

59:7A-1

LEGISLATIVE HISTORY CHECKLIST  
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NJSA: 59:7A-1

(Community  
service  
sentences--civil  
liability)

LAWS OF: 1991

CHAPTER: 56

Bill No: S1866

Sponsor(s): Dumont

Date Introduced: Pre-filed

Committee: Assembly: Insurance

Senate: Judiciary

Amended during passage: Yes Amendments during passage  
denoted by asterisks.

Date of Passage: Assembly: January 29, 1991

Senate: February 15, 1990

Date of Approval: March 13, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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[FIRST REPRINT]  
SENATE, No. 1866

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator DUMONT

1 AN ACT concerning county and municipal liability.

2

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

5 <sup>1</sup>[1. As used in this act "community service" means services,  
6 work or similar acts ordered by a court of competent jurisdiction  
7 to be performed by an offender as part of a sentence, penalty or  
8 other disposition imposed for the violation of a statute or  
9 ordinance.]<sup>1</sup>

10 <sup>1</sup>[2. A county or municipality shall not be liable in any civil  
11 action to respond in damages as a result of any acts of  
12 commission or omission arising out of or in the course of  
13 community service.]<sup>1</sup>

14 <sup>1</sup>[3. A county or municipality shall not be subject to any law  
15 governing the provision of labor, workers' compensation,  
16 conditions of employment or insurance with respect to  
17 community service.]<sup>1</sup>

18 <sup>1</sup>1. a. As used in this act "community service" means  
19 services, work or similar acts ordered by a court of competent  
20 jurisdiction to be performed by an offender as part of a sentence,  
21 penalty or other disposition imposed for the violation of a statute  
22 or ordinance.

23 b. Notwithstanding any provisions of law to the contrary:

24 (1) A county or municipality shall not be liable in any civil  
25 action for damages to an offender or any other person arising out  
26 of and in the course of the performance of community service;  
27 and

28 (2) A county or municipality shall not be subject to any law  
29 governing the provision of labor, workers' compensation,  
30 conditions of employment or insurance with respect to an  
31 offender performing community service.

32 c. Nothing in this section shall be deemed to grant immunity if  
33 the damages suffered by an offender or any other person were  
34 caused by a willful, wanton, or grossly negligent act of  
35 commission or omission by a county or municipality.

36 d. Nothing in this section shall be deemed to grant immunity  
37 to a county or municipality for damages resulting from the  
38 negligent operation of a motor vehicle.<sup>1</sup>

39 <sup>1</sup>[4.] 2.<sup>1</sup> This act shall take effect immediately.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:  
<sup>1</sup> Senate SJU committee amendments adopted January 25, 1990.

1

CIVIL JUSTICE

2

3

Absolves local government from civil liability for community

4

service performed as part of a court ordered sentence.

SENATE, No. 1866

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Senator DUMONT

1 AN ACT concerning county and municipal liability.

2

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

5 1. As used in this act "community service" means services,  
6 work or similar acts ordered by a court of competent jurisdiction  
7 to be performed by an offender as part of a sentence, penalty or  
8 other disposition imposed for the violation of a statute or  
9 ordinance.

10 2. A county or municipality shall not be liable in any civil  
11 action to respond in damages as a result of any acts of  
12 commission or omission arising out of or in the course of  
13 community service.

14 3. A county or municipality shall not be subject to any law  
15 governing the provision of labor, workers' compensation,  
16 conditions of employment or insurance with respect to  
17 community service.

18 4. This act shall take effect immediately.

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STATEMENT

22

23 This bill absolves a county or municipality of civil liability in  
24 connection with any community service performed by an offender  
25 as part of a court ordered sentence, penalty or other disposition  
26 imposed for the violation of a statute or ordinance. The bill also  
27 exempts the county or municipality from laws governing the  
28 provision of labor, workers' compensation, conditions of  
29 employment or insurance in connection with an offender's  
30 community service.

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CIVIL JUSTICE

34

35 Absolves local government from civil liability for community  
36 service performed as part of a court ordered sentence.

ASSEMBLY INSURANCE COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 1866

STATE OF NEW JERSEY

DATED: OCTOBER 29, 1990

The Assembly Insurance Committee reports favorably Senate, No. 1866 (1R).

This bill absolves a county or municipality of civil liability in connection with any community service performed by an offender as part of a court ordered sentence, penalty or other disposition imposed for the violation of a statute or ordinance. The bill also exempts the county or municipality from laws governing the provision of labor, workers' compensation, conditions of employment or insurance in connection with an offender's community service.

The bill was amended by the Senate Judiciary Committee to provide that the immunity granted by the bill would not apply to damages caused by an action of a county or municipality which was determined to be willful, wanton or grossly negligent. As amended, the bill also provides that the immunity would not apply to damages caused by the negligent operation of a motor vehicle.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1866

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 25, 1990

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1866.

This bill absolves a county or municipality of civil liability in connection with any community service performed by an offender as part of a court ordered sentence, penalty or other disposition imposed for the violation of a statute or ordinance. The bill also exempts the county or municipality from laws governing the provision of labor, workers' compensation, conditions of employment or insurance in connection with an offender's community service.

The committee amended the bill to provide that the immunity granted by the bill would not apply to damages caused by an action of a county or municipality which was determined to be willful, wanton or grossly negligent. The committee amendments also provide that the immunity would not apply to damages caused by the negligent operation of a motor vehicle.

This bill was prefiled for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.