

**SENATE, No. 1766**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED FEBRUARY 5, 2018

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**SYNOPSIS**

Expands wrongful death act to allow recovery for mental anguish, emotional pain and suffering, loss of society and loss of companionship.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 4/6/2018)**

S1766 SCUTARI, GILL

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1 AN ACT concerning death by wrongful act and amending  
2 N.J.S.2A:31-5.

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

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7 1. N.J.S.2A:31-5 is amended to read as follows:

8 2A:31-5. Assessment of damages by jury.

9 In every action brought under the provisions of this chapter the  
10 jury may give such damages as they shall deem fair and just with  
11 reference to the pecuniary injuries resulting from such death,  
12 together with the hospital, medical and funeral expenses incurred  
13 for the deceased, to the persons entitled to any intestate personal  
14 property of the decedent in accordance with the provisions of  
15 N.J.S.2A:31-4. Damages may also be recovered hereunder for  
16 mental anguish, emotional pain and suffering, loss of society and  
17 loss of companionship.

18 (cf: P.L.2007, c.261, s.2)

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20 2. This act shall take effect immediately and shall apply to all  
21 causes of action arising on or after the effective date of the act.

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STATEMENT

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26 Wrongful death statutes establish a cause of action for the wrong  
27 done to an individual's beneficiaries when that individual dies as the  
28 result of the wrongful conduct of another person.

29 Under present law, in a wrongful death action damages are  
30 recoverable for pecuniary loss. This bill would expand the type of  
31 damages for which one may bring suit to include mental anguish,  
32 emotional pain and suffering, loss of society and loss of  
33 companionship.

**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.**