

SENATE, No. 1697

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator LORETTA WEINBERG
District 37 (Bergen)

SYNOPSIS

Strengthens location confidentiality for certain crime victims.

CURRENT VERSION OF TEXT

As introduced.



S1697 WEINBERG

2

1 AN ACT concerning information about certain victims, amending
2 various parts of the statutory law, and supplementing Title 2C of
3 the New Jersey Statutes.

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

7
8 1. Section 3 of P.L.1996, c.39 (C.2C:12-10.1) is amended to
9 read as follows:

10 3. a. A judgment of conviction for stalking shall operate as an
11 application for a permanent restraining order limiting the contact of
12 the defendant and the victim who was stalked. The victim's location
13 shall be confidential and shall not appear on any law enforcement or
14 court documents or records to which the defendant has access.

15 b. A hearing shall be held on the application for a permanent
16 restraining order at the time of the verdict or plea of guilty unless
17 the victim requests otherwise. This hearing shall be in Superior
18 Court. A permanent restraining order may grant the following
19 specific relief:

20 (1) An order restraining the defendant from entering the
21 residence, property, school, or place of employment of the victim
22 and requiring the defendant to stay away from any specified place
23 that is named in the order and is frequented regularly by the victim.

24 (2) An order restraining the defendant from making contact with
25 the victim, including an order forbidding the defendant from
26 personally or through an agent initiating any communication likely
27 to cause annoyance or alarm including, but not limited to, personal,
28 written, or telephone contact, or contact via electronic device, with
29 the victim, the victim's employers, employees, or fellow workers, or
30 others with whom communication would be likely to cause
31 annoyance or alarm to the victim. As used in this paragraph,
32 "communication" shall have the same meaning as defined in
33 subsection q. of N.J.S.2C:1-14.

34 c. The permanent restraining order entered by the court
35 subsequent to a conviction for stalking as provided in this act may
36 be dissolved upon the application of the stalking victim to the court
37 which granted the order.

38 d. Notice of permanent restraining orders issued pursuant to
39 this act shall be sent by the clerk of the court or other person
40 designated by the court to the appropriate chiefs of police, members
41 of the State Police and any other appropriate law enforcement
42 agency or court.

43 e. Any permanent restraining order issued pursuant to this act
44 shall be in effect throughout the State, and shall be enforced by all
45 law enforcement officers.

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 f. A violation by the defendant of an order issued pursuant to
2 this act shall constitute an offense under subsection a. of
3 N.J.S.2C:29-9 and each order shall so state. Violations of these
4 orders may be enforced in a civil or criminal action initiated by the
5 stalking victim or by the court, on its own motion, pursuant to
6 applicable court rules. Nothing in this act shall preclude the filing
7 of a criminal complaint for stalking based on the same act which is
8 the basis for the violation of the permanent restraining order.

9 (cf: P.L.2009, c.232, s.1)

10

11 2. Section 9 of P.L.1991, c.261 (C.2C:25-25) is amended to
12 read as follows:

13 9. The court in a criminal complaint arising from a domestic
14 violence incident:

15 a. Shall not dismiss any charge or delay disposition of a case
16 because of concurrent dissolution of a marriage, other civil
17 proceedings, or because the victim has left the residence to avoid
18 further incidents of domestic violence; and

19 b. Shall not require proof that either party is seeking a
20 dissolution of a marriage prior to institution of criminal proceedings
21 **【;】**

22 c. **【Shall waive any requirement that the victim's location be**
23 **disclosed to any person】** (Deleted by amendment, P.L. _____, c.
24 (pending before the Legislature as this bill)

25 The victim's location shall be confidential and shall not appear
26 on any law enforcement or court documents or records to which the
27 defendant has access.

28 (cf: P.L.1991, c.261, s.9)

29

30 3. Section 2 of P.L.1999, c.47 (C.2C:12-10.2) is amended to
31 read as follows:

32 2. a. In any case involving an allegation of stalking where the
33 victim is a child under the age of 18 years or is developmentally
34 disabled as defined in section 3 of P.L.1977, c.200 (C.5:5-44.4) or
35 where the victim is 18 years of age or older and has a mental
36 disease or defect which renders the victim temporarily or
37 permanently incapable of understanding the nature of his conduct,
38 including, but not limited to, being incapable of providing consent,
39 the court may issue a temporary restraining order against the
40 defendant which limits the contact of the defendant and the victim.
41 The location of the victim and the location of the parent or guardian
42 of the victim shall be confidential and shall not appear on any law
43 enforcement or court documents or records to which the defendant
44 has access.

45 b. The provisions of subsection a. of this section are in addition
46 to, and not in lieu of, the provisions of section 3 of P.L.1996, c.39
47 (C.2C:12-10.1) which provide that a judgment of conviction for

1 stalking shall operate as an application for a permanent restraining
2 order limiting the contact of the defendant and the victim.

3 c. The parent or guardian of the child or the person described
4 in subsection a. of this section may file a complaint with the
5 Superior Court in conformity with the **【rules of court】** Rules of
6 Court seeking a temporary restraining order against a person alleged
7 to have committed stalking against the child or the person described
8 in subsection a. of this section. The parent or guardian may seek
9 emergency, ex parte relief. A decision shall be made by the judge
10 regarding the emergency relief forthwith. If it appears that the child
11 or the person described in subsection a. of this section is in danger
12 of being stalked by the defendant, the judge shall issue a temporary
13 restraining order pursuant to subsection e. of this section.

14 d. A conviction of stalking shall not be a prerequisite for the
15 grant of a temporary restraining order under this act.

16 e. A temporary restraining order issued under this act shall
17 limit the contact of the defendant and the child or the person
18 described in subsection a. of this section who was stalked and in
19 addition may grant all other relief specified in section 3 of
20 P.L.1996, c.39 (C.2C:12-10.1).

21 f. A hearing shall be held in the Superior Court within 10 days
22 of the issuance of any temporary restraining order which was issued
23 on an emergency, ex parte basis. A copy of the complaint shall be
24 served on the defendant in conformity with the **【rules of court】**
25 Rules of Court. At the hearing the standard for continuing the
26 temporary restraining order shall be by a preponderance of the
27 evidence.

28 g. If the court rules that the temporary restraining order shall
29 be continued, the order shall remain in effect until either:

30 (1) the defendant is convicted of stalking, in which case the
31 court shall hold a hearing on the issue of whether a permanent
32 restraining order shall be entered pursuant to section 3 of P.L.1996,
33 c.39 (C.2C:12-10.1); or

34 (2) the victim's parent or guardian or, in the case of a victim
35 who has reached the age of 18, the victim, requests that the
36 restraining order be dismissed and the court finds just cause to do
37 so.

38 (cf: P.L.2011, c.232, s.1)

39

40 4. (New section) In any criminal complaint involving an
41 allegation of stalking in violation of section 1 of P.L.1992, c.209
42 (C.2C:12-10), the victim's location shall be confidential and shall
43 not appear on any law enforcement or court documents or records to
44 which the defendant has access.

45

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

1 11. a. When a defendant is found guilty of a crime or offense
2 involving domestic violence **【and】** , the victim's location shall be
3 confidential and shall not appear on any law enforcement or court
4 documents or records to which the defendant has access. When a
5 condition of sentence restricts the defendant's ability to have contact
6 with the victim, the victim's friends, co-workers, or relatives, or an
7 animal owned, possessed, leased, kept, or held by either party or a
8 minor child residing in the household, that condition shall be
9 recorded in an order of the court and a written copy of that order
10 shall be provided to the victim by the clerk of the court or other
11 person designated by the court. In addition to restricting a
12 defendant's ability to have contact with the victim, the victim's
13 friends, co-workers, or relatives, or an animal owned, possessed,
14 leased, kept, or held by either party or a minor child residing in the
15 household, the court may require the defendant to receive
16 professional counseling from either a private source or a source
17 appointed by the court, and if the court so orders, the court shall
18 require the defendant to provide documentation of attendance at the
19 professional counseling. In any case where the court order contains
20 a requirement that the defendant receive professional counseling, no
21 application by the defendant to dissolve the restraining order shall
22 be granted unless, in addition to any other provisions required by
23 law or conditions ordered by the court, the defendant has completed
24 all required attendance at such counseling.

25 b. In addition the court may enter an order directing the
26 possession of an animal owned, possessed, leased, kept, or held by
27 either party or a minor child residing in the household. Where a
28 person has abused or threatened to abuse such animal, there shall be
29 a presumption that possession of the animal shall be awarded to the
30 non-abusive party.

31 c. (1) When a defendant is found guilty of a crime or offense
32 involving domestic violence, the court shall inform the defendant
33 that the defendant is prohibited from purchasing, owning,
34 possessing, or controlling a firearm pursuant to section 6 of
35 P.L.1979, c.179 (C.2C:39-7) and from receiving or retaining a
36 firearms purchaser identification card or permit to purchase a
37 handgun pursuant to N.J.S.2C:58-3. The court shall order the
38 defendant to arrange for the immediate surrender to a law
39 enforcement officer of any firearm that has not already been seized
40 or surrendered and any firearms purchaser identification card or
41 permit to purchase a handgun possessed by the defendant. No later
42 than five business days after the order is entered, however, the
43 defendant may arrange to sell any surrendered firearm to a licensed
44 retail dealer of firearms who shall be authorized to take possession
45 of that purchased firearm from the law enforcement agency to
46 which it was surrendered no later than 10 business days after the
47 order is entered. Any card or permit issued to the defendant shall be
48 deemed immediately revoked. The court shall establish a process

1 for notifying the appropriate authorities of the conviction requiring
2 the revocation of the card or permit. A law enforcement officer
3 accepting a surrendered firearm shall provide the defendant with a
4 receipt listing the date of surrender, the name of the defendant, and
5 any item that has been surrendered, including the serial number,
6 manufacturer, and model of the surrendered firearm. The defendant
7 shall provide a copy of this receipt to the prosecutor within 48 hours
8 of service of the order, and shall attest under penalty that any
9 firearms owned or possessed at the time of the order have been
10 transferred in accordance with this section and that the defendant
11 currently does not possess any firearms. The defendant alternatively
12 may attest under penalty that he did not own or possess a firearm at
13 the time of the order and currently does not possess a firearm. If
14 the court, upon motion of the prosecutor, finds probable cause that
15 the defendant has failed to surrender any firearm, card, or permit,
16 the court may order a search for and removal of these items at any
17 location where the judge has reasonable cause to believe these items
18 are located. The judge shall state with specificity the reasons for
19 and the scope of the search and seizure authorized by the order.

20 (2) A law enforcement officer who receives a firearm that is
21 surrendered, but not purchased and taken possession of by a
22 licensed retail dealer of firearms within 10 business days of when
23 the order is entered pursuant to paragraph (1) of this subsection,
24 may dispose of the surrendered firearm in accordance with the
25 provisions of N.J.S.2C:64-6. A firearm purchased by a licensed
26 retail dealer from a defendant shall become part of the inventory of
27 the dealer.

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

29

30 6. N.J.S.2C:12-1 is amended to read as follows:

31 2C:12-1 Assault.

32 2C:12-1. Assault. a. Simple assault. A person is guilty of
33 assault if the person:

34 (1) Attempts to cause or purposely, knowingly or recklessly
35 causes bodily injury to another; or

36 (2) Negligently causes bodily injury to another with a deadly
37 weapon; or

38 (3) Attempts by physical menace to put another in fear of
39 imminent serious bodily injury.

40 Simple assault is a disorderly persons offense unless committed
41 in a fight or scuffle entered into by mutual consent, in which case it
42 is a petty disorderly persons offense.

43 b. Aggravated assault. A person is guilty of aggravated assault
44 if the person:

45 (1) Attempts to cause serious bodily injury to another, or causes
46 injury purposely or knowingly or under circumstances manifesting
47 extreme indifference to the value of human life recklessly causes
48 such injury; or

- 1 (2) Attempts to cause or purposely or knowingly causes bodily
2 injury to another with a deadly weapon; or
- 3 (3) Recklessly causes bodily injury to another with a deadly
4 weapon; or
- 5 (4) Knowingly under circumstances manifesting extreme
6 indifference to the value of human life points a firearm, as defined
7 in subsection f. of N.J.S.2C:39-1, at or in the direction of another,
8 whether or not the actor believes it to be loaded; or
- 9 (5) Commits a simple assault as defined in paragraph (1), (2), or
10 (3) of subsection a. of this section upon:
- 11 (a) Any law enforcement officer acting in the performance of
12 the officer's duties while in uniform or exhibiting evidence of
13 authority or because of the officer's status as a law enforcement
14 officer; or
- 15 (b) Any paid or volunteer firefighter acting in the performance
16 of the firefighter's duties while in uniform or otherwise clearly
17 identifiable as being engaged in the performance of the duties of a
18 firefighter; or
- 19 (c) Any person engaged in emergency first-aid or medical
20 services acting in the performance of the person's duties while in
21 uniform or otherwise clearly identifiable as being engaged in the
22 performance of emergency first-aid or medical services; or
- 23 (d) Any school board member, school administrator, teacher,
24 school bus driver, or other employee of a public or nonpublic
25 school or school board while clearly identifiable as being engaged
26 in the performance of the person's duties or because of the person's
27 status as a member or employee of a public or nonpublic school or
28 school board or any school bus driver employed by an operator
29 under contract to a public or nonpublic school or school board while
30 clearly identifiable as being engaged in the performance of the
31 person's duties or because of the person's status as a school bus
32 driver; or
- 33 (e) Any employee of the Division of Child Protection and
34 Permanency while clearly identifiable as being engaged in the
35 performance of the employee's duties or because of the status as an
36 employee of the division; or
- 37 (f) Any justice of the Supreme Court, judge of the Superior
38 Court, judge of the Tax Court or municipal judge while clearly
39 identifiable as being engaged in the performance of judicial duties
40 or because of the status as a member of the judiciary; or
- 41 (g) Any operator of a motorbus or the operator's supervisor or
42 any employee of a rail passenger service while clearly identifiable
43 as being engaged in the performance of the person's duties or
44 because of the status as an operator of a motorbus or as the
45 operator's supervisor or as an employee of a rail passenger service;
46 or
- 47 (h) Any Department of Corrections employee, county
48 correctional police officer, juvenile correctional police officer, State

1 juvenile facility employee, juvenile detention staff member,
2 juvenile detention officer, probation officer or any sheriff,
3 undersheriff, or sheriff's officer acting in the performance of the
4 person's duties while in uniform or exhibiting evidence of the
5 person's authority or because of the status as a Department of
6 Corrections employee, county correctional police officer, juvenile
7 correctional police officer, State juvenile facility employee, juvenile
8 detention staff member, juvenile detention officer, probation
9 officer, sheriff, undersheriff, or sheriff's officer; or

10 (i) Any employee, including any person employed under
11 contract, of a utility company as defined in section 2 of P.L.1971,
12 c.224 (C.2A:42-86) or a cable television company subject to the
13 provisions of the "Cable Television Act," P.L.1972, c.186
14 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in
15 the performance of the employee's duties in regard to connecting,
16 disconnecting, or repairing or attempting to connect, disconnect, or
17 repair any gas, electric, or water utility, or cable television or
18 telecommunication service; or

19 (j) Any health care worker employed by a licensed health care
20 facility to provide direct patient care, any health care professional
21 licensed or otherwise authorized pursuant to Title 26 or Title 45 of
22 the Revised Statutes to practice a health care profession, except a
23 direct care worker at a State or county psychiatric hospital or State
24 developmental center or veterans' memorial home, while clearly
25 identifiable as being engaged in the duties of providing direct
26 patient care or practicing the health care profession; or

27 (k) Any direct care worker at a State or county psychiatric
28 hospital or State developmental center or veterans' memorial home,
29 while clearly identifiable as being engaged in the duties of
30 providing direct patient care or practicing the health care
31 profession, provided that the actor is not a patient or resident at the
32 facility who is classified by the facility as having a mental illness or
33 developmental disability; or

34 (6) Causes bodily injury to another person while fleeing or
35 attempting to elude a law enforcement officer in violation of
36 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
37 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
38 other provision of law to the contrary, a person shall be strictly
39 liable for a violation of this paragraph upon proof of a violation of
40 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
41 violation of subsection c. of N.J.S.2C:20-10 which resulted in
42 bodily injury to another person; or

43 (7) Attempts to cause significant bodily injury to another or
44 causes significant bodily injury purposely or knowingly or, under
45 circumstances manifesting extreme indifference to the value of
46 human life recklessly causes such significant bodily injury; or

47 (8) Causes bodily injury by knowingly or purposely starting a
48 fire or causing an explosion in violation of N.J.S.2C:17-1 which

1 results in bodily injury to any emergency services personnel
2 involved in fire suppression activities, rendering emergency
3 medical services resulting from the fire or explosion or rescue
4 operations, or rendering any necessary assistance at the scene of the
5 fire or explosion, including any bodily injury sustained while
6 responding to the scene of a reported fire or explosion. For
7 purposes of this paragraph, "emergency services personnel" shall
8 include, but not be limited to, any paid or volunteer firefighter, any
9 person engaged in emergency first-aid or medical services and any
10 law enforcement officer. Notwithstanding any other provision of
11 law to the contrary, a person shall be strictly liable for a violation of
12 this paragraph upon proof of a violation of N.J.S.2C:17-1 which
13 resulted in bodily injury to any emergency services personnel; or

14 (9) Knowingly, under circumstances manifesting extreme
15 indifference to the value of human life, points or displays a firearm,
16 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of
17 a law enforcement officer; or

18 (10) Knowingly points, displays or uses an imitation firearm, as
19 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
20 law enforcement officer with the purpose to intimidate, threaten, or
21 attempt to put the officer in fear of bodily injury or for any unlawful
22 purpose; or

23 (11) Uses or activates a laser sighting system or device, or a
24 system or device which, in the manner used, would cause a
25 reasonable person to believe that it is a laser sighting system or
26 device, against a law enforcement officer acting in the performance
27 of the officer's duties while in uniform or exhibiting evidence of the
28 officer's authority. As used in this paragraph, "laser sighting system
29 or device" means any system or device that is integrated with or
30 affixed to a firearm and emits a laser light beam that is used to
31 assist in the sight alignment or aiming of the firearm; or

32 (12) Attempts to cause significant bodily injury or causes
33 significant bodily injury purposely or knowingly or, under
34 circumstances manifesting extreme indifference to the value of
35 human life, recklessly causes significant bodily injury to a person
36 who, with respect to the actor, meets the definition of a victim of
37 domestic violence, as defined in subsection d. of section 3 of
38 P.L.1991, c.261 (C.2C:25-19); or

39 (13) Knowingly or, under circumstances manifesting extreme
40 indifference to the value of human life, recklessly obstructs the
41 breathing or blood circulation of a person who, with respect to the
42 actor, meets the definition of a victim of domestic violence, as
43 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-
44 19), by applying pressure on the throat or neck or blocking the nose
45 or mouth of such person, thereby causing or attempting to cause
46 bodily injury.

47 Aggravated assault under paragraphs (1) and (6) of subsection b.
48 of this section is a crime of the second degree; under paragraphs

1 (2), (7), (9), and (10) of subsection b. of this section is a crime of
2 the third degree; under paragraphs (3) and (4) of subsection b. of
3 this section is a crime of the fourth degree; and under paragraph (5)
4 of subsection b. of this section is a crime of the third degree if the
5 victim suffers bodily injury, otherwise it is a crime of the fourth
6 degree. Aggravated assault under paragraph (8) of subsection b. of
7 this section is a crime of the third degree if the victim suffers bodily
8 injury; if the victim suffers significant bodily injury or serious
9 bodily injury it is a crime of the second degree. Aggravated assault
10 under paragraph (11) of subsection b. of this section is a crime of
11 the third degree. Aggravated assault under paragraph (12) or (13)
12 of subsection b. of this section is a crime of the third degree but the
13 presumption of non-imprisonment set forth in subsection e. of
14 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall
15 not apply.

16 c. (1) A person is guilty of assault by auto or vessel when the
17 person drives a vehicle or vessel recklessly and causes either
18 serious bodily injury or bodily injury to another. Assault by auto or
19 vessel is a crime of the fourth degree if serious bodily injury results
20 and is a disorderly persons offense if bodily injury results. Proof
21 that the defendant was operating a hand-held wireless telephone
22 while driving a motor vehicle in violation of section 1 of P.L.2003,
23 c.310 (C.39:4-97.3) may give rise to an inference that the defendant
24 was driving recklessly.

25 (2) Assault by auto or vessel is a crime of the third degree if the
26 person drives the vehicle while in violation of R.S.39:4-50 or
27 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily
28 injury results and is a crime of the fourth degree if the person drives
29 the vehicle while in violation of R.S.39:4-50 or section 2 of
30 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

31 (3) Assault by auto or vessel is a crime of the second degree if
32 serious bodily injury results from the defendant operating the auto
33 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,
34 c.512 (C.39:4-50.4a) while:

35 (a) on any school property used for school purposes which is
36 owned by or leased to any elementary or secondary school or school
37 board, or within 1,000 feet of such school property;

38 (b) driving through a school crossing as defined in R.S.39:1-1 if
39 the municipality, by ordinance or resolution, has designated the
40 school crossing as such; or

41 (c) driving through a school crossing as defined in R.S.39:1-1
42 knowing that juveniles are present if the municipality has not
43 designated the school crossing as such by ordinance or resolution.

44 Assault by auto or vessel is a crime of the third degree if bodily
45 injury results from the defendant operating the auto or vessel in
46 violation of this paragraph.

47 A map or true copy of a map depicting the location and
48 boundaries of the area on or within 1,000 feet of any property used

1 for school purposes which is owned by or leased to any elementary
2 or secondary school or school board produced pursuant to section 1
3 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under
4 subparagraph (a) of paragraph (3) of this subsection.

5 It shall be no defense to a prosecution for a violation of
6 subparagraph (a) or (b) of paragraph (3) of this subsection that the
7 defendant was unaware that the prohibited conduct took place while
8 on or within 1,000 feet of any school property or while driving
9 through a school crossing. Nor shall it be a defense to a prosecution
10 under subparagraph (a) or (b) of paragraph (3) of this subsection
11 that no juveniles were present on the school property or crossing
12 zone at the time of the offense or that the school was not in session.

13 (4) Assault by auto or vessel is a crime of the third degree if the
14 person purposely drives a vehicle in an aggressive manner directed
15 at another vehicle and serious bodily injury results and is a crime of
16 the fourth degree if the person purposely drives a vehicle in an
17 aggressive manner directed at another vehicle and bodily injury
18 results. For purposes of this paragraph, "driving a vehicle in an
19 aggressive manner" shall include, but is not limited to,
20 unexpectedly altering the speed of the vehicle, making improper or
21 erratic traffic lane changes, disregarding traffic control devices,
22 failing to yield the right of way, or following another vehicle too
23 closely.

24 As used in this subsection, "vessel" means a means of
25 conveyance for travel on water and propelled otherwise than by
26 muscular power.

27 d. A person who is employed by a facility as defined in section
28 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as
29 defined in paragraph (1) or (2) of subsection a. of this section upon
30 an institutionalized elderly person as defined in section 2 of
31 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth
32 degree.

33 e. (Deleted by amendment, P.L.2001, c.443).

34 f. A person who commits a simple assault as defined in
35 paragraph (1), (2), or (3) of subsection a. of this section in the
36 presence of a child under 16 years of age at a school or community
37 sponsored youth sports event is guilty of a crime of the fourth
38 degree. The defendant shall be strictly liable upon proof that the
39 offense occurred, in fact, in the presence of a child under 16 years
40 of age. It shall not be a defense that the defendant did not know
41 that the child was present or reasonably believed that the child was
42 16 years of age or older. The provisions of this subsection shall not
43 be construed to create any liability on the part of a participant in a
44 youth sports event or to abrogate any immunity or defense available
45 to a participant in a youth sports event. As used in this act, "school
46 or community sponsored youth sports event" means a competition,
47 practice, or instructional event involving one or more
48 interscholastic sports teams or youth sports teams organized

1 pursuant to a nonprofit or similar charter or which are member
2 teams in a youth league organized by or affiliated with a county or
3 municipal recreation department and shall not include collegiate,
4 semi-professional or professional sporting events.

5 g. A victim of assault may make application to the court for an
6 order providing that the victim's location shall be confidential and
7 shall not appear on any law enforcement or court documents or
8 records to which the defendant has access.

9 (cf: P.L.2019, c.219, s.3)

10

11 7. Section 2 of P.L.2007, c.133 (C.2C:14-12) is amended to
12 read as follows:

13 2. a. When a defendant charged with a sex offense is released
14 from custody before trial on bail or personal recognizance, the court
15 authorizing the release may, as a condition of release, issue an order
16 prohibiting the defendant from having any contact with the victim
17 including, but not limited to, restraining the defendant from
18 entering the victim's residence, place of employment or business, or
19 school, and from harassing or stalking the victim or the victim's
20 relatives in any way.

21 b. The written court order releasing the defendant shall contain
22 the court's directives specifically restricting the defendant's ability
23 to have contact with the victim or the victim's friends, co-workers
24 or relatives. The clerk of the court or other person designated by
25 the court shall provide a copy of this order to the victim forthwith.

26 c. The victim's location shall **[remain]** be confidential and
27 shall not appear on any law enforcement or court documents or
28 records to which the defendant has access.

29 (cf: P.L.2007, c.133, s.2)

30

31 8. N.J.S.2C:33-4 is amended to read as follows:

32 2C:33-4. Harassment.

33 Except as provided in subsection e., a person commits a petty
34 disorderly persons offense if, with purpose to harass another, he:

35 a. Makes, or causes to be made, a communication or
36 communications anonymously or at extremely inconvenient hours,
37 or in offensively coarse language, or any other manner likely to
38 cause annoyance or alarm;

39 b. Subjects another to striking, kicking, shoving, or other
40 offensive touching, or threatens to do so; or

41 c. Engages in any other course of alarming conduct or of
42 repeatedly committed acts with purpose to alarm or seriously annoy
43 such other person.

44 A communication under subsection a. may be deemed to have
45 been made either at the place where it originated or at the place
46 where it was received.

47 d. (Deleted by amendment, P.L.2001, c.443).

1 e. A person commits a crime of the fourth degree if, in
2 committing an offense under this section, he was serving a term of
3 imprisonment or was on parole or probation as the result of a
4 conviction of any indictable offense under the laws of this State,
5 any other state or the United States.

6 f. A victim of harassment may make application to the court
7 for an order providing that the victim's location shall be
8 confidential and shall not appear on any law enforcement or court
9 documents or records to which the defendant has access.

10 (cf: P.L.2001, c.443, s.3)

11

12 9. Section 1 of P.L.2013, c.272 (C.2C:33-4.1) is amended to
13 read as follows:

14 1. a. A person commits the crime of cyber-harassment if, while
15 making a communication in an online capacity via any electronic
16 device or through a social networking site and with the purpose to
17 harass another, the person:

18 (1) threatens to inflict injury or physical harm to any person or
19 the property of any person;

20 (2) knowingly sends, posts, comments, requests, suggests, or
21 proposes any lewd, indecent, or obscene material to or about a
22 person with the intent to emotionally harm a reasonable person or
23 place a reasonable person in fear of physical or emotional harm to
24 his person; or

25 (3) threatens to commit any crime against the person or the
26 person's property.

27 b. Cyber-harassment is a crime of the fourth degree, unless the
28 person is 21 years of age or older at the time of the offense and
29 impersonates a minor for the purpose of cyber-harassing a minor, in
30 which case it is a crime of the third degree.

31 c. If a minor under the age of 16 is adjudicated delinquent for
32 cyber-harassment, the court may order as a condition of the
33 sentence that the minor, accompanied by a parent or guardian,
34 complete, in a satisfactory manner, one or both of the following:

35 (1) a class or training program intended to reduce the tendency
36 toward cyber-harassment behavior; or

37 (2) a class or training program intended to bring awareness to
38 the dangers associated with cyber-harassment.

39 d. A parent or guardian who fails to comply with a condition
40 imposed by the court pursuant to subsection c. of this section is a
41 disorderly person and shall be fined not more than \$25 for a first
42 offense and not more than \$100 for each subsequent offense.

43 e. A victim of cyber-harassment may make application to the
44 court for an order providing that the victim's location shall be
45 confidential and shall not appear on any law enforcement or court
46 documents or records to which the defendant has access.

47 (cf: P.L.2013, c.272, s.1)

1 10. This act shall take effect immediately.

2

3

4

STATEMENT

5

6 This bill provides that certain crime victim's location, including
7 victims of stalking, domestic violence, assault and harassment, are
8 confidential and shall not appear on any law enforcement or court
9 documents or records to which the defendant has access, or, could
10 become so by court order. By operation of law victims of domestic
11 violence related crimes and victims of stalking would not be
12 required to apply for an order. Victims of assault, harassment or
13 cyber-harassment could apply for an order for location
14 confidentiality.

15 Section 1 amends P.L. 1996, c.39 (C.2C:12-10.1). This statute
16 provides that a judgment of conviction for stalking operates as an
17 application for a permanent restraining order limiting the contact of
18 the defendant and the victim. A hearing will be held on the
19 application for a permanent restraining order at the time of the
20 verdict or plea of guilty unless the victim requests otherwise. The
21 bill provides that at the time of a stalking conviction, the victim's
22 location shall be confidential and shall not appear on any law
23 enforcement or court documents or records to which the defendant
24 shall have access.

25 Section 2 amends N.J.S.A.2C:25-25 to provide that in a criminal
26 complaint arising from a domestic violence incident, the victim's
27 location shall be confidential and shall not appear on any law
28 enforcement or court documents or records to which the defendant
29 has access.

30 Section 3 amends section 2 of P.L.1999, c.47 (C.2C:12-10.2).
31 This statute provides that in any case involving *an allegation* of
32 stalking where the victim is a child under the age of 18 or is
33 developmentally disabled as defined in section 3 of P.L.1977, c.200
34 (C.5:5-44.4) or is 18 years of age or older and has a mental disease
35 or defect which renders the victim temporarily or permanently
36 incapable of understanding the nature of his conduct, including, but
37 not limited to, being incapable of providing consent, the court may
38 issue a temporary restraining order against the defendant which
39 limits the contact of the defendant and the victim. The bill provides
40 that in these cases, the location of the victim and the location of the
41 parent or guardian shall be confidential and shall not appear on law
42 enforcement or court documents or records to which the defendant
43 has access.

44 Section 4 supplements the law to provide that in a criminal
45 complaint involving an allegation of stalking the victim's location
46 shall be confidential and shall not appear on law enforcement or court
47 documents or records to which the defendant has access.

1 Section 5 amends section 11 of P.L.1991, c.261 (C.2C:25-27).
2 This statute concerns procedures when a defendant *is found guilty*
3 *of a crime or offense* involving domestic violence. The bill clarifies
4 that upon the defendant's conviction the victim's location would
5 remain confidential and not appear on any law enforcement or court
6 documents or records to which the defendant has access.

7 Additional sections of the bill provide that a victim of assault
8 pursuant to N.J.S.2C:12-1, harassment pursuant to N.J.S.2C:33-4 or
9 cyber-harassment pursuant to section 1 of P.L. 2013, c.272 (C.2C:33-
10 4.1, can apply to the court for an order providing that the victim's
11 location would be confidential and would not appear on law
12 enforcement or court documents or records to which the defendant has
13 access.

14 Finally, the bill clarifies a provision in current law concerning
15 defendants charged with sex offenses. Under section 2 of P.L.2007,
16 c.133 (C.2C:14-12), when a defendant charged with a sex offense is
17 released from custody before trial on bail or personal recognizance, the
18 victim's location shall remain confidential and shall not appear on
19 documents or records to which the defendant has access. Under the
20 bill, this provision would apply both to law enforcement and to court
21 documents and records. The bill also changes the phrase in this
22 section "the victim's location shall *remain* confidential" to "the
23 victim's location shall *be* confidential" to account for any possible
24 inconsistency concerning the previous status of the confidentiality of
25 the victim's location.