

[Second Reprint]

SENATE, No. 540

STATE OF NEW JERSEY
211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator NIA H. GILL

District 34 (Essex and Passaic)

Assemblyman NEIL M. COHEN

District 20 (Union)

Assemblyman ANTHONY CHIAPPONE

District 31 (Hudson)

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Assemblyman PATRICK DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

Assemblywoman Voss, Assemblymen Payne, Gordon and Senator Turner

SYNOPSIS

Modifies the Charitable Immunity Act.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 30, 2005.

(Sponsorship Updated As Of: 12/16/2005)

1 AN ACT concerning the immunity of charitable organizations in certain
 2 circumstances and supplementing Title 2A of the New Jersey
 3 Statutes.

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

7
 8 1. The immunity from civil liability granted to a nonprofit
 9 corporation, society or association organized exclusively for religious,
 10 charitable, educational or hospital purposes pursuant to the provisions
 11 of P.L.1959, c.90 (C.2A:53A-7 to 2A:53A-11) shall not apply ¹to a
 12 claim¹ in any civil action ¹[which alleges]¹ that the negligent hiring
 13 ¹[or], ¹ supervision ¹or retention¹ of any employee ¹, agent or
 14 servant¹ resulted in a sexual offense being committed against a person
 15 under the age of 18 who was a beneficiary of the nonprofit
 16 organization. As used in this ¹[section]supplementary act, P.L. ,
 17 c. (C.)(now pending before the Legislature as this bill)¹, "sexual
 18 offense" means ¹any actions that would constitute¹ any crime
 19 ²[defined] set forth² in chapter 14 of Title 2C of the New Jersey
 20 Statutes ²or set forth in paragraph (3) or (4) of subsection b. of
 21 N.J.S.2C:24-4².

22
 23 ¹2. The provisions of this supplementary act, P.L. , c. (C.)
 24 (now pending before the Legislature as this bill), shall apply
 25 prospectively and also shall be applicable to all civil actions for which
 26 the statute of limitations has not expired as of the effective date of this
 27 act, including the statutes of limitation set forth in N.J.S. 2A:14-2,
 28 section 1 of P.L. 1964, c. 214 (C. 2A:14-2.1), section 1 of P.L. 1992,
 29 c. 109 (C. 2A:61B-1) or any other statute. These applicable actions
 30 include but are not limited to matters filed with a court that have not
 31 yet been dismissed or finally adjudicated as of the effective date of this
 32 act.¹

33
 34 ¹[2.] 3.¹ This act shall take effect immediately.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted March 1, 2004.

² Assembly floor amendments adopted June 30, 2005.