

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1000

STATE OF NEW JERSEY

DATED: NOVEMBER 30, 2023

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1000 (1R).

This bill, would: (1) require law enforcement officers, after responding to a domestic violence incident, to provide information to domestic violence victims in English, Spanish, and up to 10 additional high demand languages spoken in the State, regarding their right to file for temporary restraining orders and to file criminal complaints; and (2) task the Administrative Office of the Courts (AOC) with preparing standard templates for temporary and final restraining orders in English, Spanish, and other identified high demand languages for use by law enforcement, municipal courts, and the Superior Court when issuing such orders.

Under current law, the information disseminated by law enforcement officers is provided in writing in both English and Spanish. The AOC currently implements, via its Directive #10-22 (September 30, 2022), a revised Judiciary Language Access Plan, which plan includes translating into several other languages information contained in restraining orders among other court documents, policies, and standards used when interacting with persons who are limited in their ability to speak or understand English or who are deaf or hard of hearing.

Regarding the dissemination of information in English and Spanish by law enforcement officers, the current law simply states that it “shall be written” in a notice. The bill would specifically assign responsibility for the written materials to the Attorney General and, as previously mentioned, the writing would be made available in English and Spanish, and up to 10 additional “high demand languages spoken in the State.”

Regarding the issuance of restraining orders by courts, a domestic violence victim is currently permitted to file a domestic violence complaint seeking a temporary restraining order with the Superior Court, Chancery Division, Family Part or, at times when the Family Part is closed, with a judge of the Family Part or judge of the municipal court assigned to accept such complaints and issue a temporary order. See section 12 of P.L.1991, c.261 (C.2C:25-28). To assist these courts as well as law enforcement regarding the issuance

of the orders and their service on the alleged abuser, the AOC would prepare standard templates in English, Spanish, and other high demand languages identified in its Language Access Plan, as approved by the Supreme Court, to be provided to the victim and defendant.

As to any subsequently issued permanent restraining orders, which are only issued by judges of the Superior Court, Chancery Division, Family Part upon a finding of abuse by a preponderance of the evidence, see section 13 of P.L.1991, c.261 (C.2C:25-29), multiple standard templates would be prepared by the AOC using the same, above described language criteria to be provided to the victim and defendant.

As reported by the committee, Senate Bill No. 1000 (1R) is identical to Assembly Bill No. 1704 (1R), which was also reported by the committee on this date.

FISCAL IMPACT:

The OLS finds that this bill will result in annual cost increases for the State. The bill requires the Attorney General's Office in the Department of Law and Public Safety to prepare the notice providing domestic violence victims with their rights in English, Spanish, and 10 additional high demand languages spoken in the State. The Judiciary would be required to prepare standard templates for temporary restraining orders and final restraining orders in English, Spanish, and the other high demand languages identified in its language access plan as approved by the Supreme Court.

Regarding the Attorney General's Office, the OLS notes the Department of Law and Public Safety would need to have approximately 250 words translated per document and, based on a State contractor's quoted price of \$.15 per word for document translation services, this would result in an estimated cost of approximately \$37 per notice for the first time a document is needed in a language other than English or Spanish. The OLS does not have information on how many such notices would need to be translated in a given fiscal year.

Also in the way of context, the OLS notes that the Judiciary provided an estimate on a previous version of this bill, Senate Bill No. 1000 of the 2022-2023 Session, in which the Judiciary would have to meet all the requirements of the bill. As noted above, the Judiciary estimate anticipates first year expenses exceeding \$15.5 million to address all the requirements of this legislation, and \$6.5 million annually in subsequent fiscal years. The costs of providing domestic violence restraining orders in multiple languages and the Statewide information technology system needed to make the various documents available on demand in each required language would necessitate the reprogramming of the electronic temporary restraining order application, as it is written in an older architecture that would need reengineering,

according to the Judiciary. The Judiciary added that there would be an increase in court time as a result of the bill.

As noted above, the Judiciary is unable to estimate with any certainty the number of cases that would require notices and specific orders in other languages. As such, the OLS is unable to confirm or refute the Judiciary's estimate. Since the Judiciary already provides forms in English, Spanish, Haitian Creole, Korean, Polish, and Portuguese, it cannot be said with certainty what other languages would require translation services. In the 2022 court year, there were a total of 41,980 domestic violence filings and 6,396 reopened domestic violence cases, according to the 2021-2022 Judiciary Annual Report.