

[Third Reprint]

ASSEMBLY, No. 1475

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

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SYNOPSIS

Requires court to consider information concerning coercive control in domestic violence proceedings.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on March 23, 2023, with amendments.

(Sponsorship Updated As Of: 12/11/2023)

1 AN ACT concerning domestic violence and amending P.L.1991,
2 c.261.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 ¹**[**1. Section 3 of P.L.1991, c.261 (C.2C:25-19) is amended to
8 read as follows:

9 3. As used in this act:

10 a. "Domestic violence" means the occurrence of one or more of
11 the following acts inflicted upon a person protected under this act
12 by an adult or an emancipated minor:

- 13 (1) Homicide N.J.S.2C:11-1 et seq.
- 14 (2) Assault N.J.S.2C:12-1
- 15 (3) Terroristic threats N.J.S.2C:12-3
- 16 (4) Kidnapping N.J.S.2C:13-1
- 17 (5) Criminal restraint N.J.S.2C:13-2
- 18 (6) False imprisonment N.J.S.2C:13-3
- 19 (7) Sexual assault N.J.S.2C:14-2
- 20 (8) Criminal sexual contact N.J.S.2C:14-3
- 21 (9) Lewdness N.J.S.2C:14-4
- 22 (10) Criminal mischief N.J.S.2C:17-3
- 23 (11) Burglary N.J.S.2C:18-2
- 24 (12) Criminal trespass N.J.S.2C:18-3
- 25 (13) Harassment N.J.S.2C:33-4
- 26 (14) Stalking P.L.1992, c.209 (C.2C:12-10)
- 27 (15) Criminal coercion N.J.S.2C:13-5
- 28 (16) Robbery N.J.S.2C:15-1
- 29 (17) Contempt of a domestic violence order pursuant to
30 subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly
31 persons offense
- 32 (18) Any other crime involving risk of death or serious bodily
33 injury to a person protected under the "Prevention of Domestic
34 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.)
- 35 (19) Cyber-harassment P.L.2013, c.272 (C.2C:33-4.1)
- 36 (20) Coercive control. As used in this paragraph, "coercive
37 control" means a pattern of behavior against a person protected
38 under this act that in purpose or effect unreasonably interferes with
39 a person's free will and personal liberty. "Coercive control"
40 includes, but is not limited to, unreasonably engaging in any of the
41 following:
42 (a) Isolating the person from friends, relatives, or other sources
43 of support;
44 (b) Depriving the person of basic necessities;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted October 17, 2022.

²Assembly AJU committee amendments adopted March 9, 2023.

³Assembly AAP committee amendments adopted March 23, 2023.

1 (c) Controlling, regulating or monitoring the person's
2 movements, communications, daily behavior, finances, economic
3 resources or access to services;

4 (d) Compelling the person by force, threat or intimidation,
5 including, but not limited to, threats based on actual or suspected
6 immigration status, to (i) engage in conduct from which such person
7 has a right to abstain, or (ii) abstain from conduct that such person
8 has a right to pursue;

9 (e) Name-calling, degradation, and demeaning the person
10 frequently;

11 (f) Threatening to harm or kill the individual or a child or
12 relative of the individual;

13 (g) Threatening to public information or make reports to the
14 police or to the authorities;

15 (h) Damaging property or household goods; or

16 (i) Forcing the person to take part in criminal activity or child
17 abuse.

18 When one or more of these acts is inflicted by an unemancipated
19 minor upon a person protected under this act, the occurrence shall
20 not constitute "domestic violence," but may be the basis for the
21 filing of a petition or complaint pursuant to the provisions of
22 section 11 of P.L.1982, c.77 (C.2A:4A-30).

23 b. "Law enforcement agency" means a department, division,
24 bureau, commission, board or other authority of the State or of any
25 political subdivision thereof which employs law enforcement
26 officers.

27 c. "Law enforcement officer" means a person whose public
28 duties include the power to act as an officer for the detection,
29 apprehension, arrest and conviction of offenders against the laws of
30 this State.

31 d. "Victim of domestic violence" means a person protected
32 under this act and shall include any person who is 18 years of age or
33 older or who is an emancipated minor and who has been subjected
34 to domestic violence by a spouse, former spouse, or any other
35 person who is a present household member or was at any time a
36 household member. "Victim of domestic violence" also includes
37 any person, regardless of age, who has been subjected to domestic
38 violence by a person with whom the victim has a child in common,
39 or with whom the victim anticipates having a child in common, if
40 one of the parties is pregnant. "Victim of domestic violence" also
41 includes any person who has been subjected to domestic violence
42 by a person with whom the victim has had a dating relationship.

43 e. "Emancipated minor" means a person who is under 18 years
44 of age but who has been married, has entered military service, has a
45 child or is pregnant or has been previously declared by a court or an
46 administrative agency to be emancipated.

47 (cf: P.L.2016, c.77, s.1)J¹

1 ¹1. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to read
2 as follows:

3 13. a. A hearing shall be held in the Family Part of the Chancery
4 Division of the Superior Court within 10 days of the filing of a
5 complaint pursuant to section 12 of P.L.1991, c.261 (C.2C:25-28) in
6 the county where the ex parte restraints were ordered, unless good
7 cause is shown for the hearing to be held elsewhere. A copy of the
8 complaint shall be served on the defendant in conformity with the
9 Rules of Court. If a criminal complaint arising out of the same incident
10 which is the subject matter of a complaint brought under P.L.1981,
11 c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261 (C.2C:25-17 et seq.) has
12 been filed, testimony given by the plaintiff or defendant in the
13 domestic violence matter shall not be used in the simultaneous or
14 subsequent criminal proceeding against the defendant, other than
15 domestic violence contempt matters and where it would otherwise be
16 admissible hearsay under the rules of evidence that govern where a
17 party is unavailable. At the hearing the standard for proving the
18 allegations in the complaint shall be by a preponderance of the
19 evidence. In considering the necessity of ordering a restraining order
20 **【The】** the court shall consider but not be limited to the following
21 factors:

22 (1) The previous history of domestic violence between the plaintiff
23 and defendant, including threats, harassment and physical abuse;

24 (2) The existence of immediate danger to person or property;

25 (3) The financial circumstances of the plaintiff and defendant;

26 (4) The best interests of the victim and any child;

27 (5) In determining custody and parenting time the protection of the
28 victim's safety; **【and】**

29 (6) The existence of a verifiable order of protection from another
30 jurisdiction; and

31 (7) Any pattern of coercive control against a person that in purpose
32 or effect unreasonably interferes with ³**【a person's free will and**
33 **personal liberty】** , threatens, or exploits a person's liberty, freedom,
34 bodily integrity, or human rights with the court specifically
35 considering evidence of the need for protection from immediate
36 danger or the prevention of further abuse. If the court finds that one or
37 more factors of coercive control are more or less relevant than others,
38 the court shall make specific written findings of fact and conclusions
39 of law on the reasons why the court reached that conclusion³.
40 Coercive control may include, but ³**【is not】** shall not be³ limited to:

41 (a) isolating the person from friends, relatives, transportation,
42 medical care, or other source of support;

43 (b) depriving the person of basic necessities;

44 (c) monitoring the person's movements, communications, daily
45 behavior, finances, economic resources, or access to services;

1 (d) compelling the person by force, threat, or intimidation,
2 including, but not limited to, threats based on actual or suspected
3 immigration status;

4 (e) threatening to make or making baseless reports to the police,
5 courts, the ³【Department】 Division³ of Child Protection and
6 Permanency (DCPP) ³within the Department of Children and
7 Families³, the Board of Social Services, Immigration and Customs
8 Enforcement (ICE), or other parties;

9 ²【(f) name-calling, degradation, and demeaning the person

10 frequently;
11 (g)】 (f)² threatening to harm or kill the individual’s relative or pet;
12 ³【or】³

13 ²【(h)】 (g)² threatening to ²【take the individuals children away】
14 deny or interfere with an individual’s custody or parenting time, other
15 than through enforcement of a valid custody arrangement or court
16 order pursuant to current law including, but not limited to, an order
17 issued pursuant to Title 9 of the Revised Statutes^{2 3}; or

18 (h) any other factors or circumstances that the court deems relevant
19 or material³.

20 An order issued under this act shall only restrain or provide
21 damages payable from a person against whom a complaint has been
22 filed under this act and only after a finding or an admission is made
23 that an act of domestic violence was committed by that person. The
24 issue of whether or not a violation of this act occurred, including an act
25 of contempt under this act, shall not be subject to mediation or
26 negotiation in any form. In addition, where a temporary or final order
27 has been issued pursuant to this act, no party shall be ordered to
28 participate in mediation on the issue of custody or parenting time.

29 b. In proceedings in which complaints for restraining orders have
30 been filed, the court shall grant any relief necessary to prevent further
31 abuse. In addition to any other provisions, any restraining order issued
32 by the court shall bar the defendant from purchasing, owning,
33 possessing or controlling a firearm and from receiving or retaining a
34 firearms purchaser identification card or permit to purchase a handgun
35 pursuant to N.J.S.2C:58-3 during the period in which the restraining
36 order is in effect or two years, whichever is greater. The order shall
37 require the immediate surrender of any firearm or other weapon
38 belonging to the defendant. The order shall include notice to the
39 defendant of the penalties for a violation of any provision of the order,
40 including but not limited to the penalties for contempt of court and
41 unlawful possession of a firearm or other weapon pursuant to
42 N.J.S.2C:39-5.

43 A law enforcement officer shall accompany the defendant, or may
44 proceed without the defendant if necessary, to any place where any
45 firearm or other weapon belonging to the defendant is located to
46 ensure that the defendant does not gain access to any firearm or other
47 weapon, and a law enforcement officer shall take custody of any

1 firearm or other weapon belonging to the defendant. If the order
2 prohibits the defendant from returning to the scene of domestic
3 violence or other place where firearms or other weapons belonging to
4 the defendant are located, any firearm or other weapon located there
5 shall be seized by a law enforcement officer. The provisions of this
6 subsection requiring the surrender or removal of a firearm, card, or
7 permit shall not apply to any law enforcement officer while actually on
8 duty, or to any member of the Armed Forces of the United States or
9 member of the National Guard while actually on duty or traveling to or
10 from an authorized place of duty. At the hearing the judge of the
11 Family Part of the Chancery Division of the Superior Court may issue
12 an order granting any or all of the following relief:

13 (1) An order restraining the defendant from subjecting the victim
14 to domestic violence, as defined in this act.

15 (2) An order granting exclusive possession to the plaintiff of the
16 residence or household regardless of whether the residence or
17 household is jointly or solely owned by the parties or jointly or solely
18 leased by the parties. This order shall not in any manner affect title or
19 interest to any real property held by either party or both jointly. If it is
20 not possible for the victim to remain in the residence, the court may
21 order the defendant to pay the victim's rent at a residence other than
22 the one previously shared by the parties if the defendant is found to
23 have a duty to support the victim and the victim requires alternative
24 housing.

25 (3) An order providing for parenting time. The order shall protect
26 the safety and well-being of the plaintiff and minor children and shall
27 specify the place and frequency of parenting time. Parenting time
28 arrangements shall not compromise any other remedy provided by the
29 court by requiring or encouraging contact between the plaintiff and
30 defendant. Orders for parenting time may include a designation of a
31 place of parenting time away from the plaintiff, the participation of a
32 third party, or supervised parenting time.

33 (a) The court shall consider a request by a custodial parent who
34 has been subjected to domestic violence by a person with parenting
35 time rights to a child in the parent's custody for an investigation or
36 evaluation by the appropriate agency to assess the risk of harm to the
37 child prior to the entry of a parenting time order. Any denial of such a
38 request must be on the record and shall only be made if the judge finds
39 the request to be arbitrary or capricious.

40 (b) The court shall consider suspension of the parenting time order
41 and hold an emergency hearing upon an application made by the
42 plaintiff certifying under oath that the defendant's access to the child
43 pursuant to the parenting time order has threatened the safety and well-
44 being of the child.

45 (4) An order requiring the defendant to pay to the victim monetary
46 compensation for losses suffered as a direct result of the act of
47 domestic violence. The order may require the defendant to pay the
48 victim directly, to reimburse the Victims of Crime Compensation

1 Office for any and all compensation paid by the Victims of Crime
2 Compensation Office directly to or on behalf of the victim, and may
3 require that the defendant reimburse any parties that may have
4 compensated the victim, as the court may determine. Compensatory
5 losses shall include, but not be limited to, loss of earnings or other
6 support, including child or spousal support, out-of-pocket losses for
7 injuries sustained, cost of repair or replacement of real or personal
8 property damaged or destroyed or taken by the defendant, cost of
9 counseling for the victim, moving or other travel expenses, reasonable
10 attorney's fees, court costs, and compensation for pain and suffering.
11 Where appropriate, punitive damages may be awarded in addition to
12 compensatory damages.

13 (5) An order requiring the defendant to receive professional
14 domestic violence counseling from either a private source or a source
15 appointed by the court and, in that event, requiring the defendant to
16 provide the court at specified intervals with documentation of
17 attendance at the professional counseling. The court may order the
18 defendant to pay for the professional counseling. No application by
19 the defendant to dissolve a final order which contains a requirement
20 for attendance at professional counseling pursuant to this paragraph
21 shall be granted by the court unless, in addition to any other provisions
22 required by law or conditions ordered by the court, the defendant has
23 completed all required attendance at such counseling.

24 (6) An order restraining the defendant from entering the residence,
25 property, school, or place of employment of the victim or of other
26 family or household members of the victim and requiring the
27 defendant to stay away from any specified place that is named in the
28 order and is frequented regularly by the victim or other family or
29 household members.

30 (7) An order restraining the defendant from making contact with
31 the plaintiff or others, including an order forbidding the defendant
32 from personally or through an agent initiating any communication
33 likely to cause annoyance or alarm including, but not limited to,
34 personal, written, or telephone contact with the victim or other family
35 members, or their employers, employees, or fellow workers, or others
36 with whom communication would be likely to cause annoyance or
37 alarm to the victim.

38 (8) An order requiring that the defendant make or continue to
39 make rent or mortgage payments on the residence occupied by the
40 victim if the defendant is found to have a duty to support the victim or
41 other dependent household members; provided that this issue has not
42 been resolved or is not being litigated between the parties in another
43 action.

44 (9) An order granting either party temporary possession of
45 specified personal property, such as an automobile, checkbook,
46 documentation of health insurance, an identification document, a key,
47 and other personal effects.

1 (10) An order awarding emergency monetary relief, including
2 emergency support for minor children, to the victim and other
3 dependents, if any. An ongoing obligation of support shall be
4 determined at a later date pursuant to applicable law.

5 (11) An order awarding temporary custody of a minor child. The
6 court shall presume that the best interests of the child are served by an
7 award of custody to the non-abusive parent.

8 (12) An order requiring that a law enforcement officer accompany
9 either party to the residence or any shared business premises to
10 supervise the removal of personal belongings in order to ensure the
11 personal safety of the plaintiff when a restraining order has been
12 issued. This order shall be restricted in duration.

13 (13) (Deleted by amendment, P.L.1995, c.242).

14 (14) An order granting any other appropriate relief for the plaintiff
15 and dependent children, provided that the plaintiff consents to such
16 relief, including relief requested by the plaintiff at the final hearing,
17 whether or not the plaintiff requested such relief at the time of the
18 granting of the initial emergency order.

19 (15) An order that requires that the defendant report to the intake
20 unit of the Family Part of the Chancery Division of the Superior Court
21 for monitoring of any other provision of the order.

22 (16) In addition to the order required by this subsection
23 prohibiting the defendant from possessing any firearm, the court may
24 also issue an order prohibiting the defendant from possessing any other
25 weapon enumerated in subsection r. of N.J.S.2C:39-1 and ordering the
26 search for and seizure of any firearm or other weapon at any location
27 where the judge has reasonable cause to believe the weapon is located.
28 The judge shall state with specificity the reasons for and scope of the
29 search and seizure authorized by the order.

30 (17) An order prohibiting the defendant from stalking or
31 following, or threatening to harm, to stalk or to follow, the
32 complainant or any other person named in the order in a manner that,
33 taken in the context of past actions of the defendant, would put the
34 complainant in reasonable fear that the defendant would cause the
35 death or injury of the complainant or any other person. Behavior
36 prohibited under this act includes, but is not limited to, behavior
37 prohibited under the provisions of P.L.1992, c.209 (C.2C:12-10).

38 (18) An order requiring the defendant to undergo a psychiatric
39 evaluation.

40 (19) An order directing the possession of any animal owned,
41 possessed, leased, kept, or held by either party or a minor child
42 residing in the household. Where a person has abused or threatened to
43 abuse such animal, there shall be a presumption that possession of the
44 animal shall be awarded to the non-abusive party.

45 c. Notice of orders issued pursuant to this section shall be sent by
46 the clerk of the Family Part of the Chancery Division of the Superior
47 Court or other person designated by the court to the appropriate chiefs

1 of police, members of the State Police and any other appropriate law
2 enforcement agency.

3 d. Upon good cause shown, any final order may be dissolved or
4 modified upon application to the Family Part of the Chancery Division
5 of the Superior Court, but only if the judge who dissolves or modifies
6 the order is the same judge who entered the order, or has available a
7 complete record of the hearing or hearings on which the order was
8 based.

9 e. Prior to the issuance of any order pursuant to this section, the
10 court shall order that a search be made of the domestic violence central
11 registry.¹

12 (cf: P.L.2016, c.91, s.3)

13

14 ²[¹2. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended to
15 read as follows:

16 12. a. A victim may file a complaint alleging the commission of
17 an act of domestic violence with the Family Part of the Chancery
18 Division of the Superior Court in conformity with the Rules of
19 Court. The court shall not dismiss any complaint or delay
20 disposition of a case because the victim has left the residence to
21 avoid further incidents of domestic violence. Filing a complaint
22 pursuant to this section shall not prevent the filing of a criminal
23 complaint for the same act.

24 On weekends, holidays and other times when the court is closed,
25 a victim may file a complaint before a judge of the Family Part of
26 the Chancery Division of the Superior Court or a municipal court
27 judge who shall be assigned to accept complaints and issue
28 emergency, ex parte relief in the form of temporary restraining
29 orders pursuant to this act.

30 A plaintiff may apply for relief under this section in a court
31 having jurisdiction over the place where the alleged act of domestic
32 violence occurred, where the defendant resides, or where the
33 plaintiff resides or is sheltered, and the court shall follow the same
34 procedures applicable to other emergency applications. Criminal
35 complaints filed pursuant to this act shall be investigated and
36 prosecuted in the jurisdiction where the offense is alleged to have
37 occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9
38 shall be prosecuted in the county where the contempt is alleged to
39 have been committed and a copy of the contempt complaint shall be
40 forwarded to the court that issued the order alleged to have been
41 violated.

42 b. The court shall waive any requirement that the petitioner's
43 place of residence appear on the complaint.

44 c. (1) The clerk of the court, or other person designated by the
45 court, shall assist the parties in completing any forms necessary for
46 the filing of a summons, complaint, answer or other pleading.

47 (2) The plaintiff may provide information concerning firearms
48 to which the defendant has access, including the location of these

1 firearms, if known, on a form to be prescribed by the
2 Administrative Director of the Courts.

3 (3) Information provided by the plaintiff concerning firearms to
4 which the defendant has access shall be kept confidential and shall
5 not be disseminated or disclosed, provided that nothing in this
6 subsection shall prohibit dissemination or disclosure of this
7 information in a manner consistent with and in furtherance of the
8 purpose for which the information was provided.

9 (4) The plaintiff may provide information concerning coercive
10 control that in purpose or effect unreasonably interferes with a
11 person's free will and personal liberty. Coercive control includes,
12 but is not limited to:

13 (a) isolating the person from friends, relatives, transportation,
14 medical care, or other source of support;

15 (b) depriving the person of basic necessities;

16 (c) monitoring the person's movements, communications, daily
17 behavior, finances, economic resources, or access to services;

18 (d) compelling the person by force, threat, or intimidation,
19 including, but not limited to, threats based on actual or suspected
20 immigration status;

21 (e) threatening to make or making baseless reports to the police,
22 courts, the Department of Child Protection and Permanency
23 (DCPP), the Board of Social Services, Immigration and Customs
24 Enforcement (ICE), or other parties;

25 (f) name-calling, degradation, and demeaning the person
26 frequently;

27 (g) threatening to harm or kill the individual's relative or pet; or

28 (h) threatening to take the individual's children away.

29 d. Summons and complaint forms shall be readily available at
30 the clerk's office, at the municipal courts and at municipal and State
31 police stations.

32 e. As soon as the domestic violence complaint is filed, both the
33 victim and the abuser shall be advised of any programs or services
34 available for advice and counseling.

35 f. A plaintiff may seek emergency, ex parte relief in the nature
36 of a temporary restraining order. A municipal court judge or a
37 judge of the Family Part of the Chancery Division of the Superior
38 Court may enter an ex parte order when necessary to protect the
39 life, health or well-being of a victim on whose behalf the relief is
40 sought.

41 g. If it appears that the plaintiff is in danger of domestic
42 violence, the judge shall, upon consideration of the plaintiff's
43 domestic violence complaint, order emergency ex parte relief, in the
44 nature of a temporary restraining order. A decision shall be made
45 by the judge regarding the emergency relief forthwith.

46 h. A judge may issue a temporary restraining order upon sworn
47 testimony or complaint of an applicant who is not physically
48 present, pursuant to court rules, or by a person who represents a

1 person who is physically or mentally incapable of filing personally.
2 A temporary restraining order may be issued if the judge is satisfied
3 that exigent circumstances exist sufficient to excuse the failure of
4 the applicant to appear personally and that sufficient grounds for
5 granting the application have been shown.

6 i. An order for emergency, ex parte relief shall be granted
7 upon good cause shown and shall remain in effect until a judge of
8 the Family Part issues a further order. Any temporary order
9 hereunder is immediately appealable for a plenary hearing de novo
10 not on the record before any judge of the Family Part of the county
11 in which the plaintiff resides or is sheltered if that judge issued the
12 temporary order or has access to the reasons for the issuance of the
13 temporary order and sets forth in the record the reasons for the
14 modification or dissolution. The denial of a temporary restraining
15 order by a municipal court judge and subsequent administrative
16 dismissal of the complaint shall not bar the victim from refileing a
17 complaint in the Family Part based on the same incident and
18 receiving an emergency, ex parte hearing de novo not on the record
19 before a Family Part judge, and every denial of relief by a
20 municipal court judge shall so state.

21 j. Emergency relief may include forbidding the defendant from
22 returning to the scene of the domestic violence, forbidding the
23 defendant from possessing any firearm or other weapon enumerated
24 in subsection r. of N.J.S.2C:39-1, ordering the search for and
25 seizure of any firearm or other weapon at any location where the
26 judge has reasonable cause to believe the weapon is located and the
27 seizure of any firearms purchaser identification card or permit to
28 purchase a handgun issued to the defendant and any other
29 appropriate relief.

30 If the order requires the surrender of any firearm or other
31 weapon, a law enforcement officer shall accompany the defendant,
32 or may proceed without the defendant if necessary, to the scene of
33 the domestic violence or any other location where the judge has
34 reasonable cause to believe any firearm or other weapon belonging
35 to the defendant is located, to ensure that the defendant does not
36 gain access to any firearm or other weapon, and that the firearm or
37 other weapon is appropriately surrendered in accordance with the
38 order. If the order prohibits the defendant from returning to the
39 scene of domestic violence or any other location where the judge
40 has reasonable cause to believe any firearm or other weapon
41 belonging to the defendant is located, any firearm or other weapon
42 located there shall be seized by a law enforcement officer. The
43 order shall include notice to the defendant of the penalties for a
44 violation of any provision of the order, including but not limited to
45 the penalties for contempt of court and unlawful possession of a
46 firearm or other weapon pursuant to N.J.S.2C:39-5. Other
47 appropriate relief may include but is not limited to an order
48 directing the possession of any animal owned, possessed, leased,

1 kept, or held by either party or a minor child residing in the
2 household and providing that the animal shall not be disposed of
3 prior to entry of a final order pursuant to section 13 of P.L.1991,
4 c.261 (C.2C:25-29).

5 The judge shall state with specificity the reasons for and scope of
6 any search and seizure authorized by the order. The provisions of
7 this subsection prohibiting a defendant from possessing a firearm or
8 other weapon shall not apply to any law enforcement officer while
9 actually on duty, or to any member of the Armed Forces of the
10 United States or member of the National Guard while actually on
11 duty or traveling to or from an authorized place of duty.

12 k. The judge may permit the defendant to return to the scene of
13 the domestic violence to pick up personal belongings and effects
14 but shall, in the order granting relief, restrict the time and duration
15 of such permission and provide for police supervision of such visit.

16 l. An order granting emergency relief, together with the
17 complaint or complaints, shall immediately be forwarded to the
18 appropriate law enforcement agency for service on the defendant,
19 and to the police of the municipality in which the plaintiff resides or
20 is sheltered, and shall immediately be served upon the defendant by
21 the police, except that an order issued during regular court hours
22 may be forwarded to the sheriff for immediate service upon the
23 defendant in accordance with the Rules of Court. If personal
24 service cannot be effected upon the defendant, the court may order
25 other appropriate substituted service. At no time shall the plaintiff
26 be asked or required to serve any order on the defendant.

27 m. (Deleted by amendment, P.L.1994, c.94.)

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

33 o. (Deleted by amendment, P.L.1994, c.94.)

34 p. Any temporary or final restraining order issued pursuant to
35 this act shall be in effect throughout the State, and shall be enforced
36 by all law enforcement officers.

37 q. Prior to the issuance of any temporary or final restraining
38 order issued pursuant to this section, the court shall order that a
39 search be made of the domestic violence central registry with regard
40 to the defendant's record.¹

41 (cf: P.L.2016, c.91, s.2)]²

42
43 ¹[2.] ²[3.1] 2.2 This act shall take effect immediately.