ASSEMBLY, No. 3916

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED APRIL 9, 2020

Sponsored by:
Assemblywoman SERENA DIMASO
District 13 (Monmouth)
Assemblywoman AURA K. DUNN
District 25 (Morris and Somerset)
Assemblywoman NANCY F. MUNOZ
District 21 (Morris, Somerset and Union)

Co-Sponsored by:
Assemblywoman Vainieri Huttle

SYNOPSIS

Provides act of domestic violence or child endangerment committed during state of emergency may be classified one degree higher than underlying offense.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 5/1/2020)

AN ACT concerning domestic violence and child endangerment and supplementing P.L.1991, c.261.

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

1. An offense for which a criminal complaint is filed pursuant to section 5 of P.L.1991, c.261 (C.2C:25-21) against a person for an act of domestic violence, as that term is defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19) or a violation of N.J.S.2C:24-4, may, at the discretion of the prosecutor, be classified one degree higher than the underlying offense if it occurs during a declared period of national, State, or county emergency.

2. This act shall take effect immediately.

STATEMENT

This bill provides that an act of domestic violence or child endangerment committed by a person during a state of emergency may be classified one degree higher than the underlying offense.

Under current law, a person may be arrested, and a criminal complaint may be filed against a person accused of an act of domestic violence, as that term is defined in the Prevention of Domestic Violence Act of 1991, if the law enforcement officer finds probable cause to believe that the person has committed an act of domestic violence. The law enforcement officer is required to arrest a person and file a criminal complaint if the officer responds to the incident and finds probable cause that an act of domestic violence has occurred and: (1) the victim exhibits signs of injury caused by an act of domestic violence, (2) a warrant is in effect, (3) the person has violated an existing domestic violence order, or (4) there is probable cause to believe that a weapon was involved in the act of domestic violence.

Under the bill, an offense for which a criminal complaint is filed against a person for an act of domestic violence or an offense involving endangering the welfare of a child may, at the prosecutor's discretion, be classified one degree higher than the underlying offense if it occurs during a declared period of national, State, or county emergency.