

SENATE, No. 580

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Creates a civil cause of action for stalking.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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

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

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7 1. Civil action for stalking.

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

16 As used in this act:

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

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

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

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

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STATEMENT

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

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

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

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