

ASSEMBLY, No. 184

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen GIBSON and ASSELTA

1 AN ACT concerning permanent restraining orders in stalking cases and
2 supplementing Title 2C of the New Jersey Statutes.

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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. a. A judgment of conviction for stalking shall operate as an
8 application for a permanent restraining order limiting the contact of
9 the defendant and the victim who was stalked.

10 b. A hearing shall be held on the application for a permanent
11 restraining order within 30 days of the entering of the judgment of
12 conviction for stalking pursuant to section 1 of P.L. 1992, c. 209 (C.
13 2C:12-10) unless the victim requests otherwise. This hearing shall be
14 in Superior Court. A permanent restraining order may grant the
15 following specific relief:

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

20 (2) An order restraining the defendant from making contact with
21 the victim, including an order forbidding the defendant from personally
22 or through an agent initiating any communication likely to cause
23 annoyance or alarm including, but not limited to, personal, written, or
24 telephone contact with the victim the victim's employers, employees,
25 or fellow workers, or others with whom communication would be
26 likely to cause annoyance or alarm to the victim.

27 c. The permanent restraining order entered by the court subsequent
28 to a conviction for stalking as provided in this act may be dissolved
29 upon the application of the stalking victim to the court which granted
30 the order.

31 d. Notice of permanent restraining orders issued pursuant to this
32 act shall be sent by the clerk of the court or other person designated
33 by the court to the appropriate chiefs of police, members of the State
34 Police and any other appropriate law enforcement agency or court.

35 e. Any permanent restraining order issued pursuant to this act shall

1 be in effect throughout the State, and shall be enforced by all law
2 enforcement officers.

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

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12 2. This act shall take effect immediately.

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STATEMENT

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17 This bill provides that a judgment of conviction for stalking shall
18 operate as an application for a permanent restraining order limiting the
19 contact of the defendant and the victim who was stalked.

20 A hearing shall be held on the application for a permanent
21 restraining order within 30 days of the entering of the judgment of
22 conviction for stalking unless the victim requests otherwise in Superior
23 Court. A permanent restraining order may restrain the defendant from
24 entering the residence, property, school, or place of employment of the
25 victim or restrain the defendant from making contact with the victim,
26 including an order forbidding the defendant from personally or through
27 an agent initiating any communication likely to cause annoyance or
28 alarm including, but not limited to, personal, written, or telephone
29 contact with the victim, or the victim's employers, employees, or
30 fellow workers, or others with whom communication would be likely
31 to cause annoyance or alarm to the victim.

32 The permanent restraining order entered by the court may be
33 dissolved upon the application of the stalking victim to the court which
34 granted it.

35 Notice of permanent restraining orders issued shall be sent to the
36 appropriate chiefs of police, members of the State Police and any other
37 appropriate law enforcement agency or court.

38 Any permanent restraining order issued shall be in effect throughout
39 the State, and shall be enforced by all law enforcement officers.

40 A violation by the defendant of an order issued pursuant to this act
41 shall constitute an offense under subsection a. of N.J.S.2C:29-9 and
42 each order shall so state. Violations of these orders may be enforced
43 in a civil or criminal action initiated by the stalking victim or by the
44 court, on its own motion, pursuant to applicable court rules. Seeking
45 enforcement of the order does not preclude the filing of a criminal

1 complaint for stalking based on the same act which resulted in the
2 violation of the order.

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7 Provides application for a permanent restraining order following
8 convictions for stalking.