

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1354

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 1998

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1354.

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 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 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.