

SENATE, No. 453

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1996

By Senators CAFIERO and DiFRANCESCO

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 at the time of the verdict or plea of guilty unless the
12 victim requests otherwise. This hearing shall be in Superior Court. A
13 permanent restraining order may grant the following specific relief:

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

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

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

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

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

36 f. A violation by the defendant of an order issued pursuant to this
37 act shall constitute an offense under subsection a. of N.J.S.2C:29-9

1 and each order shall so state. Violations of these orders may be
2 enforced in a civil or criminal action initiated by the stalking victim or
3 by the court, on its own motion, pursuant to applicable court rules.
4 Nothing in this act shall preclude the filing of a criminal complaint for
5 stalking based on the same act which is the basis for the violation of
6 the permanent restraining order.

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8 2. This act shall take effect immediately.

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11 STATEMENT

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13 This bill provides that a judgement of conviction for stalking shall
14 operate as an application for a permanent restraining order limiting the
15 contact of the defendant and the victim who was stalked.

16 A permanent restraining order may restrain the defendant from
17 entering the residence, property, school, or place of employment of the
18 victim. A permanent order may also forbid the defendant from
19 initiating, personally or through an agent any communication likely to
20 cause annoyance or alarm including, but not limited to, personal,
21 written, or telephone contact with the victim, or the victim's
22 employers, employees, or fellow workers, or others with whom
23 communication would be likely to cause annoyance or alarm to the
24 victim.

25 The permanent restraining order entered by the court may be
26 dissolved upon the application of the stalking victim to the court which
27 granted it.

28 Notice of permanent restraining order issued shall be sent to the
29 appropriate chiefs of police, members of the State Police and any other
30 appropriate law enforcement agency or court.

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

33 A violation by the defendant of an order issued pursuant to this act
34 shall constitute an offense under subsection a. of N.J.S.2C:29-9 and
35 each order shall so state. Violations of these orders may be enforced
36 in a civil or criminal action initiated by the stalking victim or by the
37 court, on its own motion, pursuant to applicable court rules. Seeking
38 enforcement of the order does not preclude the filing of a criminal
39 complaint for stalking based on the same act which resulted in the
40 violation of the order.

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45 Provides application for a permanent restraining order following
46 convictions for stalking.