

ASSEMBLY, No. 1921

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Co-Sponsored by:

Assemblyman Dancer, Assemblywoman Tucker, Assemblyman Giblin and

Assemblywoman McKnight

SYNOPSIS

Creates domestic violence Internet registry for certain public access; mandates counseling and community service and increases fines for certain domestic violence offenders.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning domestic violence and amending P.L.2001,
2 c.195 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:*

6

7 1. (New section) a. Pursuant to the provisions of this section,
8 the Administrative Office of the Courts in conjunction with the
9 Superintendent of State Police and the Attorney General shall
10 develop and maintain a system for making the information set forth
11 in this section publicly available by means of Internet technology.
12 This registry shall be separate from the central domestic violence
13 registry established pursuant to section 1 of P.L.1999, c.421
14 (C.2C:25-34).

15 b. The public may, without limitation, obtain access to the
16 Internet registry to view an individual record, any part of, or the
17 entire domestic violence Internet registry concerning all persons
18 who have been convicted of one or more domestic violence-related
19 crimes or offenses, including:

20 (1) the defendant's name and any aliases the defendant has used
21 or under which the defendant may be or may have been known;

22 (2) any offenses involving domestic violence for which the
23 defendant was convicted, the date and location of disposition;

24 (3) a brief description of any such offense, a general description
25 of the defendant's modus operandi, if any;

26 (4) the defendant's age, race, sex, date of birth, height, weight,
27 hair, eye color and any distinguishing scars or tattoos;

28 (5) a photograph of the defendant and the date on which the
29 photograph was entered into the registry;

30 (6) the make, model, color, year and license plate number of any
31 vehicle operated by the defendant; and

32 (7) the defendant's last known address.

33 c. A person whose name is included in the database established
34 pursuant to this section may petition the Administrative Office of
35 the Courts for removal of their name. A person may petition the
36 Administrative Office of the Courts for removal of their name as
37 follows: after two years for a first crime or offense involving
38 domestic violence; after seven years for a second crime or offense
39 involving domestic violence; and after 20 years for a third or
40 subsequent crime or offense involving domestic violence.

41 d. The Administrative Office of the Courts shall remove the
42 person's name from the database in response to the petition if the
43 person has not been found guilty of an offense or crime related to
44 domestic violence during period set forth in subsection c. preceding
45 the petition. If applicable, the period will be measured from the 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.

1 of the person's satisfactory completion of probation or parole, or
2 release from incarceration, whichever date is later. Any person who
3 has been convicted of a domestic violence-related homicide, sexual
4 assault or aggravated assault or a conspiracy or attempt to commit a
5 domestic violence-related homicide, sexual assault or aggravated
6 assault shall not be eligible for removal of their name from the
7 database.

8 e. Upon a change of address, a person whose name is included
9 in the database shall provide the Administrative Office of the
10 Courts with their new address within no later than five days after
11 such change.

12 f. On the website through which a person may search the
13 database described by this section, the Administrative Office of the
14 Courts shall include the following information regarding:

15 (1) the manner in which a person may petition the Administrative
16 Office of the Courts for removal of their name from the database;

17 (2) the circumstances under which the Administrative Office of
18 the Courts would grant the petition; and

19 (3) the manner in which a person may provide their updated
20 address.

21

22 2. (New section) No action shall be brought against any person
23 for failure to investigate or disclose any information from the
24 domestic violence Internet registry that is compiled or made
25 available to the public pursuant to section 1 of P.L. c. (C.)
26 (pending before the Legislature as this bill).

27

28 3. (New section) In addition to any other disposition, the court
29 shall order any person in a final hearing pursuant to section 13 of
30 P.L.1991, c.261 (C.2C:25-29) to have committed an act of domestic
31 violence to the following:

32 a. To receive professional domestic violence counseling from
33 either a private source or a source appointed by the court as follows:
34 for a first act of domestic violence, a minimum of six months; for a
35 second act of domestic violence, a minimum of one year; and for a
36 third or subsequent act of domestic violence, a minimum of two
37 years. If the court so orders professional domestic violence
38 counseling, the court shall require the defendant to provide
39 documentation of attendance at the professional counseling. In any
40 case where the court order contains a requirement that the defendant
41 receive professional counseling, no application by the defendant to
42 dissolve the restraining order shall be granted unless, in addition to
43 any other provisions required by law or conditions ordered by the
44 court, the defendant has completed all required attendance
45 at such counseling; and

46 b. To perform community service for a minimum of one year.

1 4. Section 1 of P.L.2001, c.195 (C.2C:25-29.1) is amended to
2 read as follows:

3 1. In addition to any other disposition, any person found by the
4 court in a final hearing pursuant to section 13 of P.L.1991, c.261
5 (C.2C:25-29) to have committed an act of domestic violence shall
6 be ordered by the court to pay a civil penalty [of at least \$50, but
7 not to exceed] as follows: \$500 for a first act of domestic violence;
8 \$1,000 for a second act of domestic violence; and \$5,000 for a
9 third or subsequent act of domestic violence. In imposing this civil
10 penalty, the court shall take into consideration the nature and degree
11 of injury suffered by the victim. The court may waive the penalty in
12 cases of extreme financial hardship.
13 (cf: P.L.2001, c.195)

14
15 5. This act shall take effect on the 90th day following
16 enactment.

17

18

19

STATEMENT

20

21 This bill requires the Administrative Office of the Courts in
22 conjunction with the Superintendent of State Police and the
23 Attorney General to develop and maintain a system to make certain
24 domestic violence registry information publicly available over the
25 Internet. This registry would be separate from the central domestic
26 violence registry maintained by the Administrative Office of the
27 Courts established pursuant to N.J.S.A.2C:25-34.

28 Under the bill, the public would be able to gain access through
29 the Internet to all available information concerning an individual
30 record, any part of, or the entire domestic violence Internet registry
31 concerning, all persons who have been convicted of one or more
32 offenses or crimes involving domestic violence.

33 In the case of a person who has been convicted of offenses or
34 crimes involving domestic violence, the public may, without
35 limitation, obtain access to the domestic violence Internet registry
36 to view an individual record, any part of, or the entire domestic
37 violence Internet registry including: the defendant's name and any
38 aliases the defendant has used or under which the defendant may be
39 or may have been known; any crime or offense involving domestic
40 violence for which the defendant was convicted; the date and
41 location of disposition; a brief description of any such offense, a
42 general description of the defendant's modus operandi, if any; the
43 defendant's age, race, sex, date of birth, height, weight, hair, eye
44 color and any distinguishing scars or tattoos; a photograph of the
45 defendant and the date on which the photograph was entered into
46 the registry; the make, model, color, year and license plate number
47 of any vehicle operated by the defendant; and the defendant's last
48 address.

1 Under the bill, a defendant whose name is included in the
2 database may petition the Administrative Office of the Courts for
3 removal of their name from the database as follows: after two years
4 for a first crime or offense involving domestic violence; after seven
5 years for a second crime or offense involving domestic violence;
6 and after 20 years for a third or subsequent crime or offense
7 involving domestic violence. The Administrative Office of the
8 Courts would remove the person's name from the database if the
9 person has not been found guilty of an offense or crime related to
10 domestic violence during the period preceding the petition. If
11 applicable, the period would be measured from the date of the
12 person's satisfactory completion of probation or parole, or release
13 from incarceration, whichever date is later. However, any
14 defendant who has been convicted of a domestic violence-related
15 homicide, sexual assault or aggravated assault or a conspiracy or
16 attempt to commit a domestic violence-related homicide, sexual
17 assault or aggravated assault would not be eligible to have their
18 name removed from the database.

19 In addition, on the website through which a person may search
20 the database described in the bill, the Administrative Office of the
21 Courts would include the following information: the manner in
22 which a person may petition the Administrative Office of the Courts
23 for removal of their name from the database, the circumstances
24 under which the Administrative Office of the Courts would grant
25 the petition, and the manner in which a person may update their
26 address.

27 The bill also provides that no person would be held liable for
28 failure to investigate or disclose any information from the domestic
29 violence Internet registry that is compiled or made available to the
30 public as provided in this bill.

31 The bill also requires the court to order any person found by the
32 court in a final hearing pursuant to N.J.S.A.2C:25-29 to have
33 committed an act of domestic violence to undergo professional
34 domestic violence counseling as follows: for a first act of domestic
35 violence, a minimum of six months; for a second act of domestic
36 violence, a minimum of one year; and for a third or subsequent act
37 of domestic violence, a minimum of two years. In addition, the
38 court would require the defendant to perform community service for
39 a minimum of one year.

40 The bill also increases the civil penalty for a person found by the
41 court in a final hearing pursuant to N.J.S.A.2C:25-29 to have
42 committed an act of domestic violence to pay from \$50 to as
43 follows: \$500 for a first act of domestic violence; \$1,000 for a
44 second act of domestic violence; and \$5,000 for a third or
45 subsequent act of domestic violence.

46 The bill would take effect on the 90th day following enactment.