

ASSEMBLY, No. 1323

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

SYNOPSIS

Requires persons to report incidents of domestic violence to law enforcement and makes it a disorderly persons offense to fail to report.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning domestic violence, amending P.L.1991, c.261
2 and supplementing Title 2C of the New Jersey Statutes.

3

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

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7 1. Section 6 of P.L.1991, c.261 (C.2C:25-22) is amended to
8 read as follows:

9 6. a. A law enforcement officer, member of a domestic crisis
10 team, physician or other medical professional, victim counselor,
11 guidance counselor, mental health professional, or any other person
12 having reasonable cause to believe that a person is or has been a
13 victim of domestic violence shall report the same immediately to
14 the local law enforcement agency. Such reports, where possible,
15 shall contain the name and address of the victim, the nature and
16 possible extent of the injuries, if known, and any other information
17 that the person believes may be relevant with respect to the
18 domestic violence and the identity of the perpetrator.

19 b. A law enforcement officer [or a], member of a domestic
20 crisis team, physician or other medical professional, victim
21 counselor, guidance counselor, mental health professional, or any
22 other person who, in good faith, reports a possible incident of
23 domestic violence to the [police] local law enforcement agency
24 shall not be held liable in any civil or criminal action brought by
25 any party for an arrest based on probable cause, enforcement in
26 good faith of a court order, any action or proceeding in any court of
27 this State, including municipal court, or any other act or omission in
28 good faith under this act.

29 c. Whenever such person is required to report under this
30 section in his capacity as a member of the staff of a medical or other
31 public or private institution, facility or agency, he shall immediately
32 notify the person in charge of such institution, facility or agency, or
33 his designated agent, who then also shall become responsible to
34 report or cause the report to be made. However, nothing in this
35 section is intended to require more than one report from any such
36 institution or agency.

37 d. The law enforcement agency which takes a domestic
38 violence incident report pursuant to this section shall forward the
39 information to the Commissioner of the Department of Community
40 Affairs and the Director of the Administrative Office of the Courts
41 to be entered in the domestic violence registry established pursuant
42 to P.L.1999, c. 421 (C.2C:25-34).

43 (cf: P.L.1994, c.94, s.2)

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.

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3. This act shall take effect on the 30th day following enactment.

This bill would require a physician or other medical professional, victim counselor, guidance counselor, mental health professional, or any other person with reasonable cause to believe that a person is or has been a victim of domestic violence to report the same to a local law enforcement agency. The same individuals required to report under the bill would also receive immunity for reporting. Currently, N.J.S.A.2C:25-22 provides civil immunity to any law enforcement officer, member of a domestic crisis team or any person who, good faith, reports a possible incident of domestic violence to the police.

This bill provides that those persons who are required to report in their capacity as a member of the staff of a medical or other public or private institution, facility or agency, would immediately notify the person in charge of such institution, facility or agency, or the designated agent, who then also shall become responsible to report or cause to reports to be made.

The law enforcement agency which takes a domestic violence incident report would be required to forward the information to the Commissioner of the Department of Community Affairs and the Director of the Administrative Office of the Courts to be entered in the domestic violence registry.

Failure to report. Any person who knowingly fails to report an act of domestic violence while having reasonable cause to believe that a person is or has been a victim of domestic violence, would be guilty of a disorderly persons offense. A disorderly persons offense is punishable by a term of imprisonment of up to 6 months, a fine of up to \$1,000 or both.