

2A:62A-20

**LEGISLATIVE HISTORY CHECKLIST**  
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(Mace-civil immunity--  
self defense)

**NJSA:** 2A:62A-20

**LAWS OF:** 1993 **CHAPTER:** 211

**BILL NO:** S1496

**SPONSOR(S)** Sinagra

**DATE INTRODUCED:** January 25, 1993

**COMMITTEE:** **ASSEMBLY:** ---

**SENATE:** Judiciary

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** May 20, 1993

**SENATE:** May 13, 1993

**DATE OF APPROVAL:** July 30, 1993

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

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

**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

See newspaper clipping--attached:

"Victims gain shield for self-defense act," 7-31-93, Star Ledger.

KBG:pp

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SENATE, No. 1496

STATE OF NEW JERSEY

INTRODUCED JANUARY 25, 1993

By Senator SINAGRA

1 AN ACT providing immunity from liability to persons releasing or  
2 discharging certain chemical substances for the purpose of  
3 personal self-defense, and supplementing chapter 62A of Title  
4 2A of the New Jersey Statutes.

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6 BE IT ENACTED *by the Senate and General Assembly of the*  
7 *State of New Jersey:*

8 1. Notwithstanding any provisions of law to the contrary, a  
9 person who possesses a chemical substance for the purpose of  
10 personal self-defense in accordance with subsection i. of  
11 N.J.S.2C:39-6 and who releases or discharges that chemical  
12 substance upon or toward another person shall not be liable in any  
13 civil action for damages resulting from that release or discharge  
14 when the actor reasonably believes that the releasing or  
15 discharging of that chemical substance is immediately necessary  
16 for the purpose of personal self-defense. Nothing in this section  
17 shall be deemed to grant immunity to any person causing any  
18 damage by his willful, wanton or grossly negligent unlawful  
19 releasing or discharging of such a chemical substance upon or  
20 toward another person.

21 2. This act shall take effect immediately.

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STATEMENT

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26 The purpose of this bill is to provide immunity from civil  
27 liability to persons who actually use chemical substances, such as  
28 Mace, for the purpose of personal self-defense.

29 Under current law, a person may legally possess and use a  
30 chemical substance, such as Mace, for personal self-protection  
31 purposes. In such cases, the person discharging the chemical  
32 substance is afforded immunity from any criminal prosecution on  
33 the grounds that his actions were justifiable in order to protect  
34 himself.

35 There is, however, no comparable statute providing immunity  
36 from civil liability to persons who use Mace or a similar chemical  
37 substance to protect themselves. As a result, there is the  
38 possibility of a civil lawsuit in which an individual who used a  
39 chemical substance for self-protection would be sued for  
40 damages by the person who attempted the attack or assault.

41 This bill would provide immunity from civil liability to a person  
42 who legally possess a chemical substance for the purpose of  
43 personal self-defense and who releases or discharges that  
44 chemical substance upon or toward another person because he  
45 reasonably believes that the releasing or discharging of that

1 chemical substance is immediately necessary for the purpose of  
2 personal self-defense.

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7 Provides civil immunity to persons who use mace for personal  
8 self-defense.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1496

STATE OF NEW JERSEY

DATED: APRIL 15, 1993

The Senate Judiciary Committee reports favorably Senate Bill No. 1496.

The purpose of the bill is to provide immunity from civil liability to persons who use chemical substances, such as Mace, for the purpose of personal self-defense. Under New Jersey's present criminal laws, there is no prohibition against the possession and use of devices which are designed for self-defense and which contain chemical substances such as Mace.

There is, however, no statute providing immunity from civil liability to persons who use Mace or a similar chemical substance to protect themselves. As a result, there is the possibility of a civil lawsuit in which an individual who used a chemical substance for self-protection would be sued for damages by the person who attempted the attack or assault.

This bill would provide immunity from civil liability to a person who legally possesses a chemical substance for the purpose of personal self-defense and who releases or discharges that chemical substance upon or toward another person because he reasonably believes that the releasing or discharging of that chemical substance is immediately necessary for the purpose of personal self-defense.

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# OFFICE OF THE GOVERNOR NEWS RELEASE

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Friday,  
July 30, 1993

## GOV. FLORIO SIGNS LAW TO PROTECT VICTIMS WHO USE MACE IN SELF-DEFENSE

Gov. Jim Florio today signed into law a measure that provides immunity from civil liability to anyone who uses Mace or a similar chemical while defending themselves from criminal attack.

"This is another step in tipping the scales of justice back in favor of crime victims and away from criminals," Gov. Florio said. "People who fight back against crime shouldn't have to worry that the person attacked them can slap them with a lawsuit."

Up to this point, anyone who legally possessed Mace and used it for self-defense was immune to criminal prosecution, on the grounds that using the substance was justifiable. This new legislation extends civil immunity as well. While it does not bar the Mace-user from being sued, it does codify into law that the person who used the Mace cannot be made to pay damages to the person on whom the Mace was used in cases of self-defense.

S-1496/ A-2169 was sponsored by Senator Sinagra and Assembly members Warsh and Derman.

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