

ASSEMBLY HEALTH COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2526

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 20, 2023

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 2526 (1R).

As amended, the bill would permit the court to issue an order, upon the victim's request, and upon the issuance of a final or permanent restraining order, directing a wireless telephone service provider to transfer the rights to a domestic violence or stalking victim's wireless telephone number to that victim. This would enable the victim to maintain any existing wireless telephone numbers. The bill applies to victims of domestic violence as set forth in the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) and victims of stalking who have obtained a permanent restraining order pursuant to section 3 of P.L.1996, c.39 (C.2C:12-10.1). The court order also would transfer billing responsibility for the victim's wireless telephone number to that victim, if the victim is not already the account holder. The court is permitted to, upon the victim's requests, order the defendant to reimburse the victim of any costs incurred by the victim for the transfer of billing responsibilities.

In a separate order, the court would list the name and billing telephone number of the account holder, the name and contact information of the person to whom the telephone number will be transferred, and each telephone number to be transferred to that person. The court would ensure that the contact information of the victim is not provided to the account holder in any domestic violence proceedings.

The order would be served on the wireless service provider's agent for service of process listed with the State Treasurer. The wireless service provider would notify the victim and the court within 72 hours of receipt of the order if the provider cannot operationally or technically effectuate the order for situations described in the bill.

If the provider cannot operationally or technically effectuate the order, the provider would inform the court and the victim of any reasons for the provider's noncompliance.

Upon transfer of billing responsibility for and rights to a wireless telephone number to the victim, the victim would assume all financial responsibility for the number, monthly service costs, and costs for any mobile device associated with the wireless telephone number or numbers.

The wireless service provider would not be precluded from applying any routine and customary requirements for account establishment to the victim as part of this transfer of billing responsibility and any devices attached to that number, including, but not limited to, identification, financial information, and customer preferences.

The bill also provides that no wireless telephone service provider or its officers, employees, or agents would be liable for damages for actions taken in accordance with the terms of a court order issued pursuant to this bill.

COMMITTEE AMENDMENTS:

The committee amendments:

(1) clarify that the transfer of billing responsibilities order may be entered upon the issuance of a final or permanent restraining order;

(2) require the victim to request that the court order the transfer of billing responsibilities;

(3) permit the court, upon the victim's request, to order the defendant to reimburse the victim for any costs associated with the transfer incurred by the victim for the transfer of billing responsibilities; and

(4) make minor technical changes.