

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1704

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 9, 2023

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1704.

As amended by the committee, Assembly Bill No. 1704 requires that certain domestic violence restraining orders and notices to domestic violence victims be issued in other languages in addition to English.

Currently, the “Prevention of Domestic Violence Act” (P.L.1991, c.261 (C.2C:25-17 et seq.) provides that a law enforcement officer is required to provide a domestic violence victim with a notice of the victim’s rights, including the right to go to court to obtain a temporary restraining order and the right to file criminal charges. The statute also provides that the notice is required to be written in English and Spanish. The bill expands this requirement to provide that the notice be prepared by the Attorney General in English, Spanish, and 10 additional high demand languages spoken in the State.

Under current law, a victim may file a domestic violence complaint with the Family Part of the Chancery Division of the Superior Court (Family Part) or, at times when the Family Part is closed, with a judge of the Family Part or a judge of the municipal court assigned to accept domestic violence complaints and issue temporary restraining orders. The statute does not specify whether the order is required to be issued in a language other than English. Under the bill, the Administrative Office of the Court (AOC) is required to prepare standard templates for temporary restraining orders in English, Spanish, and the other high demand languages identified in its Language Access Plan as approved by the Supreme Court. The templates will be available for law enforcement, judges of the Municipal Court, and judges and staff of the Superior Court to provide to the victim and defendant when issuing temporary restraining orders.

Current law also provides that an order granting emergency relief, together with the complaint or complaints, is to be forwarded immediately to the appropriate law enforcement agency for immediate service on the defendant and to the law enforcement agency of the municipality in which the plaintiff resides or is sheltered. Under the bill, a member of the law enforcement agency additionally is required to serve the defendant with a copy of the translated order, if applicable.

Current law also provides that within 10 days of the filing of a complaint for a temporary restraining order, the Family Part will conduct a hearing to determine whether to issue a permanent restraining order. The bill requires the AOC to prepare standard templates for permanent restraining orders in English, Spanish, and the other high demand languages identified in the Language Access Plan.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The Committee amended the bill to:

(1) require the Attorney General to prepare the notice providing domestic violence victims with their rights in English, Spanish, and 10 additional high demand languages spoken in the State. The high demand languages are to be identified by the Administrative Office of the Court (AOC) in its Language Access Plan as approved by the Supreme Court. As introduced, the bill required the AOC to write the notice in English, Spanish, and 10 additional languages commonly spoken in the State; and

(2) require AOC to prepare standard templates for temporary and final restraining orders in English, Spanish, and the 10 additional high demand languages. The templates will be available for law enforcement, judges of the Municipal Court, and judges and staff of the Superior Court to provide to the victim and defendant when issuing temporary and final restraining orders.