

[Second Reprint]

**ASSEMBLY, No. 5285**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED FEBRUARY 28, 2023

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblywoman SHAMA A. HAIDER**

**District 37 (Bergen)**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Somerset)**

**Co-Sponsored by:**

**Assemblywoman Murphy, Assemblymen Stanley, Sauickie,  
Assemblywomen McKnight, Mosquera, Pintor Marin, Senators Gopal,  
O'Scanlon and Ruiz**

**SYNOPSIS**

Requires copies of certain law enforcement records to be provided to victims of domestic violence upon request.

**CURRENT VERSION OF TEXT**

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



(Sponsorship Updated AS OF: 10/2024)

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

3

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

6

7 1. (New section) a. <sup>1</sup>**[Within]** In addition to any rights to access  
8 records provided pursuant to the provisions of P.L.1963, c.73  
9 (C.47:1A-1 et seq.), commonly known as the open public records act,  
10 <sup>2</sup>or the Rules of Court,<sup>2</sup> within<sup>1</sup> 10 calendar days of the request of a  
11 victim of domestic violence or the victim's legal representative, a law  
12 enforcement agency <sup>1</sup>with primary responsibility for investigating a  
13 complaint filed pursuant to the "Prevention of Domestic Violence Act  
14 of 1991," P.L.1991, c.261 (C.2C:25-17 et al.)<sup>1</sup> shall provide at no cost  
15 to the victim or victim's legal representative copies of law  
16 enforcement records <sup>1</sup>enumerated in this section<sup>1</sup> relating to <sup>1</sup>**[an]** the  
17 alleged<sup>1</sup> act of domestic violence <sup>1</sup>[reported to the law enforcement  
18 agency. **If]** <sup>2</sup>If release of the records would jeopardize an ongoing  
19 criminal investigation or the safety of any person, the records shall  
20 either be redacted such that release to the victim would not jeopardize  
21 an ongoing criminal investigation or the safety of any person, or  
22 released pursuant to a protective order issued pursuant to subsection b.  
23 of this section<sup>2</sup> . Except as otherwise provided in this section, if<sup>1</sup> the  
24 law enforcement agency is unable to produce a copy of a requested  
25 record within the 10-day-period, a copy of the record shall be provided  
26 to the victim or victim's representative within 24 hours after the record  
27 becomes available. The record shall be provided electronically or in  
28 hard copy paper form, in accordance with the request of the victim or  
29 victim's representative. The records shall be certified pursuant to New  
30 Jersey Rules of Evidence <sup>1</sup>as the law enforcement agency's business  
31 records<sup>1</sup> .

32 A request may be made for a copy of any of the following records  
33 related to <sup>1</sup>**[an]** the<sup>1</sup> <sup>2</sup>alleged<sup>2</sup> act of domestic violence <sup>2</sup>**[<sup>1</sup>before the**  
34 court<sup>1</sup>] which is the subject of a complaint filed pursuant to the  
35 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
36 (C.2C:25-17 et al.) or an act of domestic violence relating to a previous  
37 complaint filed pursuant to the "Prevention of Domestic Violence Act of  
38 1991," P.L.1991, c.261 (C.2C:25-17 et al.) involving both parties<sup>2</sup> :

39 (1) photographs taken by a law enforcement officer;

40 (2) law enforcement officer body <sup>1</sup>worn<sup>1</sup> camera or dashboard  
41 camera footage<sup>2</sup>**[**, provided the footage does not implicate the identity  
42 or statements of a third-party witness<sup>2</sup>**]**;

43 (3) 9-1-1 transcript or recording<sup>2</sup>**[**, provided the transcript or  
44 recording does not implicate the identity or statements of a third-party

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:

<sup>1</sup>Assembly AJU committee amendments adopted March 9, 2023.

<sup>2</sup>Assembly AAP committee amendments adopted March 23, 2023.

1 witness<sup>2</sup>; and

2 (4) contents of the police report, as deemed appropriate by the law  
3 enforcement agency <sup>2</sup>[], provided the contents of the report do not  
4 implicate or contain the identity or statements of a third-party witness  
5 or jeopardize an ongoing criminal investigation<sup>2</sup>.

6 <sup>2</sup>[In providing copies of the requested law enforcement records,  
7 the law enforcement agency may redact the statements of third-party  
8 witnesses if production of the information would either jeopardize an  
9 ongoing criminal investigation or could jeopardize the safety of any  
10 third-party.]<sup>2</sup> If the law enforcement agency is unable to produce a  
11 copy of a requested record within the 10-day-period, <sup>2</sup>and the court  
12 does not reschedule the hearing to be conducted pursuant to section 13  
13 of P.L.1991, c.261 (C.2C:25-29), upon the request of the victim,<sup>2</sup> the  
14 law enforcement agency <sup>2</sup>[<sup>1</sup>.]<sup>2</sup> shall make <sup>2</sup>at least one of<sup>2</sup> the officers  
15 primarily responsible for investigating the complaint available for the  
16 hearing. The law enforcement agency<sup>1</sup> may request additional time  
17 from the court to redact the documents <sup>1</sup>[. A request for additional  
18 time to produce the records shall be made in writing] by submitting a  
19 written request<sup>1</sup> to the court with notice to the victim or victim's legal  
20 representative. <sup>1</sup>The court shall approve the written request without a  
21 hearing or additional proceedings, unless good cause exists to deny the  
22 additional time requested.<sup>1</sup> If granted additional time by the court, the  
23 law enforcement agency shall provide a copy of the records to the  
24 victim or victim's legal representative within 24 hours after the record  
25 becomes available.

26 b. The Family Part of the Chancery Division of the Superior  
27 Court shall have jurisdiction to enforce the victim or victim's legal  
28 representative's request for copies of law enforcement records  
29 pursuant to this section, and to <sup>1</sup>[compel production of the requested  
30 records from the law enforcement agency by issuing an order to show  
31 cause to the law enforcement agency] issue such protective orders as  
32 may be appropriate to <sup>2</sup>[ensure that information is disclosed only to  
33 the extent required for conduct related to the complaint or a related  
34 action or proceeding involving the parties to the complaint. <sup>1</sup> ] set forth  
35 terms and conditions authorizing or limiting disclosure or use to the  
36 extent warranted. Dissemination of copies of law enforcement records  
37 in violation of a protective order issued pursuant to this subsection  
38 may be subject to prosecution for harassment pursuant to N.J.S.2C:33-  
39 4; cyber-harassment pursuant to section 1 of P.L.2013, c.272  
40 (C.2C:33-4.1); invasion of privacy pursuant to N.J.S.2C:14-9; or any  
41 other applicable criminal law<sup>2</sup>.

42 c. <sup>1</sup>[Nothing in this section shall be construed as superseding the  
43 right of a victim to access records pursuant to the provisions of  
44 P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open  
45 public records act.

1           d.】<sup>1</sup> A victim of domestic violence who is seeking to access  
2 law enforcement agency records but who is not seeking other relief in  
3 the Family Part of the Chancery Division of the Superior Court may  
4 enforce their right of access pursuant to P.L.1963, c.73 (C.47:1A-1 et  
5 seq.) on an expedited basis. The victim shall not be required to  
6 complete a formal open public records act request form to access the  
7 records.

8  
9           2. Section 13 of P.L.1991, c.261 (C.2C:25-29) is amended to  
10 read as follows:

11           13. a. **【A】** Except as otherwise provided in this subsection, a  
12 hearing shall be held in the Family Part of the Chancery Division of  
13 the Superior Court within 10 days of the filing of a complaint  
14 pursuant to section 12 of P.L.1991, c.261 (C.2C:25-28) in the  
15 county where the ex parte restraints were ordered, unless good  
16 cause is shown for the hearing to be held elsewhere. A copy of the  
17 complaint shall be served on the defendant in conformity with the  
18 Rules of Court. If a criminal complaint arising out of the same  
19 incident which is the subject matter of a complaint brought under  
20 P.L.1981, c.426 (C.2C:25-1 et seq.) or P.L.1991, c.261 (C.2C:25-17  
21 et seq.) has been filed, testimony given by the plaintiff or defendant  
22 in the domestic violence matter shall not be used in the  
23 simultaneous or subsequent criminal proceeding against the  
24 defendant, other than domestic violence contempt matters and  
25 where it would otherwise be admissible hearsay under the rules of  
26 evidence that govern where a party is unavailable. If there are law  
27 enforcement records related to an incident which is the subject of a  
28 complaint or the domestic violence history described in the  
29 complaint, and the plaintiff has requested the records, the court  
30 shall grant plaintiff's request for an adjournment if reasonably  
31 needed to collect evidence contained in the law enforcement  
32 records. <sup>1</sup>【The court may grant the plaintiff's request for an  
33 adjournment of up to 14 calendar days to provide the plaintiff  
34 additional time to seek production of records from a law  
35 enforcement agency pursuant to section 1 of P.L. , c. (C. )  
36 (pending before the Legislature as this bill).】<sup>1</sup> If the plaintiff has  
37 requested records from a law enforcement agency pursuant to  
38 section 1 of P.L. , c. (C. ) (pending before the Legislature  
39 as this bill), but has not received the records as of the date of the  
40 original or rescheduled hearing, the law enforcement agency's  
41 failure to provide the requested records shall be noted on the record  
42 prior to the court making a final determination on the request for  
43 restraints. The <sup>1</sup>【court】 absence of law enforcement records<sup>1</sup> shall  
44 not <sup>1</sup>【draw a negative inference if: a plaintiff has requested, but not  
45 received, records pursuant to this section; the production of records  
46 is incomplete; or the plaintiff did not report an act of domestic  
47 violence to law enforcement】 be a basis to deny relief pursuant to

1 this section<sup>1</sup> . At the hearing the standard for proving the  
2 allegations in the complaint shall be by a preponderance of the  
3 evidence.

4 The court shall consider but not be limited to the following  
5 factors:

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

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

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

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

12 (5) In determining custody and parenting time the protection of  
13 the victim's safety; and

14 (6) The existence of a verifiable order of protection from  
15 another jurisdiction.

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

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

39 A law enforcement officer shall accompany the defendant, or  
40 may proceed without the defendant if necessary, to any place where  
41 any firearm or other weapon belonging to the defendant is located  
42 to ensure that the defendant does not gain access to any firearm or  
43 other weapon, and a law enforcement officer shall take custody of  
44 any firearm or other weapon belonging to the defendant. If the  
45 order prohibits the defendant from returning to the scene of  
46 domestic violence or other place where firearms or other weapons  
47 belonging to the defendant are located, any firearm or other weapon  
48 located there shall be seized by a law enforcement officer. The

1 provisions of this subsection requiring the surrender or removal of a  
2 firearm, card, or permit shall not apply to any law enforcement  
3 officer while actually on duty, or to any member of the Armed  
4 Forces of the United States or member of the National Guard while  
5 actually on duty or traveling to or from an authorized place of duty.  
6 At the hearing the judge of the Family Part of the Chancery  
7 Division of the Superior Court may issue an order granting any or  
8 all of the following relief:

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

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

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

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

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

42 (4) An order requiring the defendant to pay to the victim  
43 monetary compensation for losses suffered as a direct result of the  
44 act of domestic violence. The order may require the defendant to  
45 pay the victim directly, to reimburse the Victims of Crime  
46 Compensation Office for any and all compensation paid by the  
47 Victims of Crime Compensation Office directly to or on behalf of  
48 the victim, and may require that the defendant reimburse any parties

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

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

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

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

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

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

46 (10) An order awarding emergency monetary relief, including  
47 emergency support for minor children, to the victim and other

1 dependents, if any. An ongoing obligation of support shall be  
2 determined at a later date pursuant to applicable law.

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

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

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

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

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

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

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

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

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

44 c. Notice of orders issued pursuant to this section shall be sent  
45 by the clerk of the Family Part of the Chancery Division of the  
46 Superior Court or other person designated by the court to the  
47 appropriate chiefs of police, members of the State Police and any  
48 other appropriate law enforcement agency.



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

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

10 <sup>1</sup>f. <sup>2</sup>A final judgment rendered in favor of the State in any  
11 criminal proceeding brought pursuant to the “Prevention of  
12 Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et  
13 seq.) shall estop the defendant from denying the same conduct in  
14 any proceeding brought pursuant to this section.

15 g.<sup>2</sup> In connection with a pending complaint filed with the  
16 Superior Court, Chancery Division, Family Part, pursuant to the  
17 “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261  
18 (C.2C:25-17 et al.), a party to the complaint may request the release  
19 or unsealing of expunged records, or sealed records under prior law,  
20 or prior arrests or convictions related to previous complaints filed  
21 pursuant to the “Prevention of Domestic Violence Act of 1991,”  
22 P.L.1991, c.261 (C.2C:25-17 et al.) involving both parties.

23 <sup>2</sup>[g.] h.<sup>2</sup> Expunged records, or sealed records under prior law,  
24 of prior arrests or convictions shall be provided to any party, county  
25 prosecutor, Criminal Division of the Superior Court, or the Attorney  
26 General when requested for use in conjunction with proceedings  
27 related to any of the following matters:

28 (1) a temporary or final restraining order or a weapons forfeiture  
29 complaint filed in the Superior Court, Chancery Division, Family  
30 Part, pursuant to the “Prevention of Domestic Violence Act of  
31 1991,” P.L.1991, c.261 (C.2C:25-17 et al.); and

32 (2) a temporary or final extreme risk protection order complaint  
33 filed in the Superior Court pursuant to the “Extreme Risk Protective  
34 Order Act of 2018,” P.L.2018, c.35 (C.2C:58-20 et al.).<sup>1</sup>

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

36  
37 3. This act shall take effect <sup>1</sup>**[immediately]** on the first day of the  
38 fourth month next following the date of enactment, but the Attorney  
39 General and the Administrative Office of the Courts may take such  
40 anticipatory action prior to the effective date as needed to effectuate  
41 the provisions of this act<sup>1</sup>.