that the judge in a domestic violence matter need not send the  
29 victim to another forum for a determination of support. Several  
30 types of relief which may be ordered by the court are added by  
31 the amendments: restraints against contact with the plaintiff or  
32 others, either by the defendant personally or through the  
33 defendant's agent; the seizure of weapons in the possession of a  
34 defendant; restraints against stalking; and adding shared business  
35 premises as a place where the police can be required to escort a  
36 defendant for the purpose of removing personal belongings. The  
37 final amendment to this section clarifies that if the judge  
38 dissolving or modifying an order is the judge who entered the  
39 original order, there is no requirement that the judge have access  
40 to the entire record on which the order was based.

41 Section 6 conforms the exemptions to criminal contempt  
42 enforcement with the list in N.J.S.A. 2C:29-9.

43 Section 7 clarifies the responsibility of a police officer who  
44 arrests a defendant for contempt to transport the defendant,  
45 provides that the police station is the usual situs for the  
46 completion of the criminal complaint, and allows the use of  
47 facsimile transmissions for communication with the judge who is  
48 responsible to set bail.

49 Section 8 amends the reporting requirements of the law to  
50 include statistics concerning criminal prosecution, as well as the  
51 reasons for dispositions in civil actions in which no permanent  
52 restraints are entered and in criminal matters that do not  
53 proceed to trial. Currently, only criminal arrests and the  
54 outcome of civil matters are reported. However, further

1 information is necessary in order to have a complete accounting  
2 of the effectiveness of this law in preventing and intervening in  
3 family violence.

4 Section 9 appropriates \$750,000 to the Department of Human  
5 Services to fund new and existing victim counseling services.

6 Section 10 appropriates an additional \$750,000 to the  
7 Department of Law and Public Safety for three demonstration  
8 projects on targeted prosecution of domestic violence offenses,  
9 and for grants to municipalities to fund the establishment or the  
10 continued operation of domestic crisis teams.

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15 Clarifies and broadens several provisions of the "Prevention of  
16 Domestic Violence Act of 1990"; appropriates \$1,500,000.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 289, 751, 757 and 1298

STATE OF NEW JERSEY

DATED: MAY 19, 1994

The Assembly Judiciary, Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 289, 751, 757 and 1298.

This substitute amends eight provisions of the "Prevention of Domestic Violence Act of 1990," P.L.1991, c.261.

Section 1 amends N.J.S.A.2C:25-19 concerning the definition of "domestic violence" to include the new crime of stalking, recently enacted as P.L.1992, c.209 (C.2C:12-10). The section also broadens the definition of "victim of domestic violence" to include persons not over 18 or emancipated who allege abuse by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. See also the definition change in this section as made by Assembly Bill No. 286 to include a reference to a person whom the victim has dated.

Section 2 amends N.J.S.A.2C:25-22 and would grant immunity from liability to anyone who, in good faith, reports domestic violence to the police. Currently that immunity extends to law enforcement officers and members of a domestic crisis team.

Section 3 amends N.J.S.A.2C:25-26 and allows the court to prohibit the defendant from stalking the victim or the victim's relatives. The written court order may specifically restrict contact with the victim or the victim's friends, co-workers or relatives as a condition of release on bail or personal recognizance. Presently that section of law refers only to harassing of the victim or the victim's relatives and prohibiting contact with the victim or the victim's relatives. This section of bill also amends the current law to allow the court to order the search and seizure of weapons in the possession of a defendant.

Section 4 amends N.J.S.A.2C:25-28 and resolves discrepancies in current law concerning the requirements for service on the defendant. The amendments clarify that the plaintiff, as well as the defendant, may appeal the outcome of an application for temporary restraints. Other amendments clarify that "emergency, ex parte relief" is available for victims -- this term is used inconsistently in several portions of the current law. The amendments also amend the current law to allow the court as part of an order for emergency relief to order the search and seizure of weapons in the possession of a defendant. In addition, other amendments clarify that a victim whose application for relief was denied by a municipal court and subsequently dismissed administratively may refile the application in the Superior Court. The amendments also remove redundancies in the statutory language and consolidate the requirements for service of process into one subsection, subsection l. Subsection o. is deleted by amendment.

Section 5 amends N.J.S.A.2C:25-29 to provide that the issue of whether or not an act of domestic violence occurred shall not be subject to mediation or negotiation. The substitute provides that, where a temporary or final domestic violence order has been issued, no party shall be ordered to participate in mediation on the issue of custody or visitation. In addition, the substitute specifically adds reimbursement for support of the victim or children to the list of the types of emergency monetary relief which can be ordered by the court, and add emergency child support to the list of the types of relief available to the plaintiff at the final hearing. This addition is intended to clarify that the judge in a domestic violence matter need not send the victim to another forum for a determination of support. Several types of relief which may be ordered by the court are added by the amendments: restraints against contact with the plaintiff or others, either by the defendant personally or through the defendant's agent; the search and seizure of weapons in the possession of a defendant; restraints against stalking; and adding shared business premises as a place where the police can be required to escort a defendant for the purpose of removing personal belongings. The final amendment to this section clarifies that if the judge dissolving or modifying an order is not the judge who entered the original order, that judge have access to the entire record on which the order was based.

Section 6 amends N.J.S.A.2C:25-30 and conforms the exemptions to criminal contempt enforcement with the list in N.J.S.A.2C:29-9.

Section 7 amends N.J.S.A.2C:25-31 clarifies the responsibility of a police officer who arrests a defendant for contempt to transport the defendant, provides that the police station is the usual situs for the completion of the criminal complaint, and allows the use of facsimile transmissions for communication with the judge who is responsible to set bail.

Section 8 amends N.J.S.A.2C:25-33 and amends the reporting requirements of the law to include statistics concerning criminal prosecution, as well as the reasons for dispositions in civil actions in which no permanent restraints are entered and in criminal matters that do not proceed to trial. Currently, only criminal arrests and the outcome of civil matters are reported. However, further information is necessary in order to have a complete accounting of the effectiveness of this law in preventing and intervening in family violence.



# OFFICE OF THE GOVERNOR

## NEWS RELEASE

**CN-001**

**Contact:**

CARL GOLDEN  
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**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.