

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 3916

STATE OF NEW JERSEY

DATED: JUNE 30, 2021

The Senate Judiciary Committee reports favorably Senate Bill No. 3916.

This bill establishes a process for law enforcement to obtain an order of protection on behalf of a current or former judge upon report of an enumerated crime as listed in the bill, such as assault, terroristic threats, kidnapping, or harassment, and the finding by law enforcement of a nexus between the crime, attempt to commit a crime or credible threat and the performance of the judge or former judge's public duties.

The bill authorizes a law enforcement agency acting on a report of a crime, an attempt to commit a crime, or a credible threat to commit a crime against a current or former judge, to petition the Superior Court for emergency, ex parte relief in the form of a temporary order of protection.

Under the bill, the court may issue the temporary order of protection upon good cause shown, and the order shall remain in effect until a judge issues a further order. Emergency relief granted in the temporary protection order may include forbidding the defendant from returning to the scene of the alleged crime, prohibiting the defendant from having any contact with the judge or the judge's friends, co-workers, or relatives in any way, and forbidding the defendant from possessing any firearm or other weapon.

The court shall consider whether a final protective order should be issued during a hearing to be held within 10 days of the filing of the temporary protective order. At the hearing the standard for proving the allegations in the petition shall be a preponderance of the evidence. In determining whether a final order of protection should be granted the court shall consider but not be limited to the previous history between the current or former judge and the defendant, including threats, harassment and physical intimidation; and the existence of immediate danger to person or property. A final order of relief shall include any relief necessary to protect the victim from further harm, including but not limited to forbidding the defendant from returning to the scene of the alleged crime, prohibiting the defendant from having any contact with the judge or the judge's friends, co-workers, or relatives in any way, and forbidding the defendant from possessing any firearm or other weapon. Under the bill, a violation by the

defendant of an order of protection constitutes an offense under N.J.S.2C:29-9, Contempt.

The bill amends N.J.S.2C:33-4, Harassment, to upgrade harassment against a current or former judge to a crime of the fourth degree, and clarify that cyber harassment is a crime of the fourth degree. A crime of the fourth degree is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both.

The bill further amends N.J.S.2C:58-3, permit to purchase a handgun, to include persons subject to a court order under this bill among those persons barred from obtaining a handgun purchase permit or firearms purchaser identification card.

This bill as reported is identical to Assembly Bill No. 5599, also reported by the committee today.