

ASSEMBLY, No. 2143

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED FEBRUARY 25, 2008

Sponsored by:

Assemblyman JOSEPH CRYAN

District 20 (Union)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblyman Coutinho and Assemblywoman Quijano

SYNOPSIS

Adds email messages to the list of prohibited contact enumerated in permanent restraining orders for convicted stalkers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/19/2009)

1 AN ACT concerning stalkers and amending P.L.1996, c.39.

2

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

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6 1. Section 3 of P.L.1996, c.39 (C.2C:12-10.1) is amended to read
7 as follows:

8 3. a. A judgment of conviction for stalking shall operate as an
9 application for a permanent restraining order limiting the contact of
10 the defendant and the victim who was stalked.

11 b. A hearing shall be held on the application for a permanent
12 restraining order at the time of the verdict or plea of guilty unless
13 the victim requests otherwise. This hearing shall be in Superior
14 Court. A permanent restraining order may grant the following
15 specific relief:

16 (1) An order restraining the defendant from entering the
17 residence, property, school, or place of employment of the victim
18 and requiring the defendant to stay away from any specified place
19 that is named in the order and is frequented regularly by the victim.

20 (2) An order restraining the defendant from making contact with
21 the victim, including an order forbidding the defendant from
22 personally or through an agent initiating any communication likely
23 to cause annoyance or alarm including, but not limited to, personal,
24 written, including emails sent via the Internet, or telephone contact
25 with the victim, the victim's employers, employees, or fellow
26 workers, or others with whom communication would be likely to
27 cause annoyance or alarm to the victim.

28 c. The permanent restraining order entered by the court
29 subsequent to a conviction for stalking as provided in this act may
30 be dissolved upon the application of the stalking victim to the court
31 which granted the order.

32 d. Notice of permanent restraining orders issued pursuant to this
33 act shall be sent by the clerk of the court or other person designated
34 by the court to the appropriate chiefs of police, members of the
35 State Police and any other appropriate law enforcement agency or
36 court.

37 e. Any permanent restraining order issued pursuant to this act
38 shall be in effect throughout the State, and shall be enforced by all
39 law enforcement officers.

40 f. A violation by the defendant of an order issued pursuant to
41 this act shall constitute an offense under subsection a. of
42 N.J.S.2C:29-9 and each order shall so state. Violations of these
43 orders may be enforced in a civil or criminal action initiated by the
44 stalking victim or by the court, on its own motion, pursuant to
45 applicable court rules. Nothing in this act shall preclude the filing

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 thus is new matter.

1 of a criminal complaint for stalking based on the same act which is
2 the basis for the violation of the permanent restraining order.
3 (cf: P.L.1996, c.39, s.3)

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5 2. This act shall take effect on the 60th day following enactment.

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STATEMENT

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10 This bill would increase the amount of relief a victim of stalking
11 would receive under a permanent restraining order. Specifically,
12 this bill amends N.J.S.A.2C:12-10.1, to expand the list of prohibited
13 contact to include emails via the Internet to add an extra level of
14 protection for victims of stalking.

15 The effective date of the bill provides that the bill's provisions
16 take effect on the 60th day following enactment.