

ASSEMBLY, No. 4919

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Co-Sponsored by:

Assemblywoman Dunn

SYNOPSIS

Revises definition of domestic violence to include psychological abuse and economic abuse.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/16/2020)

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

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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. 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 (20) Any other offense involving psychological abuse that causes
37 fear or serious alarm or distress that has a substantial adverse
38 impact on a person's daily activities; or

39 (21) Economic abuse. As used in this paragraph, "economic
40 abuse" means any behavior that has a substantial adverse effect on
41 the ability of a person protected under this act to: (a) acquire, use,
42 or maintain money or other property, or (b) obtain goods or
43 services.

44 When one or more of these acts is inflicted by an unemancipated
45 minor upon a person protected under this act, the occurrence shall

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 not constitute "domestic violence," but may be the basis for the
2 filing of a petition or complaint pursuant to the provisions of
3 section 11 of P.L.1982, c.77 (C.2A:4A-30).

4 b. "Law enforcement agency" means a department, division,
5 bureau, commission, board or other authority of the State or of any
6 political subdivision thereof which employs law enforcement
7 officers.

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

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

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

28 (cf: P.L.2016, c.77, s.1)

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30 2. This act shall take effect immediately.

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STATEMENT

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35 This bill revises the definition of domestic violence to include
36 psychological abuse and economic abuse.

37 Under the "Prevention of Domestic Violence Act of 1991,"
38 P.L.1991, c.261 (C.2C:25-17 et al.) "domestic violence" means the
39 occurrence of one or more of the enumerated acts set forth in
40 section 3 of P.L.1991, c.261 (C.2C:25-19) upon a person protected
41 under the act. The bill would add the following enumerated acts to
42 the statute:

43 (1) Any other offense involving psychological abuse that causes
44 fear or serious alarm or distress that has a substantial adverse
45 impact on a person's daily activities; and

46 (2) Economic abuse, defined as any behavior that has a
47 substantial adverse effect on the ability of a person protected under
48 the "Prevention of Domestic Violence Act of 1991" to: (a) acquire,
49 use, or maintain money or other property, or (b) obtain goods or
50 services.