

CHAPTER 291

AN ACT establishing a pilot program for domestic violence offenders, supplementing Title 2C of the New Jersey Statutes, amending P.L.1971, c.198, and making an appropriation

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

C.2C:25-32.1 Four-year pilot program for electric monitoring of defendants and notification of domestic violence victims.

1. The Attorney General and the State Parole Board shall establish, administer, and maintain a four-year pilot program in Ocean County or a different county as determined by the Attorney General pursuant to subsection b. of section 12 of P.L.2025, c.291 (C.2C:25-32.10) for electronic monitoring of defendants and notification of domestic violence victims as ordered by the court.

C.2C:25-32.2 Victim's informed consent; factors considered by the court.

2. a. Pursuant to the pilot program established by P.L.2025, c.291 (C.2C:25-32.1 et al.), electronic monitoring may be ordered only with the victim's informed consent as defined in section 5 of P.L.2025, c.291 (C.2C:25-32.5). The pilot program shall apply to defendants convicted of contempt of a domestic violence order entered pursuant to the provisions of P.L.1981, c.426 (C.2C:25-1 et al.) or P.L.1991, c.261 (C.2C:25-17 et al.).

b. In making the determination whether to place the defendant on electronic monitoring, the court may hold a hearing to consider the likelihood that the defendant's participation in electronic monitoring will deter the defendant from injuring the victim. The court shall consider the following factors:

(1) the gravity and seriousness of harm that the defendant inflicted on the victim in the commission of the act of domestic violence that resulted in the entry of a temporary or final restraining order or a contempt order pursuant to the "Prevention of Domestic Violence Act," P.L.1981, c.426 (C.2C:25-1 et al.) or the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.);

(2) the defendant's previous history of domestic violence, if any;

(3) the defendant's history of other criminal acts, if any;

(4) whether the defendant has access to a weapon;

(5) whether the defendant has threatened suicide or homicide;

(6) whether the defendant has a history of mental illness or has been civilly committed;

(7) whether the defendant has a history of alcohol abuse or substance abuse;

(8) the best interests of any children of the parties; and

(9) any other factors the court finds relevant to making such a determination.

c. Any electronic monitoring device and tracking system worn or utilized by a defendant pursuant to P.L.2025, c.291 (C.2C:25-32.1 et al.) shall be in compliance with Offender Tracking Systems NIJ Standard 1004.00, issued by the National Institute of Justice in July 2016, and any successor standards adopted by the National Institute of Justice.

d. A defendant ordered by the court to be placed on electronic monitoring may be ordered to pay the costs and expenses related to electronic monitoring and victim notification, or a portion of the costs and expenses, based on the defendant's ability to pay.

e. In addition to the provisions of subsection d. of this section, a defendant ordered by the court to be placed on electronic monitoring shall be assessed a monitoring fee of \$250. The court may waive the fee in cases of extreme financial hardship. The fee shall be collected pursuant to the procedures established by the Attorney General and forwarded to the "Domestic

Violence Victim Notification Fund” established pursuant to section 7 of P.L.2025, c.291 (C.2C:25-32.7).

f. The Attorney General, in consultation with the State Parole Board, shall develop procedures to determine, investigate, and respond to a defendant’s noncompliance with the terms and conditions of the electronic monitoring program on a 24-hour-per-day basis. All reports of noncompliance shall be investigated by a law enforcement officer as expeditiously as possible.

g. The Attorney General, the Administrative Office of the Courts, the Superintendent of State Police, the State Parole Board, and county and municipal law enforcement agencies shall share information obtained pursuant to P.L.2025, c.291 (C.2C:25-32.1 et al.).

C.2C:25-32.3 Sentencing.

3. Pursuant to the pilot program established by P.L.2025, c.291 (C.2C:25-32.1 et al.), whenever a defendant is convicted of contempt of a domestic violence order entered pursuant to P.L.1981, c.426 (C.2C:25-1 et al.) or P.L.1991, c.261 (C.2C:25-17 et al.), the court may, in addition to any other disposition:

- a. sentence the defendant to electronic monitoring with victim notification for a period of time not to exceed the expiration of the pilot program established pursuant to P.L.2025, c.291 (C.2C:25-32.1 et al.); or
- b. sentence the defendant to probation and, concurrent to a disposition of probation, order electronic monitoring with victim notification.

C.2C:25-32.4 Electric monitoring device tampering, removal, vandalism.

4. Any person who tampers with, removes, or vandalizes an electronic monitoring device worn or utilized by a defendant pursuant to P.L.2025, c.291 (C.2C:25-32.1 et al.) is guilty of a crime of the third degree.

C.2C:25-32.5 Informed consent definition; termination of victim participation.

5. a. As used in P.L.2025, c.291 (C.2C:25-32.1 et al.), "informed consent" means that prior to consenting to a defendant’s participation in the electronic monitoring program established pursuant to P.L.2025, c.291 (C.2C:25-32.1 et al.), the prosecutor’s office has provided the victim the following information:

(1) The victim's right to refuse to participate in electronic monitoring and the process for requesting the court to terminate the victim's participation after it has been ordered, including the requirement for a resentencing hearing for the defendant when the victim terminates participation, as set forth in subsection b. of this section;

(2) The manner in which the electronic monitoring technology functions and the risks and limitations of that technology, the operational procedures of the device and the applicable instructions regarding the device, and the extent to which the system will track and record the victim's location and movements;

(3) The boundaries imposed on the defendant during the electronic monitoring;

(4) The sanctions that the court may impose on the defendant for violating an order issued by the court;

(5) The procedure that the victim is to follow if the defendant violates an order or if electronic monitoring equipment fails;

(6) Identification of support services available to assist the victim in developing a safety plan to use if the defendant violates an order or if electronic monitoring equipment fails;

(7) Identification of community services available to assist the victim in obtaining shelter, counseling, education, child care, legal representation, and other help in addressing the consequences and effects of domestic violence; and

(8) The non-confidential nature of the victim's communications with the court concerning electronic monitoring and the restrictions to be imposed upon the defendant's movements.

b. If the victim requests that the court terminate the victim's participation, through application by the prosecutor to the court, in the electronic monitoring program after the program has been ordered, the court shall hold a hearing to resentence the defendant. Electronic monitoring with victim notification shall continue until the court issues a resentencing decision.

C.2C:25-32.6 Civil penalties.

6. a. From the implementation of the pilot program established by P.L.2025, c.291 (C.2C:25-32.1 et al.) through the fifth year thereafter, and, in addition to the provisions of section 1 of P.L.2001, c.195 (C.2C:25-29.1), any person found by the court in a final hearing pursuant to section 13 of P.L.1991, c.261 (C.2C:25-29) to have committed an act of domestic violence shall be ordered by the court to pay a civil penalty of \$200. In imposing this civil penalty, the court shall take into consideration the nature and degree of injury suffered by the victim. The court may waive the penalty in cases of extreme financial hardship.

b. In addition to any other disposition, the court shall impose a civil penalty of \$250 on any person:

(1) convicted of a crime or offense involving domestic violence, as defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19); or

(2) convicted of contempt of a domestic violence order entered pursuant to P.L.1981, c.426 (C.2C:25-1 et al.) or P.L.1991, c.261 (C.2C:25-17 et al.),

unless the person was previously assessed the monitoring fee imposed pursuant to subsection e. of section 2 of P.L.2025, c.291 (C.2C:25-32.2), in which case the court shall not impose the civil penalty pursuant to this subsection.

c. The civil penalties imposed pursuant to this section shall expire at the end of the fifth year following implementation of the pilot program established pursuant to P.L.2025, c.291 (C.2C:25-32.1 et al.).

C.2C:25-32.7 Establishment of the Domestic Violence Victim Notification Fund.

7. a. There is hereby established the "Domestic Violence Victim Notification Fund," a dedicated, non-lapsing fund within the General Fund and administered by the Attorney General. The fund shall be the depository of the following moneys:

(1) the costs and expenses imposed on the defendant for electronic monitoring and victim notification pursuant to subsection d. of section 2 of P.L.2025, c.291 (C.2C:25-32.2);

(2) the \$250 monitoring fee assessed pursuant to subsection e. of section 2 of P.L.2025, c.291 (C.2C:25-32.2);

(3) the \$200 civil penalty set forth in subsection a. of section 6 of P.L.2025, c.291 (C.2C:25-32.6);

(4) the \$250 civil penalty set forth in subsection b. of section 6 of P.L.2025, c.291 (C.2C:25-32.6); and

(5) any other monies that may be available to the fund through appropriation by the Legislature or any public or private source.

b. All moneys deposited in the "Domestic Violence Victim Notification Fund" shall be used to defray the costs of electronic monitoring with victim notification pursuant to P.L.2025, c.291 (C.2C:25-32.6).

C.2C:25-32.8 Product, system, or services suppliers not liable for damages; exception.

8. Notwithstanding any other provision of law to the contrary, no supplier of a product, system, or service used for electronic monitoring with victim notification in the pilot program established by P.L.2025, c.291 (C.2C:25-32.1 et al.) shall be liable, directly or indirectly, for damages arising from any injury or death associated with the use of the product, system, or service unless, and only to the extent that, such action is based on a claim that the injury or death was proximately caused by a manufacturing defect in the product or system.

9. Section 5 of P.L.1971, c.198 (C.40A:11-5) is amended to read as follows:

C.40A:11-5 Exceptions.

5. Any contract the amount of which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor and shall be awarded by resolution of the governing body if:

(1) The subject matter thereof consists of:

(a) (i) Professional services. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed once, in the official newspaper, a brief notice stating the nature, duration, service, and amount of the contract, and that the resolution and contract are on file and available for public inspection in the office of the clerk of the county or municipality, or, in the case of a contracting unit created by more than one county or municipality, of the counties or municipalities creating the contracting unit; or (ii) Extraordinary unspecifiable services. The application of this exception shall be construed narrowly in favor of open competitive bidding, whenever possible, and the Division of Local Government Services is authorized to adopt and promulgate rules and regulations after consultation with the Commissioner of Education limiting the use of this exception in accordance with the intention herein expressed. The governing body shall in each instance state supporting reasons for its action in the resolution awarding each contract and shall forthwith cause to be printed, in the manner set forth in subsection (1) (a) (i) of this section, a brief notice of the award of the contract;

(b) The doing of any work by employees of the contracting unit;

(c) The printing of legal briefs, records, and appendices to be used in any legal proceeding in which the contracting unit may be a party;

(d) The furnishing of a tax map or maps for the contracting unit;

(e) The purchase of perishable foods as a subsistence supply;

(f) The supplying of any product or the rendering of any service by a public utility, which is subject to the jurisdiction of the Board of Public Utilities or the Federal Energy Regulatory Commission or its successor, in accordance with tariffs and schedules of charges made, charged, or exacted, filed with the board or commission;

(g) The acquisition, subject to prior approval of the Attorney General, of special equipment for confidential investigations;

(h) The printing of bonds and documents necessary to the issuance and sale thereof by a contracting unit;

(i) Equipment repair service if in the nature of an extraordinary unspecifiable service and necessary parts furnished in connection with the service, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;

(j) The publishing of legal notices in newspapers as required by law;

(k) The acquisition of artifacts or other items of unique intrinsic, artistic, or historical character;

- (l) Those goods and services necessary or required to prepare and conduct an election;
- (m) Insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary unspecifiable services;
- (n) The doing of any work by persons with disabilities employed by a sheltered workshop;
- (o) The provision of any goods or services, including those of a commercial nature, attendant upon the operation of a restaurant by any nonprofit, duly incorporated historical society at or on any historical preservation site;
- (p) (Deleted by amendment, P.L.1999, c.440)
- (q) Library and educational goods and services;
- (r) (Deleted by amendment, P.L.2005, c.212)
- (s) The marketing of recyclable materials recovered through a recycling program, or the marketing of any product intentionally produced or derived from solid waste received at a resource recovery facility or recovered through a resource recovery program, including, but not limited to, refuse-derived fuel, compost materials, methane gas, and other similar products;
- (t) (Deleted by amendment, P.L.1999, c.440)
- (u) Contracting unit towing and storage contracts, provided that all of the contracts shall be pursuant to reasonable non-exclusionary and non-discriminatory terms and conditions, which may include the provision of the services on a rotating basis, at the rates and charges set by the municipality pursuant to section 1 of P.L.1979, c.101 (C.40:48-2.49). All contracting unit towing and storage contracts for services to be provided at rates and charges other than those established pursuant to the terms of this paragraph shall only be awarded to the lowest responsible bidder in accordance with the provisions of the "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et seq.) and without regard for the value of the contract therefor;
- (v) The purchase of steam or electricity from, or the rendering of services directly related to the purchase of steam or electricity from, a qualifying small power production facility or a qualifying cogeneration facility as defined pursuant to 16 U.S.C. s.796;
- (w) The purchase of electricity or administrative or dispatching services directly related to the transmission of purchased electricity by a contracting unit engaged in the generation of electricity;
- (x) The printing of municipal ordinances or other services necessarily incurred in connection with the revision and codification of municipal ordinances;
- (y) An agreement for the purchase of an equitable interest in a water supply facility or for the provision of water supply services entered into pursuant to section 2 of P.L.1993, c.381 (C.58:28-2), or an agreement entered into pursuant to N.J.S.40A:31-1 et al., so long as the agreement is entered into no later than six months after the effective date of P.L.1993, c.381 (C.58:28-1 et al.);
- (z) A contract for the provision of water supply services entered into pursuant to P.L.1995, c.101 (C.58:26-19 et al.);
- (aa) The cooperative marketing of recyclable materials recovered through a recycling program;
- (bb) A contract for the provision of wastewater treatment services entered into pursuant to P.L.1995, c.216 (C.58:27-19 et al.);
- (cc) Expenses for travel and conferences;
- (dd) The provision or performance of goods or services for the support or maintenance of proprietary computer hardware and software, except that this provision shall not be utilized to acquire or upgrade non-proprietary hardware or to acquire or update non-proprietary software;
- (ee) The management or operation of an airport owned by the contracting unit pursuant to R.S.40:8-1 et seq.;

(ff) Purchases of goods and services at rates set by the Universal Service Fund administered by the Federal Communications Commission;

(gg) A contract for the provision of water supply services or wastewater treatment services entered into pursuant to section 2 of P.L.2002, c.47 (C.40A:11-5.1), or the designing, financing, construction, operation, or maintenance, or any combination thereof, of a water supply facility as defined in subsection (16) of section 15 of P.L.1971, c.198 (C.40A:11-15) or a wastewater treatment system as defined in subsection (19) of section 15 of P.L.1971, c.198 (C.40A:11-15), or any component part or parts thereof, including a water filtration system as defined in subsection (16) of section 15 of P.L.1971, c.198 (C.40A:11-15); or

(hh) The purchase of electricity generated from a power production facility that is fueled by methane gas extracted from a landfill in the county of the contracting unit;

(ii) For the duration of the four-year pilot program established by P.L.2025, c.291 (C.2C:25-32.1 et al.), services and equipment necessary for the implementation of the program.

(2) It is to be made or entered into with the United States of America, the State of New Jersey, county, or municipality, or any board, body, officer, agency, or authority thereof, or any other state or subdivision thereof.

(3) Bids have been advertised pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4) on two occasions and (a) no bids have been received on both occasions in response to the advertisement, or (b) the governing body has rejected the bids on two occasions because it has determined that they are not reasonable as to price, on the basis of cost estimates prepared for or by the contracting agent prior to the advertising therefor, or have not been independently arrived at in open competition, or (c) on one occasion no bids were received pursuant to (a) and on one occasion all bids were rejected pursuant to (b), in whatever sequence; a contract may then be negotiated and may be awarded upon adoption of a resolution by a two-thirds affirmative vote of the authorized membership of the governing body authorizing the contract, provided, however, that:

(i) A reasonable effort is first made by the contracting agent to determine that the same or equivalent goods or services, at a cost which is lower than the negotiated price, are not available from an agency or authority of the United States, the State of New Jersey or the county in which the contracting unit is located, or any municipality in close proximity to the contracting unit;

(ii) The terms, conditions, restrictions, and specifications set forth in the negotiated contract are not substantially different from those which were the subject of competitive bidding pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4); and

(iii) Any minor amendment or modification of any of the terms, conditions, restrictions, and specifications, which were the subject of competitive bidding pursuant to section 4 of P.L.1971, c.198 (C.40A:11-4), shall be stated in the resolution awarding the contract; provided further, however, that if on the second occasion the bids received are rejected as unreasonable as to price, the contracting agent shall notify each responsible bidder submitting bids on the second occasion of its intention to negotiate, and afford each bidder a reasonable opportunity to negotiate, but the governing body shall not award the contract unless the negotiated price is lower than the lowest rejected bid price submitted on the second occasion by a responsible bidder, is the lowest negotiated price offered by any responsible vendor, and is a reasonable price for goods or services.

Whenever a contracting unit shall determine that a bid was not arrived at independently in open competition pursuant to subsection (3) of this section, it shall thereupon notify the county prosecutor of the county in which the contracting unit is located and the Attorney General of the facts upon which its determination is based, and, when appropriate, it may institute

appropriate proceedings in any State or federal court of competent jurisdiction for a violation of any State or federal antitrust law or laws relating to the unlawful restraint of trade.

(4) The contracting unit has solicited and received at least three quotations on materials, supplies, or equipment for which a State contract has been issued pursuant to section 12 of P.L.1971, c.198 (C.40A:11-12), and the lowest responsible quotation is at least 10 percent less than the price the contracting unit would be charged for the identical materials, supplies, or equipment, in the same quantities, under the State contract. A contract entered into pursuant to this subsection may be awarded only upon adoption of a resolution by the affirmative vote of two-thirds of the full membership of the governing body of the contracting unit at a meeting thereof authorizing the contract. A copy of the purchase order relating to the contract, the requisition for purchase order, if applicable, and documentation identifying the price of the materials, supplies, or equipment under the State contract and the State contract number shall be filed with the director within five working days of the award of the contract by the contracting unit. The director shall notify the contracting unit of receipt of the material and shall make the material available to the State Treasurer. The contracting unit shall make available to the director, upon request, any other documents relating to the solicitation and award of the contract, including, but not limited to, quotations, requests for quotations, and resolutions. The director, periodically, shall review material submitted by contracting units to determine the impact of the contracts on local contracting and shall consult with the State Treasurer on the impact of the contracts on the State procurement process. The director may, after consultation with the State Treasurer, adopt rules in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to limit the use of this subsection, after considering the impact of contracts awarded under this subsection on State and local contracting, or after considering the extent to which the award of contracts pursuant to this subsection is consistent with and in furtherance of the purposes of the public contracting laws.

(5) Notwithstanding any provision of law, rule, or regulation to the contrary, the subject matter consists of the combined collection and marketing, or the cooperative combined collection and marketing of recycled material recovered through a recycling program, or any product intentionally produced or derived from solid waste received at a resource recovery facility or recovered through a resource recovery program, including, but not limited to, refuse-derived fuel, compost materials, methane gas, and other similar products, provided that, in lieu of engaging in public advertising for bids and the bidding therefor, the contracting unit shall, prior to commencing the procurement process, submit for approval to the Director of the Division of Local Government Services, a written detailed description of the process to be followed in securing the services. Within 30 days after receipt of the written description, the director shall, if the director finds that the process provides for fair competition and integrity in the negotiation process, approve, in writing, the description submitted by the contracting unit. If the director finds that the process does not provide for fair competition and integrity in the negotiation process, the director shall advise the contracting unit of the deficiencies that must be remedied. If the director fails to respond in writing to the contracting unit within 30 days, the procurement process as described shall be deemed approved. As used in this section, "collection" means the physical removal of recyclable materials from curbside or any other location selected by the contracting unit.

(6) Notwithstanding any provision of law, rule, or regulation to the contrary, the contract is for the provision of electricity by a contracting unit engaged in the distribution of electricity for retail sale, for the provision of wholesale electricity by a municipal shared services energy authority as defined pursuant to section 3 of P.L.2015, c.129 (C.40A:66-3), or for the provision of administrative or dispatching services related to the transmission of electricity, provided

that, in lieu of engaging in public advertising for bids and the bidding therefor, the contracting unit shall, prior to commencing the procurement process, submit for approval to the Director of the Division of Local Government Services, a written detailed description of the process to be followed in securing these services. The process shall be designed in a way that is appropriate to and commensurate with industry practices and the integrity of the government contracting process. Within 30 days after receipt of the written description, the director shall, if the director finds that the process provides for fair competition and integrity in the negotiation process, approve, in writing, the description submitted by the contracting unit. If the director finds that the process does not provide for fair competition and integrity in the negotiation process, the director shall advise the contracting unit of the deficiencies that must be remedied. If the director fails to respond in writing to the contracting unit within 30 days, the procurement process, as submitted to the director pursuant to this subsection, shall be deemed approved.

10. There is appropriated from the General Fund \$2.5 million to the “Domestic Violence Victim Notification Fund” created by section 7 of P.L.2025, c.291 (C.2C:25-32.7) to effectuate the provisions of P.L.2025, c.291 (C.2C:25-32.1 et al.). Following the expiration of the four-year pilot program established by P.L.2025, c.291 (C.2C:25-32.1 et al.), any unexpended funds shall be returned to the General Fund.

C.2C:25-32.9 Annual report evaluating pilot program.

11. Not later than one year following the implementation of the pilot program, and annually thereafter for a total of four years, the Attorney General shall submit to the Governor, and to the Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), a report containing an evaluation of the pilot program. The report shall recommend whether the pilot program should be continued as a Statewide program and include a cost impact analysis of the costs and expenses used to help pay for electronic monitoring and victim notification, the monitoring fee, and civil penalties imposed on defendants pursuant to sections 2 and 6 of P.L.2025, c.291 (C.2C:25-32.2 and C.2C:25-32.6) to defray the costs of electronic monitoring and victim notification pursuant to P.L.2025, c.291 (C.2C:25-32.1 et al.).

C.2C:25-32.10 Promulgation of rules and regulations; change of county.

12. a. The Attorney General, in conjunction with the State Parole Board, and in consultation with the Ocean County Prosecutor and Ocean County Sheriff and any other entities that the Attorney General deems necessary, including, but not limited to, local victim service providers and abuse intervention programs, shall promulgate rules and regulations to effectuate the provisions of P.L.2025, c.291 (C.2C:25-32.1 et al.).

b. If the Attorney General, while promulgating rules and regulations to effectuate the provisions of P.L.2025, c.291 (C.2C:25-32.1 et al.) pursuant to subsection a. of this section, determines that a county other than Ocean County may be a more effective venue for the pilot program, the Attorney General may change the county in which the pilot program is established.

13. This act shall take effect immediately and shall expire upon submission of the fourth annual report to the Governor and Legislature pursuant to section 11 of P.L.2025, c.291 (C.2C:25-32.9).

Approved January 20, 2026.