ASSEMBLY, No. 5545

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED SEPTEMBER 24, 2026

Sponsored by:
Assemblyman KENYATTA STEWART
District 35 (Bergen and Passaic)

SYNOPSIS

Provides for certain additional damages to be awarded in wrongful death action if decedent was below age of majority at time of death.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning damages awarded in wrongful death actions and amending N.J.S.2A:31-5.

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

1. N.J.S.2A:31-5 is amended to read as follows:

2A:31-5. Assessment of damages by jury.

a. In every action brought under the provisions of this chapter the jury may **[**give**]** award such damages as they shall deem fair and just with reference to the pecuniary injuries resulting from such death, together with the hospital, medical, and funeral expenses incurred for the **[**deceased**]** decedent, to the persons entitled to any intestate personal property of the decedent in accordance with the provisions of N.J.S.2A:31-4.

b. If the decedent was below the age of majority, as defined by section 3 of P.L.1972, c.81 (C.9:17B-3), at the time of the decedent's death, in addition to any damages awarded pursuant to section a. of this section, a jury may award to those persons, entitled to the intestate personal property of the decedent pursuant to section b. of N.J.S.3B:5-4, such damages as the jury shall deem fair and just with reference to:

(1) Emotional distress, grief, and loss of enjoyment of life;

(2) Non-pecuniary value of the loss of guidance, advice, and companionship provided by the decedent; and

(3) Costs incurred for the care and maintenance of the decedent during the decedent's life; and

(4) Pain and suffering experienced by the decedent.

(cf: P.L.2007, c.261, s.2)

2. This act shall take effect immediately and shall apply to all causes of action arising on or after the effective date of the act.

STATEMENT

This bill would allow a surviving parent to recover additional damages in a wrongful death action for the death of their child under certain circumstances.

New Jersey's wrongful death statute allows an individual's beneficiaries to sue and recover damages when that individual dies as a result of the wrongful conduct of another person. Under present law, an individual's beneficiaries can only recover pecuniary (monetary) damages, along with the hospital, medical, and funeral expenses incurred for the deceased.

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.

While New Jersey courts permit an individual's beneficiaries to recover for the pecuniary value of the services, companionship, care, advice, and counsel that the individual's beneficiaries would have received from the deceased, an individual's beneficiaries cannot recover for any non-pecuniary injuries that the individual's beneficiaries experienced as a result of the decedent's death. An individual's beneficiaries also cannot recover for the pain and suffering experienced by the decedent due to the wrongful conduct or costs incurred for the care and maintenance of the decedent during the decedent's life.

This bill would permit a jury to award certain additional damages under a wrongful death claim if the decedent was below the age of majority at the decedent's time of death. These additional damages would include:

- Emotional distress, grief, and loss of enjoyment of life;
- Non-pecuniary value of the loss of guidance, advice, and companionship provided by the decedent; and
- Costs incurred for the care and maintenance of the decedent during the decedent's life; and
- Pain and suffering experienced by the decedent.

These additional damages could only be awarded to a surviving parent of a decedent without children. To qualify, the surviving parent cannot have lost the right of intestate inheritance to their minor child.