ASSEMBLY, No. 3099

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 24, 2020

Sponsored by:
Assemblyman JOHN F. MCKEON
District 27 (Essex and Morris)
Assemblywoman VALERIE VAINIERI HUTTLE
District 37 (Bergen)

SYNOPSIS

Creates a civil cause of action for stalking.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/5/2020)

AN ACT concerning a civil cause of action for stalking and supplementing Title 2A of the New Jersey Statutes.

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

1. Civil action for stalking.

A victim has a civil cause of action against an individual who engaged in conduct that is prohibited under P.L.1992, c.209 (C.2C:12-10), whether or not the individual has been charged or convicted for the alleged violation, for damages incurred by the victim as a result of that conduct. A plaintiff who prevails in such action shall be entitled to reasonable attorney fees and costs. If compensatory damages are awarded, a victim may also be awarded punitive damages.

As used in this act:

"Compensatory damages" includes damages for all of the defendant's acts prohibited by P.L.1992, c.209 (C.2C:12-10).

"Victim" means a person who, as a result of the conduct of the defendant that is prohibited under P.L.1992, c.209 (C.2C:12-10), was placed in reasonable fear for his own personal safety or for the safety of a minor child of whom the person is a parent or legal guardian.

No action shall be commenced under this section beyond the applicable personal injury statute of limitations after the most recent conduct prohibited under P.L.1992, c.209 (C.2C:12-10).

2. This act shall take effect immediately and shall be applicable to all offenses committed on or after the effective date.

STATEMENT

This bill creates a civil cause of action for victims of stalking, a crime set out in P.L.1992, c.209 (C.2C:12-10).

Under the bill, a “victim” is defined as “a person who, as a result of the conduct of the defendant that is prohibited under P.L.1992, c.209 (C.2C:12-10), was placed in reasonable fear for his own personal safety or for the safety of a minor child of whom the person is a parent or legal guardian.”

The bill provides that the victim could bring suit whether or not the individual has been charged with or convicted of the crime. The victim could be awarded damages and costs, including attorney fees, and may also be awarded punitive damages.

Under the bill, no action could be commenced beyond the applicable personal injury statute of limitations. Under N.J.S.2A:14-2 the statute of limitations for personal injury actions is two years.