

# 2C:14-11

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2007                 **CHAPTER:** 133  
**NJSA:** 2C:14-11            ("Nicole's Law," permits victim of sex offense to obtain restraining order against offender)  
**BILL NO:** S2215            (Substituted for A3711)  
**SPONSOR(S):** Singer and others

**DATE INTRODUCED:** October 12, 2006

**COMMITTEE:**               **ASSEMBLY:** Judiciary  
                                 **SENATE:**        Judiciary  
  Budget and Appropriations

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**         **ASSEMBLY:** June 21, 2007  
  **SENATE:**        March 15, 2007

**DATE OF APPROVAL:**        August 6, 2007

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (Senate Committee Substitute enacted)

S2215

[SPONSOR'S STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**                                     **ASSEMBLY:**                     [Yes](#)

**SENATE:**                     Yes     [Judiciary](#)  
  [2-26-07](#)  
  [Budget and Approp.](#)  
  [3-5-07](#)

**FLOOR AMENDMENT STATEMENT:**                                     No

[LEGISLATIVE FISCAL NOTE:](#)   [Yes](#)

A3711

[SPONSOR'S STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**                                     **ASSEMBLY:**                     [Yes](#)

**SENATE:**                     No

**FLOOR AMENDMENT STATEMENT:**                                     No

[LEGISLATIVE FISCAL NOTE:](#)   [Yes](#)

**VETO MESSAGE:**   No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**                                     No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

IS 4/24/08

§§1,2 -  
C.2C:14-11 &  
2C:14-12  
§3 - C.2C:44-8  
§6 - Note

P.L. 2007, CHAPTER 133, *approved August 6, 2007*  
Senate Committee Substitute for  
Senate, No. 2215

1 AN ACT concerning victims of crime and designated as Nicole's  
2 Law, supplementing chapter 14 of Title 2C of the New Jersey  
3 Statutes, and amending N.J.S.2C:45-1 and N.J.S.2C:45-2.  
4

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

8 1. (New section) As used in this act,  
9 "Sex offense" means a sex offense as defined in subsection b. of  
10 section 2 of P.L.1994, c.133 (C.2C:7-2).

11 "Victim" means a "victim" as defined in N.J.S.2C:14-1.  
12

13 2. (New section) a. When a defendant charged with a sex  
14 offense is released from custody before trial on bail or personal  
15 recognizance, the court authorizing the release may, as a condition  
16 of release, issue an order prohibiting the defendant from having any  
17 contact with the victim including, but not limited to, restraining the  
18 defendant from entering the victim's residence, place of  
19 employment or business, or school, and from harassing or stalking  
20 the victim or the victim's relatives in any way.

21 b. The written court order releasing the defendant shall contain  
22 the court's directives specifically restricting the defendant's ability  
23 to have contact with the victim or the victim's friends, co-workers  
24 or relatives. The clerk of the court or other person designated by  
25 the court shall provide a copy of this order to the victim forthwith.

26 c. The victim's location shall remain confidential and shall not  
27 appear on any documents or records to which the defendant has  
28 access.  
29

30 3. (New section) When a defendant is found guilty of a sex  
31 offense, the court may, at the time of sentencing and in addition to  
32 any other disposition authorized by law, order the continuation of a  
33 prior order or condition of bail that restricts the defendant's contact  
34 with the victim, or enter an order imposing such restrictions at the  
35 time of sentencing. In addition to restricting a defendant's contact  
36 with the victim, the court may enter an order:

37 a. restraining the defendant from entering the residence,  
38 property, school, or place of employment of the victim or of other  
39 family or household members of the victim and requiring the  
40 defendant to stay away from any specified place that is named in

**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 the order and is frequented regularly by the victim or other family  
2 or household members;

3 b. restraining the defendant from making contact with the  
4 plaintiff or others, including an order forbidding the defendant from  
5 personally or through an agent initiating any communication likely  
6 to cause 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 c. prohibiting the defendant from stalking or following, or  
12 threatening to harm, to stalk or to follow, the complainant or any  
13 other person named in the order in a manner that, taken in the  
14 context of past actions of the defendant, would put the complainant  
15 in reasonable fear that the defendant would cause the death or injury  
16 of the complainant or any other person. Behavior prohibited under  
17 this act includes, but is not limited to, behavior prohibited under the  
18 provisions of P.L.1992, c. 209 (C.2C:12-10);

19 d. providing for any other appropriate restraints necessary to  
20 protect the victim.

21

22 4. N.J.S.2C:45-1 is amended to read as follows:

23 2C:45-1. Conditions of Suspension or Probation.

24 a. When the court suspends the imposition of sentence on a  
25 person who has been convicted of an offense or sentences him to be  
26 placed on probation, it shall attach such reasonable conditions,  
27 authorized by this section, as it deems necessary to insure that he  
28 will lead a law-abiding life or is likely to assist him to do so. These  
29 conditions may be set forth in a set of standardized conditions  
30 promulgated by the county probation department and approved by  
31 the court.

32 b. The court, as a condition of its order, may require the  
33 defendant:

34 (1) To support his dependents and meet his family  
35 responsibilities;

36 (2) To find and continue in gainful employment;

37 (3) To undergo available medical or psychiatric treatment and to  
38 enter and remain in a specified institution, when required for that  
39 purpose;

40 (4) To pursue a prescribed secular course of study or vocational  
41 training;

42 (5) To attend or reside in a facility established for the  
43 instruction, recreation or residence of persons on probation;

44 (6) To refrain from frequenting unlawful or disreputable places  
45 or consorting with disreputable persons;

46 (7) Not to have in his possession any firearm or other dangerous  
47 weapon unless granted written permission;

1 (8) (Deleted by amendment, P.L.1991, c.329);

2 (9) To remain within the jurisdiction of the court and to notify  
3 the court or the probation officer of any change in his address or his  
4 employment;

5 (10) To report as directed to the court or the probation officer, to  
6 permit the officer to visit his home, and to answer all reasonable  
7 inquiries by the probation officer;

8 (11) To pay a fine;

9 (12) To satisfy any other conditions reasonably related to the  
10 rehabilitation of the defendant and not unduly restrictive of his  
11 liberty or incompatible with his freedom of conscience;

12 (13) To require the performance of community-related service.

13 In addition to any condition of probation, the court may enter an  
14 order prohibiting a defendant who is convicted of a sex offense  
15 from having any contact with the victim including, but not limited  
16 to, entering the victim's residence, place of employment or business,  
17 or school, and from harassing or stalking the victim or victim's  
18 relatives in any way, and may order other protective relief as  
19 provided in section 2 of P.L. , c. (C. ) (pending before the  
20 Legislature as section 2 of this bill).

21 c. The court, as a condition of its order, shall require the  
22 defendant to pay any assessments required by section 2 of P.L.1979,  
23 c.396 (C.2C:43-3.1) and shall, consistent with the applicable  
24 provisions of N.J.S.2C:43-3, N.J.S.2C:43-4 and N.J.S.2C:44-2 or  
25 section 1 of P.L. 1983, c.411 (C.2C:43-2.1) require the defendant to  
26 make restitution.

27 d. In addition to any condition imposed pursuant to subsection  
28 b. or c., the court shall order a person placed on probation to pay a  
29 fee, not exceeding \$25.00 per month for the probationary term, to  
30 probation services for use by the State, except as provided in  
31 subsection g. of this section. This fee may be waived in cases of  
32 indigency upon application by the chief probation officer to the  
33 sentencing court.

34 e. When the court sentences a person who has been convicted  
35 of a crime to be placed on probation, it may require him to serve a  
36 term of imprisonment not exceeding 364 days as an additional  
37 condition of its order. When the court sentences a person convicted  
38 of a disorderly persons offense to be placed on probation, it may  
39 require him to serve a term of imprisonment not exceeding 90 days  
40 as an additional condition of its order. In imposing a term of  
41 imprisonment pursuant to this subsection, the sentencing court shall  
42 specifically place on the record the reasons which justify the  
43 sentence imposed. The term of imprisonment imposed hereunder  
44 shall be treated as part of the sentence, and in the event of a  
45 sentence of imprisonment upon the revocation of probation, the  
46 term of imprisonment served hereunder shall be credited toward  
47 service of such subsequent sentence. A term of imprisonment

1 imposed under this section shall be governed by the "Parole Act of  
2 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

3 Whenever a person is serving a term of parole as a result of a  
4 sentence of incarceration imposed as a condition of probation,  
5 supervision over that person shall be maintained pursuant to the  
6 provisions of the law governing parole. Upon termination of the  
7 period of parole supervision provided by law, the county probation  
8 department shall assume responsibility for supervision of the person  
9 under sentence of probation. Nothing contained in this section shall  
10 prevent the sentencing court from at any time proceeding under the  
11 provisions of this chapter against any person for a violation of  
12 probation.

13 f. The defendant shall be given a copy of the terms of his  
14 probation or suspension of sentence and any requirements imposed  
15 pursuant to this section, stated with sufficient specificity to enable  
16 him to guide himself accordingly. The defendant shall  
17 acknowledge, in writing, his receipt of these documents and his  
18 consent to their terms.

19 g. Of the moneys collected under the provisions of subsection  
20 d. of this section, \$15.00 of each monthly fee collected before  
21 January 1, 1995 shall be deposited in the temporary reserve fund  
22 created by section 25 of P.L.1993, c.275, and \$10.00 of each shall  
23 be deposited into a "Community Service Supervision Fund" which  
24 shall be established by each county. The moneys in the  
25 "Community Service Supervision Fund" shall be expended only in  
26 accordance with the provisions of State law as shall be enacted to  
27 provide for expenditures from this fund for the purpose of  
28 supervising and monitoring probationers performing community  
29 service to ensure, by whatever means necessary and appropriate,  
30 that probationers are performing the community service ordered by  
31 the court and that the performance is in the manner and under the  
32 terms ordered by the court.

33 (cf: P.L.1993,c.275,s.16.)

34

35 5. N.J.S.2C:45-2 is amended to read as follows:

36 2C:45-2. Period of Suspension or Probation; Modification of  
37 Conditions; Discharge of Defendant

38 a. When the court has suspended imposition of sentence or has  
39 sentenced a defendant to be placed on probation, the period of the  
40 suspension shall be fixed by the court at not to exceed the maximum  
41 term which could have been imposed or more than 5 years  
42 whichever is lesser. The period of probation shall be fixed by the  
43 court at not less than 1 year nor more than 5 years. The court, on  
44 application of a probation officer or of the defendant, or on its own  
45 motion, may discharge the defendant at any time.

46 b. During the period of the suspension or probation, the court,  
47 on application of a probation officer or of the defendant, or on its

1 own motion, may (1) modify the requirements imposed on the  
2 defendants; or (2) add further requirements authorized by  
3 N.J.S.2C:45-1. The court shall eliminate any requirement that  
4 imposes an unreasonable burden on the defendant.

5 c. Upon the termination of the period of suspension or  
6 probation or the earlier discharge of the defendant, the defendant  
7 shall be relieved of any obligations imposed by the order of the  
8 court and shall have satisfied his sentence for the offense unless the  
9 defendant has failed:

10 (1) to fulfill conditions imposed pursuant to paragraph b. (11) of  
11 N.J.S.2C:45-1, in which event the court may order that the  
12 probationary period be extended for an additional period not to  
13 exceed that authorized by subsection a. of this section; or

14 (2) to fulfill the conditions imposed pursuant to subsection c. of  
15 N.J.S.2C:45-1, in which event the court shall order that the  
16 probationary period be extended for an additional period not to  
17 exceed that authorized by subsection a. of this section.

18 The extension may be entered by the court without the  
19 defendant's personal appearance if the defendant agrees to the  
20 extension.

21 Notwithstanding any provision in this section to the contrary,  
22 any order of the court prohibiting contact with a victim imposed on  
23 a defendant convicted of a sex offense shall continue in effect  
24 following the termination of probation supervision until further  
25 order of the court.

26 (cf: P.L.1991,c.329,s.9.)

27

28 6. This act shall take effect immediately, but sections 3, 4, and  
29 5 shall only apply to persons who commit sex offenses after the  
30 effective date of this act.

31

32

33

34

35 "Nicole's Law;" permits victim of sex offense to obtain  
36 restraining order against offender.

# SENATE, No. 2215

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED OCTOBER 12, 2006

**Sponsored by:**

**Senator ROBERT W. SINGER**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**Senator LEONARD T. CONNORS, JR.**

**District 9 (Atlantic, Burlington and Ocean)**

**Co-Sponsored by:**

**Senator Ciesla**

**SYNOPSIS**

“Nicole’s Law”; permits victim of sex offense to obtain restraining order against offender.

**CURRENT VERSION OF TEXT**

As introduced.





1 AN ACT concerning victims of crime and designated as Nicole's  
2 Law, and supplementing chapter 14 of Title 2C of the New  
3 Jersey Statutes.

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

7  
8 1. (New section) a. As used in this section,  
9 "Defendant" means a person indicted or charged with a sex  
10 offense.

11 "Sex offense" means a "sex offense" as defined in subsection b.  
12 of section 2 of P.L.1994, c.133 (C.2C:7-2).

13 "Victim" means a person who was physically or emotionally  
14 harmed by the sex offense for which the defendant is accused.

15 b. In any case involving a sex offense, the victim may apply for  
16 a temporary restraining order against the defendant at any time after  
17 the defendant is indicted or charged with the sex offense. The  
18 victim may seek emergency, ex parte relief. A decision shall be  
19 made by the judge regarding the emergency relief forthwith.

20 c. A conviction of the sex offense shall not be a prerequisite for  
21 the grant of a temporary restraining order under this section.

22 d. A temporary restraining order issued under this section shall  
23 limit the contact of the defendant and the victim and in addition  
24 may grant the following specific relief:

25 (1) An order restraining the defendant from entering the  
26 residence, property, school, or place of employment of the victim  
27 and requiring the defendant to stay away from any specified place  
28 that is named in the order and is frequented regularly by the victim.

29 (2) An order restraining the defendant from making contact with  
30 the victim, including an order forbidding the defendant from  
31 personally or through an agent initiating any communication, email,  
32 or computer generated correspondence likely to cause annoyance or  
33 alarm including, but not limited to, personal, written, or telephone  
34 contact with the victim, the victim's employers, employees, or  
35 fellow workers, or others with whom communication would be  
36 likely to cause annoyance or alarm to the victim.

37 e. A hearing shall be held in the Superior Court within 10 days  
38 of the issuance of any temporary restraining order which was issued  
39 on an emergency, ex parte basis. A copy of the complaint shall be  
40 served on the defendant in conformity with the rules of court. At  
41 the hearing the standard for continuing the temporary restraining  
42 order shall be by a preponderance of the evidence.

43 f. If the court rules that the temporary restraining order shall be  
44 continued, the order shall remain in effect until either:

45 (1) the defendant is convicted, adjudicated delinquent, or  
46 acquitted by reason of insanity of the sex offense, in which case the  
47 court shall hold a hearing on the issue of whether a permanent  
48 restraining order shall be entered pursuant to section 2 of

1 P.L. , c. (C. ) (pending before the Legislature as section 2 of  
2 this bill); or

3 (2) the victim requests that the restraining order be dismissed  
4 and the court finds just cause to do so.

5 g. If the victim is a child under the age of 18 or is  
6 developmentally disabled as defined in section 3 of P.L.1977, c.200  
7 (C.5:5-44.4) or where the victim is 18 years of age or older and is  
8 mentally defective as defined in N.J.S.2C:14-1, the victim's parent  
9 or guardian may apply to obtain, modify, or dissolve a temporary  
10 restraining order issued pursuant to this section on behalf of the  
11 victim. In the event of a disagreement between the parent or  
12 guardian and the victim concerning the temporary restraining order,  
13 the court shall decide the issue considering the best interest of the  
14 victim.

15

16 2. (New section) a. As used in this section,

17 "Offender" means a person who has been convicted, adjudicated  
18 delinquent, or acquitted by reason of insanity of a sex offense.

19 "Sex offense" means a "sex offense" as defined in subsection b.  
20 of section 2 of P.L.1994, c.133 (C.2C:7-2).

21 "Victim" means a person who was physically or emotionally  
22 harmed by the offender's sex offense.

23 b. A judgment of conviction, adjudication of delinquency or  
24 acquittal by reason of insanity for a sex offense shall operate as an  
25 application for a permanent restraining order limiting the contact of  
26 the offender and the victim.

27 c. A hearing shall be held on the application for a permanent  
28 restraining order at the time of the conviction, adjudication of  
29 delinquency or acquittal by reason of insanity for a sex offense  
30 unless the victim requests otherwise. This hearing shall be in  
31 Superior Court. A permanent restraining order may grant any relief  
32 specified in section 1 of P.L. , c. (C. ) (pending before the  
33 Legislature as section 1 of this bill).

34 d. The permanent restraining order entered by the court as  
35 provided in this section may be dissolved upon the application of  
36 the victim to the court which granted the order.

37 e. Notice of permanent restraining orders issued pursuant to this  
38 section shall be sent by the clerk of the court or other person  
39 designated by the court to the appropriate chiefs of police, members  
40 of the State Police and any other appropriate law enforcement  
41 agency or court.

42 f. Any permanent restraining order issued pursuant to this  
43 section shall be in effect throughout the State, and shall be enforced  
44 by all law enforcement officers.

45 g. A violation by the offender of an order issued pursuant to this  
46 section shall constitute an offense under subsection a. of  
47 N.J.S.2C:29-9 and each order shall so state. Violations of these  
48 orders may be enforced in a civil or criminal action initiated by the

1 victim or by the court, on its own motion, pursuant to applicable  
2 court rules.

3 h. If the victim is a child under the age of 18 or is  
4 developmentally disabled as defined in section 3 of P.L.1977, c.200  
5 (C.5:5-44.4) or where the victim is 18 years of age or older and is  
6 mentally defective as defined in N.J.S.2C:14-1, the victim's parent  
7 or guardian may apply to obtain, modify, or dissolve the permanent  
8 restraining order on behalf of the victim. In the event of a  
9 disagreement between the parent or guardian and the victim  
10 concerning the permanent restraining order, the court shall decide  
11 the issue considering the best interest of the victim.

12  
13 3. Section 1 of this act shall take effect immediately. Section 2  
14 shall take effect immediately, but shall only apply to persons who  
15 commit sex offenses after the effective date of this act.

16  
17  
18 STATEMENT

19  
20 This bill permits victims of sex offenses to obtain temporary and  
21 permanent restraining orders against their offenders. A "sex  
22 offense," as that term is used in the bill, is any offense for which a  
23 person is required to register under Megan's Law, P.L.1994, c.133  
24 (C.2C:7-1 et seq.).

25 Under the provisions of section 1 of the bill, in any case  
26 involving a sex offense the victim could obtain a temporary  
27 restraining order against the defendant at any time after the  
28 defendant is indicted or charged with the sex offense. The court  
29 would be permitted to grant the following specific relief against the  
30 defendant:

- 31
- 32 • An order restraining the defendant from entering the  
33 residence, property, school, or place of employment of the  
34 victim and requiring the defendant to stay away from any  
35 specified place that is named in the order and is frequented  
36 regularly by the victim.
  - 37 • An order restraining the defendant from making contact with  
38 the victim, including an order forbidding the defendant from  
39 personally or through an agent initiating any communication  
40 likely to cause annoyance or alarm including, but not limited  
41 to, personal, written, or telephone contact with the victim,  
42 the victim's employers, employees, or fellow workers, or  
43 others with whom communication would be likely to cause  
44 annoyance or alarm to the victim.

45 Under the provisions of section 1 of the bill, the court could  
46 issue emergency, ex parte temporary restraining orders. Within 10  
47 days of the issuance of such an order, a hearing would be held in  
48 Superior Court and notice would be provided to the defendant. At  
the hearing, the standard for continuing the order would be by a

1 preponderance of the evidence. If the court rules that the order  
2 should continue, it would remain in effect until either of the  
3 following events occurs: (1) the defendant is convicted, adjudicated  
4 delinquent, or acquitted by reason of insanity of the offense or (2)  
5 the victim requests that the order be dissolved.

6 Section 2 of the bill provides that conviction or adjudication of  
7 delinquency for a sex offense or a finding of not guilty of a sex  
8 offense by reason of insanity would operate as an automatic  
9 application for a permanent restraining order. Unless the victim  
10 requests that the application for the restraining order not proceed, a  
11 hearing in Superior Court would be held on the issue. The  
12 restraining order would be enforceable throughout the State and  
13 could be dissolved upon the application of the victim to the court  
14 which granted the order. A violation of the order would be a  
15 criminal offense.

16 Under the bill, if the victim of the sex offense is a child under the  
17 age of 18 or is developmentally disabled as defined in section 3 of  
18 P.L.1977, c.200 (C.5:5-44.4) or where the victim is 18 years of age  
19 or older and is mentally defective as defined in N.J.S.2C:14-1, the  
20 victim's parent or guardian may be permitted to make decisions  
21 concerning the restraining order on behalf of the victim. In the  
22 event of a disagreement between the parent or guardian and the  
23 victim concerning the restraining order, the court would decide the  
24 issue considering the best interest of the victim.

25 The bill is dedicated to Nicole Michele Norberto, a courageous  
26 young woman.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2215**

# **STATE OF NEW JERSEY**

DATED: MAY 21, 2007

The Assembly Judiciary Committee reports favorably Senate Bill No. 2215 (SCS).

The substitute would permit a court to issue an order as a condition of bail prohibiting a defendant charged with a sex offense from having any contact with the victim. Under the provisions of the substitute, a copy of the order containing the court's directives would be provided to the victim, and no information concerning the victim's location could appear on any documents to which the defendant has access. Current statutory law does not specifically authorize courts to issue such orders as a condition of bail.

The substitute would also permit a court at the time of sentencing to order the continuation of a prior order or condition of bail that restricts the defendant's contact with the victim if the defendant is found guilty of the sex offense. The substitute enumerates several types of relief an order may include and contains a general provision empowering the court to grant any other appropriate restraints necessary to protect the victim.

The substitute amends N.J.S.2C:45-1 concerning conditions of probation and suspension of sentences to specify that the court may prohibit a defendant who is convicted of a sex offense from having any contact with the victim. The substitute also amends N.J.S.2C:45-2 concerning termination of a suspended sentence or probation to ensure that orders issued pursuant to the bill prohibiting the offender from contacting the victim will continue in effect after termination of probation supervision until further order of the court.

The substitute defines the terms "victim" and "sex offense" through reference to existing law. The term "victim" is defined by reference to N.J.S.2C:14-1, the definitions section of chapter 14 of Title 2C of the New Jersey Statutes, which concerns sexual offenses. The term "sex offense" is defined by reference to the definition of that term in Megan's Law, P.L.1994, c.133 (C.2C:7-1 et seq.).

This substitute is identical to Assembly Committee Substitute for Assembly Bill No. 3711.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2215**

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 26, 2007

The Senate Judiciary Committee reports favorably Senate Committee Substitute for Senate Bill No. 2215.

The Senate Committee Substitute would permit a court to issue an order as a condition of bail prohibiting a defendant charged with a sex offense from having any contact with the victim. Under the provisions of the substitute, a copy of the order containing the court's directives would be provided to the victim, and no information concerning the victim's location could appear on any documents to which the defendant has access. Current statutory law does not specifically authorize courts to issue such orders as a condition of bail.

The substitute would also permit a court to order the continuation of a prior order or condition of bail that restricts the defendant's contact with the victim at the time of sentencing if the victim is found guilty of the sex offense. The substitute enumerates several types of relief an order may include and contains a general provision empowering the court to grant any other appropriate restraints necessary to protect the victim.

The substitute amends N.J.S.2C:45-1 concerning conditions of probation and suspension of sentences to specify that the court may prohibit a defendant who is convicted of a sex offense from having any contact with the victim. The substitute also amends N.J.S.2C:45-2 concerning termination of a suspended sentence or probation to ensure that orders issued pursuant to the bill prohibiting the offender from contacting the victim will continue in effect after termination of probation supervision until further order of the court.

The substitute defines the terms "victim" and "sex offense" through reference to existing law. The term "victim" is defined by reference to N.J.S.2C:14-1, the definitions section of chapter 14 of the Title 2C of the New Jersey Statutes, which concerns sexual offenses. The term "sex offense" is defined by reference to the definition of that term in Megan's Law, P.L.1994, c.133 (C.2C:7-1 et seq.).

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 2215**

# **STATE OF NEW JERSEY**

DATED: MARCH 5, 2007

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2215 (SCS).

The bill would permit a court to issue an order as a condition of bail prohibiting a defendant charged with a sex offense from having any contact with the victim. Under the provisions of the substitute, a copy of the order containing the court's directives would be provided to the victim, and no information concerning the victim's location could appear on any documents to which the defendant has access. Current statutory law does not specifically authorize courts to issue such orders as a condition of bail.

The substitute would also permit a court to order the continuation of a prior order or condition of bail that restricts the defendant's contact with the victim at the time of sentencing if the victim is found guilty of the sex offense. The substitute enumerates several types of relief an order may include and contains a general provision empowering the court to grant any other appropriate restraints necessary to protect the victim.

The substitute amends N.J.S.2C:45-1 concerning conditions of probation and suspension of sentences to specify that the court may prohibit a defendant who is convicted of a sex offense from having any contact with the victim. The substitute also amends N.J.S.2C:45-2 concerning termination of a suspended sentence or probation to ensure that orders issued pursuant to the bill prohibiting the offender from contacting the victim will continue in effect after termination of probation supervision until further order of the court.

#### FISCAL IMPACT:

The Administrative Office of the Courts (AOC) states that the Judiciary would not receive any additional revenue as a result of this legislation nor would it incur any additional expenditures.

**FISCAL NOTE**  
**SENATE COMMITTEE SUBSTITUTE FOR**  
**SENATE, No. 2215**  
**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

DATED: JUNE 19, 2007

**SUMMARY**

**Synopsis:** “Nicole’s Law”; permits victim of sex offense to obtain restraining order against offender.

**Type of Impact:** No Impact.

**Agencies Affected:** Judiciary

**Executive Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	No Impact - See Comments Below		

- The Office of Legislative Services **concurs** with the Executive estimate.
- The bill would permit a court to issue an order as a condition of bail prohibiting a defendant charged with a sex offense from having any contact with the victim. Under the provisions of the substitute, a copy of the order containing the court’s directives would be provided to the victim, and no information concerning the victim’s location could appear on any documents to which the defendant has access.
- The substitute would also permit a court to order the continuation of a prior order or condition of bail that restricts the defendant’s contact with the victim at the time of sentencing if the victim is found guilty of the sex offense.
- The substitute amends N.J.S.2C:45-1 concerning conditions of probation and suspension of sentences to specify that the court may prohibit a defendant who is convicted of a sex offense from having any contact with the victim. The substitute also amends N.J.S.2C:45-2 concerning termination of a suspended sentence or probation to ensure that orders issued pursuant to the bill prohibiting the offender from contacting the victim will continue in effect after termination of probation supervision until further order of the court.
- The Administrative Office of the Courts states that the Judiciary would not receive any additional revenue as a result of this bill nor would it incur any additional expenditures.



## **BILL DESCRIPTION**

Senate Committee Substitute for Senate Bill No. 2215 of 2006 would permit a court to issue an order as a condition of bail prohibiting a defendant charged with a sex offense from having any contact with the victim. Under the provisions of the substitute, a copy of the order containing the court's directives would be provided to the victim, and no information concerning the victim's location could appear on any documents to which the defendant has access. Current statutory law does not specifically authorize courts to issue such orders as a condition of bail.

The substitute would also permit a court to order the continuation of a prior order or condition of bail that restricts the defendant's contact with the victim at the time of sentencing if the victim is found guilty of the sex offense. The substitute enumerates several types of relief an order may include and contains a general provision empowering the court to grant any other appropriate restraints necessary to protect the victim.

The substitute amends N.J.S.2C:45-1 concerning conditions of probation and suspension of sentences to specify that the court may prohibit a defendant who is convicted of a sex offense from having any contact with the victim. The substitute also amends N.J.S.2C:45-2 concerning termination of a suspended sentence or probation to ensure that orders issued pursuant to the substitute prohibiting the offender from contacting the victim will continue in effect after termination of probation supervision until further order of the court.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Administrative Office of the Courts states that the Judiciary would not receive any additional revenue as a result of this bill nor would it incur any additional expenditures.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services concurs with the Executive estimate.

*Section: Judiciary*  
*Analyst: Anne Raughley*  
*Principal Fiscal Analyst*  
*Approved: David J. Rosen*  
*Legislative Budget and Finance Officer*

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

**ASSEMBLY, No. 3711**

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**STATE OF NEW JERSEY**

**212th LEGISLATURE**

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INTRODUCED NOVEMBER 20, 2006

**Sponsored by:**

**Assemblyman RONALD S. DANCER**  
**District 30 (Burlington, Mercer, Monmouth and Ocean)**  
**Assemblyman JOSEPH R. MALONE, III**  
**District 30 (Burlington, Mercer, Monmouth and Ocean)**  
**Assemblyman LOUIS M. MANZO**  
**District 31 (Hudson)**

**Co-Sponsored by:**

**Assemblymen Rumpf, Connors and Assemblywoman Beck**

**SYNOPSIS**

“Nicole’s Law”; permits victim of sex offense to obtain restraining order against offender.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/22/2007)**

1 AN ACT concerning victims of crime and designated as Nicole's  
2 Law, and supplementing chapter 14 of Title 2C of the New  
3 Jersey Statutes.

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

7  
8 1. (New section) a. As used in this section,  
9 "Defendant" means a person indicted or charged with a sex  
10 offense.

11 "Sex offense" means a "sex offense" as defined in subsection b.  
12 of section 2 of P.L.1994, c.133 (C.2C:7-2).

13 "Victim" means a person who was physically or emotionally  
14 harmed by the sex offense for which the defendant is accused.

15 b. In any case involving a sex offense, the victim may apply for  
16 a temporary restraining order against the defendant at any time after  
17 the defendant is indicted or charged with the sex offense. The  
18 victim may seek emergency, ex parte relief. A decision shall be  
19 made by the judge regarding the emergency relief forthwith.

20 c. A conviction of the sex offense shall not be a prerequisite for  
21 the grant of a temporary restraining order under this section.

22 d. A temporary restraining order issued under this section shall  
23 limit the contact of the defendant and the victim and in addition  
24 may grant the following specific relief:

25 (1) An order restraining the defendant from entering the  
26 residence, property, school, or place of employment of the victim  
27 and requiring the defendant to stay away from any specified place  
28 that is named in the order and is frequented regularly by the victim.

29 (2) An order restraining the defendant from making contact with  
30 the victim, including an order forbidding the defendant from  
31 personally or through an agent initiating any communication, email,  
32 or computer generated correspondence likely to cause annoyance or  
33 alarm including, but not limited to, personal, written, or telephone  
34 contact with the victim, the victim's employers, employees, or  
35 fellow workers, or others with whom communication would be  
36 likely to cause annoyance or alarm to the victim.

37 e. A hearing shall be held in the Superior Court within 10 days  
38 of the issuance of any temporary restraining order which was issued  
39 on an emergency, ex parte basis. A copy of the complaint shall be  
40 served on the defendant in conformity with the rules of court. At  
41 the hearing the standard for continuing the temporary restraining  
42 order shall be by a preponderance of the evidence.

43 f. If the court rules that the temporary restraining order shall be  
44 continued, the order shall remain in effect until either:

45 (1) the defendant is convicted, adjudicated delinquent, or  
46 acquitted by reason of insanity of the sex offense, in which case the  
47 court shall hold a hearing on the issue of whether a permanent  
48 restraining order shall be entered pursuant to section 2 of

1 P.L. , c. (C. ) (pending before the Legislature as section 2 of  
2 this bill); or

3 (2) the victim requests that the restraining order be dismissed  
4 and the court finds just cause to do so.

5 g. If the victim is a child under the age of 18 or is  
6 developmentally disabled as defined in section 3 of P.L.1977, c.200  
7 (C.5:5-44.4) or where the victim is 18 years of age or older and is  
8 mentally defective as defined in N.J.S.2C:14-1, the victim's parent  
9 or guardian may apply to obtain, modify, or dissolve a temporary  
10 restraining order issued pursuant to this section on behalf of the  
11 victim. In the event of a disagreement between the parent or  
12 guardian and the victim concerning the temporary restraining order,  
13 the court shall decide the issue considering the best interest of the  
14 victim.

15

16 2. (New section) a. As used in this section,

17 "Offender" means a person who has been convicted, adjudicated  
18 delinquent, or acquitted by reason of insanity of a sex offense.

19 "Sex offense" means a "sex offense" as defined in subsection b.  
20 of section 2 of P.L.1994, c.133 (C.2C:7-2).

21 "Victim" means a person who was physically or emotionally  
22 harmed by the offender's sex offense.

23 b. A judgment of conviction, adjudication of delinquency or  
24 acquittal by reason of insanity for a sex offense shall operate as an  
25 application for a permanent restraining order limiting the contact of  
26 the offender and the victim.

27 c. A hearing shall be held on the application for a permanent  
28 restraining order at the time of the conviction, adjudication of  
29 delinquency or acquittal by reason of insanity for a sex offense  
30 unless the victim requests otherwise. This hearing shall be in  
31 Superior Court. A permanent restraining order may grant any relief  
32 specified in section 1 of P.L. , c. (C. ) (pending before the  
33 Legislature as section 1 of this bill).

34 d. The permanent restraining order entered by the court as  
35 provided in this section may be dissolved upon the application of  
36 the victim to the court which granted the order.

37 e. Notice of permanent restraining orders issued pursuant to this  
38 section shall be sent by the clerk of the court or other person  
39 designated by the court to the appropriate chiefs of police, members  
40 of the State Police and any other appropriate law enforcement  
41 agency or court.

42 f. Any permanent restraining order issued pursuant to this  
43 section shall be in effect throughout the State, and shall be enforced  
44 by all law enforcement officers.

45 g. A violation by the offender of an order issued pursuant to this  
46 section shall constitute an offense under subsection a. of  
47 N.J.S.2C:29-9 and each order shall so state. Violations of these  
48 orders may be enforced in a civil or criminal action initiated by the

1 victim or by the court, on its own motion, pursuant to applicable  
2 court rules.

3 h. If the victim is a child under the age of 18 or is  
4 developmentally disabled as defined in section 3 of P.L.1977, c.200  
5 (C.5:5-44.4) or where the victim is 18 years of age or older and is  
6 mentally defective as defined in N.J.S.2C:14-1, the victim's parent  
7 or guardian may apply to obtain, modify, or dissolve the permanent  
8 restraining order on behalf of the victim. In the event of a  
9 disagreement between the parent or guardian and the victim  
10 concerning the permanent restraining order, the court shall decide  
11 the issue considering the best interest of the victim.

12  
13 3. Section 1 of this act shall take effect immediately. Section 2  
14 shall take effect immediately, but shall only apply to persons who  
15 commit sex offenses after the effective date of this act.

16  
17  
18 STATEMENT

19  
20 This bill permits victims of sex offenses to obtain temporary and  
21 permanent restraining orders against their offenders. A "sex  
22 offense," as that term is used in the bill, is any offense for which a  
23 person is required to register under Megan's Law, P.L.1994, c.133  
24 (C.2C:7-1 et seq.).

25 Under the provisions of section 1 of the bill, in any case  
26 involving a sex offense the victim could obtain a temporary  
27 restraining order against the defendant at any time after the  
28 defendant is indicted or charged with the sex offense. The court  
29 would be permitted to grant the following specific relief against the  
30 defendant:

- 31
- 32 • An order restraining the defendant from entering the  
33 residence, property, school, or place of employment of the  
34 victim and requiring the defendant to stay away from any  
35 specified place that is named in the order and is frequented  
36 regularly by the victim.
  - 37 • An order restraining the defendant from making contact with  
38 the victim, including an order forbidding the defendant from  
39 personally or through an agent initiating any communication  
40 likely to cause annoyance or alarm including, but not limited  
41 to, personal, written, or telephone contact with the victim,  
42 the victim's employers, employees, or fellow workers, or  
43 others with whom communication would be likely to cause  
44 annoyance or alarm to the victim.

45 Under the provisions of section 1 of the bill, the court could  
46 issue emergency, ex parte temporary restraining orders. Within 10  
47 days of the issuance of such an order, a hearing would be held in  
48 Superior Court and notice would be provided to the defendant. At  
the hearing, the standard for continuing the order would be by a

1 preponderance of the evidence. If the court rules that the order  
2 should continue, it would remain in effect until either of the  
3 following events occurs: (1) the defendant is convicted, adjudicated  
4 delinquent, or acquitted by reason of insanity of the offense or (2)  
5 the victim requests that the order be dissolved.

6 Section 2 of the bill provides that conviction or adjudication of  
7 delinquency for a sex offense or a finding of not guilty of a sex  
8 offense by reason of insanity would operate as an automatic  
9 application for a permanent restraining order. Unless the victim  
10 requests that the application for the restraining order not proceed, a  
11 hearing in Superior Court would be held on the issue. The  
12 restraining order would be enforceable throughout the State and  
13 could be dissolved upon the application of the victim to the court  
14 which granted the order. A violation of the order would be a  
15 criminal offense.

16 Under the bill, if the victim of the sex offense is a child under the  
17 age of 18 or is developmentally disabled as defined in section 3 of  
18 P.L.1977, c.200 (C.5:5-44.4) or where the victim is 18 years of age  
19 or older and is mentally defective as defined in N.J.S.2C:14-1, the  
20 victim's parent or guardian may be permitted to make decisions  
21 concerning the restraining order on behalf of the victim. In the  
22 event of a disagreement between the parent or guardian and the  
23 victim concerning the restraining order, the court would decide the  
24 issue considering the best interest of the victim.

25 The bill is dedicated to Nicole Michele Norberto, a courageous  
26 young woman.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 3711

# STATE OF NEW JERSEY

DATED: MAY 21, 2007

The Assembly Judiciary Committee reports favorably a committee substitute for Assembly Bill No. 3711.

The substitute would permit a court to issue an order as a condition of bail prohibiting a defendant charged with a sex offense from having any contact with the victim. Under the provisions of the substitute, a copy of the order containing the court's directives would be provided to the victim, and no information concerning the victim's location could appear on any documents to which the defendant has access. Current statutory law does not specifically authorize courts to issue such orders as a condition of bail.

The substitute would also permit a court at the time of sentencing to order the continuation of a prior order or condition of bail that restricts the defendant's contact with the victim if the defendant is found guilty of the sex offense. The substitute enumerates several types of relief an order may include and contains a general provision empowering the court to grant any other appropriate restraints necessary to protect the victim.

The substitute amends N.J.S.2C:45-1 concerning conditions of probation and suspension of sentences to specify that the court may prohibit a defendant who is convicted of a sex offense from having any contact with the victim. The substitute also amends N.J.S.2C:45-2 concerning termination of a suspended sentence or probation to ensure that orders issued pursuant to the bill prohibiting the offender from contacting the victim will continue in effect after termination of probation supervision until further order of the court.

The substitute defines the terms "victim" and "sex offense" through reference to existing law. The term "victim" is defined by reference to N.J.S.2C:14-1, the definitions section of chapter 14 of Title 2C of the New Jersey Statutes, which concerns sexual offenses. The term "sex offense" is defined by reference to the definition of that term in Megan's Law, P.L.1994, c.133 (C.2C:7-1 et seq.).

This substitute is identical to Senate Committee Substitute for Senate Bill No. 2215.

**FISCAL NOTE**  
**ASSEMBLY COMMITTEE SUBSTITUTE FOR**  
**ASSEMBLY, No. 3711**  
**STATE OF NEW JERSEY**  
**212th LEGISLATURE**

DATED: JULY 9, 2007

**SUMMARY**

**Synopsis:** “Nicole’s Law”; permits victim of sex offense to obtain restraining order against offender.

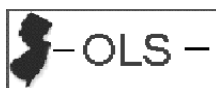
**Type of Impact:** No Impact.

**Agencies Affected:** Judiciary

**Executive Estimate**

<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	No Impact - See Comments Below.		

- The Office of Legislative Services **concurs** with the Executive estimate.
- The bill would permit a court to issue an order as a condition of bail prohibiting a defendant charged with a sex offense from having any contact with the victim. Under the provisions of the substitute, a copy of the order containing the court’s directives would be provided to the victim, and no information concerning the victim’s location could appear on any documents to which the defendant has access.
- The substitute would also permit a court to order the continuation of a prior order or condition of bail that restricts the defendant’s contact with the victim at the time of sentencing if the victim is found guilty of the sex offense.
- The substitute amends N.J.S.2C:45-1 concerning conditions of probation and suspension of sentences to specify that the court may prohibit a defendant who is convicted of a sex offense from having any contact with the victim. The substitute also amends N.J.S.2C:45-2 concerning termination of a suspended sentence or probation to ensure that orders issued pursuant to the bill prohibiting the offender from contacting the victim will continue in effect after termination of probation supervision until further order of the court.





- The Administrative Office of the Courts states that the Judiciary would not receive any additional revenue as a result of this bill nor would it incur any additional expenditures.

## **BILL DESCRIPTION**

Assembly Committee Substitute for Assembly Bill No. 3711 of 2006 would permit a court to issue an order as a condition of bail prohibiting a defendant charged with a sex offense from having any contact with the victim. Under the provisions of the substitute, a copy of the order containing the court's directives would be provided to the victim, and no information concerning the victim's location could appear on any documents to which the defendant has access. Current statutory law does not specifically authorize courts to issue such orders as a condition of bail.

The substitute would also permit a court to order the continuation of a prior order or condition of bail that restricts the defendant's contact with the victim at the time of sentencing if the victim is found guilty of the sex offense. The substitute enumerates several types of relief an order may include and contains a general provision empowering the court to grant any other appropriate restraints necessary to protect the victim.

The substitute amends N.J.S.2C:45-1 concerning conditions of probation and suspension of sentences to specify that the court may prohibit a defendant who is convicted of a sex offense from having any contact with the victim. The substitute also amends N.J.S.2C:45-2 concerning termination of a suspended sentence or probation to ensure that orders issued pursuant to the substitute prohibiting the offender from contacting the victim will continue in effect after termination of probation supervision until further order of the court.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

The Administrative Office of the Courts states that the Judiciary would not receive any additional revenue as a result of this bill nor would it incur any additional expenditures.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services concurs with the Executive estimate.

*Section: Judiciary*  
*Analyst: Anne Raughley*  
*Principal Fiscal Analyst*  
*Approved: David J. Rosen*  
*Legislative Budget and Finance Officer*

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