

**ASSEMBLY, No. 4591**

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**STATE OF NEW JERSEY**

**212th LEGISLATURE**

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INTRODUCED NOVEMBER 19, 2007

**Sponsored by:**

**Assemblyman WILFREDO CARABALLO**

**District 29 (Essex and Union)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblyman UPENDRA J. CHIVUKULA**

**District 17 (Middlesex and Somerset)**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**Co-Sponsored by:**

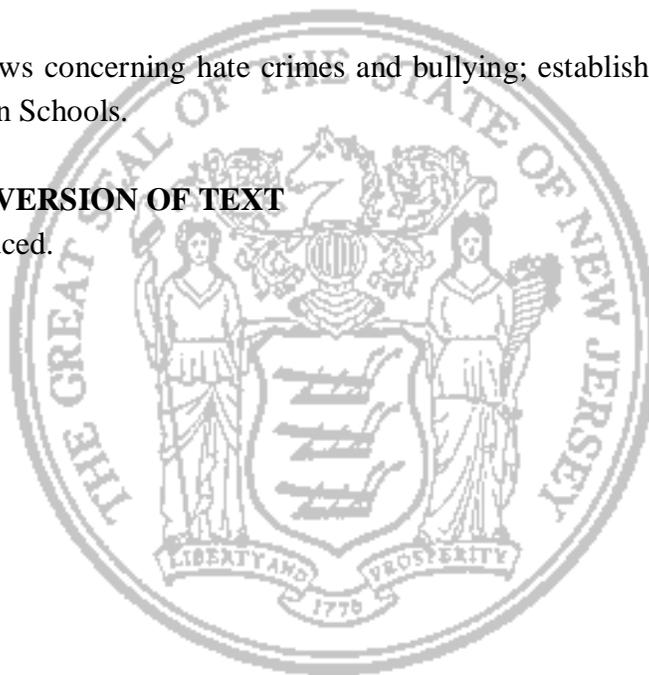
**Assemblyman Johnson, Assemblywomen Jasey, Evans, Assemblyman Baroni, Assemblywoman Pou and Assemblyman Diegnan**

**SYNOPSIS**

Revises laws concerning hate crimes and bullying; establishes Commission on Bullying in Schools.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/14/2007)**

1 AN ACT concerning hate crimes and bullying, establishing a  
2 commission, amending various parts of the statutory law, and  
3 supplementing Title 52 of the Revised Statutes.

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

7  
8 1. N.J.S.2C:16-1 is amended to read as follows:  
9 2C:16-1. Bias Intimidation.

10 a. Bias Intimidation. A person is guilty of the crime of bias  
11 intimidation if he commits, attempts to commit, conspires with  
12 another to commit, or threatens the immediate commission of an  
13 offense specified in chapters 11 through 18 of Title 2C of the New  
14 Jersey Statutes; N.J.S.2C:33-4; N.J.S.2C:39-3; N.J.S.2C:39-4 or  
15 N.J.S.2C:39-5,

16 (1) with a purpose to intimidate an individual or group of  
17 individuals because of race, color, religion, gender, **[handicap]**  
18 disability, sexual orientation, gender identity or expression, national  
19 origin, or ethnicity; or

20 (2) knowing that the conduct constituting the offense would  
21 cause an individual or group of individuals to be intimidated  
22 because of race, color, religion, gender, **[handicap]** disability,  
23 sexual orientation, gender identity or expression, national origin, or  
24 ethnicity; or

25 (3) under circumstances that caused any victim of the  
26 underlying offense to be intimidated and the victim, considering the  
27 manner in which the offense was committed, reasonably believed  
28 either that (a) the offense was committed with a purpose to  
29 intimidate the victim or any person or entity in whose welfare the  
30 victim is interested because of race, color, religion, gender,  
31 **[handicap]** disability, sexual orientation, gender identity or  
32 expression, national origin, or ethnicity, or (b) the victim or the  
33 victim's property was selected to be the target of the offense  
34 because of the victim's race, color, religion, gender, **[handicap]**  
35 disability, sexual orientation, gender identity or expression, national  
36 origin, or ethnicity.

37 b. Permissive inference concerning selection of targeted person  
38 or property. Proof that the target of the underlying offense was  
39 selected by the defendant, or by another acting in concert with the  
40 defendant, because of race, color, religion, gender, **[handicap]**  
41 disability, sexual orientation, gender identity or expression, national  
42 origin, or ethnicity shall give rise to a permissive inference by the  
43 trier of fact that the defendant acted with a purpose to intimidate an  
44 individual or group of individuals because of race, color, religion,

**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 gender, **[handicap]** disability, sexual orientation, gender identity or  
2 expression, national origin, or ethnicity.

3 c. Grading. Bias intimidation is a crime of the fourth degree if  
4 the underlying offense referred to in subsection a. is a disorderly  
5 persons offense or petty disorderly persons offense. Otherwise,  
6 bias intimidation is a crime one degree higher than the most serious  
7 underlying crime referred to in subsection a., except that where the  
8 underlying crime is a crime of the first degree, bias intimidation is a  
9 first-degree crime and the defendant upon conviction thereof may,  
10 notwithstanding the provisions of paragraph (1) of subsection a. of  
11 N.J.S.2C:43-6, be sentenced to an ordinary term of imprisonment  
12 between 15 years and 30 years, with a presumptive term of 20  
13 years.

14 d. Gender exemption in sexual offense prosecutions. It shall  
15 not be a violation of subsection a. if the underlying criminal offense  
16 is a violation of chapter 14 of Title 2C of the New Jersey Statutes  
17 and the circumstance specified in paragraph (1), (2) or (3) of  
18 subsection a. of this section is based solely upon the gender of the  
19 victim.

20 e. Merger. Notwithstanding the provisions of N.J.S.2C:1-8 or  
21 any other provision of law, a conviction for bias intimidation shall  
22 not merge with a conviction of any of the underlying offenses  
23 referred to in subsection a. of this section, nor shall any conviction  
24 for such underlying offense merge with a conviction for bias  
25 intimidation. The court shall impose separate sentences upon a  
26 conviction for bias intimidation and a conviction of any underlying  
27 offense.

28 f. Additional Penalties. In addition to any fine imposed  
29 pursuant to N.J.S.2C:43-3 or any term of imprisonment imposed  
30 pursuant to N.J.S.2C:43-6, a court may order a person convicted of  
31 bias intimidation to one or more of the following:

32 (1) complete a class or program on sensitivity to diverse  
33 communities, or other similar training in the area of civil rights;

34 (2) complete a counseling program intended to reduce the  
35 tendency toward violent and antisocial behavior; and

36 (3) make payments or other compensation to a community-based  
37 program or local agency that provides services to victims of bias  
38 intimidation.

39 g. As used in this section “gender identity or expression” means  
40 having or being perceived as having a gender related identity or  
41 expression whether or not stereotypically associated with a person’s  
42 assigned sex at birth.

43 h. It shall not be a defense to a prosecution for a crime under  
44 this section that the defendant was mistaken as to the race, color,  
45 religion, gender, disability, sexual orientation, gender identity or  
46 expression, national origin, or ethnicity of the victim.

47 (cf: P.L.2001, c.443, s.1)

1       2. Section 1 of P.L.1993, c.137 (C.2A:53A-21) is amended to  
2 read as follows:

3       1. a. A person, acting with purpose to intimidate an individual  
4 or group of individuals because of race, color, religion, gender,  
5 **[handicap]** disability, sexual orientation, gender identity or  
6 expression, national origin, or ethnicity, who engages in conduct  
7 that is an offense under the provisions of the "New Jersey Code of  
8 Criminal Justice," Title 2C of the New Jersey Statutes, commits a  
9 civil offense.

10       b. Any person who sustains injury to person or property as a  
11 result of a violation of subsection a. shall have a cause of action  
12 against the person or persons who committed the civil offense  
13 resulting in the injury. In the case of a homicide committed in  
14 violation of subsection a., the estate of the deceased shall have a  
15 cause of action. Nothing in this subsection shall be construed to  
16 preclude the parent or legal guardian of a person who has sustained  
17 injury as a result of a violation of subsection a. from initiating a  
18 civil action on behalf of a minor child or ward.

19       c. The Attorney General, as parens patriae, may initiate a cause  
20 of action against any person who violates subsection a. of this  
21 section on behalf of any person or persons who have sustained  
22 injury to person or property as a result of the commission of the  
23 civil offense.

24       d. Upon proof, by a preponderance of the evidence, of a  
25 defendant's violation of subsection a. of this section and of resulting  
26 damages, the defendant shall be liable as follows:

27       (1) To the person or persons injured, for an award in the  
28 amount of damages incurred as a result of the commission of the  
29 civil offense, including damages for any emotional distress suffered  
30 as a result of the civil offense, such punitive damages as may be  
31 assessed, and any reasonable attorney's fees and costs of suit  
32 incurred;

33       (2) To the State, in any case in which the Attorney General has  
34 participated, reasonable attorney's fees and costs of investigation  
35 and suit;

36       (3) Such injunctive relief as the court may deem necessary to  
37 avoid the defendant's continued violation of subsection a.; and

38       (4) Any additional appropriate equitable relief, including  
39 restraints to avoid repeated violation.

40       e. An award entered pursuant to paragraph (1) of subsection d.  
41 of this section shall be reduced by the amount of any restitution that  
42 has been awarded for the same injury following criminal conviction  
43 or juvenile adjudication, and, notwithstanding the provisions of  
44 paragraph (1) of subsection d., damages awarded for injuries that  
45 have previously been compensated by the Violent Crimes  
46 Compensation Board shall be paid to the board for deposit in the  
47 Violent Crimes Compensation Board Account.

1 f. All fees and costs assessed for the benefit of the State  
2 pursuant to paragraph (2) of subsection d. of this section shall be  
3 paid to the State Treasurer for deposit in the Civil Rights  
4 Enforcement Fund established pursuant to section 2 of this act.

5 g. The parent or guardian of a juvenile against whom an award  
6 has been entered pursuant to paragraph (1) of subsection d. of this  
7 section shall be liable for payment only if the parent has been  
8 named as a defendant and it has been established, by a  
9 preponderance of the evidence, that the parent or guardian's conduct  
10 was a significant contributing factor in the juvenile's commission of  
11 the offense.

12 (cf: P.L.1993, c.137, s.1)

13  
14 3. Section 11 of P.L.1971, c.317 (C.52:4B-11) is amended to  
15 read as follows:

16 11. The agency may order the payment of compensation in  
17 accordance with the provisions of P.L.1971, c.317 for personal  
18 injury or death which resulted from:

19 a. an attempt to prevent the commission of crime or to arrest a  
20 suspected criminal or in aiding or attempting to aid a police officer  
21 so to do; or

22 b. the commission or attempt to commit any of the following  
23 offenses:

24 (1) aggravated assault;

25 (2) (Deleted by amendment, P.L.1995, c.135).

26 (3) threats to do bodily harm;

27 (4) lewd, indecent, or obscene acts;

28 (5) indecent acts with children;

29 (6) kidnapping;

30 (7) murder;

31 (8) manslaughter;

32 (9) aggravated sexual assault, sexual assault, aggravated  
33 criminal sexual contact, criminal sexual contact;

34 (10) any other crime involving violence including domestic  
35 violence as defined by section 3 of P.L.1981, c.426 (C.2C:25-3) or  
36 section 3 of P.L.1991, c.261 (C.2C:25-19);

37 (11) burglary;

38 (12) tampering with a cosmetic, drug or food product;

39 (13) a violation of human trafficking, section 1 of P.L.2005,  
40 c.77 (C.2C:13-8); or

41 c. the commission of a violation of R.S.39:4-50, section 5 of  
42 P.L.1990, c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236  
43 (C.12:7-34.19) or section 3 of P.L.1952, c.157 (C.12:7-46); or

44 d. theft of an automobile pursuant to N.J.S.2C:20-2, eluding a  
45 law enforcement officer pursuant to subsection b. of N.J.S.2C:29-2  
46 or unlawful taking of a motor vehicle pursuant to subsection b., c.  
47 or d. of N.J.S.2C:20-10 where injuries to the victim occur in the  
48 course of operating an automobile in furtherance of the offense ; or

1 e. the commission of a violation of N.J.S. 2C:16-1, bias  
2 intimidation.

3 (cf: P.L.2007, c.95, s.15)

4  
5 4. Section 3 of P.L.1966, c.37 (C.52:17B-5.3) is amended to  
6 read as follows:

7 3. a. All local and county police authorities shall submit a  
8 quarterly report to the Attorney General, on forms prescribed by the  
9 Attorney General, which report shall contain the number and nature  
10 of offenses committed within their respective jurisdictions, the  
11 disposition of such matters, information relating to criminal street  
12 gang activities within their respective jurisdictions, information  
13 relating to any offense directed against a person or group, or their  
14 property, by reason of their race, color, religion, gender, disability,  
15 sexual orientation, gender identity or expression, national origin, or  
16 ethnicity and such other information as the Attorney General may  
17 require, respecting information relating to the cause and prevention  
18 of crime, recidivism, the rehabilitation of criminals and the proper  
19 administration of criminal justice.

20 b. A law enforcement officer who responds to an offense  
21 involving criminal street gang activity shall complete a gang related  
22 incident offense report on a form prescribed by the Superintendent  
23 of State Police. All information contained in the gang related  
24 incident offense report shall be forwarded to the appropriate county  
25 bureau of identification and to the Superintendent of State Police.

26 (cf: P.L.2005, c.332, s.1)

27  
28 5. (New section) The Attorney General shall maintain a central  
29 repository for the collection and analysis of information collected  
30 pursuant to P.L.1966, c.37 (C.52:17B-5.3). Information in the  
31 repository shall be made available to the public. The Attorney  
32 General may designate the Division of State Police in the  
33 Department of Law and Public Safety to be the agency to maintain  
34 the repository and provide information from the repository to the  
35 public.

36  
37 6. (New section) The Police Training Commission shall require  
38 all new police officers to complete two hours of training, which  
39 may include interactive training, in identifying, responding to, and  
40 reporting bias intimidation crimes. The Police Training  
41 Commission shall develop or revise the training course in  
42 consultation with the New Jersey Human Relations Council  
43 established pursuant to section 1 of P.L.1997, c.257 (C.52:9DD-8).  
44 The training course shall include the following topics:

45 a. features that identify or could identify a bias intimidation  
46 crime;

47 b. laws dealing with bias intimidation crimes;

1 c. law enforcement procedures, reporting, and documentation of  
2 bias intimidation crimes; and

3 d. techniques and methods to handle incidents of bias  
4 intimidation crimes, including training on how to deal sensitively  
5 with victims and referring victims of bias intimidation crimes to  
6 organizations that provide assistance and compensation to victims.

7

8 7. Section 3 of P.L.2002, c.83 (C.18A:37-15) is amended to read  
9 as follows:

10 3. a. Each school district shall adopt a policy prohibiting  
11 harassment, intimidation or bullying on school property, at a  
12 school-sponsored function or on a school bus. The school district  
13 shall attempt to adopt the policy through a process that includes  
14 representation of parents or guardians, school employees,  
15 volunteers, students, administrators, and community  
16 representatives.

17 b. A school district shall have local control over the content of  
18 the policy, except that the policy shall contain, at a minimum, the  
19 following components:

20 (1) a statement prohibiting harassment, intimidation or bullying  
21 of a student;

22 (2) a definition of harassment, intimidation or bullying no less  
23 inclusive than that set forth in section 2 of this act;

24 (3) a description of the type of behavior expected from each  
25 student;

26 (4) consequences and appropriate remedial action for a person  
27 who commits an act of harassment, intimidation or bullying;

28 (5) a procedure for reporting an act of harassment, intimidation  
29 or bullying, including a provision that permits a person to report an  
30 act of harassment, intimidation or bullying anonymously; however,  
31 this shall not be construed to permit formal disciplinary action  
32 solely on the basis of an anonymous report;

33 (6) a procedure for prompt investigation of reports of violations  
34 and complaints, identifying either the principal or the principal's  
35 designee as the person responsible for the investigation;

36 (7) the range of ways in which a school will respond once an  
37 incident of harassment, intimidation or bullying is identified;

38 (8) a statement that prohibits reprisal or retaliation against any  
39 person who reports an act of harassment, intimidation or bullying  
40 and the consequence and appropriate remedial action for a person  
41 who engages in reprisal or retaliation;

42 (9) consequences and appropriate remedial action for a person  
43 found to have falsely accused another as a means of retaliation or as  
44 a means of harassment, intimidation or bullying; **[and]**

45 (10) a statement of how the policy is to be publicized, including  
46 notice that the policy applies to participation in school-sponsored  
47 functions; and

1       (11) a requirement that the policy be posted on the school  
2 district's website and distributed annually to parents and guardians  
3 who have children enrolled in the school in the school district.

4       c. A school district shall adopt a policy and transmit a copy of  
5 its policy to the appropriate county superintendent of schools by  
6 September 1, 2003.

7       d. To assist school districts in developing policies for the  
8 prevention of harassment, intimidation or bullying, the  
9 Commissioner of Education shall develop a model policy applicable  
10 to grades kindergarten through 12. This model policy shall be  
11 issued no later than December 1, 2002.

12       e. Notice of the school district's policy shall appear in any  
13 publication of the school district that sets forth the comprehensive  
14 rules, procedures and standards of conduct for schools within the  
15 school district, and in any student handbook.

16 (cf: P.L.2002, c.83, s.3)

17

18       8. (New section) a. There is hereby established the Commission  
19 on Bullying in Schools.

20       b. The commission shall consist of 13 members as follows:

21       (1) the Commissioner of the Department of Education, or his  
22 designee;

23       (2) the Director of the Division on Civil Rights in the  
24 Department of Law and Public Safety, or his designee;

25       (3) the Governor shall appoint seven public members: one  
26 representative of the New Jersey Education Association, one  
27 representative of the New Jersey School Boards Association, one  
28 representative of the Anti-Defamation League, and four public  
29 members with a background in, or special knowledge of, the legal,  
30 policy, educational, social or psychological aspects of bullying in  
31 schools;

32       (4) the President of the Senate shall appoint two public members  
33 with a background in, or special knowledge of, the legal, policy,  
34 educational, social or psychological aspects of bullying in schools;  
35 and

36       (5) the Speaker of the General Assembly shall appoint two  
37 public members with a background in, or special knowledge of, the  
38 legal, policy, educational, social or psychological aspects of  
39 bullying in schools.

40       c. The commission shall study and make recommendations  
41 regarding:

42       (1) the implementation and effectiveness of school bullying  
43 laws and regulations;

44       (2) the adequacy of legal remedies available to students who are  
45 victims of bullying and their parents and guardians;

46       (3) the adequacy of legal protections available to teachers who  
47 are in compliance with school bullying policies;

1 (4) training of teachers, school administrators, and law  
2 enforcement personnel in responding to, investigating and reporting  
3 incidents of bullying;

4 (5) funding issues related to the implementation of the State  
5 school bullying laws and regulations; and

6 (6) the implementation of a possible collaboration between the  
7 Department of Education and the Division on Civil Rights in the  
8 Department of Law and Public Safety on a Statewide initiative  
9 against school bullying.

10 d. The members shall be appointed within 30 days of enactment.

11 e. The members shall serve without compensation, but may be  
12 reimbursed for necessary expenses incurred in the performance of  
13 their duties, within the limits of funds appropriated or otherwise  
14 made available to the commission for its purposes.

15 f. The commission shall choose a chairperson from among its  
16 members.

17 g. Any vacancy in the membership shall be filled in the same  
18 manner as the original appointment.

19 h. The commission is entitled to the assistance and service of the  
20 employees of any State, county or municipal department, board,  
21 bureau, commission or agency as it may require and as may be  
22 available to it for its purposes, and to employ stenographic and  
23 clerical assistance and to incur traveling or other miscellaneous  
24 expenses as may be necessary in order to perform its duties, within  
25 the limits of funds appropriated or otherwise made available to the  
26 commission for its purposes.

27 i. The commission shall conduct a minimum of three public  
28 hearings: one in the northern portion of the State; one in the central  
29 portion of the State; and one in the southern portion of the State.

30 j. The commission shall report its findings and  
31 recommendations, along with any legislation it desires to  
32 recommend for adoption by the Legislature, to the Governor and the  
33 Legislature in accordance with section 2 of P.L.1991, c.164  
34 (C.52:14-19.1). The commission shall issue its final report no later  
35 than nine months after final appointment of its members.

36 k. The commission shall expire upon submission of its final  
37 report to the Governor and the Legislature.

38  
39 9. Section 8 of this act shall take effect immediately. Sections 1  
40 through 7 shall take effect on the 60<sup>th</sup> day after enactment, but the  
41 Attorney General and the Commissioner of the Department of  
42 Education shall take such anticipatory administrative action in  
43 advance thereof as shall be necessary for the implementation of this  
44 act.

## STATEMENT

1  
2  
3 This bill substantially revises the current hate crimes and  
4 bullying law.

5 *Section 1* of the bill amends the law concerning the crime of  
6 bias intimidation to specifically provide that “gender identity or  
7 expression” and “national origin” are within the protected classes  
8 set forth in the statute. Current law enumerates the protected  
9 classes of “race, color, religion, gender, handicap, sexual  
10 orientation, or ethnicity.” Although a bias crime based on gender  
11 identity or expression or national origin can be prosecuted using the  
12 protected classes currently enumerated in the law, this amendment  
13 makes clear that these classes are intended to fall within provisions  
14 of the statute. In addition, the bill replaces the outdated term  
15 “handicap” with the more contemporary term “disability.” This  
16 change is not intended to change substantive law. Under the  
17 provisions of this section, a person may be guilty of the crime of  
18 bias intimidation if he commits, attempts, conspires, or threatens the  
19 immediate commission of certain specified offenses with a purpose  
20 to intimidate an individual or group because of race, color, religion,  
21 gender, disability, sexual orientation, gender identity or expression,  
22 national origin, or ethnicity or knowing that the conduct would  
23 cause an individual or group to be intimidated on that basis or under  
24 circumstances in which the victim believes he was targeted on that  
25 basis. The amendment further clarifies the law by specifying that it  
26 is not a defense to a bias intimidation crime prosecution that the  
27 defendant was mistaken as to the race, color, religion, gender,  
28 disability, sexual orientation, gender identity or expression, national  
29 origin, or ethnicity of the victim.

30 In addition, section 1 adds a new subsection f. to N.J.S.A.2C:16-  
31 1 to provide for additional penalties for the crime of bias  
32 intimidation. Under this subsection, a court may order a person  
33 convicted of bias intimidation to: complete a class or program on  
34 sensitivity to diverse communities, or other similar training in the  
35 area of civil rights; complete a counseling program intended to  
36 reduce the tendency toward violent and antisocial behavior; or make  
37 payments or other compensation to a community-based program or  
38 local agency that provides services to victims of bias intimidation.  
39 These penalties would be in addition to any other penalties required  
40 by the State’s sentencing laws.

41 *Section 2* of the bill amends N.J.S.A.2A:53A-21 to include a  
42 purpose to intimidate because of “gender identity or expression” or  
43 “national origin” in the existing civil cause of action for bias crime  
44 victims. In addition, the bill replaces the outdated term “handicap”  
45 used in N.J.S.A.2A:53A-21 with the more contemporary term  
46 “disability.” This change is not intended to change substantive law.  
47 Under the provisions of this section of the bill, a person, acting with  
48 purpose to intimidate an individual or group because of race, color,

1 religion, gender, disability, sexual orientation, gender identity or  
2 expression, national origin, or ethnicity, who engages in conduct  
3 that is an offense under the provisions of the New Jersey criminal  
4 code, commits a civil offense and may be liable for damages,  
5 including punitive damages.

6 **Section 3** of the bill amends N.J.S.A.52:4B-11 to add the crime  
7 of bias intimidation to the list of crimes for which the Victims  
8 Crimes Compensation Agency may order the payment of  
9 compensation for personal injury or death. Including victims of  
10 bias intimidation specifically in N.J.S.A.52:4B-11 will enable them  
11 to be the beneficiaries of the services the Victims Crimes  
12 Compensation Agency offers.

13 **Section 4** of the bill would require local and county police to  
14 include information about bias crimes in their quarterly reports of  
15 crime to the Attorney General. This information would then be  
16 included by the Attorney General in the annual report of crime in  
17 New Jersey submitted to the Governor and the Legislature pursuant  
18 to section 5 of P.L.1996, c.37 (C.52:17B-5.5).

19 **Section 5** of the bill would require the Attorney General or the  
20 Division of State Police, if the Attorney General so designates, to  
21 maintain a central repository of information submitted from county  
22 and local police concerning bias crimes. The information in the  
23 repository would be available to the public.

24 **Section 6** would require the Police Training Commission to  
25 require all new police officers to complete two hours of training,  
26 which may include interactive training, in identifying, responding  
27 to, and reporting bias intimidation crimes. The Police Training  
28 Commission would develop or revise the course in consultation  
29 with the New Jersey Human Relations Council. The training course  
30 shall include the following topics:

- 31 • features that identify or could identify a bias intimidation  
32 crime;
- 33 • laws dealing with bias intimidation crimes
- 34 • law enforcement procedures, reporting, and documentation  
35 of bias intimidation crimes; and
- 36 • techniques and methods to handle incidents of bias  
37 intimidation crimes, including training on how to deal  
38 sensitively with victims and referring victims of bias  
39 intimidation crimes to organizations that provide assistance  
40 and compensation to victims.

41 **Section 7** of the bill amends N.J.S.A.18A:37-15 to require that  
42 each school district's bullying policy be posted on their website and  
43 distributed to parents and guardians annually.

44 **Section 8** of the bill would establish the Commission on  
45 Bullying in Schools. The commission shall consist of 13 members  
46 as follows:

- 47 • the Commissioner of the Department of Education, or his  
48 designee;

- 1       • the Director of the Division on Civil Rights in the  
2       Department of Law and Public Safety, or his designee;  
3       • the Governor shall appoint seven public members: one  
4       representative of the New Jersey Education Association, one  
5       representative of the New Jersey School Boards Association,  
6       one representative of the Anti-Defamation League, and four  
7       public members with a background in, or special knowledge  
8       of, the legal, policy, educational, social or psychological  
9       aspects of bullying in schools;  
10      • the President of the Senate shall appoint two public members  
11      with a background in, or special knowledge of, the legal,  
12      policy, educational, social or psychological aspects of  
13      bullying in schools; and  
14      • the Speaker of the General Assembly shall appoint two  
15      public members with a background in, or special knowledge  
16      of, the legal, policy, educational, social or psychological  
17      aspects of bullying in schools.

18      The commission shall study and make recommendations  
19      regarding:

- 20      • the implementation and effectiveness of school bullying  
21      laws and regulations;  
22      • the adequacy of legal remedies available to students who are  
23      victims of bullying and their parents and guardians;  
24      • the adequacy of legal protections available to teachers who  
25      are in compliance with school bullying policies;  
26      • training of teachers, school administrators, and law  
27      enforcement personnel in responding to, investigating and  
28      reporting incidents of bullying;  
29      • funding issues related to the implementation of the State  
30      school bullying laws and regulations; and  
31      • the implementation of a possible collaboration between the  
32      Department of Education and the Division on Civil Rights in  
33      the Department of Law and Public Safety on a Statewide  
34      initiative against school bullying.

35      Members shall be appointed within 30 days of enactment and  
36      serve without compensation, but may be reimbursed for necessary  
37      expenses incurred in the performance of their duties, within the  
38      limits of funds appropriated or otherwise made available to the  
39      commission for its purposes.

40      The commission shall choose a chairperson from among its  
41      members. Any vacancy in the membership shall be filled in the  
42      same manner as the original appointment.

43      The commission shall conduct a minimum of three public  
44      hearings: one in the northern portion of the State; one in the central  
45      portion of the State; and one in the southern portion of the State.

46      The commission shall report its findings and recommendations,  
47      along with any legislation it desires to recommend for adoption by

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- 1 the Legislature, to the Governor and the Legislature. The
- 2 commission shall issue its final report no later than nine months
- 3 after final appointment of its members and expire thereafter.