

2C:12-4 to 2C:12-9

LEGISLATIVE HISTORY CHECKLIST

(Spousal assault--permit municipal court to restrain a spouse from marital residence for limited time)

NJSA 2C:12-4 to 2C:12-9

LAWS 1981

CHAPTER 200

Bill No. A1330

Sponsor(s) Bassano and others

Date Introduced March 13, 1980

Committee: Assembly Judiciary, Law, Public Safety and Defense

Senate Law, Public Safety and Defense

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly May 5, 1980

Senate Jan. 26, 1981

Date of approval July 9, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes ~~No~~

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports Yes ~~No~~

Hearings ~~Yes~~ No

For background and recommendations for legislation see:

- 974.90 New Jersey. Advisory Committee to the U.S. Commission on Civil Rights.
- M359
- 1981 Battered women in New Jersey: a report. January, 1981.

6/22/81

MAR 1981

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ASSEMBLY, No. 1330

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1980

By Assemblymen BASSANO, HERMAN, FRANKS, MAGUIRE,
SNEDEKER, BENNETT, CARDINALE, ORECHIO, ROCCO
and Assemblywoman BURGIO

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT concerning spousal assault, and supplementing Title 2C
of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. When a complaint is brought before a judge of the municipal
2 court that any person has committed an act of assault***[**, assault and
3 battery, or atrocious assault and battery**]*** against his or her
4 spouse, the judge shall examine, under oath, those persons lodging
5 complaints against the accused. In any such action, testimony shall
6 be recorded, but may not be used in any other action.

1 2. If it appears that there is probable cause to believe that such
2 an assault***[**, assault and battery, or atrocious assault and battery**]***
3 has occurred, the judge may order the appearance of the person in-
4 formed against.

1 3. When the person informed against is brought before the
2 judge, testimony shall be taken before the court concerning the
3 allegations made by the complaining witnesses. All testimony shall
4 be recorded.

1 4. If the judge finds probable cause to believe that clear and
2 immediate harm to the spouse of the accused or to members of the
3 family of the accused may result from the presence of the accused
4 in the common marital residence, the judge shall order that the
5 accused be forbidden from returning to the common marital resi-
6 dence for a period not to exceed 72 hours. The order shall expire at
7 the end of the 72-hour period unless it is extended upon a further
8 showing of need to the judge. Such extensions shall not exceed a
9 period of 2 weeks from the date of the original order. The judge

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

13 an order shall be punishable for a contempt pursuant to the pro-
 14 visions of chapter 10 of Title 2A of the New Jersey Statutes.

1 5. Any order issued pursuant to this act forbidding the return of
 2 the accused spouse to the common marital abode shall be imme-
 3 diately appealable either to the Superior Court, Chancery Division
 4 or to the juvenile and domestic relations court of the county in
 5 which the plaintiff and the accused reside.

1 6. The procedures and remedies set forth in this act shall not be
 2 construed as repealing any existing law, rule or regulation con-
 3 cerning spousal assault or the rights of the complainant or accused.

1 7. This act shall take effect immediately.

STATEMENT

This bill provides an emergency procedure whereby a person accusing his or her spouse of an assault and battery can go into municipal court to get an order forbidding the abusing spouse from returning to the common marital abode for a period of up to 72 hours. Extensions are available, but cannot exceed a period of 2 weeks from the date of the original order.

The person bringing the complaint would have to show that probable cause exists to believe that clear and immediate harm to the spouse of the accused or to members of the family of the accused would result for such an order to issue.

Any order issued is immediately appealable to the Chancery Division of the Superior Court, or to the Juvenile and Domestic Relations Court of the county in which the plaintiff and the accused reside.

Spousal assault is a significant social issue. While there is no available data on the incidence of spousal assaults in New Jersey, it is estimated that 28 million spouses in the United States are abused by their mates. 65% of reported homicides are between family members. Several other states, including California, Pennsylvania, Connecticut, Illinois and Oregon have laws to provide for the restraint or eviction of an abusing spouse.

A1330 (1980)

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1330

with Assembly committee amendment

STATE OF NEW JERSEY

DATED: APRIL 28, 1980

This bill provides an emergency procedure whereby a person accusing his or her spouse of an assault and battery can go into municipal court to get an order forbidding the abusing spouse from returning to the common marital abode for a period of up to 72 hours. Extensions are available, but cannot exceed a period of 2 weeks from the date of the original order.

The person bringing the complaint would have to show that probable cause exists to believe that clear and immediate harm to the spouse of the accused or to members of the family of the accused would result for such an order to issue.

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Spousal assault is a significant social issue. While there is no available data on the incidence of spousal assaults in New Jersey, it is estimated that 28 million spouses in the United States are abused by their mates. 65% of reported homicides are between family members. Several other states, including California, Pennsylvania, Connecticut, Illinois and Oregon have laws to provide for the restraint or eviction of an abusing spouse.

The bill permits the judge to allow an accused to return home to pick up some belongings, and Assembly committee amendment permits the judge to order police supervision of the visit. Committee amendment also conforms the bill's language to the new Penal Code.

10 may permit the accused to return to the common marital residence
11 to pick up personal belongings and effects, but may by order restrict
12 the time and duration **and provide for police supervision** of such
13 visit. Any person who violates such an order shall be punishable
14 for a contempt pursuant to the provisions of chapter 10 of Title 2A
15 of the New Jersey Statutes.

1 5. Any order issued pursuant to this act forbidding the return of
2 the accused spouse to the common marital abode shall be imme-
3 diately appealable either to the Superior Court, Chancery Division
4 or to the juvenile and domestic relations court of the county in
5 which the plaintiff and the accused reside.

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