

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1704

STATE OF NEW JERSEY

DATED: JUNE 12, 2023

The Senate Judiciary Committee reports favorably Assembly Bill No. 1704 (1R).

This bill would: (1) require law enforcement officers, after responding to a domestic violence incident, to provide information to domestic violence victims in English, Spanish, and up to 10 additional high demand languages spoken in the State, regarding their right to file for temporary restraining orders and to file criminal complaints; and (2) task the Administrative Office of the Courts (AOC) with preparing standard templates for temporary and final restraining orders in English, Spanish, and other identified high demand languages for use by law enforcement, municipal courts, and the Superior Court when issuing such orders.

Under current law, the information disseminated by law enforcement officers is provided in writing in both English and Spanish. The AOC currently implements, via its Directive #10-22 (September 30, 2022), a revised Judiciary Language Access Plan, which plan includes translating into several other languages information contained in restraining orders among other court documents, policies, and standards used when interacting with persons who are limited in their ability to speak or understand English or who are deaf or hard of hearing.

Regarding the dissemination of information in English and Spanish by law enforcement officers, the current law simply states that it “shall be written” in a notice. The bill would specifically assign responsibility for the written materials to the Attorney General and, as previously mentioned, the writing would be made available in English and Spanish, and up to 10 additional “high demand languages spoken in the State.”

Regarding the issuance of restraining orders by courts, a domestic violence victim is currently permitted to file a domestic violence complaint seeking a temporary restraining order with the Superior Court, Chancery Division, Family Part or, at times when the Family Part is closed, with a judge of the Family Part or judge of the municipal court assigned to accept such complaints and issue a temporary order. See section 12 of P.L.1991, c.261 (C.2C:25-28). To assist these courts as well as law enforcement regarding the issuance

of the orders and their service on the alleged abuser, the AOC would prepare standard templates in English, Spanish, and other high demand languages identified in its Language Access Plan, as approved by the Supreme Court, to be provided to the victim and defendant.

As to any subsequently issued permanent restraining orders, which are only issued by judges of the Superior Court, Chancery Division, Family Part upon a finding of abuse by a preponderance of the evidence, see section 13 of P.L.1991, c.261 (C.2C:25-29), multiple standard templates would be prepared by the AOC using the same, above described language criteria to be provided to the victim and defendant.

This bill, as reported, is identical to Senate Bill No. 1000, as amended and also reported today by the committee.