

SENATE, No. 4628

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED OCTOBER 1, 2026

Sponsored by:
Senator JAMES W. HOLZAPFEL
District 10 (Monmouth and Ocean)

SYNOPSIS

Permits protective order to be issued against unemancipated minor.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning protective orders and amending P.L.2015,
2 c.147.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 2 of P.L.2015, c.147 (C.2C:14-14) is amended to read
8 as follows:

9 2. Application for Temporary Protective Order.

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

12 "Cause a reasonable person to fear" means to cause fear which a
13 reasonable victim, similarly situated, would have under the
14 circumstances.

15 "Cyber-harassment" means conduct that occurs, while making
16 one or more communications in an online capacity via any
17 electronic device or through a social networking site and with the
18 purpose to harass another, that involves: threatening to inflict injury
19 or physical harm to any person or the property of any person;
20 knowingly sending, posting, commenting, requesting, suggesting, or
21 proposing any lewd, indecent, or obscene material to or about a
22 person with the intent to emotionally harm a reasonable person or
23 place a reasonable person in fear of physical or emotional harm to
24 the reasonable person; or threatening to commit any crime against a
25 person or the person's property.

26 "Emotional distress" means significant mental suffering or
27 distress.

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

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

34 "Repeatedly" means on two or more occasions.

35 "Sexual contact" means an intentional touching by the victim or
36 actor, either directly or through clothing, of the victim's or actor's
37 intimate parts for the purpose of degrading or humiliating the victim
38 or sexually arousing or sexually gratifying the actor.

39 "Sexual penetration" means vaginal intercourse, cunnilingus,
40 fellatio, or anal intercourse between persons or insertion of the
41 hand, finger or object into the anus or vagina either by the actor or
42 upon the actor's instruction.

43 "Stalking" means purposefully or knowingly engaging in a
44 course of conduct directed at or toward a person that would cause a
45 reasonable person to fear for the reasonable person's own safety or

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 the safety of a third person, or suffer other emotional distress,
2 because the conduct involves: repeatedly maintaining a visual or
3 physical proximity to a person; directly, indirectly, or through third
4 parties, by any action, method, device, or means, following,
5 monitoring, observing, surveilling, threatening, or communicating
6 to or about a person, or interfering with a person's property;
7 repeatedly committing harassment against a person; or repeatedly
8 conveying, or causing to be conveyed, verbal or written threats or
9 threats conveyed by any other means of communication or threats
10 implied by conduct or a combination thereof directed at or towards
11 a person.

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

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

25 "Sexual contact" means an intentional touching by the victim or
26 actor, either directly or through clothing, of the victim's or actor's
27 intimate parts for the purpose of degrading or humiliating the victim
28 or sexually arousing or sexually gratifying the actor.

29 "Sexual penetration" means vaginal intercourse, cunnilingus,
30 fellatio, or anal intercourse between persons or insertion of the
31 hand, finger or object into the anus or vagina either by the actor or
32 upon the actor's instruction.

33 "Lewdness" means the exposing of the genitals for the purpose
34 of arousing or gratifying the sexual desire of the actor or of any
35 other person.

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

39 "Stalking" means purposefully or knowingly engaging in a
40 course of conduct directed at or toward a person that would cause a
41 reasonable person to fear for the reasonable person's own safety or
42 the safety of a third person, or suffer other emotional distress,
43 because the conduct involves: repeatedly maintaining a visual or
44 physical proximity to a person; directly, indirectly, or through third
45 parties, by any action, method, device, or means, following,
46 monitoring, observing, surveilling, threatening, or communicating
47 to or about a person, or interfering with a person's property;
48 repeatedly committing harassment against a person; or repeatedly

1 conveying, or causing to be conveyed, verbal or written threats or
2 threats conveyed by any other means of communication or threats
3 implied by conduct or a combination thereof directed at or towards
4 a person.

5 "Repeatedly" means on two or more occasions.

6 "Emotional distress" means significant mental suffering or
7 distress.

8 "Cause a reasonable person to fear" means to cause fear which a
9 reasonable victim, similarly situated, would have under the
10 circumstances.

11 "Cyber-harassment" means conduct that occurs, while making
12 one or more communications in an online capacity via any
13 electronic device or through a social networking site and with the
14 purpose to harass another, that involves: threatening to inflict injury
15 or physical harm to any person or the property of any person;
16 knowingly sending, posting, commenting, requesting, suggesting, or
17 proposing any lewd, indecent, or obscene material to or about a
18 person with the intent to emotionally harm a reasonable person or
19 place a reasonable person in fear of physical or emotional harm to
20 the reasonable person; or threatening to commit any crime against a
21 person or the person's property.】

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

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

27 (b) has a developmental disability as defined in section 3 of
28 P.L.1977, c.200 (C.5:5-44.4) or a mental disease or defect that
29 renders the alleged victim temporarily or permanently incapable of
30 understanding the nature of the alleged victim's conduct, including,
31 but not limited to, being incapable of providing consent, or of
32 understanding the nature of the alleged conduct that is the subject of
33 the application.

34 b. (1) When it is alleged that a minor has committed
35 nonconsensual sexual contact【,】; sexual penetration【, or】;
36 lewdness【, or any】; an attempt at 【such conduct】 nonconsensual
37 sexual contact, sexual penetration, or lewdness【, or】; stalking; or
38 cyber-harassment 【has been committed by an unemancipated minor,
39 an applicant seeking a protective order shall not proceed under the
40 provisions of P.L.2015, c.147 (C.2C:14-13 et al.), but may seek a
41 protective order and other relief under the "New Jersey Code of
42 Youth Justice," P.L.1982, c.77 (C.2A:4A-20 et seq.) by filing a】 .an
43 alleged victim may file an application for a protective order
44 pursuant to this section, a complaint pursuant to the provisions of
45 section 11 of P.L.1982, c.77 (C.2A:4A-30), or both.

46 (2) When it is alleged that nonconsensual sexual contact, sexual
47 penetration, or lewdness, or 【any】 an attempt at 【such conduct】

1 nonconsensual sexual contact, sexual penetration, or lewdness, [or]
2 stalking, or cyber-harassment, has been committed against an
3 unemancipated minor by a parent, guardian, or other person having
4 care, custody and control of that child as defined in R.S.9:6-2, an
5 applicant seeking a protective order shall not proceed under the
6 provisions of P.L.2015, c.147 (C.2C:14-13 et al.), but shall report
7 the incident to the Department of Children and Families for
8 appropriate action.

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

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

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

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

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

26 (c.f. P.L.2025, c.35, s.18)

27
28 2. This act shall take effect on the first day of the seventh month
29 following enactment, but the Administrative Director of the Courts
30 may take such anticipatory action in advance as shall be necessary
31 for the implementation of this act.

32 33 34 STATEMENT

35
36 This bill would permit a court to issue a protective order against
37 an unemancipated minor.

38 Generally, in situations where a survivor is not eligible to receive
39 a restraining order under the "Prevention of Domestic Violence Act
40 of 1991" because they lack the required relationship to the
41 defendant, the "Victim's Assistance and Survivor Protection Act"
42 (VASPA) permits a court to issue a protective order to a survivor
43 of:

- 44 - nonconsensual sexual contact;
- 45 - sexual penetration;
- 46 - lewdness;
- 47 - an attempt at nonconsensual sexual contact, sexual
- 48 penetration, or lewdness;

1 - stalking; or

2 - cyber-harassment.

3 Currently, a court may not issue a protective order under the
4 VASPA against a defendant unless the defendant is at least 18 years
5 of age or is an emancipated minor. Instead, an unemancipated
6 minor must be charged with a complaint of delinquency under the
7 “New Jersey Code of Youth Justice” before a court may issue a
8 protective order pursuant to that statute.

9 Under the bill, a survivor of one of the above-listed acts, where
10 the alleged perpetrator is an unemancipated minor, could seek a
11 protective order under the VASPA against the minor, bring a
12 complaint under the “New Jersey Code of Youth Justice” against
13 the minor, or both.

14 The bill would take effect on the first day of the seventh month
15 following enactment.