

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1078

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 18, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1078 (1R), with committee amendments.

As amended by the committee, this bill requires that certain domestic violence restraining orders and notices to domestic violence victims be issued in other languages in addition to English.

Currently, section 7 of P.L.1991, c.261 (C.2C:25-23) provides that a law enforcement officer must provide a domestic violence victim with a notice of the victim's rights, including the right to go to court to obtain a temporary restraining order and the right to file criminal charges. The statute also provides that the notice must be written in both English and Spanish. This bill provides that the notice be written by the Administrative Office of the Courts (AOC), in English, Spanish, and 10 additional languages commonly spoken in the State.

Section 12 of P.L.1991, c.261 (C.2C:25-28) provides that a victim may file a domestic violence complaint with the Family Part of the Chancery Division of the Superior Court (Family Part) or, at times when the Family Part is closed, with a judge of the Family Part or a judge of the municipal court assigned to accept such complaints and issue temporary restraining orders. The statute does not specify whether the order must be issued in a language other than English.

As amended, this bill provides that any temporary restraining order be issued in the primary language or languages used by both the plaintiff and the defendant.

Section 12 of P.L.1991, c.261 (C.2C:25-28) also provides that an order granting emergency relief, together with the complaint or complaints, is to immediately be forwarded to the appropriate law enforcement agency for service on the defendant, and to the police of the municipality in which the plaintiff resides or is sheltered, and immediately be served upon the defendant by the police.

As amended, this bill provides that the order immediately be served upon the defendant by the police, along with a copy of the translated order, if applicable.

Section 13 of P.L.1991, c.261 (C.2C:25-29) provides that within 10 days of the filing of a complaint for a temporary restraining order,

the Family Part will conduct a hearing to determine whether to issue a permanent restraining order. This bill provides that any permanent restraining order be issued in the primary language or languages used by both the plaintiff and the defendant.

COMMITTEE AMENDMENTS

The committee amendments provide that a notice of the victim's rights be written by the AOC, in English, Spanish, and 10 additional languages commonly spoken in the State. Originally, the bill provided that the AOC write the notice in up to 10 additional languages commonly spoken in the State.

The committee amendments amend sections 12 and 13 of P.L.1991, c.261 (C.2C:25-28) and (C.25:25-29) to delete the requirement that the AOC prepare standard temporary restraining order forms in English, Spanish, and up to 10 additional languages commonly spoken in the State, for use by judges.

FISCAL IMPACT:

The Office of Legislative Services (OLS) projects an indeterminate annual expenditure increase to the Judiciary. The bill requires that a notice of a domestic violence victim's rights be provided in English, Spanish, and 10 additional languages commonly spoken in the State. Currently, the law requires domestic violence victim notices to be issued in English and Spanish and the statute does not specify whether restraining orders must be issued in a language other than English. The OLS lacks sufficient information such as the cost of translation services and the quantity of notices to be issued under the provisions of this bill to quantify the fiscal impact. Furthermore, the primary language of the plaintiff and defendant cannot be known ahead of time.