

SENATE, No. 780

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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

Introduced Pending Technical Review by Legislative Counsel.



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

3

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

6

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)

19

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.

22

23

24

STATEMENT

25

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.