

ASSEMBLY, No. 2516

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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District 4 (Camden and Gloucester)

SYNOPSIS

Expands the domestic violence statutes to encompass minors aged 16 and older.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/13/2020)

1 AN ACT concerning domestic violence and amending P.L.1991,
2 c.261.

3

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

6

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, or an unemancipated minor
13 who is 16 years of age or older:

14 (1) Homicide N.J.S.2C:11-1 et seq.

15 (2) Assault N.J.S.2C:12-1

16 (3) Terroristic threats N.J.S.2C:12-3

17 (4) Kidnapping N.J.S.2C:13-1

18 (5) Criminal restraint N.J.S.2C:13-2

19 (6) False imprisonment N.J.S.2C:13-3

20 (7) Sexual assault N.J.S.2C:14-2

21 (8) Criminal sexual contact N.J.S.2C:14-3

22 (9) Lewdness N.J.S.2C:14-4

23 (10) Criminal mischief N.J.S.2C:17-3

24 (11) Burglary N.J.S.2C:18-2

25 (12) Criminal trespass N.J.S.2C:18-3

26 (13) Harassment N.J.S.2C:33-4

27 (14) Stalking P.L.1992, c.209 (C.2C:12-10)

28 (15) Criminal coercion N.J.S.2C:13-5

29 (16) Robbery N.J.S.2C:15-1

30 (17) Contempt of a domestic violence order pursuant to
31 subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly
32 persons offense

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

37 (19) Cyber-harassment P.L.2013, c.272 (C.2C:33-4.1)

38 When one or more of these acts is inflicted by an
39 unemancipated minor under the age of 16 upon a person protected
40 under this act, the occurrence shall not constitute "domestic
41 violence," but may be the basis for the filing of a petition or
42 complaint pursuant to the provisions of section 11 of P.L.1982, c.77
43 (C.2A:4A-30).

44 b. "Law enforcement agency" means a department, division,
45 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]** 16 years of
9 age or older or who is an emancipated minor and who has been
10 subjected to domestic violence by a spouse, former spouse, or any
11 other person who is a present household member or was at any time
12 a 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.2016, c.77, s.1)
24

25 2. This act shall take effect immediately and shall apply to all
26 acts of domestic violence committed on or after the effective date.
27

28
29 STATEMENT
30

31 This bill would expand the protections of the domestic violence
32 statutes to include minors aged 16 and older.

33 Under current law, a domestic violence restraining order may be
34 issued only under certain circumstances: if the victim is at least 18
35 years old; is an emancipated minor; has had a dating relationship
36 with the defendant; has a child in common with the defendant; or
37 anticipates having a child in common if one of the parties is
38 pregnant. A restraining order may be issued against a defendant
39 only if the defendant is at least 18 years old or is an emancipated
40 minor.

41 Under the bill, any victim who is at least 16 years old could
42 apply for a domestic violence restraining order, and any defendant
43 who is at least 16 could be subject to such an order.