

[First Reprint]  
**SENATE, No. 3739**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED MAY 16, 2019

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Establishes new liability standards in sexual abuse lawsuits filed against public entities and public employees.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee on June 17, 2019, with amendments.



1 AN ACT concerning civil actions against public entities and public  
2 employees arising from acts of sexual abuse and amending  
3 P.L.2019, c.120.

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

7  
8 1. Section 7 of P.L.2019, c.120 (C.59:2-1.3) is amended to read  
9 as follows:

10 7. a. Notwithstanding any <sup>1</sup>**[other]**<sup>1</sup> provision of <sup>1</sup>**[law to the**  
11 **contrary, including but not limited to]**<sup>1</sup> the "New Jersey Tort  
12 Claims Act," N.J.S.59:1-1 et seq. **[,]** <sup>1</sup>, to the contrary<sup>1</sup> :

13 (1) <sup>1</sup>**[any]**<sup>1</sup> immunity from civil liability granted <sup>1</sup>**by that act**<sup>1</sup> to  
14 a public entity [is liable in an action at law for an injury resulting  
15 from the commission of] or public employee shall not apply to an  
16 action at law <sup>1</sup>**[claiming that a willful, wanton or grossly negligent**  
17 **act of a public entity or public employee resulted in]** for damages  
18 as a result of<sup>1</sup> a sexual assault, any other crime of a sexual nature, a  
19 prohibited sexual act as defined in section 2 of P.L.1992, c.7  
20 (C.2A:30B-2), or sexual abuse as defined in section 1 of P.L.1992,  
21 c.109 (C.2A:61B-1) being committed against a person <sup>1</sup>, which was  
22 caused by a willful, wanton or grossly negligent act of the public  
23 entity or public employee<sup>1</sup> ; and

24 (2) <sup>1</sup>**[any]**<sup>1</sup> immunity from civil liability granted <sup>1</sup>**by that act**<sup>1</sup> to  
25 a public entity shall not apply to an action at law <sup>1</sup>**[claiming that the**  
26 **negligent hiring, supervision or retention of any public employee**  
27 **resulted in]** for damages as a result of<sup>1</sup> a sexual assault, any other  
28 crime of a sexual nature, a prohibited sexual act as defined in  
29 section 2 of P.L.1992, c.7 (C.2A:30B-2), or sexual abuse as defined  
30 in section 1 of P.L.1992, c.109 (C.2A:61B-1) being committed  
31 against a minor under the age of 18 <sup>1</sup>, which was caused by the  
32 negligent hiring, supervision or retention of any public employee<sup>1</sup> .

33 b. Every action at law involving a public entity or public  
34 employee as described in subsection a. of this section shall be  
35 subject to the statute of limitations set forth in section 2 of  
36 P.L.2019, c.120 (C.2A:14-2a), and may be brought during the two-  
37 year period set forth in subsection a. of section 9 of P.L.2019, c.120  
38 (C.2A:14-2b), notwithstanding that the action would otherwise be  
39 barred through application of the statute of limitations.

40 (cf: P.L.2019, c.120, s.7)

41  
42 2. This act shall take effect on December 1, 2019, the same day  
43 that P.L.2019, c.120 (C.2A:14-2a et al.) takes effect, and shall apply  
44 to any cause of action filed on or after that date, as well as any  
45 cause of action filed prior to that effective date that has not yet been  
46 finally adjudicated or dismissed by a court as of that effective date.

**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

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SJU committee amendments adopted June 17, 2019.