ASSEMBLY, No. 1013

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblywoman JOANN DOWNEY
District 11 (Monmouth)

SYNOPSIS

Expands wrongful death act to include damages for mental anguish, emotional pain and suffering, loss of society, and loss of companionship.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning death by wrongful act and amending N.J.S.2A:31-5.

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

1. N.J.S.2A:31-5 is amended to read as follows:

2A:31-5. Assessment of damages by jury.

In every action brought under the provisions of this chapter the jury may give such damages as they shall deem fair and just with reference to the pecuniary injuries resulting from such death, together with the hospital, medical and funeral expenses incurred for the deceased, to the persons entitled to any intestate personal property of the decedent in accordance with the provisions of N.J.S.2A:31-4. Damages may also be recovered hereunder for mental anguish, emotional pain and suffering, loss of society, and loss of companionship.

(cf: P.L.2007, c.261, s.2)

2. This act shall take effect immediately and shall apply to all causes of action arising after the effective date of this act.

STATEMENT

Wrongful death statutes establish a cause of action for the wrong done to an individual's beneficiaries when that individual dies as the result of the wrongful conduct of another person.

Under present law, in a wrongful death action damages are recoverable for pecuniary loss. This bill would expand the type of damages for which one may bring suit to include mental anguish, emotional pain and suffering, loss of society, and loss of companionship.

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.