

ASSEMBLY, No. 2073

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 9, 2004

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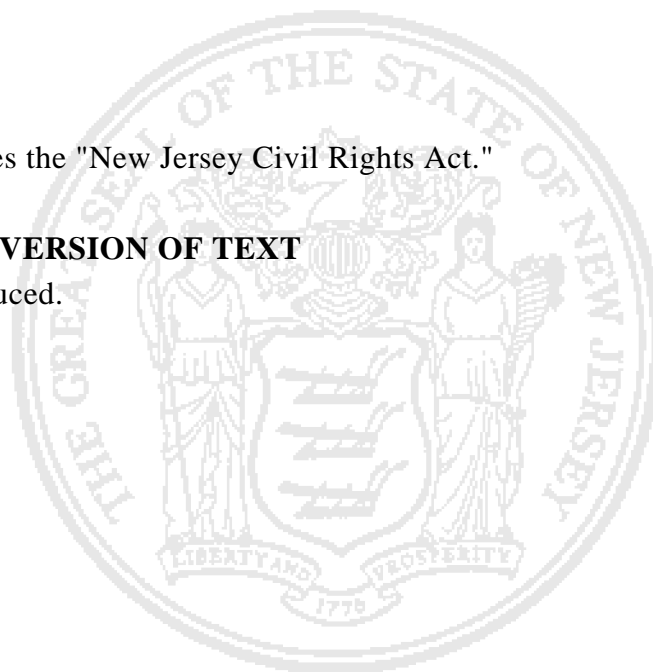
Assemblymen Chivukula, Conners, Hackett and Manzo

SYNOPSIS

Establishes the "New Jersey Civil Rights Act."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/24/2004)

1 AN ACT concerning civil rights and supplementing Title 10 of the New
2 Jersey Statutes.

3

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

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7 1. This act shall be known and may be cited as the "New Jersey
8 Civil Rights Act."

9

10 2. a. If a person, whether or not acting under color of law,
11 subjects or causes to be subjected any other person to the deprivation
12 of any due process or equal protection rights, privileges or immunities
13 secured by the Constitution or laws of the United States, or any rights,
14 privileges or immunities secured by the Constitution or laws of this
15 State, the Attorney General may bring a civil action for damages and
16 for injunctive or other appropriate relief. The civil action shall be
17 brought in the name of the State and may be brought on behalf of the
18 injured party. The penalty provided in subsection e. of this section
19 shall be applicable to a violation of this subsection.

20 b. If a person, whether or not acting under color of law, interferes
21 or attempts to interfere by threats, intimidation or coercion with the
22 exercise or enjoyment by any other person of any due process or
23 equal protection rights, privileges or immunities secured by the
24 Constitution or laws of the United States, or any rights, privileges or
25 immunities secured by the Constitution or laws of this State, the
26 Attorney General may bring a civil action for damages and for
27 injunctive or other appropriate relief. The civil action shall be brought
28 in the name of the State and may be brought on behalf of the injured
29 party. The penalty provided in subsection e. of this section shall be
30 applicable to a violation of this subsection.

31 c. Any individual who has been deprived of any due process or
32 equal protection rights, privileges or immunities secured by the
33 Constitution or laws of the United States, or any rights, privileges or
34 immunities secured by the Constitution or laws of this State, or whose
35 exercise or enjoyment of those rights, privileges or immunities has
36 been interfered with or attempted to be interfered with, by threats,
37 intimidation or coercion by a person acting under color of law, may
38 bring a civil action for damages and for injunctive or other appropriate
39 relief. The penalty provided in subsection e. of this section shall be
40 applicable to a violation of this subsection.

41 d. An action brought pursuant to this act may be filed in Superior
42 Court. Upon application of any party, a jury trial shall be directed.

43 e. Any person who deprives, interferes or attempts to interfere by
44 threats, intimidation or coercion with the exercise or enjoyment by any
45 other person of any due process or equal protection rights, privileges
46 or immunities secured by the Constitution or laws of the United States,

1 or any rights, privileges or immunities secured by the Constitution or
2 laws of this State is liable for a civil penalty for each violation. The
3 court or jury, as the case may be, shall determine the appropriate
4 amount of the penalty. Any money collected by the court in payment
5 of a civil penalty shall be conveyed to the State Treasurer for deposit
6 into the State General Fund.

7 f. In addition to any damages, civil penalty, injunction or other
8 appropriate relief awarded in an action brought pursuant to this act,
9 the court may award reasonable attorney's fees and costs.

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11 3. This act shall take effect immediately .
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14 STATEMENT
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16 This bill establishes the "New Jersey Civil Rights Act."

17 Every individual in this State enjoys the free exercise of his civil
18 rights which are guaranteed and secured under the New Jersey State
19 Constitution and federal Constitution. In order to protect and assure
20 against deprivation of these rights, it is the sponsor's belief that it is
21 necessary to provide a remedy when one person interferes with the
22 civil rights of another. This bill attempts to provide the citizens of
23 New Jersey with a *State* remedy for deprivation or interference with
24 the civil rights of an individual. By providing this remedy, the bill
25 attempts to address any potential gaps which may exist under
26 remedies currently in the law.

27 Under the provisions of the bill, the Attorney General may bring a
28 civil action for damages, injunctive relief or other appropriate relief
29 if a person, whether or not acting under color of law, subjects or
30 causes to be subjected any other person to the deprivation of any due
31 process or equal protection rights, privileges or immunities secured by
32 the Constitution or laws of the United States, or any rights, privileges
33 or immunities secured by the Constitution or laws of this State. An
34 action may also be brought if a person interferes or attempts to
35 interfere by threats, intimidation or coercion with the exercise or
36 enjoyment of another person's rights, privileges or immunities
37 guaranteed under the State or federal Constitutions. The action may
38 be brought in the name of the State and on behalf of the injured party.

39 In addition, any person may bring a civil action if his rights,
40 privileges or immunities have been deprived, interfered with or
41 attempted to be interfered with by threats, intimidation or coercion by
42 a person acting under color of law.

43 Upon application of any party, a jury trial could be directed.

44 The bill would also provide for a civil penalty for any violation of
45 the act, regardless of whether the civil action is brought by the
46 Attorney General or an individual. The amount of the penalty would

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- 1 be determined by the court or the jury, as the case may be. All monies
- 2 collected would be deposited in the State General Fund.
- 3 In addition, the bill would authorize the court to award reasonable
- 4 attorney's fees and costs.