

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 678
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: JUNE 23, 2023

SUMMARY

- Synopsis:** Authorizes funding to protect safety of cooperating witnesses; expands Crime Victim's Bill of Rights to provide these witnesses with certain guarantees.
- Type of Impact:** Annual State Expenditure Increases.
- Agencies Affected:** Department of Law and Public Safety; County Prosecutors.

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Up to \$1,000,000

- The Office of Legislative Services (OLS) finds that the bill may result in additional annual State expenditures of up to \$1 million from the Victim and Witness Advocacy Fund to provide additional services and to ensure existing services are provided to victims and witnesses of crimes. The OLS, however, cannot assess the exact magnitude of the increases given the confidential nature of the information regarding the cooperating witnesses, and bases the estimate on historical account information.
- The bill clarifies, and potentially expands, the Victim and Witness Advocacy Fund award reimbursements to include certain services a cooperating witness to a crime may receive and includes reimbursements to certain organizations providing services, and therefore potentially increases payments related to caring for and protecting witnesses of crime.

BILL DESCRIPTION

This bill specifically authorizes the Victims of Crime Compensation Office to pay expenses related to protecting the safety of cooperating witnesses. The bill defines a “cooperating witness” as a witness who testifies for the government to help prosecute a crime, and includes a confidential informant.

The bill also authorizes the Division of Criminal Justice in the Department of Law and Public Safety to award grants from the Victim and Witness Advocacy Fund to public entities and not-for-profit organizations to provide services that protect the safety of cooperating witnesses.

Finally, the bill amends the Crime Victim's Bill of Rights to expand the rights of cooperating witnesses. The bill gives these witnesses the right to be provided assistance before and during trial to cope with the psychological and practical obstacles of testifying. These witnesses also would be given the right to receive protective measures before, during, and after a hearing or trial and to have established court procedures ensuring their safety while testifying.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

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The Victim and Witness Advocacy Fund receives its resources from assessments levied on certain criminal offenders at sentencing. Additionally, in FY 2022 a \$500,000 State appropriation began to supplement the resources in the fund. Annual budget authority provides that unexpended account balances may be carried forward to the following year. The account balances support the State Office of Victim Witness Advocacy in the Division of Criminal Justice and county prosecutor's offices of victim witness advocacy. Fund resources are to be used to provide services to victims and witnesses of crimes and cover related administrative costs. Since FY 2018, the average annual expenditure from the fund is \$714,394.

Victims and Witness Advocacy Fund

Fiscal Year	Budget Authority	Expenditures
FY 2023	\$1,377,918	\$637,901
FY 2022	\$852,954	\$301,824
FY 2021	\$850,000	\$418,411
FY 2020	\$889,699	\$812,920
FY 2019	\$1,572,919	\$752,594
FY 2018	\$2,080,179	\$1,362,713

The bill may additionally increase the administrative workload of the Victims of Crime Compensation Office and of county prosecutors related to additional reimbursement and services provided for cooperating witnesses. The OLS finds these potential administrative costs to be

indeterminate, but notes that the Victim and Witness Advocacy Fund may be utilized for administrative costs.

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Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).