

ASSEMBLY, No. 2729

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 20, 1997

By Assemblyman WEINGARTEN

1 AN ACT concerning the use of false legal process and supplementing  
2 Title 2C and Title 2A 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. False legal process.

8 a. A person commits a crime of the fourth degree if he uses or  
9 attempts to use simulated legal process with the purpose of:

10 (1) subjecting another to the jurisdiction of a non-existent court or  
11 tribunal;

12 (2) subjecting another to pretended legal authority;

13 (3) threatening or harassing another;

14 (4) impersonating a public servant; or

15 (5) taking any other action prohibited by law.

16 b. As used in this section, "simulated legal process" means a  
17 document or order which falsely appears to have been issued by a  
18 court, law enforcement officer or other public official. "Simulated  
19 legal process" includes, but is not limited to, a false summons,  
20 complaint, lien, warrant, injunction, writ, notice, pleading, subpoena  
21 or order.

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23 2. A person who has been subjected to simulated legal process  
24 directed at that person in violation of section 1 of P.L. , c.

25 (C. )(now pending before the Legislature as this bill) shall have a  
26 civil cause of action against any person who participated in the use of  
27 such simulated legal process and shall be entitled to recover from any  
28 such person:

29 a. Actual damages, but not less than liquidated damages computed  
30 at the rate of \$100.00 a day for each day of violation, or \$1,000.00,  
31 whichever is higher;

32 b. Such punitive damages as may be warranted; and

33 c. A reasonable attorney's fee and other litigation costs reasonably  
34 incurred.

35 It is not a condition precedent to maintaining an action under this  
36 section that the defendant has been convicted of a violation of section  
37 1 of P.L. , c. (C. )(now pending before the Legislature as this bill).

