

SENATE, No. 1809

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 28, 2022

Sponsored by:

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District 29 (Essex)

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District 31 (Hudson)

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Senator A.M.Bucco

SYNOPSIS

Adds coercive control to definition of domestic violence.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/1/2023)

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

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

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

9 3. As used in this act:

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

13 (1) Homicide N.J.S.2C:11-1 et seq.

14 (2) Assault N.J.S.2C:12-1

15 (3) Terroristic threats N.J.S.2C:12-3

16 (4) Kidnapping N.J.S.2C:13-1

17 (5) Criminal restraint N.J.S.2C:13-2

18 (6) False imprisonment N.J.S.2C:13-3

19 (7) Sexual assault N.J.S.2C:14-2

20 (8) Criminal sexual contact N.J.S.2C:14-3

21 (9) Lewdness N.J.S.2C:14-4

22 (10) Criminal mischief N.J.S.2C:17-3

23 (11) Burglary N.J.S.2C:18-2

24 (12) Criminal trespass N.J.S.2C:18-3

25 (13) Harassment N.J.S.2C:33-4

26 (14) Stalking P.L.1992, c.209 (C.2C:12-10)

27 (15) Criminal coercion N.J.S.2C:13-5

28 (16) Robbery N.J.S.2C:15-1

29 (17) Contempt of a domestic violence order pursuant to
30 subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly
31 persons offense

32 (18) Any other crime involving risk of death or serious bodily
33 injury to a person protected under the "Prevention of Domestic
34 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.)

35 (19) Cyber-harassment P.L.2013, c.272 (C.2C:33-4.1)

36 (20) Coercive control. As used in this paragraph, "coercive
37 control" means a pattern of behavior against a person protected
38 under this act that in purpose or effect unreasonably interferes with
39 a person's free will and personal liberty. "Coercive control"
40 includes, but is not limited to, unreasonably engaging in any of the
41 following:

42 (a) Isolating the person from friends, relatives, or other sources
43 of support;

44 (b) Depriving the person of basic necessities;

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

Matter underlined thus is new matter.

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

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

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

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

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

15 (h) Damaging property or household goods; or

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

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

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

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

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

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

47 (cf: P.L.2016, c.77, s.1)

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill would add “coercive control” to the definition of
7 domestic violence. Under the “Prevention of Domestic Violence
8 Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et al.) “domestic
9 violence” means the occurrence of one or more of the enumerated
10 acts set forth in section 3 of P.L.1991, c.261 (C.2C:25-19) upon a
11 person protected under the act. The bill revises the definition of
12 domestic violence to include “coercive control” and defines
13 “coercive control” to mean a pattern of behavior against a person
14 protected under this act that in purpose or effect unreasonably
15 interferes with a person’s free will and personal liberty. The bill
16 provides that “coercive control” includes, but is not limited to,
17 unreasonably engaging in any of the following:

18 (a) Isolating the person from friends, relatives, or other sources
19 of support;

20 (b) Depriving the person of basic necessities;

21 (c) Controlling, regulating or monitoring the person’s
22 movements, communications, daily behavior, finances, economic
23 resources or access to services;

24 (d) Compelling the person by force, threat or intimidation,
25 including, but not limited to, threats based on actual or suspected
26 immigration status, to (i) engage in conduct from which such person
27 has a right to abstain, or (ii) abstain from conduct that such person
28 has a right to pursue.

29 (e) Name-calling, degradation, and demeaning the person
30 frequently;

31 (f) Threatening to harm or kill the individual or a child or
32 relative of the individual;

33 (g) Threatening to public information or make reports to the
34 police or to the authorities;

35 (h) Damaging property or household goods; or

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

38 This bill is modeled upon Hawaii and California laws.