

# ASSEMBLY, No. 272

## STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

Assemblyman **DAVID C. RUSSO**

District 40 (Bergen, Essex and Passaic)

**Co-Sponsored by:**

Assemblywomen Vandervalk and Voss

**SYNOPSIS**

Imposes mandatory terms of imprisonment for contempt for violation of domestic violence orders.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning domestic violence and amending  
2 P.L.1991,c.261 and N.J.S.2C:29-9.

3

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

6

7 1. Section 14 of P.L.1991,c.261 (C.2C:25-30) is amended to read  
8 as follows:

9 14. Except as provided below, a violation by the defendant of an  
10 order issued pursuant to this act shall constitute an offense under  
11 subsection b. of N.J.S.2C:29-9 and each order shall so state. All  
12 contempt proceedings conducted pursuant to N.J.S.2C:29-9  
13 involving domestic violence orders, other than those constituting  
14 indictable offenses, shall be heard by the Family Part of the  
15 Chancery Division of the Superior Court. All contempt proceedings  
16 brought pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.) shall be  
17 subject to any rules or guidelines established by the Supreme Court  
18 to guarantee the prompt disposition of criminal matters.  
19 **[Additionally, and notwithstanding the term of imprisonment**  
20 **provided in N.J.S.2C:43-8, any person convicted of a second or**  
21 **subsequent nonindictable domestic violence contempt offense shall**  
22 **serve a minimum term of not less than 30 days.]** Orders entered  
23 pursuant to paragraphs (3), (4), (5), (8) and (9) of subsection b. of  
24 section 13 of this act shall be excluded from enforcement under  
25 subsection b. of N.J.S.2C:29-9; however, violations of these orders  
26 may be enforced in a civil or criminal action initiated by the  
27 plaintiff or by the court, on its own motion, pursuant to applicable  
28 court rules.

29 (cf: P.L.1994,c.94,s.6).

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31 2. N.J.S.2C:29-9 is amended to read as follows:

32 2C:29-9. Contempt. a. A person is guilty of a crime of the fourth  
33 degree if he purposely or knowingly disobeys a judicial order or  
34 hinders, obstructs or impedes the effectuation of a judicial order or  
35 the exercise of jurisdiction over any person, thing or controversy by  
36 a court, administrative body or investigative entity.

37 b. Except as provided below, a person is guilty of a crime of the  
38 fourth degree if that person purposely or knowingly violates any  
39 provision in an order entered under the provisions of the  
40 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
41 (C.2C:25-17 et al.) or an order entered under the provisions of a  
42 substantially similar statute under the laws of another state or the  
43 United States when the conduct which constitutes the violation  
44 could also constitute a crime or a disorderly persons offense.

**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 Notwithstanding the provisions of N.J.S.2C:43-6, any person  
2 convicted of a fourth degree crime under the provisions of  
3 subsection b. of this section shall serve a minimum term of  
4 imprisonment of 180 days. Notwithstanding the term of  
5 imprisonment provided in N.J.S.2C:43-8, any person convicted of a  
6 nonindictable domestic violence contempt offense shall serve a  
7 minimum term of imprisonment of not less than 30 days for the first  
8 offense and a minimum term of imprisonment of not less than 60  
9 days for a second or subsequent offense.

10 In all other cases a person is guilty of a disorderly persons  
11 offense if that person knowingly violates an order entered under the  
12 provisions of this act or an order entered under the provisions of a  
13 substantially similar statute under the laws of another state or the  
14 United States. Orders entered pursuant to paragraphs (3), (4), (5),  
15 (8) and (9) of subsection b. of section 13 of P.L.1991, c.261  
16 (C.2C:25-29) or substantially similar orders entered under the laws  
17 of another state or the United States shall be excluded from the  
18 provisions of this subsection.

19 As used in this subsection, "state" means a state of the United  
20 States, the District of Columbia, Puerto Rico, the United States  
21 Virgin Islands, or any territory or insular possession subject to the  
22 jurisdiction of the United States. The term includes an Indian tribe  
23 or band, or Alaskan native village, which is recognized by a federal  
24 law or formally acknowledged by a state.

25 (cf: P.L.2005, c.333, s. 1)

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27 3. This act shall take effect immediately.

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### 30 STATEMENT

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32 This bill would impose certain mandatory terms of imprisonment  
33 for violation of domestic violence orders.

34 Under the current provisions of N.J.S.A.2C:29-9, a person who  
35 purposely or knowingly violates any provision in a domestic  
36 violence order is guilty of a fourth degree contempt violation. This  
37 bill would provide for a mandatory term of imprisonment of 180  
38 days for this fourth degree crime. This bill would also provide for a  
39 mandatory minimum term of imprisonment for nonindictable  
40 domestic violence contempt offenses: not less than 30 days for the  
41 first offense and not less than 60 days for a second or subsequent  
42 offense.

43 In order to provide consistency with regard to domestic violence  
44 contempt orders in the criminal law, this bill would eliminate the  
45 sentencing provisions in N.J.S.A.2C:25-30, concerning domestic  
46 violence contempt orders, and incorporate those provisions within  
47 subsection b. of N.J.S.A.2C:29-9, concerning contempt orders.

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1 Specifically, this bill would eliminate the minimum term currently  
2 set forth for a second or subsequent nonindictable domestic  
3 violence contempt offense in N.J.S.A.2C:25-30 and incorporate it  
4 within with the new minimum terms of imprisonment in  
5 N.J.S.A.2C:29-9.