

P.L. 1999, CHAPTER 47, *approved March 12, 1999*
Assembly, No. 2246 (*First Reprint*)

1 AN ACT concerning ¹[certain crimes against children]stalking¹,
2 amending P.L.1992, c.209 and supplementing Title 2C of the New
3 Jersey Statutes.

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

7
8 1. Section 1 of P.L.1992, c.209 (C.2C:12-10) is amended to read
9 as follows:

10 1. a. As used in this act:

11 (1)"Course of conduct" means repeatedly maintaining a visual or
12 physical proximity to a person or repeatedly conveying verbal or
13 written threats or threats implied by conduct or a combination thereof
14 directed at or toward a person.

15 (2)"Repeatedly" means on two or more occasions.

16 (3)"Immediate family" means a spouse, parent, child, sibling or any
17 other person who regularly resides in the household or who within the
18 prior six months regularly resided in the household.

19 b. A person is guilty of stalking, a crime of the fourth degree, if he
20 ¹[:

21 (1) Purposefully] purposefully or knowingly¹ engages in a course
22 of conduct directed at a specific person that would cause a reasonable
23 person to fear bodily injury to himself or a member of his immediate
24 family or to fear the death of himself or a member of his immediate
25 family ¹[: and

26 (2) (a) Knowingly, recklessly or negligently places the specific
27 person in reasonable fear of bodily injury to himself or a member of his
28 immediate family or in reasonable fear of the death of himself or a
29 member of his immediate family; or

30 (b) Knowingly, recklessly or negligently places the specific
31 person's parent or guardian in reasonable fear of bodily injury to the
32 specific person or a member of his immediate family or in reasonable
33 fear of the death of the specific person or a member of his immediate
34 family]¹.

35 c. A person is guilty of a crime of the third degree if he commits
36 the crime of stalking in violation of an existing court order prohibiting
37 the behavior.

38 d. A person who commits a second or subsequent offense of
39 stalking against the same victim is guilty of a crime of the third degree.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted January 7, 1999.

1 e. A person is guilty of a crime of the third degree if he commits
2 the crime of stalking while serving a term of imprisonment or while on
3 parole or probation as the result of a conviction for any indictable
4 offense under the laws of this State, any other state or the United
5 States.

6 f. This act shall not apply to conduct which occurs during
7 organized group picketing.

8 (cf: P.L.1998, c.17, s.3)

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10 2. (New section) a. In any case involving an allegation of stalking
11 ¹[in violation of subparagraph (b) of paragraph (2) of subsection b. of
12 section 1 of P.L.1992, c.209 (C.2C:12-10)]¹ where the victim is a
13 child under the age of 18 years or is developmentally disabled as
14 defined in section 3 of P.L.1977, c.200 (C.5:5-44.4) ¹or where the
15 victim is 18 years of age or older and is mentally defective as defined
16 in N.J.S. 2C:14-1¹, the court may issue a temporary restraining order
17 against the defendant which limits the contact of the defendant and the
18 victim.

19 b. The provisions of subsection a. of this section are in addition to,
20 and not in lieu of, the provisions of section 3 of P.L.1996, c.39
21 (C.2C:12-10.1) which provide that a judgment of conviction for
22 stalking shall operate as an application for a permanent restraining
23 order limiting the contact of the defendant and the victim.

24 c. The parent or guardian of the child or ¹[developmentally
25 disabled] the¹ person described in subsection a. of this ¹[act]
26 section¹ may file a complaint with the Superior Court in conformity
27 with the rules of court seeking a temporary restraining order against
28 a person alleged to have committed stalking against the child or
29 ¹[developmentally disabled] the¹ person ¹described in subsection a.
30 of this section¹. The parent or guardian may seek emergency, ex
31 parte relief. A decision shall be made by the judge regarding the
32 emergency relief forthwith. If it appears that the child or
33 ¹[developmentally disabled] the¹ person ¹described in subsection a.
34 of this section¹ is in danger of being stalked by the defendant, the
35 judge shall issue a temporary restraining order pursuant to subsection
36 e. of this section.

37 d. A conviction of stalking shall not be a prerequisite for the grant
38 of a temporary restraining order under this act.

39 e. A temporary restraining order issued under this act shall limit the
40 contact of the defendant and the child or ¹[developmentally disabled]
41 the¹ person ¹described in subsection a. of this section¹ who was
42 stalked and in addition may grant all other relief specified in section 3
43 of P.L.1996, c.39 (C.2C:12-10.1).

44 f. A hearing shall be held in the Superior Court within 10 days of
45 the issuance of any temporary restraining order which was issued on
46 an emergency, ex parte basis. A copy of the complaint shall be served

1 on the defendant in conformity with the rules of court. At the hearing
2 the standard for continuing the temporary restraining order shall be by
3 a preponderance of the evidence.

4 g. If the court rules that the temporary restraining order shall be
5 continued, the order shall remain in effect until either:

6 (1) the defendant is convicted of stalking, in which case the court
7 shall hold a hearing on the issue of whether a permanent restraining
8 order shall be entered pursuant to section 3 of P.L.1996, c.39
9 (C.2C:12-10.1); or

10 (2) the victim's parent or guardian or, in the case of a victim who
11 has reached the age of 18, the victim, requests that the restraining
12 order be dismissed ¹and the court finds just cause to do so¹.

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14 3. This act shall take effect immediately.

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19 Amends stalking law; provides for temporary restraining order for
20 children and certain adults who are victims of stalking.