

# ASSEMBLY, No. 762

## STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

**Sponsored by:**

**Assemblyman PETER J. BARNES, III**  
**District 18 (Middlesex)**

**Co-Sponsored by:**

**Assemblyman Caputo**

**SYNOPSIS**

Creates a civil cause of action for stalking.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning a civil cause of action for stalking and  
2 supplementing Title 2A of the New Jersey Statutes.

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

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7 1. Civil action for stalking.

8 A victim has a civil cause of action against an individual who  
9 engaged in conduct that is prohibited under P.L.1992, c.209  
10 (C.2C:12-10), whether or not the individual has been charged or  
11 convicted for the alleged violation, for damages incurred by the  
12 victim as a result of that conduct, in addition to the costs, including  
13 attorney fees, for bringing the action. If compensatory damages are  
14 awarded, a victim may also be awarded punitive damages.

15 As used in this act:

16 "Compensatory damages" includes damages for all of the  
17 defendant's acts prohibited by P.L.1992, c.209 (C.2C:12-10).

18 "Victim" means a person who, as a result of the conduct of the  
19 defendant that is prohibited under P.L.1992, c.209 (C.2C:12-10),  
20 was placed in reasonable fear for his own personal safety or for the  
21 safety of a minor child of whom the person is a parent or legal  
22 guardian.

23 No action shall be commenced under this section beyond the  
24 applicable personal injury statute of limitations after the most recent  
25 conduct prohibited under P.L.1992, c.209 (C.2C:12-10).

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27 2. This act shall take effect immediately.

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STATEMENT

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32 P.L.1992, c.209 (C.2C:12-10) created the criminal offense of  
33 stalking. This bill creates a civil cause of action for victims of  
34 stalking.

35 Under the bill, a "victim" is defined as "a person who, as a result  
36 of the conduct of the defendant that is prohibited under P.L.1992,  
37 c.209 (C.2C:12-10), was placed in reasonable fear for his own  
38 personal safety or for the safety of a minor child of whom the  
39 person is a parent or legal guardian."

40 The bill provides that the victim could bring suit whether or not  
41 the defendant has been charged with or convicted of the crime. The  
42 victim could be awarded damages and costs, including attorney  
43 fees, and may also be awarded punitive damages.

44 Under the bill, no action could be commenced beyond the  
45 applicable personal injury statute of limitations. Under  
46 N.J.S.A.2A:14-2 the statute of limitations for personal injury  
47 actions is two years.

1       Several jurisdictions provide for civil causes of action for  
2       stalking victims: California, Kentucky, Michigan, Nebraska,  
3       Oregon, Rhode Island, South Dakota, Tennessee, Texas, Virginia,  
4       Washington, and Wyoming.