

**SENATE, No. 1214**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED FEBRUARY 3, 2020

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Requires counseling for certain domestic violence offenders.

**CURRENT VERSION OF TEXT**

As introduced.



S1214 TURNER

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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 11 of P.L.1991, c.261 (C.2C:25-27) is amended to  
8 read as follows:

9 11. a. When a defendant is found guilty of a crime or offense  
10 involving domestic violence and a condition of sentence restricts  
11 the defendant's ability to have contact with the victim, the victim's  
12 friends, co-workers, or relatives, or an animal owned, possessed,  
13 leased, kept, or held by either party or a minor child residing in the  
14 household, that condition shall be recorded in an order of the court  
15 and a written copy of that order shall be provided to the victim by  
16 the clerk of the court or other person designated by the court. In  
17 addition to restricting a defendant's ability to have contact with the  
18 victim, the victim's friends, co-workers, or relatives, or an animal  
19 owned, possessed, leased, kept, or held by either party or a minor  
20 child residing in the household, the court may require the defendant  
21 to receive professional counseling from either a private source or a  
22 source appointed by the court, but in either case conducted by a  
23 person who has demonstrated expertise in individual or group  
24 domestic violence counseling. **[and if]** In any case where the court  
25 either suspends the imposition of a sentence or sentences the  
26 defendant to be placed on probation, in addition to any other  
27 provisions required by law or conditions ordered by the court, the  
28 court shall require the defendant to participate in, and complete, a  
29 program of professional counseling as a condition of the sentence.  
30 If the court [so] orders professional counseling, the court shall  
31 require the defendant to provide documentation of attendance at the  
32 professional counseling. In any case where the court order contains  
33 a requirement that the defendant receive professional counseling, no  
34 application by the defendant to dissolve the restraining order shall  
35 be granted unless, in addition to any other provisions required by  
36 law or conditions ordered by the court, the defendant has completed  
37 all required attendance at such counseling.

38 b. In addition the court may enter an order directing the  
39 possession of an animal owned, possessed, leased, kept, or held by  
40 either party or a minor child residing in the household. Where a  
41 person has abused or threatened to abuse such animal, there shall be  
42 a presumption that possession of the animal shall be awarded to the  
43 non-abusive party.

44 c. (1) When a defendant is found guilty of a crime or offense  
45 involving domestic violence, the court shall inform the defendant

**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 that the defendant is prohibited from purchasing, owning,  
2 possessing, or controlling a firearm pursuant to section 6 of  
3 P.L.1979, c.179 (C.2C:39-7) and from receiving or retaining a  
4 firearms purchaser identification card or permit to purchase a  
5 handgun pursuant to N.J.S.2C:58-3. The court shall order the  
6 defendant to arrange for the immediate surrender to a law  
7 enforcement officer of any firearm that has not already been seized  
8 or surrendered and any firearms purchaser identification card or  
9 permit to purchase a handgun possessed by the defendant. No later  
10 than five business days after the order is entered, however, the  
11 defendant may arrange to sell any surrendered firearm to a licensed  
12 retail dealer of firearms who shall be authorized to take possession  
13 of that purchased firearm from the law enforcement agency to  
14 which it was surrendered no later than 10 business days after the  
15 order is entered. Any card or permit issued to the defendant shall be  
16 deemed immediately revoked. The court shall establish a process  
17 for notifying the appropriate authorities of the conviction requiring  
18 the revocation of the card or permit. A law enforcement officer  
19 accepting a surrendered firearm shall provide the defendant with a  
20 receipt listing the date of surrender, the name of the defendant, and  
21 any item that has been surrendered, including the serial number,  
22 manufacturer, and model of the surrendered firearm. The defendant  
23 shall provide a copy of this receipt to the prosecutor within 48 hours  
24 of service of the order, and shall attest under penalty that any  
25 firearms owned or possessed at the time of the order have been  
26 transferred in accordance with this section and that the defendant  
27 currently does not possess any firearms. The defendant alternatively  
28 may attest under penalty that he did not own or possess a firearm at  
29 the time of the order and currently does not possess a firearm. If  
30 the court, upon motion of the prosecutor, finds probable cause that  
31 the defendant has failed to surrender any firearm, card, or permit,  
32 the court may order a search for and removal of these items at any  
33 location where the judge has reasonable cause to believe these items  
34 are located. The judge shall state with specificity the reasons for  
35 and the scope of the search and seizure authorized by the order.

36 (2) A law enforcement officer who receives a firearm that is  
37 surrendered, but not purchased and taken possession of by a  
38 licensed retail dealer of firearms within 10 business days of when  
39 the order is entered pursuant to paragraph (1) of this subsection,  
40 may dispose of the surrendered firearm in accordance with the  
41 provisions of N.J.S.2C:64-6. A firearm purchased by a licensed  
42 retail dealer from a defendant shall become part of the inventory of  
43 the dealer.

44 (cf: P.L.2016, c.91, s.1)

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46 2. This act shall take effect immediately and shall apply to  
47 offenses occurring on or after the effective date of this act.

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STATEMENT

This bill would require that defendants convicted of an offense involving domestic violence who are placed on probation or have their sentence suspended attend domestic violence counseling. Under current law a court may, in its discretion, require the defendant to receive professional counseling from either a private source or a source appointed by the court.

Under this bill, in all cases of court-ordered domestic violence counseling under N.J.S.A.2C:25-27 the counselor would be required to have demonstrated expertise in individual or group domestic violence counseling. In cases in which a defendant is found guilty of a crime or offense involving domestic violence and where the court suspends the imposition of a sentence or sentences a defendant to be placed on probation the court would be required to order the defendant to participate in, and complete, a program of professional counseling. This bill is modeled after similar laws in California, North Carolina and Minnesota.