

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

[First Reprint]

## SENATE, No. 384

with committee amendments

# STATE OF NEW JERSEY

DATED: NOVEMBER 15, 2021

The Assembly Judiciary Committee reports favorably and with committee amendments Senate Bill No. 384 (1R).

This bill, as amended, expands training requirements for judges, law enforcement officers, and assistant county prosecutors in the handling of domestic violence.

Currently, section 4 of P.L.1991, c.261 (C.2C:25-20) requires all judges and judicial personnel to attend initial domestic violence training within 90 days of appointment or transfer and to attend annual in-service training.

The bill directs the Administrative Director of the Courts to develop and approve a training course and a curriculum for all municipal court judges, Superior Court judges responsible for the adjudication of domestic violence matters, and judicial personnel involved with the intake and processing of domestic violence complaints. The bill provides that all such judges and judicial personnel would participate in core training regarding issues such as the dynamics of domestic violence, the impact of domestic violence on children, trauma-informed danger assessments, batterer intervention, and domestic violence risk factors and lethality.

In addition, municipal court judges would receive specific training related to the issuance of temporary restraining orders in emergent situations. The above-described Superior Court judges would receive supplemental training related to the issuance and enforcement of temporary and final restraining orders, including factors considered when determining if a final restraining order should be issued, child custody and parenting plans, the setting of child support, distribution of property and ongoing housing expenses, and counseling. The core curriculum and individualized training programs would be reviewed at least every two years and modified by the Administrative Director of the Courts from time to time as need may require.

This expanded training program would continue to be administered within 90 days of the judge's or judicial personnel's appointment or transfer and then annually.

In addition, under current law, the Office of the Attorney General is responsible for training all law enforcement officers in the handling and investigation of domestic violence reports. Law enforcement officers are required to attend an initial training within 90 days of appointment or transfer. In addition, the officers are required to attend an annual in-service training of at least four hours.

In 2012, the Office of the Attorney General established an online domestic violence training program for law enforcement officers. The online training program is intended to be used as a “stand-alone” program by officers to meet their annual in-service training requirement or to be used in conjunction with other forms of training.

This bill, as amended, would insure that law enforcement officers are periodically required to attend in-person, instructor-led training. Under the bill, every three years the statutorily required in-service training could be satisfied through in-person instructor-led training.

In addition, the amended bill would require training for assistant county prosecutors involved in the handling of domestic violence cases. The training would be consistent with the training requirement for judges and judicial personnel. Initial training would be within 90 days of appointment or transfer and the prosecutors would attend an annual in-service training of at least four hours.

Finally, as amended, the required training, administered by the Attorney General and the Administrative Director of the Courts, on the handling of domestic violence matters would include information concerning the impact of domestic violence on society, and include topics regarding the dynamics of domestic violence, the impact of domestic violence on children, the impact of trauma on survivors, risks for lethality in domestic violence cases, safety planning and services for survivors of domestic violence, the impact of racial bias and discrimination on survivors and marginalized communities, the statutory and case law concerning domestic violence, the necessary elements of a protection order, and the guidelines regarding when domestic violence incidents trigger mandatory or discretionary arrest.

This bill embodies Recommendations 12, 13 and 14 of the Report of the Supreme Court Ad Hoc Committee on Domestic Violence issued June 2016.

These amendments make this bill identical to ACS for A1964, also released by the committee on this date.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

(1) add specific topics on various aspects of domestic violence to the required training for law enforcement officers, assistant prosecutors, judges, and judicial personnel as described in the statement above;

(2) require law enforcement officers to periodically attend in-person, instructor-led training and provide that every three years the statutorily required in-service training would be required to be satisfied through in-person instructor-led training;

(3) require assistant county prosecutors involved in the handling of domestic violence cases to attend training consistent with the training requirement for judges and judicial personnel; and

(4) revise the bill's title and synopsis.