


GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

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Supplement to Directive # 01-10

[Supplements and Modifies the Model
Order issued in Directive # 01-10]

TO: ASSIGNMENT JUDGES

FROM: GLENN A. GRANT, J.A.D. 

SUBJ: REVISIONS TO NICOLE'S LAW RESTRAINING ORDER

DATE: MARCH 19, 2018

This memo is a supplement to Directive #01-10 (issued March 2, 2010). It promulgates for immediate use the attached revised model restraining order for matters involving "Nicole's Law" (N.J.S.A. 2C:14-12 and N.J.S.A. 2C:44-8), replacing the model restraining order appended to that directive.

Nicole's Law permits the court to issue or continue a prior restraining order for defendants charged with or convicted of a sex offense as defined under Megan's Law (N.J.S.A. 2C:7-2), prohibiting any contact with a victim, including restraining the defendant from the victim's residence, place of employment, or school. Additionally, the defendant can be prohibited from harassing or stalking the victim or others identified in the order.

The attached model order has been updated to conform to amendments to N.J.S.A. 2C:7-2b(2), effective February 1, 2018, so as to include the following offenses: (1) endangering the welfare of a child (N.J.S.A. 2C:24-4b(5)(b)(i) or (ii)), and (2) leader of a child pornography network (N.J.S.A. 2C:24-4.1). Additional modifications include the following: (1) the forms of contact were updated to also prohibit the defendant from having any "telephonic" contact with the victim or others identified in the order; and (2) because of Criminal Justice Reform, the "Notice to Defendant" section was updated to include that a violation of the provisions in the order may result in a revocation of monetary bail, "modification of conditions of pretrial release, or revocation of pretrial release, if appropriate." Promulgation of the revised model order was recommended by the Conference of Criminal Presiding Judges and the Conference of Municipal Court Presiding Judges.

Questions regarding this Supplement to Directive #01-10 or the revised Nicole's Law

model restraining order may be directed to Assistant Director Sue Callaghan at 609-815-2900, ext. 55300 or Sue.Callaghan@njcourts.gov.

G.A.G.

Attachment (revised model order)

cc: Chief Justice Stuart Rabner
Attorney General Gurbir S. Grewal
Public Defender Joseph Krakora
Criminal Division Judges
Family Division Judges
Municipal Court Judges
Elie Honig, Director, Div. of Crim. Justice
County Prosecutors
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors

Ann Marie Fleury, Special Assistant
Melaney S. Payne, Special Assistant
Trial Court Administrators
Criminal Division Managers and Assistants
Family Division Managers and Assistants
Municipal Division Managers
Municipal Court Administrators
Vance D. Hagins, Chief, Criminal Practice
David Tang, Chief, Family Practice
Maria Pogue, Assistant Chief, Criminal Practice

State of New Jersey

v.

Defendant

Superior Court, Law Division _____ County

Municipal Court of _____

Complaint #: _____

Sex Offense Restraining Order
pursuant to *N.J.S.A. 2C:14-12* and *N.J.S.A. 2C:44-8*
("Nicole's Law")

_____ having been charged in the above complaint with or convicted of violation(s) of:
(Defendant Name)

<input type="checkbox"/> Aggravated Sexual Assault, <i>N.J.S.A. 2C:14-2a</i>	<input type="checkbox"/> Luring or Enticing, <i>N.J.S.A. 2C:13-6</i>
<input type="checkbox"/> Sexual Assault, <i>N.J.S.A. 2C:14-2b</i> or <i>c</i>	<input type="checkbox"/> Criminal Sexual Contact, <i>N.J.S.A. 2C:14-3b</i> if the victim is a minor
<input type="checkbox"/> Aggravated Criminal Sexual Contact, <i>N.J.S.A. 2C:14-3a</i>	<input type="checkbox"/> Criminal Restraint, <i>N.J.S.A. 2C:13-2</i> , if the victim is a minor and the offender is not the parent
<input type="checkbox"/> Kidnapping, <i>N.J.S.A. 2C:13-1c(2)</i>	<input type="checkbox"/> False Imprisonment, <i>N.J.S.A. 2C:13-3</i> if the victim is a minor and the offender is not the parent
<input type="checkbox"/> Kidnapping, <i>N.J.S.A. 2C:13-1</i> , if the victim is a minor and the offender is not the parent	<input type="checkbox"/> Promoting Child Prostitution, <i>N.J.S.A. 2C:34-1b(3)</i>
<input type="checkbox"/> Endangering the Welfare of a Child, <i>N.J.S.A. 2C:24-4a</i>	<input type="checkbox"/> Promoting Child Prostitution, <i>N.J.S.A. 2C:34-1b(4)</i>
<input type="checkbox"/> Endangering the Welfare of a Child, <i>N.J.S.A. 2C:24-4b(3)</i>	<input type="checkbox"/> Leader of a Child Pornography Network <i>N.J.S.A. 2C:24-4.1</i> (if offense was committed on or after February 1, 2018)
<input type="checkbox"/> Endangering the Welfare of a Child, <i>N.J.S.A. 2C:24-4b(4)</i>	<input type="checkbox"/> Attempt to commit any of the above offenses
<input type="checkbox"/> Endangering the Welfare of a Child, <i>N.J.S.A. 2C:24-4b(5)(a)</i>	_____
<input type="checkbox"/> Endangering the Welfare of a Child, <i>N.J.S.A. 2C:24-4b(5)(b)(i)</i> or <i>(ii)</i> (if offense was committed on or after February 1, 2018)	_____

In addition to any other conditions ordered by the Court, it is on this _____ day of _____, 20____ hereby

ORDERED, pursuant to *N.J.S.A. 2C:14-12* and *N.J.S.A. 2C:44-8* ("Nicole's Law"), that you are prohibited from having any contact with the victim,

_____, including, but not limited to the following restrictions.
(Victim's Name)

Check the appropriate box(es):

1. You are barred from the following location(s):

- Victim's Residence(s) Victim's Place (s) of Employment
 Victim's School(s) Other (e.g., victim's friends/co-workers/relatives)

If these locations are known to the defendant, list with specificity.

2. You are:

- Prohibited from having **any** oral, written, personal, telephonic, electronic, or other form of contact with the victim or others identified in this order.
- Prohibited from making or causing anyone else to make harassing communication to the victim or others identified in this order.
- Prohibited from stalking, following, or threatening to harm, to stalk or to follow the victim or others identified in this order.

3. Other relief:

Duration of Order

It is ORDERED that this order shall remain in effect until modified or terminated by further order of the court or until the prosecutor administratively dismisses or downgrades the charge(s) supporting the issuance of this order. This order is vacated effective on the date of a "no bill" by the grand jury or the date of an administrative dismissal or a downgrade of the complaint by the prosecutor or an acquittal of defendant at trial.

(Date)

(Judge's Signature)

Notice to Defendant: Violation of the provisions of this order may constitute criminal contempt pursuant to N.J.S.A. 2C:29-9(a) and will result in your arrest and criminal prosecution and, if convicted, may result in a custodial term of up to 18 months in prison. A violation may also result in a revocation of monetary bail, modification of conditions of pretrial release, or revocation of pretrial release, if appropriate, on the above-cited charge or charges.

Defendant's Acknowledgment

I acknowledge that I received a copy of this Restraining Order on _____, 20___. I understand that pursuant to this court order, I am not to have any contact with the victim or others, as permitted by statute, and as set forth in this order, unless any modifications are specifically authorized by the court, even if the victim agrees to the contact or invites me onto the premises, and that I can be arrested and prosecuted if I violate this order.

(Print Defendant's Name)

(Defendant's Signature)

Copies: Court, Police, County Prosecutor's Office, Victim, Defendant, Family Division (if victim is a child)