

**SENATE, No. 1872**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED FEBRUARY 24, 2020

**Sponsored by:**  
**Senator JOSEPH A. LAGANA**  
**District 38 (Bergen and Passaic)**

**SYNOPSIS**

Establishes new crime of domestic violence committed in the presence of a child.

**CURRENT VERSION OF TEXT**

As introduced.



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1 (C.2C:25-17 et seq.). In addition to the remedies available to a  
2 victim under the provisions of the “Prevention of Domestic  
3 Violence Act of 1991,” a person who commits an act of domestic  
4 violence may be subject to criminal prosecution for the act that  
5 constituted domestic violence.

6 This bill would provide that when the act of domestic violence is  
7 committed in the presence of a child to whom the actor or the  
8 victim is a parent, guardian, or resource family parent, the person  
9 committing the act would be subject to criminal prosecution for  
10 both the underlying offense and for the separate crime of  
11 committing an act of domestic violence in the presence of a child.  
12 However, the bill would not require the person be convicted of the  
13 underlying offense to be convicted of committing an act of domestic  
14 violence in the presence of a child.

15 This bill would require that the person committing the act of  
16 domestic violence know the child was present during the  
17 commission of the act. “In the presence of a child” would mean in  
18 the physical presence of a child or having knowledge that a child is  
19 present and may see or hear an act of domestic violence. The bill  
20 would additionally require that the child be 16 years of age or  
21 younger.

22 The crime of committing an act of domestic violence in the  
23 presence of a child would be a crime of the fourth degree if the  
24 underlying offense is a disorderly persons offense or petty  
25 disorderly persons offense; otherwise, it would be graded one  
26 degree higher than the most serious underlying offense. If the  
27 offender is convicted of both the underlying offense and committing  
28 an act of domestic violence in the presence of a child, the  
29 convictions would not merge and a court would be required to  
30 impose a separate sentence for each conviction.

31 A crime of the fourth degree is punishable by imprisonment for  
32 up to 18 months, up to a \$10,000 fine, or both. A crime of the third  
33 degree is punishable by imprisonment for three to five years, up to a  
34 \$15,000 fine, or both. A crime of the second degree is punishable  
35 by imprisonment for five to 10 years, up to a \$150,000 fine, or both.  
36 A crime of the first degree is punishable by imprisonment for 10 to  
37 20 years, up to a \$200,000 fine, or both.