

ASSEMBLY, No. 5174

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 9, 2023

Sponsored by:

Assemblywoman CLEOPATRA G. TUCKER

District 28 (Essex)

Assemblywoman DIANNE C. GOVE

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Makes various changes to address sexual assault and child abuse and neglect involving military personnel; addresses protection, penalties, enforcement, jurisdiction, and victim compensation matters.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/13/2023)

1 AN ACT concerning sexual assault involving military personnel and
2 prevention, response, and penalties, and amending and
3 supplementing various parts of the statutory law.

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

7
8 1. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to
9 read as follows:

10 2. a. (1) Any person alleging to be a victim of nonconsensual
11 sexual contact, sexual penetration, or lewdness, or any attempt at
12 such conduct, and who is not eligible for a restraining order as a
13 "victim of domestic violence" as defined by the provisions of
14 subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-19), may,
15 except as provided in subsection b. of this section, file an
16 application with the Superior Court pursuant to the Rules of Court
17 alleging the commission of such conduct or attempted conduct and
18 seeking a temporary protective order.

19 As used in this section and in sections 3, 4, and 8 of P.L.2015,
20 c.147 (C.2C:14-15, C.2C:14-16, and C.2C:14-20):

21 "Sexual contact" means an intentional touching by the victim or
22 actor, either directly or through clothing, of the victim's or actor's
23 intimate parts for the purpose of degrading or humiliating the victim
24 or sexually arousing or sexually gratifying the actor.

25 "Sexual penetration" means vaginal intercourse, cunnilingus,
26 fellatio or anal intercourse between persons or insertion of the hand,
27 finger or object into the anus or vagina either by the actor or upon
28 the actor's instruction.

29 "Lewdness" means the exposing of the genitals for the purpose
30 of arousing or gratifying the sexual desire of the actor or of any
31 other person.

32 "Intimate parts" means the following body parts: sexual organs,
33 genital area, anal area, inner thigh, groin, buttock or breast of a
34 person.

35 (2) Except as provided in subsection b. of this section, an
36 application for relief under P.L.2015, c.147 (C.2C:14-13 et al.) may
37 be filed by the alleged victim's parent or guardian on behalf of the
38 alleged victim in any case in which the alleged victim:

39 (a) is less than 18 years of age; or

40 (b) has a developmental disability as defined in section 3 of
41 P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that
42 renders the alleged victim temporarily or permanently incapable of
43 understanding the nature of the alleged victim's conduct, including,
44 but not limited to, being incapable of providing consent.

45 b. (1) When it is alleged that nonconsensual sexual contact,
46 sexual penetration, or lewdness, or any attempt at such conduct, has

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.

1 been committed by an unemancipated minor, an applicant seeking a
2 protective order shall not proceed under the provisions of P.L.2015,
3 c.147 (C.2C:14-13 et al.), but may seek a protective order and other
4 relief under the New Jersey Code of Juvenile Justice, P.L.1982, c.77
5 (C.2A:4A-20 et seq.) by filing a complaint pursuant to the
6 provisions of section 11 of P.L.1982, c.77 (C.2A:4A-30).

7 (2) When it is alleged that nonconsensual sexual contact, sexual
8 penetration, or lewdness, or any attempt at such conduct, has been
9 committed against an unemancipated minor by a parent, guardian,
10 or other person having care, custody and control of that child as
11 defined in N.J.S.9:6-2, an applicant seeking a protective order shall
12 not proceed under the provisions of P.L.2015, c.147 (C.2C:14-13 et
13 al.), but shall report the incident to the Division of Child Protection
14 and Permanency in the Department of Children and Families for
15 investigation and possible legal action by the division pursuant to
16 R.S.9:6-1 et seq. or other applicable law, including, when
17 appropriate, petitioning the Superior Court pursuant to P.L.1974,
18 c.119 (C.9:6-8.21 et seq.) for a protective order and other relief on
19 behalf of the applicant and the unemancipated minor.

20 c. (1) An applicant may seek a protective order pursuant to
21 P.L.2015, c.147 (C.2C:14-13 et al.) and the court may issue such an
22 order regardless of whether criminal charges based on the incident
23 were filed and regardless of the disposition of any such charges.

24 (2) The filing of an application pursuant to this section shall not
25 prevent the filing of a criminal complaint, or the institution or
26 maintenance of a criminal prosecution based on the same act.

27 d. The court shall waive any requirement that the applicant's or
28 alleged victim's place of residence appear on the application.

29 e. An applicant may seek a protective order pursuant to
30 P.L.2015, c.147 (C.2C:14-13 et al.) in a court having jurisdiction
31 over the place where the alleged conduct or attempted conduct
32 occurred, where the respondent resides, or where the alleged victim
33 resides or is sheltered.

34 f. No fees or other costs shall be assessed against an applicant
35 for seeking a protective order pursuant to P.L.2015, c.147
36 (C.2C:14-13 et al.).

37 g. The court shall issue a temporary protective order, pursuant
38 to court rules, upon complaint of an applicant who is a service
39 member of the New Jersey National Guard or any Reserve
40 Component of the United States Armed Forces serving within the
41 State who is a victim of non-consensual sexual contact who has also
42 received a military protective order, or upon complaint of the Staff
43 Judge Advocate of the New Jersey National Guard or any Reserve
44 Component of the United States Armed Forces serving in the State
45 on behalf of a named victim who is a victim of non-consensual
46 sexual contact who has also received a military protective order.

47 (cf: P.L.2016, c.93, s.1)

1 2. Section 5 of P.L.2015, c.147 (C.2C:14-17) is amended to
2 read as follows

3 5. a. Any temporary or final protective order issued pursuant
4 to P.L.2015, c.147 (C.2C:14-13 et al.) or military protective order
5 issued by a military tribunal shall be in effect throughout the State,
6 and shall be enforced by all law enforcement officers.

7 b. When a law enforcement officer finds probable cause that a
8 respondent has committed contempt of an order entered pursuant to
9 P.L.2015, c.147 (C.2C:14-13 et al.) or military protective order
10 issued by a military tribunal, the respondent shall be arrested and
11 taken into custody. The court shall determine whether the
12 respondent shall be released pending trial or detained pending a
13 pretrial detention hearing pursuant to sections 4 and 5 of P.L.2014,
14 c.31 (C.2A:162-18 and C.2A:162-19) and applicable court rules.
15 (cf: P.L.2015, c.147, s.5)

16
17 3. Section 6 of P.L.2015, c.147 (C.2C:14-18) is amended to
18 read as follows:

19 6. a. A respondent's violation of any protective order issued
20 pursuant to P.L.2015, c.147 (C.2C:14-13 et al.) or military
21 protective order issued by a military tribunal shall constitute an
22 offense under subsection d. of N.J.S.2C:29-9 and each order shall
23 so state. All contempt proceedings brought pursuant d.
24 of N.J.S.2C:29-9 shall be subject to any rules or guidelines
25 established by the Supreme Court to promote the prompt disposition
26 of criminal matters.

27 b. Where a victim alleges that a respondent has committed
28 contempt of a protective order entered pursuant to the provisions of
29 P.L.2015, c.147 (C.2C:14-13 et al.) or military protective order
30 issued by a military tribunal, but a law enforcement officer has
31 found that the facts are insufficient to establish probable cause to
32 arrest the respondent, the law enforcement officer shall advise the
33 victim of the procedure for completing and signing a criminal
34 complaint alleging a violation of subsection d. of N.J.S.2C:29-9
35 through the municipal court. Nothing in this section shall be
36 construed to prevent the court from granting any other emergency
37 relief it deems necessary.

38 c. If a respondent is charged with a non-indictable offense
39 pursuant to paragraph (2) of subsection d. of N.J.S.2C:29-9 as a
40 result of a violation of a protective order entered pursuant to
41 P.L.2015, c.147 (C.2C:14-13 et al.) or military protective order
42 issued by a military tribunal, the contempt proceedings for the non-
43 indictable offense shall be heard in the Superior Court.
44 (cf: P.L.2016, c.93, s.2)

45
46 4. Section 8 of P.L.2015, c.147 (C.2C:14-20) is amended as
47 follows:

1 8. The Administrative Office of the Courts shall establish and
2 maintain a central registry of all protective orders issued pursuant to
3 P.L.2015, c.147 (C.2C:14-13 et al.) and all protective orders issued
4 by a military tribunal or a foreign tribunal of a foreign country, and
5 all persons who have been charged with a violation of such a
6 protective order. All records made pursuant to this section shall be
7 kept confidential and shall be released only to:

8 a. A public agency authorized to investigate a report of
9 nonconsensual sexual contact, sexual penetration, or lewdness, or
10 any attempt at such conduct, or domestic violence;

11 b. A police or other law enforcement agency for official
12 purposes;

13 c. A court, upon its finding that access to such records may be
14 necessary for determination of an issue before the court;

15 d. A surrogate, in that person's official capacity as deputy clerk
16 of the Superior Court, in order to prepare documents that may be
17 necessary for a court to determine an issue in an adoption
18 proceeding; or

19 e. The Division of Child Protection and Permanency in the
20 Department of Children and Families when the division is
21 conducting a background investigation involving:

22 (1) an allegation of child abuse or neglect, to include any adult
23 member of the same household as the individual who is the subject
24 of the abuse or neglect allegation; or

25 (2) an out-of-home placement for a child being placed by the
26 Division of Child Protection and Permanency, to include any adult
27 member of the prospective placement household.

28 Any individual, agency, or court which receives from the
29 Administrative Office of the Courts the records referred to in this
30 section shall keep the records and reports, or parts thereof,
31 confidential and shall not disseminate or disclose such records and
32 reports, or parts thereof; provided that nothing in this section shall
33 prohibit a receiving individual, agency, surrogate or court from
34 disclosing records and reports, or parts thereof, in a manner
35 consistent with and in furtherance of the purpose for which the
36 records and reports or parts thereof were received.

37 Any individual who disseminates or discloses a record or report,
38 or parts thereof, of the central registry, other than for an official
39 purpose authorized by this section, for the investigation of an
40 alleged violation of a protective order issued pursuant to P.L.2015,
41 c.147 (C.2C:14-13 et al.), conducting a background investigation
42 involving a person's application for employment at a police or law
43 enforcement agency, making a determination of an issue before the
44 court, conducting a background investigation as specified in
45 subsection e. of this section, or for any other purpose other than that
46 which is authorized by law, the Rules of Court or court order, shall
47 be guilty of a crime of the fourth degree.

48 (cf: P.L.2015, c.147, s.8)

1 5. Section 12 of P.L.1991, c.261 (C.2C:25-28) is amended as
2 follows:

3 12. a. A victim may file a complaint alleging the commission of
4 an act of domestic violence with the Family Part of the Chancery
5 Division of the Superior Court in conformity with the Rules of
6 Court. The court shall not dismiss any complaint or delay
7 disposition of a case because the victim has left the residence to
8 avoid further incidents of domestic violence. Filing a complaint
9 pursuant to this section shall not prevent the filing of a criminal
10 complaint for the same act.

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

17 A plaintiff may apply for relief under this section in a court
18 having jurisdiction over the place where the alleged act of domestic
19 violence occurred, where the defendant resides, or where the
20 plaintiff resides or is sheltered, and the court shall follow the same
21 procedures applicable to other emergency applications. Criminal
22 complaints filed pursuant to this act shall be investigated and
23 prosecuted in the jurisdiction where the offense is alleged to have
24 occurred. Contempt complaints filed pursuant to N.J.S.2C:29-9
25 shall be prosecuted in the county where the contempt is alleged to
26 have been committed and a copy of the contempt complaint shall be
27 forwarded to the court that issued the order alleged to have been
28 violated.

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

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

34 (2) The plaintiff may provide information concerning firearms
35 to which the defendant has access, including the location of these
36 firearms, if known, on a form to be prescribed by the
37 Administrative Director of the Courts.

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

44 d. Summons and complaint forms shall be readily available at
45 the clerk's office, at the municipal courts and at municipal and State
46 police stations.

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

4 f. A plaintiff may seek emergency, ex parte relief in the nature
5 of a temporary restraining order. A municipal court judge or a
6 judge of the Family Part of the Chancery Division of the Superior
7 Court may enter an ex parte order when necessary to protect the
8 life, health or well-being of a victim on whose behalf the relief is
9 sought.

10 g. If it appears that the plaintiff is in danger of domestic
11 violence, the judge shall, upon consideration of the plaintiff's
12 domestic violence complaint, order emergency ex parte relief, in the
13 nature of a temporary restraining order. A decision shall be made
14 by the judge regarding the emergency relief forthwith.

15 h. A judge may issue a temporary restraining order upon sworn
16 testimony or complaint of an applicant who is not physically
17 present, pursuant to court rules, or by a person who represents a
18 person who is physically or mentally incapable of filing personally.
19 A temporary restraining order may be issued if the judge is satisfied
20 that exigent circumstances exist sufficient to excuse the failure of
21 the applicant to appear personally and that sufficient grounds for
22 granting the application have been shown.

23 The judge shall issue a temporary restraining order, pursuant to
24 court rules, upon complaint of an applicant who is a service member
25 of the New Jersey National Guard or any Reserve Component of the
26 United States Armed Forces serving within the State who is a
27 victim of non-consensual sexual contact who has also received a
28 military protective order, or upon complaint of the Staff Judge
29 Advocate of the New Jersey National Guard or any Reserve
30 Component of the United States Armed Forces serving in the State
31 on behalf of a named victim who is a victim of non-consensual
32 sexual contact who has also received a military protective order.

33 i. An order for emergency, ex parte relief shall be granted
34 upon good cause shown and shall remain in effect until a judge of
35 the Family Part issues a further order. Any temporary order
36 hereunder is immediately appealable for a plenary hearing de novo
37 not on the record before any judge of the Family Part of the county
38 in which the plaintiff resides or is sheltered if that judge issued the
39 temporary order or has access to the reasons for the issuance of the
40 temporary order and sets forth in the record the reasons for the
41 modification or dissolution. The denial of a temporary restraining
42 order by a municipal court judge and subsequent administrative
43 dismissal of the complaint shall not bar the victim from refiling a
44 complaint in the Family Part based on the same incident and
45 receiving an emergency, ex parte hearing de novo not on the record
46 before a Family Part judge, and every denial of relief by a
47 municipal court judge shall so state.

1 j. Emergency relief may include forbidding the defendant from
2 returning to the scene of the domestic violence, forbidding the
3 defendant from possessing any firearm or other weapon enumerated
4 in subsection r. of N.J.S.2C:39-1, ordering the search for and
5 seizure of any firearm or other weapon at any location where the
6 judge has reasonable cause to believe the weapon is located and the
7 seizure of any firearms purchaser identification card or permit to
8 purchase a handgun issued to the defendant and any other
9 appropriate relief.

10 If the order requires the surrender of any firearm or other
11 weapon, a law enforcement officer shall accompany the defendant,
12 or may proceed without the defendant if necessary, to the scene of
13 the domestic violence or any other location where the judge has
14 reasonable cause to believe any firearm or other weapon belonging
15 to the defendant is located, to ensure that the defendant does not
16 gain access to any firearm or other weapon, and that the firearm or
17 other weapon is appropriately surrendered in accordance with the
18 order. If the order prohibits the defendant from returning to the
19 scene of domestic violence or any other location where the judge
20 has reasonable cause to believe any firearm or other weapon
21 belonging to the defendant is located, any firearm or other weapon
22 located there shall be seized by a law enforcement officer. The
23 order shall include notice to the defendant of the penalties for a
24 violation of any provision of the order, including but not limited to
25 the penalties for contempt of court and unlawful possession of a
26 firearm or other weapon pursuant to N.J.S.2C:39-5. Other
27 appropriate relief may include but is not limited to an order
28 directing the possession of any animal owned, possessed, leased,
29 kept, or held by either party or a minor child residing in the
30 household and providing that the animal shall not be disposed of
31 prior to entry of a final order pursuant to section 13 of P.L.1991,
32 c.261 (C.2C:25-29).

33 The judge shall state with specificity the reasons for and scope of
34 any search and seizure authorized by the order. The provisions of
35 this subsection prohibiting a defendant from possessing a firearm or
36 other weapon shall not apply to any law enforcement officer while
37 actually on duty, or to any member of the Armed Forces of the
38 United States or member of the National Guard while actually on
39 duty or traveling to or from an authorized place of duty.

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

44 l. An order granting emergency relief, together with the
45 complaint or complaints, shall immediately be forwarded to the
46 appropriate law enforcement agency for service on the defendant,
47 and to the police of the municipality in which the plaintiff resides or
48 is sheltered, and shall immediately be served upon the defendant by

1 the police, except that an order issued during regular court hours
2 may be forwarded to the sheriff for immediate service upon the
3 defendant in accordance with the Rules of Court. If personal
4 service cannot be effected upon the defendant, the court may order
5 other appropriate substituted service. At no time shall the plaintiff
6 be asked or required to serve any order on the defendant.

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

8 n. Notice of temporary restraining orders issued pursuant to
9 this section shall be sent by the clerk of the court or other person
10 designated by the court to the appropriate chiefs of police, members
11 of the State Police and any other appropriate law enforcement
12 agency or court.

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

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

17 q. Prior to the issuance of any temporary or final restraining
18 order issued pursuant to this section, the court shall order that a
19 search be made of the domestic violence central registry with regard
20 to the defendant's record.

21 (cf: P.L.2016, c.91, s.2)

22
23 6. Section 1 of P.L.1978, c.95 (C.2C:33-4) is amended to read
24 as follows:

25 1. Except as provided in subsection e., a person commits a
26 petty disorderly persons offense if, with purpose to harass another,
27 he:

28 a. Makes, or causes to be made, one or more communications
29 anonymously or at extremely inconvenient hours, or in offensively
30 coarse language, or any other manner likely to cause annoyance or
31 alarm;

32 b. Subjects another to striking, kicking, shoving, or other
33 offensive touching, or threatens to do so; or

34 c. Engages in any other course of alarming conduct or of
35 repeatedly committed acts with purpose to alarm or seriously annoy
36 such other person.

37 A communication under subsection a. may be deemed to have
38 been made either at the place where it originated or at the place
39 where it was received.

40 d. (Deleted by amendment, P.L.2001, c.443).

41 e. A person commits a crime of the fourth degree if, in
42 committing an offense under this section, he was serving a term of
43 imprisonment or was on parole or probation as the result of a
44 conviction of any indictable offense under the laws of this State,
45 any other state or the United States or he knowingly directs such
46 action to a current or former judge that relates to the performance of
47 the judge's public duties.

1 f. Engages in conduct after having been notified, in writing or
2 otherwise, while the person was a member of the National Guard,
3 not to engage in such conduct by a commanding officer. A person
4 violates this paragraph regardless of whether the person is a
5 member of the National Guard when the person engages in the
6 conduct and regardless of where the conduct occurs. The
7 notification not to engage in such conduct expires one year from the
8 date of issuance.

9 (cf: P.L.2021, c.327, s.1)

10
11 7. N.J.S.2C:58-3 is amended to read as follows:

12 2C:58-3. a. Permit to purchase a handgun.

13 (1) No person shall sell, give, transfer, assign or otherwise
14 dispose of, nor receive, purchase, or otherwise acquire a handgun
15 unless the purchaser, assignee, donee, receiver or holder is licensed
16 as a dealer under this chapter or has first secured a permit to
17 purchase a handgun as provided by this section.

18 (2) A person who is not a licensed retail dealer and sells, gives,
19 transfers, assigns, or otherwise disposes of, or receives, purchases
20 or otherwise acquires a handgun pursuant to this section shall
21 conduct the transaction through a licensed retail dealer.

22 The provisions of this paragraph shall not apply if the transaction
23 is:

24 (a) between members of an immediate family as defined in
25 subsection n. of this section;

26 (b) between law enforcement officers;

27 (c) between collectors of firearms or ammunition as curios or
28 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
29 in their possession a valid Collector of Curios and Relics License
30 issued by the Bureau of Alcohol, Tobacco, Firearms, and
31 Explosives; or

32 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
33 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

34 (3) Prior to a transaction conducted pursuant to this subsection,
35 the retail dealer shall complete a National Instant Criminal
36 Background Check of the person acquiring the handgun. In
37 addition:

38 (a) the retail dealer shall submit to the Superintendent of State
39 Police, on a form approved by the superintendent, information
40 identifying and confirming the background check;

41 (b) every retail dealer shall maintain a record of transactions
42 conducted pursuant to this subsection, which shall be maintained at
43 the address displayed on the retail dealer's license for inspection by
44 a law enforcement officer during reasonable hours;

45 (c) a retail dealer may charge a fee for a transaction conducted
46 pursuant to this subsection; and

1 (d) any record produced pursuant to this subsection shall not be
2 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
3 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

4 b. Firearms purchaser identification card.

5 (1) No person shall sell, give, transfer, assign or otherwise
6 dispose of nor receive, purchase or otherwise acquire an antique
7 cannon or a rifle or shotgun, other than an antique rifle or shotgun,
8 unless the purchaser, assignee, donee, receiver or holder is licensed
9 as a dealer under this chapter or possesses a valid firearms
10 purchaser identification card, and first exhibits the card to the seller,
11 donor, transferor or assignor, and unless the purchaser, assignee,
12 donee, receiver or holder signs a written certification, on a form
13 prescribed by the superintendent, which shall indicate that he
14 presently complies with the requirements of subsection c. of this
15 section and shall contain his name, address and firearms purchaser
16 identification card number or dealer's registration number. The
17 certification shall be retained by the seller, as provided in paragraph
18 (4) of subsection a. of N.J.S.2C:58-2, or, in the case of a person
19 who is not a dealer, it may be filed with the chief of police of the
20 municipality in which he resides or with the superintendent.

21 (2) A person who is not a licensed retail dealer and sells, gives,
22 transfers, assigns, or otherwise disposes of, or receives, purchases
23 or otherwise acquires an antique cannon or a rifle or shotgun
24 pursuant to this section shall conduct the transaction through a
25 licensed retail dealer.

26 The provisions of this paragraph shall not apply if the transaction
27 is:

28 (a) between members of an immediate family as defined in
29 subsection n. of this section;

30 (b) between law enforcement officers;

31 (c) between collectors of firearms or ammunition as curios or
32 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
33 in their possession a valid Collector of Curios and Relics License
34 issued by the Bureau of Alcohol, Tobacco, Firearms, and
35 Explosives; or

36 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
37 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

38 (3) Prior to a transaction conducted pursuant to this subsection,
39 the retail dealer shall complete a National Instant Criminal
40 Background Check of the person acquiring an antique cannon or a
41 rifle or shotgun. In addition:

42 (a) the retail dealer shall submit to the Superintendent of State
43 Police, on a form approved by the superintendent, information
44 identifying and confirming the background check;

45 (b) every retail dealer shall maintain a record of transactions
46 conducted pursuant to this section which shall be maintained at the
47 address set forth on the retail dealer's license for inspection by a law
48 enforcement officer during reasonable hours;

1 (c) a retail dealer may charge a fee for a transaction conducted
2 pursuant to this subsection; and

3 (d) any record produced pursuant to this subsection shall not be
4 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
5 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

6 c. Who may obtain. No person of good character and good
7 repute in the community in which he lives, and who is not subject to
8 any of the disabilities set forth in this section or other sections of
9 this chapter, shall be denied a permit to purchase a handgun or a
10 firearms purchaser identification card, except as hereinafter set
11 forth. No handgun purchase permit or firearms purchaser
12 identification card shall be issued:

13 (1) To any person who has been convicted of any crime, or a
14 disorderly persons offense involving an act of domestic violence as
15 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
16 not armed with or possessing a weapon at the time of the offense;

17 (2) To any drug-dependent person as defined in section 2 of
18 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a
19 mental disorder to a hospital, mental institution or sanitarium, or to
20 any person who is presently an habitual drunkard;

21 (3) To any person who suffers from a physical defect or disease
22 which would make it unsafe for him to handle firearms, to any
23 person who has ever been confined for a mental disorder, or to any
24 alcoholic unless any of the foregoing persons produces a certificate
25 of a medical doctor or psychiatrist licensed in New Jersey, or other
26 satisfactory proof, that he is no longer suffering from that particular
27 disability in a manner that would interfere with or handicap him in
28 the handling of firearms; to any person who knowingly falsifies any
29 information on the application form for a handgun purchase permit
30 or firearms purchaser identification card;

31 (4) To any person under the age of 18 years for a firearms
32 purchaser identification card and to any person under the age of 21
33 years for a permit to purchase a handgun;

34 (5) To any person where the issuance would not be in the
35 interest of the public health, safety or welfare;

36 (6) To any person who is subject to a restraining order issued
37 pursuant to the "Prevention of Domestic Violence Act of 1991",
38 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
39 possessing any firearm or a substantially similar order issued by the
40 court of another state, tribe, United States territory, or military
41 tribunal;

42 (7) To any person who as a juvenile was adjudicated delinquent
43 for an offense which, if committed by an adult, would constitute a
44 crime and the offense involved the unlawful use or possession of a
45 weapon, explosive or destructive device or is enumerated in
46 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

1 (8) To any person whose firearm is seized pursuant to the
2 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
3 (C.2C:25-17 et seq.) and whose firearm has not been returned; or

4 (9) To any person named on the consolidated Terrorist Watchlist
5 maintained by the Terrorist Screening Center administered by the
6 Federal Bureau of Investigation;

7 (10) To any person who is subject to a court order prohibiting
8 the custody, control, ownership, purchase, possession, or receipt of
9 a firearm or ammunition issued pursuant to the "Extreme Risk
10 Protective Order Act of 2018", P.L.2018, c.35 (C.2C:58-20 et al.);
11 or

12 (11) To any person who is subject to a court order prohibiting
13 the custody, control, ownership, purchase, possession, or receipt of
14 a firearm or ammunition issued pursuant to P.L.2021, c.327
15 (C.2C:12-14 et al.).

16 In order to obtain a permit to purchase a handgun or a firearms
17 purchaser identification card, the applicant shall demonstrate that,
18 within four years prior to the date of the application, the applicant
19 satisfactorily completed a course of instruction approved by the
20 superintendent in the lawful and safe handling and storage of
21 firearms. The applicant shall be required to demonstrate
22 completion of a course of instruction only once prior to obtaining
23 either a firearms purchaser identification card or the applicant's first
24 permit to purchase a handgun.

25 The applicant shall not be required to demonstrate completion of
26 a course of instruction in order to obtain any subsequent permit to
27 purchase a handgun, to replace an existing firearms purchaser
28 identification card, or to renew a firearms purchaser identification
29 card.

30 An applicant who is a law enforcement officer who has satisfied
31 the requirements of subsection j. of N.J.S.2C:39-6, a retired law
32 enforcement officer who has satisfied the requirements of
33 subsection l. of N.J.S.2C:39-6, or a veteran who was honorably
34 discharged as a member of the United States Armed Forces or
35 National Guard who received substantially equivalent training shall
36 not be required to complete the course of instruction required
37 pursuant to the provisions of this subsection.

38 A person who obtained a permit to purchase a handgun or a
39 firearms purchaser identification card prior to the effective date of
40 P.L.2022, c.58 shall not be required to complete a course of
41 instruction pursuant to this subsection.

42 d. Issuance. The chief of police of an organized full-time
43 police department of the municipality where the applicant resides or
44 the superintendent, in all other cases, shall upon application, issue
45 to any person qualified under the provisions of subsection c. of this
46 section a permit to purchase a handgun or a firearms purchaser
47 identification card.

1 A firearms purchaser identification card issued following the
2 effective date of P.L.2022, c.58 shall display a color photograph
3 and a thumb print of the card holder. A person who obtained a
4 firearms purchaser identification card prior to the effective date of
5 P.L.2022, c.58 shall not be required to obtain a firearm purchaser
6 identification card that displays a color photograph and a thumb
7 print. The superintendent shall establish guidelines as necessary to
8 effectuate the issuance of firearms purchaser identification cards
9 that display a color photograph and a thumb print of the card
10 holder.

11 Any person aggrieved by the denial of a permit or identification
12 card may request a hearing in the Superior Court of the county in
13 which he resides if he is a resident of New Jersey or in the Superior
14 Court of the county in which his application was filed if he is a
15 nonresident. The request for a hearing shall be made in writing
16 within 30 days of the denial of the application for a permit or
17 identification card. The applicant shall serve a copy of his request
18 for a hearing upon the chief of police of the municipality in which
19 he resides, if he is a resident of New Jersey, and upon the
20 superintendent in all cases. The hearing shall be held and a record
21 made thereof within 30 days of the receipt of the application for a
22 hearing by the judge of the Superior Court. No formal pleading and
23 no filing fee shall be required as a preliminary to a hearing.
24 Appeals from the results of a hearing shall be in accordance with
25 law.

26 e. Applications. Applications for permits to purchase a
27 handgun and for firearms purchaser identification cards shall be in
28 the form prescribed by the superintendent and shall set forth the
29 name, residence, place of business, age, date of birth, occupation,
30 sex and physical description, including distinguishing physical
31 characteristics, if any, of the applicant, and shall state whether the
32 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
33 drug-dependent person as defined in section 2 of P.L.1970, c.226
34 (C.24:21-2), whether he has ever been confined or committed to a
35 mental institution or hospital for treatment or observation of a
36 mental or psychiatric condition on a temporary, interim or
37 permanent basis, giving the name and location of the institution or
38 hospital and the dates of confinement or commitment, whether he
39 has been attended, treated or observed by any doctor or psychiatrist
40 or at any hospital or mental institution on an inpatient or outpatient
41 basis for any mental or psychiatric condition, giving the name and
42 location of the doctor, psychiatrist, hospital or institution and the
43 dates of the occurrence, whether he presently or ever has been a
44 member of any organization which advocates or approves the
45 commission of acts of force and violence to overthrow the
46 Government of the United States or of this State, or which seeks to
47 deny others their rights under the Constitution of either the United
48 States or the State of New Jersey, whether he has ever been

1 convicted of a crime or disorderly persons offense, whether the
2 person is subject to a restraining order issued pursuant to the
3 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
4 (C.2C:25-17 et seq.) prohibiting the person from possessing any
5 firearm, whether the person is subject to a protective order issued
6 pursuant to the "Extreme Risk Protective Order Act of 2018",
7 P.L.2018, c.35 (C.2C:58-20 et al.), whether the person is subject to
8 a protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14
9 et al.) prohibiting the person from possessing any firearm, and other
10 information as the superintendent shall deem necessary for the
11 proper enforcement of this chapter. For the purpose of complying
12 with this subsection, the applicant shall waive any statutory or other
13 right of confidentiality relating to institutional confinement. The
14 application shall be signed by the applicant and shall contain as
15 references the names and addresses of two reputable citizens
16 personally acquainted with him.

17 Application blanks shall be obtainable from the superintendent,
18 from any other officer authorized to grant a permit or identification
19 card, and from licensed retail dealers, or shall be made available
20 through an online process established or made available by the
21 superintendent.

22 The chief police officer or the superintendent shall obtain the
23 fingerprints of the applicant and shall have them compared with any
24 and all records of fingerprints in the municipality and county in
25 which the applicant resides and also the records of the State Bureau
26 of Identification and the Federal Bureau of Investigation, provided
27 that an applicant for a handgun purchase permit who possesses a
28 valid firearms purchaser identification card, or who has previously
29 obtained a handgun purchase permit from the same licensing
30 authority for which he was previously fingerprinted, and who
31 provides other reasonably satisfactory proof of his identity, need not
32 be fingerprinted again; however, the chief police officer or the
33 superintendent shall proceed to investigate the application to
34 determine whether or not the applicant has become subject to any of
35 the disabilities set forth in this chapter.

36 f. Granting of permit or identification card; fee; term; renewal;
37 revocation. The application for the permit to purchase a handgun
38 together with a fee of \$2, or the application for the firearms
39 purchaser identification card together with a fee of \$5, shall be
40 delivered or forwarded to the licensing authority who shall
41 investigate the same and, unless good cause for the denial thereof
42 appears, shall grant the permit or the identification card, or both, if
43 application has been made therefor, within 30 days from the date of
44 receipt of the application for residents of this State and within 45
45 days for nonresident applicants. A permit to purchase a handgun
46 shall be valid for a period of 90 days from the date of issuance and
47 may be renewed by the issuing authority for good cause for an
48 additional 90 days. A firearms purchaser identification card issued

1 or renewed after the effective date of P.L.2022, c.58 shall expire
2 during the tenth calendar year following its date of issuance and on
3 the same calendar day as the person's date of birth.

4 If the date of birth of the firearms purchaser identification card
5 holder does not correspond to a calendar day of the tenth calendar
6 year, the card shall expire on the last day of the birth month of the
7 card holder.

8 A firearms purchaser identification card issued pursuant to this
9 section may be renewed upon filing of a renewal application and
10 payment of the required fee, provided that the holder is not subject
11 to any of the disabilities set forth in subsection c. of this section and
12 complies with all other applicable requirements as set forth in
13 statute and regulation.

14 A firearms purchaser identification card issued prior to the
15 effective date of P.L.2022, c.58 shall not expire.

16 A firearms purchaser identification card shall be void if the
17 holder becomes subject to any of the disabilities set forth in
18 subsection c. of this section, whereupon the card shall be returned
19 within five days by the holder to the superintendent, who shall then
20 advise the licensing authority. Failure of the holder to return the
21 firearms purchaser identification card to the superintendent within
22 the five days shall be an offense under subsection a. of N.J.S.2C:39-
23 10. Any firearms purchaser identification card may be revoked by
24 the Superior Court of the county wherein the card was issued, after
25 hearing upon notice, upon a finding that the holder thereof no
26 longer qualifies for the issuance of the permit. The county
27 prosecutor of any county, the chief police officer of any
28 municipality or any citizen may apply to the court at any time for
29 the revocation of the card.

30 There shall be no conditions or requirements added to the form
31 or content of the application, or required by the licensing authority
32 for the issuance or renewal of a permit or identification card, other
33 than those that are specifically set forth in this chapter.

34 g. Disposition of fees. All fees for permits shall be paid to the
35 State Treasury if the permit is issued by the superintendent, to the
36 municipality if issued by the chief of police, and to the county
37 treasurer if issued by the judge of the Superior Court.

38 h. Form of permit; quadruplicate; disposition of copies. (1)
39 Except as otherwise provided in paragraph (2) of this subsection,
40 the permit shall be in the form prescribed by the superintendent and
41 shall be issued to the applicant in quadruplicate. Prior to the time
42 he receives the handgun from the seller, the applicant shall deliver
43 to the seller the permit in quadruplicate and the seller shall
44 complete all of the information required on the form. Within five
45 days of the date of the sale, the seller shall forward the original
46 copy to the superintendent and the second copy to the chief of
47 police of the municipality in which the purchaser resides, except
48 that in a municipality having no chief of police, the copy shall be

1 forwarded to the superintendent. The third copy shall then be
2 returned to the purchaser with the pistol or revolver and the fourth
3 copy shall be kept by the seller as a permanent record.

4 (2) The requirements of this subsection concerning the delivery
5 and form of permit and disposition of copies shall not be applicable
6 when these functions may be completed by utilizing an electronic
7 system as described in paragraph (2) of subsection b. of
8 N.J.S.2C:58-2 or section 5 of P.L.2022, c.55 (C.2C:58-3.3a).

9 i. Restriction on number of firearms person may purchase.
10 Only one handgun shall be purchased or delivered on each permit
11 and no more than one handgun shall be purchased within any 30-
12 day period, but this limitation shall not apply to:

13 (1) a federal, State, or local law enforcement officer or agency
14 purchasing handguns for use by officers in the actual performance
15 of their law enforcement duties;

16 (2) a collector of handguns as curios or relics as defined in Title
17 18, United States Code, section 921 (a) (13) who has in his
18 possession a valid Collector of Curios and Relics License issued by
19 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

20 (3) transfers of handguns among licensed retail dealers,
21 registered wholesale dealers and registered manufacturers;

22 (4) transfers of handguns from any person to a licensed retail
23 dealer or a registered wholesale dealer or registered manufacturer;

24 (5) any transaction where the person has purchased a handgun
25 from a licensed retail dealer and has returned that handgun to the
26 dealer in exchange for another handgun within 30 days of the
27 original transaction, provided the retail dealer reports the exchange
28 transaction to the superintendent; or

29 (6) any transaction where the superintendent issues an
30 exemption from the prohibition in this subsection pursuant to the
31 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

32 The provisions of this subsection shall not be construed to afford
33 or authorize any other exemption from the regulatory provisions
34 governing firearms set forth in chapter 39 and chapter 58 of Title
35 2C of the New Jersey Statutes;

36 A person shall not be restricted as to the number of rifles or
37 shotguns he may purchase, provided he possesses a valid firearms
38 purchaser identification card and provided further that he signs the
39 certification required in subsection b. of this section for each
40 transaction.

41 j. Firearms passing to heirs or legatees. Notwithstanding any
42 other provision of this section concerning the transfer, receipt or
43 acquisition of a firearm, a permit to purchase or a firearms
44 purchaser identification card shall not be required for the passing of
45 a firearm upon the death of an owner thereof to his heir or legatee,
46 whether the same be by testamentary bequest or by the laws of
47 intestacy. The person who shall so receive, or acquire the firearm
48 shall, however, be subject to all other provisions of this chapter. If

1 the heir or legatee of the firearm does not qualify to possess or carry
2 it, he may retain ownership of the firearm for the purpose of sale for
3 a period not exceeding 180 days, or for a further limited period as
4 may be approved by the chief law enforcement officer of the
5 municipality in which the heir or legatee resides or the
6 superintendent, provided that the firearm is in the custody of the
7 chief law enforcement officer of the municipality or the
8 superintendent during that period.

9 k. Sawed-off shotguns. Nothing in this section shall be
10 construed to authorize the purchase or possession of any sawed-off
11 shotgun.

12 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to
13 the sale or purchase of a visual distress signalling device approved
14 by the United States Coast Guard, solely for possession on a private
15 or commercial aircraft or any boat; provided, however, that no
16 person under the age of 18 years shall purchase nor shall any person
17 sell to a person under the age of 18 years a visual distress signalling
18 device.

19 m. The provisions of subsections a. and b. of this section and
20 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
21 apply to the purchase of firearms by a law enforcement agency for
22 use by law enforcement officers in the actual performance of the
23 current or former judge's duties, which purchase may be made
24 directly from a manufacturer or from a licensed dealer located in
25 this State or any other state.

26 n. For the purposes of this section, "immediate family" means a
27 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
28 (C.26:8A-3), partner in a civil union couple as defined in section 2
29 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
30 sibling, stepsibling, child, stepchild, and grandchild, as related by
31 blood or by law.

32 o. Registration of handguns owned by new residents. Any
33 person who becomes a resident of this State following the effective
34 date of P.L.2022, c.52 and who transports into this State a firearm
35 that the person owned or acquired while residing in another state
36 shall apply for a firearm purchaser identification card within 60
37 days of becoming a New Jersey resident, and shall register any
38 handgun so transported into this State within 60 days as provided in
39 this subsection.

40 A person who registers a handgun pursuant to this subsection
41 shall complete a registration statement, which shall be in a form
42 prescribed by the superintendent. The information provided in the
43 registration statement shall include, but shall not be limited to, the
44 name and address of the person and the make, model, and serial
45 number of the handgun being registered. Each registration
46 statement shall be signed by the person, and the signature shall
47 constitute a representation of the accuracy of the information
48 contained in the registration statement.

1 The registration statement shall be submitted to the law
2 enforcement agency of the municipality in which the person resides
3 or, if the municipality does not have a municipal law enforcement
4 agency, any State Police station.

5 Within 60 days prior to the effective date of P.L.2022, c.52, the
6 superintendent shall prepare the form of registration statement as
7 described in this subsection and shall provide a suitable supply of
8 statements to each organized full-time municipal police department
9 and each State Police station.

10 A person who fails to apply for a firearm purchaser identification
11 card or register a handgun as required pursuant to this subsection
12 shall be granted 30 days to comply with the provisions of this
13 subsection. If the person does not comply within 30 days, the
14 person shall be liable to a civil penalty of \$250 for a first offense
15 and shall be guilty of a disorderly persons offense for a second or
16 subsequent offense.

17 If a person is in possession of multiple firearms or handguns in
18 violation of this subsection, the person shall be guilty of one
19 offense under this subsection provided the violation is a single
20 event.

21 The civil penalty shall be collected pursuant to the "Penalty
22 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in
23 a summary proceeding before the municipal court having
24 jurisdiction. A law enforcement officer having enforcement
25 authority in that municipality may issue a summons for a violation,
26 and may serve and execute all process with respect to the
27 enforcement of this subsection consistent with the Rules of Court.

28 (cf: P.L.2022, c.58, s.1)

29

30 8. Section 3 of P.L.2013, c.82 (C.34:11C-3) is amended to read
31 as follows:

32 3. a. Any employee of an employer in the State who was a
33 victim of an incident of domestic violence as defined in section 3 of
34 P.L.1991, c.261 (C.2C:25-19) or a sexually violent offense as
35 defined in section 3 of P.L.1998, c.71 (C.30:4-27.26), or whose
36 parent-in-law, sibling, grandparent, grandchild, child, parent,
37 spouse, domestic partner, or civil union partner individual, or any
38 other individual related by blood to the employee, and any other
39 individual that the employee shows to have a close association with
40 the employee which is the equivalent of a family relationship, was a
41 victim shall be entitled to unpaid leave of no more than 20 days in
42 one 12-month period, to be used in the 12-month period next
43 following any incident of domestic violence or any sexually violent
44 offense as provided in this section. For purposes of this section,
45 each incident of domestic violence or any sexually violent offense
46 shall constitute a separate offense for which an employee is entitled
47 to unpaid leave, provided that the employee has not exhausted the
48 allotted 20 days for the 12-month period. The unpaid leave may be

1 taken intermittently in intervals of no less than one day, as needed
2 for the purpose of engaging in any of the following activities as
3 they relate to the incident of domestic violence or sexually violent
4 offense:

5 (1) seeking medical attention for, or recovering from, physical
6 or psychological injuries caused by domestic or sexual violence to
7 the employee or the employee's parent-in-law, sibling, grandparent,
8 grandchild, child, parent, spouse, domestic partner, or civil union
9 partner individual, or any other individual related by blood to the
10 employee, and any other individual that the employee shows to
11 have a close association with the employee which is the equivalent
12 of a family relationship;

13 (2) obtaining services from a victim services organization for
14 the employee or the employee's parent-in-law, sibling, grandparent,
15 grandchild, child, parent, spouse, domestic partner, or civil union
16 partner individual, or any other individual related by blood to the
17 employee, and any other individual that the employee shows to
18 have a close association with the employee which is the equivalent;

19 (3) obtaining psychological or other counseling for the
20 employee or the employee's parent-in-law, sibling, grandparent,
21 grandchild, child, parent, spouse, domestic partner, or civil union
22 partner individual, or any other individual related by blood to the
23 employee, and any other individual that the employee shows to
24 have a close association with the employee which is the equivalent
25 of a family relationship;

26 (4) participating in safety planning, temporarily or permanently
27 relocating, or taking other actions to increase the safety of the
28 employee or the employee's parent-in-law, sibling, grandparent,
29 grandchild, child, parent, spouse, domestic partner, or civil union
30 partner individual, or any other individual related by blood to the
31 employee, and any other individual that the employee shows to
32 have a close association with the employee which is the equivalent
33 of a family relationship, from future domestic or sexual violence or
34 to ensure economic security;

35 (5) seeking legal assistance or remedies to ensure the health and
36 safety of the employee or the employee's parent-in-law, sibling,
37 grandparent, grandchild, child, parent, spouse, domestic partner, or
38 civil union partner, individual, or any other individual related by
39 blood to the employee, and any other individual that the employee
40 shows to have a close association with the employee which is the
41 equivalent of a family relationship, including preparing for, or
42 participating in, any civil **【or】** , criminal, or military legal
43 proceeding related to or derived from domestic or sexual violence;
44 or

45 (6) attending, participating in, or preparing for a criminal **【or】** ,
46 civil court, or military proceeding relating to an incident of
47 domestic or sexual violence of which the employee or the
48 employee's parent-in-law, sibling, grandparent, grandchild, child,

1 parent, spouse, domestic partner, or civil union partner, or any other
2 individual related by blood to the employee, and any other
3 individual that the employee shows to have a close association with
4 the employee which is the equivalent of a family relationship, was a
5 victim.

6 An eligible employee may elect to use any of the accrued paid
7 vacation leave, personal leave, or medical or sick leave of the
8 employee, or any family temporary disability leave benefits
9 provided pursuant to section 3 of P.L.1948, c.110 (C.43:21-27),
10 during any part of the 20-day period of unpaid leave provided under
11 this subsection. In such case, any paid leave provided by the
12 employer, and accrued pursuant to established policies of the
13 employer, or family temporary disability leave benefits, shall run
14 concurrently with the unpaid leave provided under this subsection
15 and, accordingly, the employee shall receive pay pursuant to the
16 employer's applicable paid leave policy, or family temporary
17 disability leave benefits, during the period of otherwise unpaid
18 leave. If an employee requests leave for a reason covered by both
19 this subsection and the "Family Leave Act," P.L.1989, c.261
20 (C.34:11B-1 et seq.) or the federal "Family and Medical Leave Act
21 of 1993," Pub.L.103-3 (29 U.S.C. s.2601 et seq.), the leave shall
22 count simultaneously against the employee's entitlement under each
23 respective law.

24 Leave granted under this section shall not conflict with any
25 rights pursuant to the "Family Leave Act," P.L.1989, c.261
26 (C.34:11B-1 et seq.), the "Temporary Disability Benefits Law,"
27 P.L.1948, c.110 (C.43:21-25 et al.), or the federal "Family and
28 Medical Leave Act of 1993," Pub.L.103-3 (29 U.S.C. s.2601 et
29 seq.).

30 b. Prior to taking the leave provided for in this section, an
31 employee shall, if the necessity for the leave is foreseeable, provide
32 the employer with written notice of the need for the leave, unless an
33 emergency or other unforeseen circumstances precludes prior
34 notice. The notice shall be provided to the employer as far in
35 advance as is reasonable and practical under the circumstances.

36 c. Nothing contained in this act shall be construed to prohibit
37 an employer from requiring that a period of leave provided pursuant
38 to this section be supported by the employee with documentation of
39 the domestic violence or sexually violent offense which is the basis
40 for the leave. If the employer requires the documentation, the
41 employee shall be regarded as having provided sufficient
42 documentation if the employee provides one or more of the
43 following:

44 (1) a domestic violence restraining order or other documentation
45 of equitable relief issued by a court of competent jurisdiction or
46 military protective order issued by a military tribunal;

- 1 (2) a letter or other written documentation from the county or
- 2 municipal prosecutor documenting the domestic violence or
- 3 sexually violent offense;
- 4 (3) documentation of the conviction of a person for the domestic
- 5 violence or sexually violent offense;
- 6 (4) medical documentation of the domestic violence or sexually
- 7 violent offense;
- 8 (5) certification from a certified Domestic Violence Specialist or
- 9 the director of a designated domestic violence agency or Rape
- 10 Crisis Center, that the employee or employee's parent-in-law,
- 11 sibling, grandparent, grandchild, child, parent, spouse, domestic
- 12 partner, or civil union partner, or any other individual related by
- 13 blood to the employee, and any other individual that the employee
- 14 shows to have a close association with the employee which is the
- 15 equivalent of a family relationship, is a victim of domestic violence
- 16 or a sexually violent offense; or
- 17 (6) other documentation or certification of the domestic violence
- 18 or sexually violent offense provided by a social worker, member of
- 19 the clergy, shelter worker, military family advocacy program, or
- 20 other professional who has assisted the employee or employee's
- 21 parent-in-law, sibling, grandparent, grandchild, child, parent,
- 22 spouse, domestic partner, or civil union partner, or any other
- 23 individual related by blood to the employee, and any other
- 24 individual that the employee shows to have a close association with
- 25 the employee which is the equivalent of a family relationship, in
- 26 dealing with the domestic violence or sexually violent offenses.
- 27 For the purposes of this subsection:
- 28 "Certified Domestic Violence Specialist" means a person who
- 29 has fulfilled the requirements of certification as a Domestic
- 30 Violence Specialist established by the New Jersey Association of
- 31 Domestic Violence Professionals; and "designated domestic
- 32 violence agency" means a county-wide organization with a primary
- 33 purpose to provide services to victims of domestic violence, and
- 34 which provides services that conform to the core domestic violence
- 35 services profile as defined by the Division of Child Protection and
- 36 Permanency in the Department of Children and Families and is
- 37 under contract with the division for the express purpose of
- 38 providing the services.
- 39 "Rape Crisis Center" means an office, institution, or center
- 40 offering assistance to victims of sexual offenses through crisis
- 41 intervention, medical and legal information, and follow-up
- 42 counseling.
- 43 d. An employer shall display conspicuous notice of its
- 44 employees' rights and obligations pursuant to the provisions of this
- 45 act, in such form and in such manner as the Commissioner of Labor
- 46 and Workforce Development shall prescribe, and use other
- 47 appropriate means to keep its employees so informed.

1 e. No provision of this act shall be construed as requiring or
2 permitting an employer to reduce employment benefits provided by
3 the employer or required by a collective bargaining agreement
4 which are in excess of those required by this act. Nor shall any
5 provision of this act be construed to prohibit the negotiation and
6 provision through collective bargaining agreements of leave
7 policies or benefit programs which provide benefits in excess of
8 those required by this act. This provision shall apply irrespective of
9 the date that a collective bargaining agreement takes effect.

10 Nothing contained in this act shall be construed as permitting an
11 employer to:

12 (1) rescind or reduce any employment benefit accrued prior to
13 the date on which the leave taken pursuant to this act commenced;
14 or

15 (2) rescind or reduce any employment benefit, unless the
16 rescission or reduction of the benefit is based on changes that would
17 have occurred if an employee continued to work without taking the
18 leave provided pursuant to this section.

19 f. All information provided to an employer pursuant to
20 subsection c. of this section, and any information regarding a leave
21 taken pursuant to this section and any failure of an employee to
22 return to work, shall be retained in the strictest confidentiality,
23 unless the disclosure is voluntarily authorized in writing by the
24 employee or is required by a federal or State law, rule, or
25 regulation.

26 (cf: P.L.2019, c37, s.4)

27
28 9. Section 2 of P.L.1993, c.281 (C.38A:3-2b3) is amended to
29 read as follows

30 2. The Adjutant General of the Department of Military and
31 Veterans' Affairs shall:

32 a. develop economic criteria for determining eligibility for
33 financial assistance pursuant to the program established by this act;

34 **[and]**

35 b. promulgate rules and regulations pursuant to the
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.) necessary to implement the provisions of this act; and

38 c. provide current and former members of the National Guard
39 who were the victims of sexual assault or sexual harassment while
40 members of the National Guard and who are involved in
41 administrative or New Jersey Code of Military Justice proceedings
42 related to the sexual assault or sexual harassment with financial
43 assistance to fully cover the expenses of traveling to and from and
44 participating in those proceedings.

45 (cf: P.L.1993, c.281, s.2)

46
47 10. (New section) (Supplementing P.L.1991, c.261; C.2C:25-17
48 et seq.)

1 a. A person entitled to protection under an order of protection
2 issued by the court of another state, tribe, or United States territory,
3 or military tribunal may file a certified copy of the order of
4 protection with the clerk of the Superior Court pursuant to the Rules
5 of Court in a judicial vicinage in which the person believes that
6 enforcement may be necessary.

7 b. The New Jersey National Guard shall file a certified copy of
8 any military order of protection with the clerk of the Superior Court
9 pursuant to the Rules of Court in a judicial vicinage in which the
10 person entitled to protection resides or if the person entitled to
11 protection is not a State resident, in a judicial vicinage in which it is
12 believed that enforcement may be necessary.

13 c. The clerk shall:

14 (1) treat the order of protection in the same manner as a
15 judgment of the Superior Court in accordance with the provisions of
16 the Uniform Enforcement of Foreign Judgments Act (2A:49A-25),
17 except that the clerk shall not mail notice of the filing of the order
18 to the respondent named in the order; and

19 (2) on the same day that an order of protection is filed, file a
20 certified copy of that order with the sheriff or other law
21 enforcement officials charged with maintaining New Jersey State
22 Police records.

23 d. Neither residence in this State nor filing of an order of
24 protection shall be required for enforcement of the order by this
25 State. Failure to file the order shall not be an impediment to its
26 treatment in all respects as a New Jersey protective order.

27 e. The clerk shall not charge a fee to file an order of protection
28 under this section.

29
30 11. (New section) (Supplementing chapter 154 of Title 2A of
31 the New Jersey Statutes)

32 Full-time civilian law enforcement officers employed by the
33 Defense Criminal Investigative Service, Army Criminal
34 Investigation Division, Naval Criminal Investigative Service, or Air
35 Force Office of Special Investigations who are empowered to effect
36 an arrest with or without a warrant for violations of the United
37 States Code and who are authorized to carry firearms in the
38 performance of their duties shall be empowered to act as an officer
39 for the arrest of offenders against the laws of this State:

40 a. when the person reasonably believes that a crime of the first,
41 second, or third degree is or is about to be committed or attempted
42 in the officer's presence; and

43 b. when the person reasonably believes that a crime of the fourth
44 degree relating to criminal sexual contact, harassment, or stalking is
45 or is about to be committed or attempted in the officer's presence
46 on a military installation, or off a military installation by a service
47 member against another person, regardless of whether or not either

1 person was on or off duty at the time of the alleged assault, while
2 that officer is in the performance of official duties.

3
4 12. (New section) (Supplementing chapter 10 of Title 38A of
5 the New Jersey Statutes)

6 Any person subject the provisions of chapter 10 of Title 38A of
7 the New Jersey Statutes who commits an offense prohibited under
8 N.J.S. 2C:33-4 shall be found guilty of that offense by a military
9 court in accordance with chapter 10 of Title 38A of the New Jersey
10 Statutes. Any person found guilty of an offense prohibited under
11 N.J.S. 2C:33-4 shall be punished as a court-martial may direct.

12
13 13. (New section) (Supplementing P.L.1971, c. 317; C.52:4B-
14 3.5) a. An application submitted to the Victims of Crime
15 Compensation Office for a claim by a military personnel victim
16 based on a sexual assault by another military personnel shall not be
17 denied solely because it was not reported to a superior officer or
18 law enforcement officer at the time of the crime.

19 b. Factors that the office shall consider for purposes of
20 determining if a claim qualifies for compensation include, but are
21 not limited to, evidence of the following:

22 (1) restricted or unrestricted reports to a military victim
23 advocate, sexual assault response coordinator, chaplain, attorney, or
24 other military personnel.

25 (2) medical or physical evidence consistent with sexual assault.

26 (3) a written or oral report from military law enforcement or a
27 civilian law enforcement agency concluding that a sexual assault
28 crime was committed against the victim.

29 (4) a letter or other written statement from a sexual assault
30 counselor, licensed therapist, or mental health counselor, stating
31 that the victim is seeking services related to the allegation of sexual
32 assault.

33 (5) a credible witness to whom the victim disclosed the details
34 that a sexual assault crime occurred.

35 (6) a restraining order from a military or civilian court against
36 the perpetrator of the sexual assault.

37 (7) other behavior by the victim consistent with sexual assault.

38 c. For purposes of this section, the sexual assault at issue shall
39 have occurred during military service including deployment.

40 d. For purposes of this section, the sexual assault may have been
41 committed off base.

42 e. For purposes of this section, a “perpetrator” means an
43 individual who is any of the following at the time of the sexual
44 assault:

45 (1) an active duty military personnel from the United States
46 Army, Navy, Marine Corps, Air Force, Space Force, or Coast
47 Guard.

1 (2) a civilian employee of any military branch specified in
2 paragraph (1), military base or installation, or military deployment.

3 (3) a contractor or agent of a private military or private security
4 company.

5 (4) a member of the New Jersey National Guard.

6
7 14. (New section) (Supplementing P.L.1971, c.437; C.9:6-
8 8.8.10g.)

9 a. If a report is accepted as a credible allegation of domestic
10 abuse or child abuse or neglect as defined by the Department of
11 Children and Families, the department shall collect information
12 concerning the military status of the spouse, intimate partner,
13 parent, or guardian of the child who is the subject of the report and
14 shall share information about the allegation with the appropriate
15 military authorities in accordance with the memorandum or
16 understanding described in this section.

17 b. The department shall enter into a memorandum of
18 understanding with the military family advocacy program at a local
19 military installation with respect to interpersonal violence and child
20 abuse and neglect investigations.

21 c. For the purposes of this section, "military family advocacy
22 program" means the program established by the United States
23 Department of Defense to address child abuse and neglect in
24 military families.

25 d. Such memorandum of understanding shall establish
26 procedures and protocols for matters including, but not limited to:
27 (1) identifying an individual credibly alleged to have committed
28 abuse or neglect as military personnel; (2) identifying appropriate
29 circumstances for reporting to the military family advocacy
30 program without reducing likelihood of reporting or creating undue
31 risk to the health or wellbeing of the spouse, intimate partner,
32 parent, guardian, or child; (3) reporting to a military family
33 advocacy program when an investigation implicating military
34 personnel has been initiated; and 4) maintaining confidentiality
35 requirements under State and federal law.

36
37 15. (New section) (Supplementing chapter 10 of the Title 38A of
38 the New Jersey Statutes)

39 Notwithstanding any other provision of law to the contrary, the
40 State may exercise concurrent jurisdiction with the United States
41 over a military installation of the United States Department of
42 Defense located within the State in any matter relating to a violation
43 of federal law or the Uniform Code of Military Justice, if all the
44 following criteria are met:

45 (1) the United States waives exclusive jurisdiction;

46 (2) the case or allegation pertains to sexual assault; and

47 (3) the violation of federal law is also a crime or offense under
48 Title 2C of the New Jersey Statutes.

1 The Sexual Assault Response Coordinator of the Department of
2 Military and Veterans Affairs may enter into a memorandum of
3 understanding with the appropriate military authorities to effectuate
4 the purposes of this subsection.

5
6 16. (New section) (Supplementing chapter 30 of Title 52 of the
7 Revised Statutes)

8 a. Notwithstanding any other provision of law to the contrary,
9 upon acceptance by the Governor or any other State official
10 department or agency of relinquishment by the United States, the
11 State shall exercise concurrent jurisdiction with the United States
12 over a military installation of the United States within the State on
13 and over land or lands ceded in any matter related to a violation of
14 federal or State law involving any child or juvenile, within the
15 limits and extent of those lands.

16 b. The State of New Jersey shall retain concurrent jurisdiction
17 over a military installation of the United States in all civil, juvenile,
18 and domestic relations processes in all cases, and such criminal,
19 juvenile, and domestic relations or other processes as may issue
20 under the laws or authority of the State of New Jersey against any
21 person may be executed therein in the same way and manner as if
22 the consent had not been given or jurisdiction ceded. The provisions
23 of this section shall apply to the relinquishment of jurisdiction
24 acquired by the United States under the provisions of any cessions
25 enacted for a military purpose of the United States.

26
27 17. This act shall take effect immediately but shall be
28 inoperative until the first day of the fourth next following
29 enactment, except the Department of Military and Veterans Affairs,
30 Department of Children and Families, and the Department of Law
31 and Public Safety may take any anticipatory administrative action in
32 advance as shall be necessary for the implementation of this act.

33
34
35 STATEMENT

36
37 Sexual assault remains a persistent problem in the military
38 despite numerous initiatives to address it. The lack of progress
39 stems from the complexity of the problem of sexual assaults, and it
40 is necessary to develop effective prevention and response programs
41 to increase the reporting of sexual assaults as well as to increase the
42 conviction rates of perpetrators of sexual assault.

43 This bill:

44 directs a State court to issue a temporary protective order, in the
45 case of nonconsensual sexual conduct or domestic violence, upon
46 complaint of an applicant who is a service member of the New
47 Jersey National Guard or any Reserve Component of the Armed
48 Forces of the United States serving within the State who is a victim

1 of non-consensual sexual contact who has also received a military
2 protective order, or upon complaint of the Staff Judge Advocate of
3 the New Jersey National Guard or any Reserve Component serving
4 in the State on behalf of a named victim who is a victim of non-
5 consensual sexual contact who has also received a military
6 protective order.

7 makes military protective orders issued by a military tribunal
8 effective throughout the State and provides for their enforcement.

9 directs the Administrative Office of the Courts to establish and
10 maintain a central registry of all orders of protection issued by a
11 military tribunal and all persons who have been charged with a
12 violation of such a protective order.

13 makes it a petty disorderly persons offense if, with the purpose to
14 harass another, a person engages in conduct after having been
15 notified, while the person was a member of the National Guard, not
16 to engage in such conduct by a commanding officer.

17 prohibits any person from obtaining a handgun purchase permit
18 or firearms purchaser identification card who is subject to a
19 restraining order issued by the court of another state, tribe, United
20 States Territory, or military tribunal that is substantially to the
21 Prevention of Domestic Violence Act of 1991.

22 provides that a person or the family member of the person is
23 participating in a military legal proceeding receive unpaid leave
24 from employment to seek legal assistance and remedies and attend
25 and prepare for the proceeding when the proceeding involves
26 domestic or sexual violence.

27 directs that the Adjutant General to provide current and former
28 members of the National Guard who were the victims of sexual
29 assault or sexual harassment while members of the National Guard
30 and who are involved in administrative or New Jersey Code of
31 Military Justice proceedings related to the sexual assault or sexual
32 harassment with financial assistance to fully cover the expenses of
33 traveling to and from and participating in those proceedings.

34 permits a person with an order of protection issued by the court
35 of another state, tribe, or United States territory, or military tribunal
36 to file the order with the clerk of the Superior Court in a judicial
37 vicinage in which the person believes that enforcement may be
38 necessary, and requires the New Jersey National Guard to file a
39 certified copy of any military order of protection with the court in a
40 judicial vicinage in which the person entitled to protection resides
41 or, if the person entitled to protection is not a State resident, in a
42 judicial circuit in which it is believed that enforcement may be
43 necessary.

44 authorizes full-time civilian law enforcement officers employed
45 by the Defense Criminal Investigative Service, Army Criminal
46 Investigation Division, Naval Criminal Investigative Service, Air
47 Force Office of Special Investigations who are empowered to effect
48 an arrest with or without a warrant for violations of the United

1 States Code and who are authorized to carry firearms in the
2 performance of their duties to act as an officer for the arrest of
3 offenders against the laws of this State where the person reasonably
4 believes that a crime of the first, second, or third degree is or is
5 about to be committed or attempted in his presence, and where the
6 person reasonably believes that a crime of the fourth degree,
7 relating to criminal sexual contact, harassment, or stalking is or is
8 about to be committed or attempted in his presence on a military
9 installation, or off a military installation by a service member
10 against another person, regardless of whether or not either person
11 was on or off duty at the time of the alleged assault, while that
12 officer is in the performance of official duties.

13 provides that a person subject to military discipline under State
14 law who commits an offense of harassment prohibited under State
15 law will be guilty of that offense in accordance with military
16 discipline and be punished as a court martial may direct.

17 establishes that an application for a claim to the Victims of
18 Crime Compensation Office by a military personnel victim based on
19 a sexual assault by another military personnel will not be denied
20 solely because it was not reported to a superior officer or law
21 enforcement officer at the time of the crime and sets forth factors
22 that will be considered for purposes of determining if a claim of
23 military sexual assault qualifies for compensation.

24 provides that if a report is accepted as a credible allegation of
25 domestic abuse or child abuse or neglect by the Department of
26 Children and Families, the department will collect information
27 concerning the military status of the spouse, intimate partner,
28 parent, or guardian of the child who is the subject of the report and
29 share information about the allegation with the appropriate military
30 authorities in accordance with the memorandum of understanding
31 with the military family advocacy program at a local military
32 installation with respect to interpersonal violence, and child abuse
33 and neglect investigations.

34 establishes that the State may exercise concurrent jurisdiction
35 with the United States over a military installation of the United
36 States Department of Defense located within the State in a matter
37 relating to a violation of federal law or the Uniform Code of
38 Military Justice if certain conditions are met.

39 provides that, upon acceptance or relinquishment of the United
40 States by Governor or any other State official department or agency,
41 the State will exercise concurrent jurisdiction with the United States
42 over a military installation of the United States within the State in
43 and over land or lands ceded, in a matter related to a violation of
44 federal or State law, upon any child or juvenile, within the limits
45 and extent of lands so ceded and providing that the State will retain
46 concurrent jurisdiction over a military installation of the United
47 States in certain cases.