SENATE, No. 1110

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JANUARY 30, 2020

Sponsored by:
Senator JOSEPH F. VITALE
District 19 (Middlesex)

SYNOPSIS

Extends exemption from charitable immunity for certain civil actions to persons of any age who are beneficiaries of the nonprofit corporation.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning charitable immunity and amending P.L.2005, c.264.

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

1. Section 1 of P.L.2005, c.264 (C.2A:53A-7.4) is amended to read as follows:

1. The immunity from civil liability granted to a nonprofit corporation, society or association organized exclusively for religious, charitable, educational or hospital purposes pursuant to the provisions of P.L.1959, c.90 (C.2A:53A-7 to 2A:53A-11) shall not apply to a claim in any civil action that the negligent hiring, supervision or retention of any employee, agent or servant resulted in a sexual offense being committed against a person **[**under the age of 18**]** who was a beneficiary of the nonprofit organization. As used in this supplementary act, P.L.2005, c.264 (C.2A:53A-7.4 et seq.), "sexual offense" means any actions that would constitute any crime set forth in chapter 14 of Title 2C of the New Jersey Statutes or set forth in paragraph (3) or (4) of subsection b. of N.J.S.2C:24-4.

(cf: P.L.2005, c.264, s.1)

2. This act shall take effect immediately and shall apply to any cause of action arising on or after the effective date.

STATEMENT

This bill amends the provision of law declaring that charitable immunity, generally insulating various nonprofit organizations from lawsuits, does not apply in certain civil actions concerning the negligent hiring, supervision, or retention of an employee, agent, or servant that resulted in a sexual offense being committed. The current law makes the charitable immunity exception applicable when the sexual offense is committed against a person under the age of 18 who was a beneficiary of the nonprofit organization. The bill extends this exception to a person *of any age* who was a beneficiary of the nonprofit organization.

The sponsor notes that all persons should be afforded the same remedy. A claim in any civil action that a nonprofit organization's negligent hiring, supervision, or retention of an employee, agent, or servant resulted in the commission of a sexual offense should be actionable regardless of the age of the victim.

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 <u>thus</u> is new matter.