

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2246

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 7, 1999

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2246.

Under N.J.S.A.2C:12-10, a person cannot be convicted of stalking unless his repeated acts of threatening behavior actually place the victim in reasonable fear of death or bodily injury to himself or a family member. Thus in cases in which the stalking victim is a child or a developmentally disabled adult, proving that the stalking occurred can be difficult as the victim may not have the capacity to actually be placed in subjective fear of injury.

In order to address these situations, this bill, as amended by the committee, would delete the subjective element of the offense and provide that a person would be guilty of stalking if he purposely or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to himself or his immediate family regardless of whether the victim had a subjective reasonable fear of injury.

In addition, the committee amended section 2 of the bill concerning temporary restraining orders to include persons who are 18 years of age or older and who are mentally defective as defined in N.J.S.2C:14-1. The current reference in the bill to developmentally disabled persons is not broad enough to cover those adults whose mental difficulties may have occurred after reaching the age of majority.