

STATEMENT TO
[First Reprint]
SENATE, No. 540

with Assembly Floor Amendments
(Proposed By Assemblyman DIEGNAN)

ADOPTED: JUNE 30, 2005

These floor amendments add violations of paragraph (3) or (4) of subsection b. of N.J.S.2C:24-4, concerning endangering the welfare of a child, to the provisions of the bill. Currently the definition of "sexual offense" in the bill refers to crimes set forth in chapter 14 of Title 2C. These floor amendments provide that "sexual offense" may also include a crime set forth in paragraph (3) or (4) of subsection b. of N.J.S.2C:24-4 (causing or permitting a child to engage in a prohibited sexual act knowing or intending that the act may be photographed, filmed, reproduced or reconstructed, or photographing or filming a child in such an act).

The floor amendments also clarify language concerning "any crime defined in" chapter 14 of Title 2C. As amended, this language would refer to "any crime set forth in" those provisions of law.

The bill eliminates the immunity of charitable organizations in certain circumstances for which the statute of limitations for civil actions has not expired as of the effective date of the bill. The provisions of this bill are not only prospective but also applicable retroactively to actions for which the statute of limitations has not expired as of the effective date of this bill.

These actions include:

(1) N.J.S.A.2A:14-2 (provides that a civil action for an injury caused by the wrongful act, neglect or default of any person in the State shall be commenced within two years next after the cause of any such action shall have accrued);

(2) N.J.S.A.2A:14-2.1 (provides that where a parent or other person has a claim for damages because of an injury to a minor child caused by the wrongful act, neglect or default of any person within this State, a civil action may be commenced by the parent or other person within the same period of time as provided by N.J.S.A.2A:14-2); and

(3) N.J.S.A.2A:61B-1 (provides that in a civil action for sexual abuse, which is defined as an act of sexual contact or sexual penetration between a child under the age of 18 years and an adult, the cause of action shall accrue at the time of reasonable discovery of the injury and its causal relationship to the act of sexual abuse, and any such action shall be brought within two years after reasonable discovery).

These applicable actions include, but are not limited to, matters filed with a court that have not yet been dismissed or finally adjudicated as of the effective date.