

**ASSEMBLY, No. 678**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblyman ANTHONY S. VERRELLI**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

**Assemblywoman ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Co-Sponsored by:**

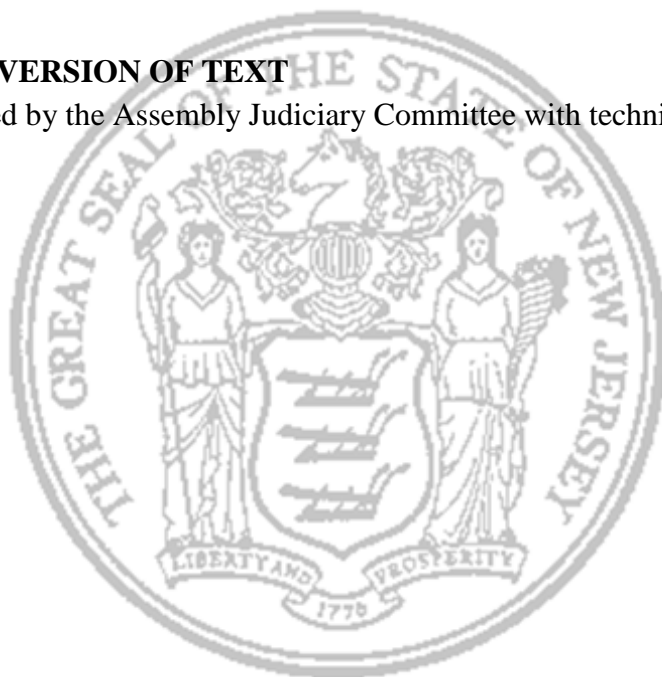
**Assemblywoman Haider, Assemblyman Atkins, Assemblywoman Lampitt,  
Assemblyman Conaway, Assemblywomen Park and Mosquera**

**SYNOPSIS**

Authorizes funding to protect safety of cooperating witnesses; expands Crime Victim's Bill of Rights to provide these witnesses with certain guarantees.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Judiciary Committee with technical review.



**(Sponsorship Updated As Of: 1/8/2024)**

1 AN ACT concerning the rights of certain witnesses to crime and  
2 amending P.L.2016, c.97; P.L.1985, c.249; and P.L.1991, c.329.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 1 of P.L.2016, c.97 (C.52:4B-12.1) is amended to  
8 read as follows:

9 1. a. Notwithstanding the provisions of section 10 of P.L.1971,  
10 c.317 (C.52:4B-10) or the provisions of section 12 of P.L.1971,  
11 c.317 (C.52:4B-12), the Victims of Crime Compensation Office  
12 may, upon application, order the payment of:

13 (1) relocation expenses for a witness and the family of the  
14 witness; and

15 (2) expenses related to protecting the safety of a cooperating  
16 witness.

17 b. As used in this section **["**witness**"]**:

18 (1) “cooperating witness” means a witness who testifies for the  
19 government to help prosecute a crime, and includes a confidential  
20 informant; and

21 (2) “witness” means a person who witnessed the commission of  
22 any of the offenses listed under section 11 of P.L.1971, c.317  
23 (C.52:4B-11) and who has been threatened as a result.  
24 (cf: P.L.2016, c.97, s.1)

25

26 2. Section 3 of P.L.1985, c.249 (C.52:4B-36) is amended to  
27 read as follows:

28 3. The Legislature finds and declares that crime victims and  
29 witnesses are entitled to the following rights:

30 a. To be treated with dignity and compassion by the criminal  
31 justice system;

32 b. To be informed about the criminal justice process;

33 c. To be free from intimidation, harassment or abuse by any  
34 person including the defendant or any other person acting in support  
35 of or on behalf of the defendant, due to the involvement of the  
36 victim or witness in the criminal justice process;

37 d. To have inconveniences associated with participation in the  
38 criminal justice process minimized to the fullest extent possible;

39 e. To make at least one telephone call provided the call is  
40 reasonable in both length and location called;

41 f. To medical assistance reasonably related to the incident in  
42 accordance with the provisions of the "Criminal Injuries  
43 Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.);

44 g. To be notified in a timely manner, if practicable, if presence  
45 in court is not needed or if any scheduled court proceeding has been  
46 adjourned or cancelled;

**EXPLANATION** – Matter enclosed in bold-faced brackets **["**thus**"]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 h. To be informed about available remedies, financial  
2 assistance and social services;
- 3 i. To be compensated for loss sustained by the victim  
4 whenever possible;
- 5 j. To be provided a secure, but not necessarily separate,  
6 waiting area during court proceedings;
- 7 k. To be advised of case progress and final disposition and to  
8 confer with the prosecutor's representative so that the victim may be  
9 kept adequately informed;
- 10 l. To the prompt return of property when no longer needed as  
11 evidence;
- 12 m. To submit a written statement, within a reasonable amount  
13 of time, about the impact of the crime to a representative of the  
14 prosecuting agency which shall be considered prior to the  
15 prosecutor's final decision concerning whether formal criminal  
16 charges will be filed, whether the prosecutor will consent to a  
17 request by the defendant to enter into a pre-trial program, and  
18 whether the prosecutor will make or agree to a negotiated plea;
- 19 n. To make, prior to sentencing, an in-person statement directly  
20 to the sentencing court concerning the impact of the crime.
- 21 This statement is to be made in addition to the statement  
22 permitted for inclusion in the presentence report by N.J.S.2C:44-6;
- 23 o. To have the opportunity to consult with the prosecuting  
24 authority prior to the conclusion of any plea negotiations, and to  
25 have the prosecutor advise the court of the consultation and the  
26 victim's position regarding the plea agreement, provided however  
27 that nothing herein shall be construed to alter or limit the authority  
28 or discretion of the prosecutor to enter into any plea agreement  
29 which the prosecutor deems appropriate;
- 30 p. To be present at any judicial proceeding involving a crime or  
31 any juvenile proceeding involving a criminal offense, except as  
32 otherwise provided by Article I, paragraph 22 of the New Jersey  
33 Constitution;
- 34 q. To be notified of any release or escape of the defendant;
- 35 **[and]**
- 36 r. To appear in any court before which a proceeding  
37 implicating the rights of the victim is being held, with standing to  
38 file a motion or present argument on a motion filed to enforce any  
39 right conferred herein or by Article I, paragraph 22 of the New  
40 Jersey Constitution, and to receive an adjudicative decision by the  
41 court on any such motion; and
- 42 s. In the case of a cooperating witness, to be provided assistance  
43 before and during trial to cope with the psychological and practical  
44 obstacles of testifying; to receive protective measures before,  
45 during, and after a hearing or trial; and to have established court  
46 procedures ensuring safety while testifying.  
47 (cf: P.L.2012, c.27, s.1)

1       3. Section 20 of P.L.1991, c.329 (C.52:4B-43.1) is amended to  
2 read as follows:

3       20. a. The Victim and Witness Advocacy Fund, established in  
4 the State Treasury by section 2 of P.L.1979, c.396 (C.2C:43-3.1),  
5 administered by the Department of Law and Public Safety through  
6 the Division of Criminal Justice, pursuant to rules and regulations  
7 promulgated by the Director of the Division of Criminal Justice, to  
8 support the development and provision of services to victims and  
9 witnesses of crimes and for related administrative costs, is hereby  
10 continued.

11       b. The division is authorized to continue disbursing moneys  
12 deposited in the Victim and Witness Advocacy Fund to fund the  
13 operation of the State Office of Victim and Witness Advocacy, to  
14 fund the 21 county offices of Victim and Witness Advocacy, and to  
15 provide funding to other public entities as deemed appropriate for  
16 the implementation of the Attorney General Standards to Ensure the  
17 Rights of Crime Victims.

18       c. In addition, the division, pursuant to rules and regulations to  
19 be promulgated by the director to ensure that funds are given to  
20 qualified entities that will provide services consistent with **[this**  
21 **act]** P.L.1991, c.329 (C.2C:46-4.1 et al.), shall award grants to  
22 qualified public entities and not-for-profit organizations that  
23 provide direct services to victims and witnesses, including but not  
24 limited to such services as:

- 25       (1) shelter, food and clothing;  
26       (2) medical and legal advocacy services;  
27       (3) 24-hour crisis response services and 24-hour hotlines;  
28       (4) information and referral and community education;  
29       (5) psychiatric treatment programs;  
30       (6) expanded services for victims' families and significant  
31 others;  
32       (7) short and long term counseling and support groups;  
33       (8) emergency locksmith and carpentry services;  
34       (9) financial services; **[and]**  
35       (10) medical testing ordered by a court pursuant to section 4 of  
36 P.L.1993, c.364 (C.2C:43-2.2); and  
37       (11) services to ensure the safety of cooperating witnesses and  
38 their families.

39       d. Organizations eligible to apply for grants under subsection c.  
40 of this section include, but are not limited to:

- 41       (1) member programs of the New Jersey Coalition for Battered  
42 Women, including but not limited to:  
43       (a) Atlantic County Women's Center;  
44       (b) Shelter Our Sisters, (Bergen County);  
45       (c) Providence House/ Willingboro Shelter, (Burlington  
46 County);  
47       (d) YWCA/SOLACE, (Camden County);

- 1 (e) Family Violence Project and The Safe House, (Essex  
2 County);
- 3 (f) People Against Spouse Abuse, (Gloucester County);
- 4 (g) Battered Women's Program, (Hudson County);
- 5 (h) Women's Crisis Services, (Hunterdon County);
- 6 (i) Womanspace, Inc., (Mercer County);
- 7 (j) Women Aware, Inc., (Middlesex County);
- 8 (k) Women's Resource and Survival Center, (Monmouth  
9 County);
- 10 (l) Jersey Battered Women's Services, Inc., (Morris County);
- 11 (m) Passaic County Women's Center, (Passaic County);
- 12 (n) Salem County Women's Services, (Salem County);
- 13 (o) Resource Center for Women and Their Families, (Somerset  
14 County);
- 15 (p) Domestic Abuse Services, Inc., (Sussex County);
- 16 (q) Project Protect, (Union County);
- 17 (r) Domestic Abuse and Rape Crisis Center, Inc., (Warren  
18 County); and
- 19 (s) Ocean County Women's Center; and
- 20 (2) rape care services and programs, including, but not limited  
21 to:
  - 22 (a) Atlantic County Women's Center, (Atlantic County);
  - 23 (b) Bergen County Rape Crisis Center, (Bergen County);
  - 24 (c) Women Against Rape, (Burlington County);
  - 25 (d) Women Against Rape, (Camden County);
  - 26 (e) Coalition against Rape and Abuse, (Cape May County);
  - 27 (f) Cumberland County Guidance Center;
  - 28 (g) North Essex Helpline and Sexual Assault Support Service,  
29 (Essex County);
  - 30 (h) Gloucester County Rape Assault Prevention Program;
  - 31 (i) Christ Hospital Mental Health Center, serving Hudson  
32 County;
  - 33 (j) Women's Crisis Services, (Hunterdon County);
  - 34 (k) Rape Crisis Program Mercer County YWCA, (Mercer  
35 County);
  - 36 (l) Rape Crisis Intervention Center Roosevelt Hospital,  
37 (Middlesex County);
  - 38 (m) Women's Resource Center, (Monmouth County);
  - 39 (n) Parenting Center, Morristown Hospital, (Morris County);
  - 40 (o) Ocean County Advisory Commission on the Status of  
41 Women, (Ocean County);
  - 42 (p) Passaic County Women's Center, (Passaic County);
  - 43 (q) Salem County Rape Crisis Service, (Salem County);
  - 44 (r) Rape Crisis Service of Somerset and Richard Hall Mental  
45 Health Center Somerset County Coalition for the prevention and  
46 Treatment of Sexual Abuse;
  - 47 (s) Project Against Sexual Assault Abuse, (Sussex County);
  - 48 (t) Union County Rape Crisis Center;

1 (u) Domestic Abuse and Rape Crisis Center, (Warren County);  
2 and

3 (v) Alternatives to Domestic Violence of Hackensack, N.J.  
4 (Bergen County).

5 e. The **【Director】** director shall report annually to the  
6 Governor and the Legislature pursuant to section 2 of P.L.1991,  
7 c.164 (C.52:14-19.1) concerning the administration of the Victim  
8 and Witness Advocacy Fund and the administration and award of  
9 grants authorized by this section.  
10 (cf: P.L.1993, c.364, s.2)

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12 4. This act shall take effect on the first day of the fourth month  
13 next following enactment.