

ASSEMBLY, No. 4989

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 16, 2020

Sponsored by:

Assemblyman EDWARD H. THOMSON

District 30 (Monmouth and Ocean)

Assemblyman SEAN T. KEAN

District 30 (Monmouth and Ocean)

SYNOPSIS

Establishes municipal liability for gross negligence in failing to protect persons and property during riots.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/30/2020)

1 AN ACT concerning municipal liability for gross negligence in
2 certain circumstances and amending N.J.S.59:5-4.

3

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

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7 1. N.J.S.59:5-4 is amended to read as follows:

8 59:5-4. Neither a public entity nor a public employee is liable
9 for failure to provide police protection service or, if police
10 protection service is provided, for failure to provide sufficient
11 police protection service ¹, except that a municipality may be liable
12 for an injury to a person or to property due to gross negligence in
13 failing to provide police protection service or sufficient police
14 protection service in response to a riot that the police had specific,
15 credible evidence about in advance thereof¹.

16 (cf: N.J.S.59:5-4)

17

18 2. This act shall take effect immediately.

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21 STATEMENT

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23 This bill would establish municipal liability for gross negligence
24 in failing to protect persons and property during riots. Current law
25 provides that a public entity and a public employee are not liable for
26 a failure to provide police protection service at all or sufficient
27 police protection service. This bill would create an exception to
28 that general provision, establishing municipal liability for gross
29 negligence in failing to provide police protection service, or
30 sufficient police protection service, in response to a riot that the
31 police had specific, credible evidence about beforehand.

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.