

**ASSEMBLY, No. 315**

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**STATE OF NEW JERSEY**

**217th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblyman S.Kean, Assemblywoman Muoio and Assemblyman Wolfe**

**SYNOPSIS**

Establishes four-year pilot program in Ocean County for electronic monitoring of certain domestic violence offenders; designated as “Lisa’s Law”; appropriates \$2.5 million.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 2/9/2016)**

A315 SINGLETON, DANCER

2

1 AN ACT establishing a pilot program for domestic violence  
2 offenders, designated “Lisa’s Law,” supplementing Title 2C of  
3 the New Jersey Statutes, amending P.L.1971, c.198, and making  
4 an appropriation.

5

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

8

9 1. (New section) The Attorney General and the State Parole  
10 Board shall establish a four-year pilot program in Ocean County for  
11 electronic monitoring of defendants and notification of domestic  
12 violence victims as ordered by the court.

13

14 2. (New section) a. Pursuant to the pilot program established  
15 by P.L. , c. (C. ) (pending before the Legislature as this  
16 bill), electronic monitoring may be ordered only with the victim’s  
17 informed consent as defined in section 5 of P.L. , c. (C. )  
18 (pending before the Legislature as this bill). The pilot program  
19 shall apply to defendants charged with or convicted of contempt of  
20 a domestic violence order entered pursuant to the provisions of  
21 P.L.1981, c.426 (C.2C:25-1 et al.) or P.L.1991, c.261 (C.2C:25-17  
22 et al.).

23 b. In making the determination whether to place the defendant  
24 on electronic monitoring, the court may hold a hearing to consider  
25 the likelihood that the defendant's participation in electronic  
26 monitoring will deter the defendant from injuring the victim. The  
27 court shall consider the following factors:

28 (1) the gravity and seriousness of harm that the defendant  
29 inflicted on the victim in the commission of the act of domestic  
30 violence;

31 (2) the defendant’s previous history of domestic violence, if  
32 any;

33 (3) the defendant’s history of other criminal acts, if any;

34 (4) whether the defendant has access to a weapon;

35 (5) whether the defendant has threatened suicide or homicide;

36 (6) whether the defendant has a history of mental illness or has  
37 been civilly committed; and

38 (7) whether the defendant has a history of alcohol abuse or  
39 substance abuse.

40 c. A defendant ordered by the court to be placed on electronic  
41 monitoring may be ordered to pay the costs and expenses related to  
42 electronic monitoring and victim notification or a portion of the  
43 costs and expenses, based on the defendant’s ability to pay.

44 d. In addition to the provisions of subsection c. of this section,  
45 a defendant ordered by the court to be placed on electronic

**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 monitoring shall be assessed a monitoring fee of \$250. The court  
2 may waive the fee in cases of extreme financial hardship. The fee  
3 shall be collected as provided by the Rules of Court and forwarded  
4 to the "Domestic Violence Victim Notification Fund" established  
5 pursuant to section 7 of P.L. , c. (C. ) (pending before the  
6 Legislature as this bill).

7 e. The Attorney General, in consultation with the  
8 Administrative Office of the Courts, shall develop procedures to  
9 determine, investigate, and report on a 24-hour-per-day basis a  
10 defendant's noncompliance with the terms and conditions of the  
11 electronic monitoring program. All reports of noncompliance shall  
12 be investigated by a law enforcement officer within a reasonable  
13 period of time.

14 f. The Attorney General, the Administrative Office of the  
15 Courts, the Superintendent of State Police, the State Parole Board,  
16 and county and municipal law enforcement agencies shall share  
17 information obtained pursuant to this act.

18

19 3. (New section) Pursuant to the pilot program established by  
20 P.L. , c. (C. ) (pending before the Legislature as this bill):

21 a. When a defendant is convicted of contempt of a domestic  
22 violence order entered pursuant to P.L.1981, c.426 (C.2C:25-1 et  
23 al.) or P.L.1991, c.261 (C.2C:25-17 et al.) the court may, in  
24 addition to or in lieu of any other disposition:

25 (1) sentence the defendant to electronic monitoring with victim  
26 notification; or

27 (2) sentence the defendant to probation or a suspension of  
28 sentence and, as a condition of such probation or suspension, order  
29 electronic monitoring with victim notification; and

30 b. When a defendant charged with contempt of a domestic  
31 violence order entered pursuant to P.L.1981, c.426 (C.2C:25-1 et  
32 al.) or P.L.1991, c.261 (C.2C:25-17 et al.) is released from custody  
33 before trial on bail or personal recognizance pursuant to section 10  
34 of P.L.1991, c.261 (C.2C:25-26), the court may as a condition of  
35 release order electronic monitoring of the defendant with victim  
36 notification.

37

38 4. (New section) Any person who tampers with, removes, or  
39 vandalizes an electronic monitoring device worn or utilized by a  
40 defendant pursuant to P.L. , c. (C. ) (pending before the  
41 Legislature as this bill) is guilty of a crime of the third degree.

42

43 5. (New section) As used in this act, "informed consent"  
44 means that the victim is given the following information before  
45 consenting to participate in the electronic monitoring program  
46 established by P.L. , c. (C. ) (pending before the Legislature  
47 as this bill):

- 1 a. The victim's right to refuse to participate in electronic
- 2 monitoring and the process for requesting the court to terminate the
- 3 victim's participation after it has been ordered;
- 4 b. The manner in which the electronic monitoring technology
- 5 functions and the risks and limitations of that technology, the
- 6 operational procedures of the device and the applicable instructions
- 7 regarding the device, and the extent to which the system will track
- 8 and record the victim's location and movements;
- 9 c. The boundaries imposed on the defendant during the
- 10 electronic monitoring;
- 11 d. The sanctions that the court may impose on the defendant for
- 12 violating an order issued by the court;
- 13 e. The procedure that the victim is to follow if the defendant
- 14 violates an order or if electronic monitoring equipment fails;
- 15 f. Identification of support services available to assist the
- 16 victim in developing a safety plan to use if the defendant violates an
- 17 order or if electronic monitoring equipment fails;
- 18 g. Identification of community services available to assist the
- 19 victim in obtaining shelter, counseling, education, child care, legal
- 20 representation, and other help in addressing the consequences and
- 21 effects of domestic violence; and
- 22 h. The non-confidential nature of the victim's communications
- 23 with the court concerning electronic monitoring and the restrictions
- 24 to be imposed upon the defendant's movements.
- 25
- 26 6. (New section) a. From the implementation of the pilot
- 27 program established by P.L. , c. (C. ) (pending before the
- 28 Legislature as this bill) through the fifth year thereafter, and, in
- 29 addition to the provisions of section 1 of P.L.2001, c.195 (C.2C:25-
- 30 29.1) any person found by the court in a final hearing pursuant to
- 31 section 13 of P.L.1991, c.261 (C.2C:25-29) to have committed an
- 32 act of domestic violence shall be ordered by the court to pay a civil
- 33 penalty of \$200. In imposing this civil penalty, the court shall take
- 34 into consideration the nature and degree of injury suffered by the
- 35 victim. The court may waive the penalty in cases of extreme
- 36 financial hardship.
- 37 b. In addition to any other disposition, the court shall impose a
- 38 civil penalty of \$250 on any person:
- 39 (1) convicted of a crime or offense involving domestic violence,
- 40 as defined in subsection a. of section 3 of P.L.1991, c.261
- 41 (C.2C:25-19); or
- 42 (2) convicted of contempt of a domestic violence order entered
- 43 pursuant to P.L.1981, c.426 (C.2C:25-1 et al.) or P.L.1991, c.261
- 44 (C.2C:25-17 et al.),
- 45 unless the person was previously assessed the monitoring fee
- 46 imposed pursuant to subsection d. of section 2 of
- 47 P.L. , c. (C. ) (pending before the Legislature as this bill),

1 in which case the court shall not impose the civil penalty pursuant  
2 to this subsection.

3 c. The civil penalties imposed pursuant to this section shall  
4 expire at the end of the fifth year following implementation of the  
5 pilot program established pursuant to P.L. , c. (C. ) (pending  
6 before the Legislature as this bill).

7  
8 7. (New section) a. There is hereby established the “Domestic  
9 Violence Victim Notification Fund,” a dedicated, non-lapsing fund  
10 within the General Fund and administered by the Attorney General.  
11 The fund shall be the depository of the following moneys:

12 (1) the costs and expenses imposed on the defendant for  
13 electronic monitoring and victim notification pursuant to subsection  
14 c. of section 2 of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill);

16 (2) the \$250 monitoring fee assessed pursuant to subsection d.  
17 of section 2 of P.L. , c. (C. ) (pending before the Legislature  
18 as this bill);

19 (3) the \$200 civil penalty set forth in subsection a. of section 6  
20 of P.L. , c. (C. ) (pending before the Legislature as this bill);

21 (4) the \$250 civil penalty set forth in subsection b. of section 6  
22 of P.L. , c. (C. ) (pending before the Legislature as this bill);  
23 and

24 (5) any other monies that may be available to the fund through  
25 appropriation by the Legislature or any public or private source.

26 b. All moneys deposited in the “Domestic Violence Victim  
27 Notification Fund” shall be used to defray the costs of electronic  
28 monitoring with victim notification pursuant to P.L. , c. (C. )  
29 (pending before the Legislature as this bill).

30  
31 8. (New section) Notwithstanding any other provision of law  
32 to the contrary, no supplier of a product, system, or service used for  
33 electronic monitoring with victim notification in the pilot program  
34 established by P.L. , c. (C. ) (pending before the Legislature  
35 as this bill) shall be liable, directly or indirectly, for damages  
36 arising from any injury or death associated with the use of the  
37 product, system or service unless, and only to the extent that, such  
38 action is based on a claim that the injury or death was proximately  
39 caused by a manufacturing defect in the product or system.

40  
41 9. Section 5 of P.L.1971, c.198 (C.40A:11-5) is amended to  
42 read as follows:

43 5. Any contract the amount of which exceeds the bid threshold,  
44 may be negotiated and awarded by the governing body without  
45 public advertising for bids and bidding therefor and shall be  
46 awarded by resolution of the governing body if:

47 (1) The subject matter thereof consists of:

1 (a) (i) Professional services. The governing body shall in each  
2 instance state supporting reasons for its action in the resolution  
3 awarding each contract and shall forthwith cause to be printed once,  
4 in the official newspaper, a brief notice stating the nature, duration,  
5 service and amount of the contract, and that the resolution and  
6 contract are on file and available for public inspection in the office  
7 of the clerk of the county or municipality, or, in the case of a  
8 contracting unit created by more than one county or municipality, of  
9 the counties or municipalities creating such contracting unit; or (ii)  
10 Extraordinary unspecifiable services. The application of this  
11 exception shall be construed narrowly in favor of open competitive  
12 bidding, whenever possible, and the Division of Local Government  
13 Services is authorized to adopt and promulgate rules and regulations  
14 after consultation with the Commissioner of Education limiting the  
15 use of this exception in accordance with the intention herein  
16 expressed. The governing body shall in each instance state  
17 supporting reasons for its action in the resolution awarding each  
18 contract and shall forthwith cause to be printed, in the manner set  
19 forth in subsection (1) (a) (i) of this section, a brief notice of the  
20 award of such contract;

21 (b) The doing of any work by employees of the contracting unit;

22 (c) The printing of legal briefs, records and appendices to be  
23 used in any legal proceeding in which the contracting unit may be a  
24 party;

25 (d) The furnishing of a tax map or maps for the contracting unit;

26 (e) The purchase of perishable foods as a subsistence supply;

27 (f) The supplying of any product or the rendering of any service  
28 by a public utility, which is subject to the jurisdiction of the Board  
29 of Public Utilities or the Federal Energy Regulatory Commission or  
30 its successor, in accordance with tariffs and schedules of charges  
31 made, charged or exacted, filed with the board or commission;

32 (g) The acquisition, subject to prior approval of the Attorney  
33 General, of special equipment for confidential investigation;

34 (h) The printing of bonds and documents necessary to the  
35 issuance and sale thereof by a contracting unit;

36 (i) Equipment repair service if in the nature of an extraordinary  
37 unspecifiable service and necessary parts furnished in connection  
38 with such service, which exception shall be in accordance with the  
39 requirements for extraordinary unspecifiable services;

40 (j) The publishing of legal notices in newspapers as required by  
41 law;

42 (k) The acquisition of artifacts or other items of unique intrinsic,  
43 artistic or historical character;

44 (l) Those goods and services necessary or required to prepare  
45 and conduct an election;

46 (m) Insurance, including the purchase of insurance coverage and  
47 consultant services, which exception shall be in accordance with the  
48 requirements for extraordinary unspecifiable services;

- 1 (n) The doing of any work by handicapped persons employed by  
2 a sheltered workshop;
- 3 (o) The provision of any goods or services including those of a  
4 commercial nature, attendant upon the operation of a restaurant by  
5 any nonprofit, duly incorporated, historical society at or on any  
6 historical preservation site;
- 7 (p) (Deleted by amendment, P.L.1999, c.440.)
- 8 (q) Library and educational goods and services;
- 9 (r) (Deleted by amendment, P.L.2005, c.212).
- 10 (s) The marketing of recyclable materials recovered through a  
11 recycling program, or the marketing of any product intentionally  
12 produced or derived from solid waste received at a resource  
13 recovery facility or recovered through a resource recovery program,  
14 including, but not limited to, refuse-derived fuel, compost materials,  
15 methane gas, and other similar products;
- 16 (t) (Deleted by amendment, P.L.1999, c.440.)
- 17 (u) Contracting unit towing and storage contracts, provided that  
18 all such contracts shall be pursuant to reasonable non-exclusionary  
19 and non-discriminatory terms and conditions, which may include  
20 the provision of such services on a rotating basis, at the rates and  
21 charges set by the municipality pursuant to section 1 of P.L.1979,  
22 c.101 (C.40:48-2.49). All contracting unit towing and storage  
23 contracts for services to be provided at rates and charges other than  
24 those established pursuant to the terms of this paragraph shall only  
25 be awarded to the lowest responsible bidder in accordance with the  
26 provisions of the "Local Public Contracts Law" and without regard  
27 for the value of the contract therefor;
- 28 (v) The purchase of steam or electricity from, or the rendering  
29 of services directly related to the purchase of such steam or  
30 electricity from a qualifying small power production facility or a  
31 qualifying cogeneration facility as defined pursuant to 16 U.S.C.  
32 s.796;
- 33 (w) The purchase of electricity or administrative or dispatching  
34 services directly related to the transmission of such purchased  
35 electricity by a contracting unit engaged in the generation of  
36 electricity;
- 37 (x) The printing of municipal ordinances or other services  
38 necessarily incurred in connection with the revision and  
39 codification of municipal ordinances;
- 40 (y) An agreement for the purchase of an equitable interest in a  
41 water supply facility or for the provision of water supply services  
42 entered into pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or  
43 an agreement entered into pursuant to **[P.L.1989, c.109 (**  
44 **N.J.S.40A:31-1 et al. **])**], so long as such agreement is entered into  
45 no later than six months after the effective date of P.L.1993, c.381  
46 (C:58:28-1 et al.);**
- 47 (z) A contract for the provision of water supply services entered  
48 into pursuant to P.L.1995, c.101 (C.58:26-19 et al.);

- 1 (aa) The cooperative marketing of recyclable materials recovered  
2 through a recycling program;
- 3 (bb) A contract for the provision of wastewater treatment  
4 services entered into pursuant to P.L.1995, c.216 (C.58:27-19 et  
5 al.);
- 6 (cc) Expenses for travel and conferences;
- 7 (dd) The provision or performance of goods or services for the  
8 support or maintenance of proprietary computer hardware and  
9 software, except that this provision shall not be utilized to acquire  
10 or upgrade non-proprietary hardware or to acquire or update non-  
11 proprietary software;
- 12 (ee) The management or operation of an airport owned by the  
13 contracting unit pursuant to R.S.40:8-1 et seq.;
- 14 (ff) Purchases of goods and services at rates set by the Universal  
15 Service Fund administered by the Federal Communications  
16 Commission;
- 17 (gg) A contract for the provision of water supply services or  
18 wastewater treatment services entered into pursuant to section 2 of  
19 P.L.2002, c.47 (C.40A:11-5.1), or the designing, financing,  
20 construction, operation, or maintenance, or any combination  
21 thereof, of a water supply facility as defined in subsection (16) of  
22 section 15 of P.L.1971, c.198 (C.40A:11-15) or a wastewater  
23 treatment system as defined in subsection (19) of section 15 of  
24 P.L.1971, c.198 (C.40A:11-15), or any component part or parts  
25 thereof, including a water filtration system as defined in subsection  
26 (16) of section 15 of P.L.1971, c.198 (C.40A:11-15);
- 27 (hh) The purchase of electricity generated from a power  
28 production facility that is fueled by methane gas extracted from a  
29 landfill in the county of the contracting unit ;
- 30 (ii) For the duration of the four-year pilot program established  
31 by P.L. , c. (C. ) (pending before the Legislature as this  
32 bill), services and equipment necessary for the implementation of  
33 the program.
- 34 (2) It is to be made or entered into with the United States of  
35 America, the State of New Jersey, county or municipality or any  
36 board, body, officer, agency or authority thereof or any other state  
37 or subdivision thereof.
- 38 (3) Bids have been advertised pursuant to section 4 of P.L.1971,  
39 c.198 (C.40A:11-4) on two occasions and (a) no bids have been  
40 received on both occasions in response to the advertisement, or (b)  
41 the governing body has rejected such bids on two occasions because  
42 it has determined that they are not reasonable as to price, on the  
43 basis of cost estimates prepared for or by the contracting agent prior  
44 to the advertising therefor, or have not been independently arrived  
45 at in open competition, or (c) on one occasion no bids were received  
46 pursuant to (a) and on one occasion all bids were rejected pursuant  
47 to (b), in whatever sequence; any such contract may then be  
48 negotiated and may be awarded upon adoption of a resolution by a



1 two-thirds affirmative vote of the authorized membership of the  
2 governing body authorizing such contract; provided, however, that:

3 (i) A reasonable effort is first made by the contracting agent to  
4 determine that the same or equivalent goods or services, at a cost  
5 which is lower than the negotiated price, are not available from an  
6 agency or authority of the United States, the State of New Jersey or  
7 of the county in which the contracting unit is located, or any  
8 municipality in close proximity to the contracting unit;

9 (ii) The terms, conditions, restrictions and specifications set  
10 forth in the negotiated contract are not substantially different from  
11 those which were the subject of competitive bidding pursuant to  
12 section 4 of P.L.1971, c.198 (C.40A:11-4); and

13 (iii) Any minor amendment or modification of any of the terms,  
14 conditions, restrictions and specifications, which were the subject of  
15 competitive bidding pursuant to section 4 of P.L.1971, c.198  
16 (C.40A:11-4), shall be stated in the resolution awarding such  
17 contract; provided further, however, that if on the second occasion  
18 the bids received are rejected as unreasonable as to price, the  
19 contracting agent shall notify each responsible bidder submitting  
20 bids on the second occasion of its intention to negotiate, and afford  
21 each bidder a reasonable opportunity to negotiate, but the governing  
22 body shall not award such contract unless the negotiated price is  
23 lower than the lowest rejected bid price submitted on the second  
24 occasion by a responsible bidder, is the lowest negotiated price  
25 offered by any responsible vendor, and is a reasonable price for  
26 such goods or services.

27 Whenever a contracting unit shall determine that a bid was not  
28 arrived at independently in open competition pursuant to subsection  
29 (3) of this section it shall thereupon notify the county prosecutor of  
30 the county in which the contracting unit is located and the Attorney  
31 General of the facts upon which its determination is based, and  
32 when appropriate, it may institute appropriate proceedings in any  
33 State or federal court of competent jurisdiction for a violation of  
34 any State or federal antitrust law or laws relating to the unlawful  
35 restraint of trade.

36 (4) The contracting unit has solicited and received at least three  
37 quotations on materials, supplies or equipment for which a State  
38 contract has been issued pursuant to section 12 of P.L.1971, c.198  
39 (C.40A:11-12), and the lowest responsible quotation is at least 10%  
40 less than the price the contracting unit would be charged for the  
41 identical materials, supplies or equipment, in the same quantities,  
42 under the State contract. Any such contract entered into pursuant to  
43 this subsection may be awarded only upon adoption of a resolution  
44 by the affirmative vote of two-thirds of the full membership of the  
45 governing body of the contracting unit at a meeting thereof  
46 authorizing such a contract. A copy of the purchase order relating  
47 to any such contract, the requisition for purchase order, if  
48 applicable, and documentation identifying the price of the materials,

1 supplies or equipment under the State contract and the State  
2 contract number shall be filed with the director within five working  
3 days of the award of any such contract by the contracting unit. The  
4 director shall notify the contracting unit of receipt of the material  
5 and shall make the material available to the State Treasurer. The  
6 contracting unit shall make available to the director upon request  
7 any other documents relating to the solicitation and award of the  
8 contract, including, but not limited to, quotations, requests for  
9 quotations, and resolutions. The director periodically shall review  
10 material submitted by contracting units to determine the impact of  
11 such contracts on local contracting and shall consult with the State  
12 Treasurer on the impact of such contracts on the State procurement  
13 process. The director may, after consultation with the State  
14 Treasurer, adopt rules in accordance with the "Administrative  
15 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to limit the  
16 use of this subsection, after considering the impact of contracts  
17 awarded under this subsection on State and local contracting, or  
18 after considering the extent to which the award of contracts  
19 pursuant to this subsection is consistent with and in furtherance of  
20 the purposes of the public contracting laws.

21 (5) Notwithstanding any provision of law, rule or regulation to  
22 the contrary, the subject matter consists of the combined collection  
23 and marketing, or the cooperative combined collection and  
24 marketing of recycled material recovered through a recycling  
25 program, or any product intentionally produced or derived from  
26 solid waste received at a resource recovery facility or recovered  
27 through a resource recovery program including, but not limited to,  
28 refuse-derived fuel, compost materials, methane gas, and other  
29 similar products, provided that in lieu of engaging in such public  
30 advertising for bids and the bidding therefor, the contracting unit  
31 shall, prior to commencing the procurement process, submit for  
32 approval to the Director of the Division of Local Government  
33 Services, a written detailed description of the process to be  
34 followed in securing said services. Within 30 days after receipt of  
35 the written description the director shall, if the director finds that  
36 the process provides for fair competition and integrity in the  
37 negotiation process, approve, in writing, the description submitted  
38 by the contracting unit. If the director finds that the process does  
39 not provide for fair competition and integrity in the negotiation  
40 process, the director shall advise the contracting unit of the  
41 deficiencies that must be remedied. If the director fails to respond  
42 in writing to the contracting unit within 30 days, the procurement  
43 process as described shall be deemed approved. As used in this  
44 section, "collection" means the physical removal of recyclable  
45 materials from curbside or any other location selected by the  
46 contracting unit.

47 (6) Notwithstanding any provision of law, rule or regulation to  
48 the contrary, the contract is for the provision of electricity by a

1 contracting unit engaged in the distribution of electricity for retail  
2 sale, or for the provision of administrative or dispatching services  
3 related to the transmission of such electricity, provided that in lieu  
4 of engaging in public advertising for bids and the bidding therefor,  
5 the contracting unit shall, prior to commencing the procurement  
6 process, submit for approval to the Director of the Division of Local  
7 Government Services, a written detailed description of the process  
8 to be followed in securing such services. Such process shall be  
9 designed in a way that is appropriate to and commensurate with  
10 industry practices, and the integrity of the government contracting  
11 process. Within 30 days after receipt of the written description, the  
12 director shall, if the director finds that the process provides for fair  
13 competition and integrity in the negotiation process, approve, in  
14 writing, the description submitted by the contracting unit. If the  
15 director finds that the process does not provide for fair competition  
16 and integrity in the negotiation process, the director shall advise the  
17 contracting unit of the deficiencies that must be remedied. If the  
18 director fails to respond in writing to the contracting unit within 30  
19 days, the procurement process, as submitted to the director pursuant  
20 to this section, shall be deemed approved.

21 (cf: P.L.2005, c.296, s.1)

22

23 10. (New section) There is appropriated from the General Fund  
24 \$2.5 million to the "Domestic Violence Victim Notification Fund"  
25 created by section 7 of P.L. , c. (C. ) (pending before the  
26 Legislature as this bill) to effectuate the provisions of this act.  
27 Following the expiration of the four-year pilot program established  
28 by P.L. , c. (C. ) (pending before the Legislature as this  
29 bill), any unexpended funds shall be returned to the General Fund.

30

31 11. (New section) Not later than one year following the  
32 implementation of the pilot program, and annually thereafter for a  
33 total of four years, the Attorney General shall submit to the  
34 Governor and to the Legislature pursuant to section 2 of P.L.1991,  
35 c.164 (C.52:14-19.1), a report containing an evaluation of the pilot  
36 program. The report shall recommend whether the pilot program  
37 should be continued as a Statewide program.

38

39 12. (New section) The Attorney General, in conjunction with  
40 the Administrative Office of the Courts, Division of Probation  
41 Services, and the State Parole Board, and in consultation with the  
42 Ocean County Prosecutor and Ocean County Sheriff and any other  
43 entities that the Attorney General deems necessary, shall  
44 promulgate rules and regulations to effectuate the provisions of this  
45 act.

46

47 13. (New section) This act shall take effect immediately and  
48 shall expire upon submission of the fourth annual report to the

1 Governor and Legislature pursuant to section 12 of P.L. ,  
2 c. (C. ) (pending before the Legislature as this bill).

3

4

5

STATEMENT

6

7 This bill would establish a four-year pilot program in Ocean  
8 County for electronic monitoring of domestic violence offenders and  
9 notification to victims. The pilot program would be designated as  
10 “Lisa’s Law” in remembrance of Letizia Zindell of Toms River, a  
11 domestic violence victim murdered by her former fiancée.

12 The pilot program would apply to defendants charged with or  
13 convicted of contempt of a domestic violence order entered pursuant to  
14 the provisions of P.L.1981, c.426 (C.2C:25-1 et al.) or P.L.1991, c.261  
15 (C.2C:25-17 et al.).

16 In making the determination whether to place the defendant on  
17 electronic monitoring, the court could hold a hearing to consider the  
18 likelihood that the defendant's participation in electronic monitoring  
19 would deter the defendant from injuring the victim. The court would  
20 consider, among other factors, the seriousness of harm that the  
21 defendant inflicted on the victim; the defendant’s previous history of  
22 domestic violence and other criminal acts, if any; whether the  
23 defendant has access to a weapon; and whether the defendant has a  
24 history of mental illness or substance abuse.

25 A defendant ordered by the court to be placed on electronic  
26 monitoring could be ordered to pay the costs and expenses related to  
27 electronic monitoring and victim notification or a portion of the costs  
28 and expenses, based on the defendant’s ability to pay.

29 In addition, the defendant would be assessed a monitoring fee of  
30 \$250. The court could waive the fee in cases of extreme financial  
31 hardship.

32 The bill requires the Attorney General, in consultation with the  
33 Administrative Office of the Courts, to develop procedures to  
34 determine, investigate, and report on a 24-hour-per-day basis a  
35 defendant's noncompliance with the terms and conditions of the  
36 electronic monitoring program. All reports of noncompliance would be  
37 investigated by a law enforcement officer within a reasonable period  
38 of time.

39 Under the pilot program, when a defendant is convicted of  
40 contempt of a domestic violence order the court could, in addition to  
41 or in lieu of any other disposition:

42 (1) sentence the defendant to electronic monitoring with victim  
43 notification; or

44 (2) sentence the defendant to probation or a suspension of sentence  
45 and, as a condition of such probation or suspension, order electronic  
46 monitoring with victim notification.

47 The bill also provides that when a defendant charged with  
48 contempt of a domestic violence order is released from custody before

1 trial on bail or personal recognizance, the court could order electronic  
2 monitoring as a condition of release.

3 It would be a crime of the third degree to tamper with, remove, or  
4 vandalize an electronic monitoring device. A crime of the third degree  
5 is punishable by a term of imprisonment of three to five years or a fine  
6 of up to \$15,000 or both.

7 The bill provides that monitoring could be ordered only with the  
8 victim's informed consent, which would include being provided with  
9 information concerning the victim's right to refuse to participate in  
10 electronic monitoring and the process for requesting the court to  
11 terminate the victim's participation after it has been ordered; the  
12 manner in which the electronic monitoring technology functions and  
13 the risks and limitations of that technology, the operational procedures  
14 of the device and the applicable instructions regarding the device, and  
15 the extent to which the system will track and record the victim's  
16 location and movements; the boundaries imposed on the defendant  
17 during the electronic monitoring; the sanctions that the court may  
18 impose on the defendant for violating a court order; the procedure that  
19 the victim is to follow if the defendant violates an order or if electronic  
20 monitoring equipment fails; identification of support services available  
21 to assist the victim in developing a safety plan; and other information.

22 The bill provides that, from the implementation of the pilot  
23 program through the fifth year thereafter, any person found by the  
24 court in a final domestic violence hearing to have committed an act of  
25 domestic violence would be required to pay a civil penalty of \$200.  
26 The court may waive the penalty in cases of extreme financial  
27 hardship.

28 In addition, the court would impose a civil penalty of \$250 on any  
29 person convicted of a crime or offense involving domestic violence, or  
30 convicted of contempt of a domestic violence order, unless the person  
31 was previously assessed the monitoring fee.

32 The civil penalties imposed pursuant to the bill would expire at the  
33 end of the fifth year following implementation of the pilot program.

34 The bill establishes a "Domestic Violence Victim Notification  
35 Fund," a dedicated, non-lapsing fund within the General Fund and  
36 administered by the Attorney General, which would be the depository  
37 of the costs and expenses imposed on the defendant for electronic  
38 monitoring and victim notification, and the monitoring fee and civil  
39 penalties established by the bill, as well as any other monies that may  
40 be available to the fund through appropriation by the Legislature or  
41 any public or private source.

42 All moneys deposited in the "Domestic Violence Victim  
43 Notification Fund" would be used to defray the costs of electronic  
44 monitoring with victim notification pursuant to the pilot program.

45 The bill provides that no supplier of a product, system, or service  
46 used for electronic monitoring with victim notification in the pilot  
47 program would be liable, directly or indirectly, for damages arising  
48 from any injury or death associated with the use of the product, system

1 or service unless, and only to the extent that, such action is based on a  
2 claim that the injury or death was proximately caused by a  
3 manufacturing defect in the product or system.

4 The bill amends the “Local Public Contracts Law,” P.L.1971,  
5 c.198 (C.40A:11-1 et seq.), to provide that services and equipment  
6 necessary for the implementation of the pilot program could be  
7 negotiated and awarded by the governing body without public  
8 advertising for bids and bidding and be awarded by resolution of the  
9 governing body.

10 The bill appropriates \$2.5 million from the General Fund to the  
11 “Domestic Violence Victim Notification Fund.” That fund is the  
12 depository of the costs and expenses imposed on the defendant for  
13 electronic monitoring and victim notification, and the monitoring fee  
14 and civil penalties established by the bill. Following the expiration of  
15 the four-year pilot program, any unexpended funds would be returned  
16 to the General Fund.

17 The bill provides that not later than one year following the  
18 implementation of the pilot program and annually thereafter for four  
19 years, the Attorney General would submit a report to the Governor and  
20 Legislature containing an evaluation of the pilot program with a  
21 recommendation as to whether it should be continued as a Statewide  
22 program.