

ASSEMBLY, No. 1765

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

SYNOPSIS

Expands types of abusive acts that constitute domestic violence under “Prevention of Domestic Violence Act of 1991.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** expanding the types of abusive acts that constitute
2 domestic violence, and amending P.L.1991, c.261.

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 3 of P.L.1991, c.261 (C.2C:25-19) is amended to
8 read as follows:

9 3. As used in this act:

10 a. "Domestic violence" means the occurrence of one or more of
11 the following acts inflicted upon a person protected under this act
12 by an adult or an emancipated minor:

- 13 (1) Homicide N.J.S.2C:11-1 et seq.
- 14 (2) Assault N.J.S.2C:12-1
- 15 (3) Terroristic threats N.J.S.2C:12-3
- 16 (4) Kidnapping N.J.S.2C:13-1
- 17 (5) Criminal restraint N.J.S.2C:13-2
- 18 (6) False imprisonment N.J.S.2C:13-3
- 19 (7) Sexual assault N.J.S.2C:14-2
- 20 (8) Criminal sexual contact N.J.S.2C:14-3
- 21 (9) Lewdness N.J.S.2C:14-4
- 22 (10) Criminal mischief N.J.S.2C:17-3
- 23 (11) Burglary N.J.S.2C:18-2
- 24 (12) Criminal trespass N.J.S.2C:18-3
- 25 (13) Harassment N.J.S.2C:33-4
- 26 (14) Stalking P.L.1992, c.209 (C.2C:12-10)
- 27 (15) Criminal coercion N.J.S.2C:13-5
- 28 (16) Robbery N.J.S.2C:15-1
- 29 (17) Invasion of privacy P.L.2003, c.206, s.1 (C.2C:14-9)
- 30 (18) Cyber-harassment P.L.2013, c.272 (C.2C:33-4.1)
- 31 (19) Contempt of a domestic violence order pursuant to
- 32 subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly
- 33 persons offense

34 **[(18)] (20)** Any other crime involving risk of death or serious
35 bodily injury to a person protected under the "Prevention of
36 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
37 al.)

38 When one or more of these acts is inflicted by an unemancipated
39 minor upon a person protected under this act, the occurrence shall
40 not constitute "domestic violence," but may be the basis for the
41 filing of a petition or complaint pursuant to the provisions of
42 section 11 of P.L.1982, c.77 (C.2A:4A-30).

43 b. "Law enforcement agency" means a department, division,
44 bureau, commission, board or other authority of the State or of any

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 political subdivision thereof which employs law enforcement
2 officers.

3 c. "Law enforcement officer" means a person whose public
4 duties include the power to act as an officer for the detection,
5 apprehension, arrest and conviction of offenders against the laws of
6 this State.

7 d. "Victim of domestic violence" means a person protected
8 under this act and shall include any person who is 18 years of age or
9 older or who is an emancipated minor and who has been subjected
10 to domestic violence by a spouse, former spouse, or any other
11 person who is a present household member or was at any time a
12 household member. "Victim of domestic violence" also includes
13 any person, regardless of age, who has been subjected to domestic
14 violence by a person with whom the victim has a child in common,
15 or with whom the victim anticipates having a child in common, if
16 one of the parties is pregnant. "Victim of domestic violence" also
17 includes any person who has been subjected to domestic violence
18 by a person with whom the victim has had a dating relationship.

19 e. "Emancipated minor" means a person who is under 18 years
20 of age but who has been married, has entered military service, has a
21 child or is pregnant or has been previously declared by a court or an
22 administrative agency to be emancipated.
23 (cf: P.L.2015, c.98, s.2)

24
25 2. This act shall take effect immediately.

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28 STATEMENT

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30 This bill would expand the types of abusive acts that constitute
31 domestic violence under the "Prevention of Domestic Violence Act
32 of 1991," P.L.1991, c.261 (C.2C:25-17 et al.). Specifically, the bill
33 amends the definition of "domestic violence" to include acts of
34 invasion of privacy (P.L.2003, c.206, s.1 (C.2C:14-9)) and cyber-
35 harassment (P.L.2013, c.272 (C.2C:33-4.1)). Should the bill
36 become law, a victim subjected to such acts would be able to seek
37 protective orders and take other actions, as well as receive
38 additional judicial and law enforcement assistance under the
39 "Prevention of Domestic Violence Act of 1991."