

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1511

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 2007

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1511.

Wrongful death statutes establish a cause of action for the wrong done to an individual's surviving family members when that individual dies as the result of the wrongful conduct of another person.

Under present law, in a wrongful death action damages are recoverable for pecuniary loss. This bill would expand the type of damages for which one may bring suit to include loss of society, companionship, comfort, protection, marital care, parental care, filial care, attention, advice, counsel, training, guidance or education. The bill clarifies that damages may be awarded to the members of the decedent's family who suffer damages by reason of the death of the decedent. "Family," for the purposes of the bill, would be defined as including the spouse, parent, natural or adopted child, grandparent or grandchild or sibling of the decedent. The committee amended the bill to include within the definition of "family" partners in a civil union and partners in a domestic partnership.

In addition to pecuniary damages, the bill, as amended, provides that loss of a special relationship between and among spouses, civil union partners, domestic partners, parents, children and siblings shall form a basis for the award of damages recoverable hereunder. It is the understanding of the committee based on testimony before the committee that the bill specifically provides that the loss of such a special relationship may include consideration of mental anguish and emotional pain and suffering only in the case of a surviving spouse, civil union partner, domestic partner, child, father or mother, or person standing in loco parentis at the time of the injury which caused the death of the deceased or in the alternative surviving brothers and sisters.

The committee also amended the bill to eliminate the provision that allowed damages to the parents based on the loss of the pecuniary investment of the parents, including the costs of birth and rearing the child, in cases where the deceased was an unemancipated minor child at the time of the injury.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

1. Section 1 of the bill was amended to add “civil union partner and domestic partner” to the definition of family. Civil union partner and domestic partner was also added whenever the bill identified a spouse, such as in those provisions concerning loss of a special relationship and the damages recoverable thereunder.

2. Section 1 of the bill was amended to eliminate the provision that allowed damages to the parents based on the loss of pecuniary investment of the parents, including the costs of birth and rearing the child, in cases where the deceased was an unemancipated minor child at the time of the injury.