

# ASSEMBLY, No. 3975

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 12, 2022

**Sponsored by:**

**Assemblywoman LISA SWAIN  
District 38 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblywoman Reynolds-Jackson**

**SYNOPSIS**

Restricts jurisdiction over New Jersey resident who facilitates abortion in violation of other states' laws; bars civil and criminal liability.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 6/27/2022)

1 AN ACT concerning the enforcement of certain states' laws  
2 regarding abortion and supplementing P.L.1997, c.204.

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

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7 1. In any enforcement action pursuant to the "Uniform  
8 Enforcement of Foreign Judgments Act," section 1 of P.L.1997,  
9 c.204 (C.2A:49A-25 et seq.) to enforce an order or judgment under  
10 a law of another state that bans or imposes restrictions on abortion  
11 and allows an action against a person who facilitates the  
12 performance or inducement of an abortion in violation of that law,  
13 there shall be a rebuttable presumption that if the defendant is a  
14 New Jersey resident, the rendering state lacked personal jurisdiction  
15 over the defendant at the time the action was brought. A New Jersey  
16 resident shall not be criminally or civilly liable for any civil action  
17 or criminal prosecution brought against the New Jersey resident  
18 pursuant to any such law.

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20 2. This act shall take effect immediately.

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#### STATEMENT

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25 This bill provides that an order or judgment under a law of  
26 another state that bans or restricts abortions and allows an action  
27 against a person who facilitates the performance or inducement of  
28 an abortion in violation of that state's law would be presumed to be  
29 unenforceable in this State. Under the bill, there would be a  
30 rebuttable presumption that if the defendant is a resident of New  
31 Jersey, the rendering state lacked personal jurisdiction over the  
32 defendant at the time the action was brought. The bill also provides  
33 that a New Jersey resident could not be held criminally or civilly  
34 liable for any civil action or criminal prosecution brought against  
35 the New Jersey resident pursuant to that state's law.

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37 According to the Center for Reproductive Rights and the  
38 Guttmacher Institute, approximately 25 states are likely to ban  
39 abortion or substantially limit access to it if the United States  
40 Supreme Court overturns Roe v. Wade, 410 U.S. 113 (1973).

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42 For example, a law enacted in Texas in May 2021, Tex. SB 8,  
43 87th Regular Session ch. 62, bans abortions in that state after six  
44 weeks' pregnancy. The law also permits enforcement by private  
45 citizens, including authorizing an action against a person who "aids  
46 or abets the performance or inducement of an abortion." Statutory  
relief includes damages in an amount not less than \$10,000, costs,  
and attorney fees.