

ASSEMBLY, No. 1946

STATE OF NEW JERSEY

217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

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Assemblyman Wimberly, Assemblywomen Spencer, Pintor Marin, Jimenez, Assemblyman Gusciora, Assemblywoman Rodriguez-Gregg, Senators Beach, Beck, Gordon, Greenstein, Pou and Stack

SYNOPSIS

Adds cyber-harassment to the domestic violence statutes.

CURRENT VERSION OF TEXT

As reported by the Assembly Women and Children Committee with technical review.

(Sponsorship Updated As Of: 10/21/2016)

1 AN ACT concerning domestic violence and amending P.L.1991,
2 c.261.

3

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

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7 1. Section 3 of P.L.1991, c.261 (C.2C:25-19) is amended to
8 read as follows:

9 3. As used in this act:

10 a. "Domestic violence" means the occurrence of one or more of
11 the following acts inflicted upon a person protected under this act
12 by an adult or an emancipated minor:

13 (1) Homicide N.J.S.2C:11-1 et seq.

14 (2) Assault N.J.S.2C:12-1

15 (3) Terroristic threats N.J.S.2C:12-3

16 (4) Kidnapping N.J.S.2C:13-1

17 (5) Criminal restraint N.J.S.2C:13-2

18 (6) False imprisonment N.J.S.2C:13-3

19 (7) Sexual assault N.J.S.2C:14-2

20 (8) Criminal sexual contact N.J.S.2C:14-3

21 (9) Lewdness N.J.S.2C:14-4

22 (10) Criminal mischief N.J.S.2C:17-3

23 (11) Burglary N.J.S.2C:18-2

24 (12) Criminal trespass N.J.S.2C:18-3

25 (13) Harassment N.J.S.2C:33-4

26 (14) Stalking P.L.1992, c.209 (C.2C:12-10)

27 (15) Criminal coercion N.J.S.2C:13-5

28 (16) Robbery N.J.S.2C:15-1

29 (17) Contempt of a domestic violence order pursuant to
30 subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly
31 persons offense

32 (18) Any other crime involving risk of death or serious bodily
33 injury to a person protected under the "Prevention of Domestic
34 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.)

35 (19) Cyber-harassment P.L.2013, c.272 (C.2C:33-4.1)

36 When one or more of these acts is inflicted by an unemancipated
37 minor upon a person protected under this act, the occurrence shall
38 not constitute "domestic violence," but may be the basis for the
39 filing of a petition or complaint pursuant to the provisions of
40 section 11 of P.L.1982, c.77 (C.2A:4A-30).

41 b. "Law enforcement agency" means a department, division,
42 bureau, commission, board or other authority of the State or of any
43 political subdivision thereof which employs law enforcement
44 officers.

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 c. "Law enforcement officer" means a person whose public
2 duties include the power to act as an officer for the detection,
3 apprehension, arrest and conviction of offenders against the laws of
4 this State.

5 d. "Victim of domestic violence" means a person protected
6 under this act and shall include any person who is 18 years of age or
7 older or who is an emancipated minor and who has been subjected
8 to domestic violence by a spouse, former spouse, or any other
9 person who is a present household member or was at any time a
10 household member. "Victim of domestic violence" also includes
11 any person, regardless of age, who has been subjected to domestic
12 violence by a person with whom the victim has a child in common,
13 or with whom the victim anticipates having a child in common, if
14 one of the parties is pregnant. "Victim of domestic violence" also
15 includes any person who has been subjected to domestic violence
16 by a person with whom the victim has had a dating relationship.

17 e. "Emancipated minor" means a person who is under 18 years
18 of age but who has been married, has entered military service, has a
19 child or is pregnant or has been previously declared by a court or an
20 administrative agency to be emancipated.
21 (cf: P.L 2015, c.98, s.2)

22

23 2. This act shall take effect immediately.