

**ASSEMBLY, No. 1767**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman NANCY F. MUNOZ**

**District 21 (Morris, Somerset and Union)**

**SYNOPSIS**

Expands domestic violence protection for adoptive parents.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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

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

44 c. "Law enforcement officer" means a person whose public  
45 duties include the power to act as an officer for the detection,

**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 apprehension, arrest and conviction of offenders against the laws of  
2 this State.

3 d. "Victim of domestic violence" means a person protected  
4 under this act and shall include any person who is 18 years of age or  
5 older or who is an emancipated minor and who has been subjected  
6 to domestic violence by a spouse, former spouse, or any other  
7 person who is a present household member or was at any time a  
8 household member. "Victim of domestic violence" also includes:

9 (1) any person, regardless of age, who has been subjected to  
10 domestic violence by a person with whom the victim has a child in  
11 common, or with whom the victim anticipates having a child in  
12 common, if one of the parties is pregnant. ["Victim of domestic  
13 violence" also includes]

14 (2) any person who has been subjected to domestic violence by  
15 a person with whom the victim has had a dating relationship; and

16 (3) any parent of an adopted child who has been subjected to  
17 domestic violence by a person whose parental rights towards the  
18 adopted child have been terminated.

19 e. "Emancipated minor" means a person who is under 18 years  
20 of age but who has been married, has entered military service, has a  
21 child or is pregnant or has been previously declared by a court or an  
22 administrative agency to be emancipated.

23 (cf: P.L.2015, c.98, s.2)

24  
25 2. This act shall take effect on the first day of the second month  
26 following enactment.

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## STATEMENT

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31 This bill amends the definition of "victim of domestic violence"  
32 in the "Prevention of Domestic Violence Act of 1991," P.L.1991,  
33 c.261 (C.2C:25-17 et al.), to include as a victim any parent of an  
34 adopted child who has been subjected to domestic violence by a  
35 person whose parental rights towards the adopted child have been  
36 terminated. This change would provide an adoptive parent with the  
37 statutory protections afforded by the "Prevention of Domestic  
38 Violence Act of 1991," which can include, *inter alia*, the filing and  
39 receipt of temporary and final restraining orders against the  
40 perpetrator, forbidding the perpetrator from possessing any firearm  
41 or other weapon, and monetary compensation stemming from the  
42 perpetrator's act of domestic violence.

43 As set forth in the current law (section 3 of P.L.1991, c.261  
44 (C.2C:25-19)), domestic violence includes any of the following  
45 offenses:

- 46 • Homicide N.J.S.2C:11-1 et seq.
- 47 • Assault N.J.S.2C:12-1
- 48 • Terroristic threats N.J.S.2C:12-3

- 1       • Kidnapping N.J.S.2C:13-1
- 2       • Criminal restraint N.J.S.2C:13-2
- 3       • False imprisonment N.J.S.2C:13-3
- 4       • Sexual assault N.J.S.2C:14-2
- 5       • Criminal sexual contact N.J.S.2C:14-3
- 6       • Lewdness N.J.S.2C:14-4
- 7       • Criminal mischief N.J.S.2C:17-3
- 8       • Burglary N.J.S.2C:18-2
- 9       • Criminal trespass N.J.S.2C:18-3
- 10      • Harassment N.J.S.2C:33-4
- 11      • Stalking P.L.1992, c.209 (C.2C:12-10)

12       Thus, an adoptive parent who was subjected to one or more of  
13 these offenses by a person whose parental rights toward the adopted  
14 child were terminated could, as established by the bill, receive  
15 protections under the “Prevention of Domestic Violence Act of  
16 1991.”