

# SENATE, No. 1062

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**Co-Sponsored by:**

**Senator McKnight**

**SYNOPSIS**

Makes various revisions to the Crime Victims' Bill of Rights.

**CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety Committee with technical review.



(Sponsorship Updated As Of: 2/8/2024)

1 AN ACT concerning crime victims' rights and amending P.L.1985,  
2 c.249, P.L.1991, c.329, P.L.2012, c.27 and supplementing Title  
3 52 of the Revised Statutes.

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

7  
8 1. Section 3 of P.L.1985, c.249 (C.52:4B-36) is amended to read  
9 as follows:

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

12 a. To be treated with dignity and compassion by the criminal  
13 justice system;

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

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

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

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

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

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

29 h. To be informed about available remedies, financial assistance  
30 and social services;

31 i. To be compensated for loss sustained by the victim whenever  
32 possible;

33 j. To be provided a secure, but not necessarily separate, waiting  
34 area during court proceedings;

35 k. To be advised of case progress and final disposition and to  
36 confer with the prosecutor's representative so that the victim may be  
37 kept adequately informed;

38 l. To the prompt return of property when no longer needed as  
39 evidence;

40 m. To submit a written statement, within a reasonable amount of  
41 time, about the impact of the crime to a representative of the  
42 prosecuting agency which shall be considered prior to the prosecutor's  
43 final decision concerning whether formal criminal charges will be  
44 filed, whether the prosecutor will consent to a request by the defendant

**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 to enter into a pre-trial program, and whether the prosecutor will make  
2 or agree to a negotiated plea;

3 n. To make, prior to sentencing, an in-person statement directly to  
4 the sentencing court concerning the impact of the crime.

5 This statement is to be made in addition to the statement permitted  
6 for inclusion in the presentence report by N.J.S.2C:44-6;

7 o. To have the opportunity to **【consult】** communicate with the  
8 prosecuting authority any perspective the victim may have on  
9 considerations related to plea negotiations with the defendant prior  
10 to the **【conclusion】** beginning of any plea negotiations and to consult  
11 with the prosecuting authority prior to the conclusion of any plea  
12 negotiations, and to have the prosecutor advise the court of the  
13 consultation and the victim's position regarding the plea agreement 【,  
14 provided however that nothing】 subject to the provision that the  
15 prosecutor shall be required to advise the court of the victim's position  
16 unless the victim affirmatively requests otherwise.

17 Nothing herein shall be construed to alter or limit the authority or  
18 discretion of the prosecutor to enter into any plea agreement which the  
19 prosecutor deems appropriate;

20 p. To be present at any judicial or quasi-judicial proceeding  
21 involving a crime or offense committed against them or any juvenile  
22 proceeding involving a **【criminal offense】** crime or offense  
23 committed against them, including, without limitation, any Superior  
24 Court proceeding, any Family Court proceeding, any municipal court  
25 proceeding, and any administrative law proceeding held in accordance  
26 with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
27 1 et seq.) which involves the crime or offense committed against  
28 them, except as otherwise provided by Article I, paragraph 22 of the  
29 New Jersey Constitution;

30 q. To be notified of any release or escape of the defendant; and

31 r. To appear and be heard, including through representation by  
32 a private attorney, in any court before which a proceeding implicating  
33 the rights of the victim is being held, with standing to file a motion or  
34 present argument on a motion filed to enforce any right conferred  
35 herein or by Article I, paragraph 22 of the New Jersey Constitution,  
36 and to receive an adjudicative decision by the court on any such  
37 motion.

38 (cf: P.L.2012, c.27, s.1)

39  
40 2. Section 3 of P.L.2012, c.27 (C.52:4B-36.2) is amended to read  
41 as follows:

42 3. Pursuant to Article I, paragraph 22 of the New Jersey  
43 Constitution:

44 a. A crime victim shall not be required to pay the maintenance,  
45 support, rehabilitation, or other costs arising from the imprisonment or  
46 commitment of a victimizer as a result of the crime; and

1       b. A crime victim shall not be charged any fee otherwise  
2 prescribed by law or regulation to obtain copies of the victim's own  
3 records to which the victim is entitled to access as provided in section  
4 1 of P.L.1995, c.23 (C.47:1A-1.1), including, but not limited to, any  
5 law enforcement agency incident report, domestic violence offense  
6 report, sexual assault offense report, and temporary or permanent  
7 restraining order.

8       c. In cases where there is a pending application for a domestic  
9 violence restraining order pursuant to the "Prevention of Domestic  
10 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) or a  
11 pending application for a sexual assault restraining order pursuant to  
12 "Sexual Assault Survivor Protection Act of 2015," P.L.2015, c.147  
13 (C.2C:14-13 et al.), upon request of the victim or the victim's attorney,  
14 the law enforcement agency shall furnish the law enforcement agency  
15 incident report to the victim or the victim's attorney within the time  
16 required by section 3 of P.L.1963, c.73 (C.47:1A-3), but in no event  
17 more than five days after the date of receipt of the written request for  
18 such report.

19 (cf: P.L.2014, c.19, s.1)

20  
21       3. Section 4 of P.L.1985, c.249 (C.52:4B-37) is amended to read  
22 as follows:

23       4. As used in this act, "victim" means:

24       a. a person who suffers personal, physical or psychological injury  
25 or death or incurs loss of or injury to personal or real property as a  
26 result of a crime or offense committed by an adult or an act of  
27 delinquency that would constitute a crime or offense if committed by  
28 an adult, committed against that person [."Victim" also includes];

29       b. the parent or legal guardian of a minor victim who is acting  
30 on behalf of the minor; or

31       c. the spouse, parent, legal guardian, grandparent, child, sibling,  
32 domestic partner or civil union partner of the decedent in the case of a  
33 criminal homicide or act of juvenile delinquency that would constitute  
34 a criminal homicide if committed by an adult.

35 (cf: P.L.2016, c.15, s.1)

36  
37       4. (New section) In furtherance of the rights provided in subsection  
38 o. of section 3 of P.L.1985, c.249 (C.52:4B-36), the court may  
39 establish a procedure by which judges in criminal cases may ascertain  
40 whether a victim has been afforded an adequate opportunity to  
41 communicate and consult with the prosecuting authority on a plea  
42 agreement, including but not limited to consideration of whether the  
43 prosecuting authority made sufficient efforts to contact the victim in  
44 matters in which contact did not occur.

45  
46       5. Section 20 of P.L.1991, c.329 (C.52:4B-43.1) is amended to  
47 read as follows:

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

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

c. In addition, the division, pursuant to rules and regulations to be promulgated by the director to ensure that funds are given to qualified entities that will provide services consistent with this act, shall award grants to qualified public entities and not-for-profit organizations that provide direct services to victims and witnesses, including but not limited to such services as:

- (1) shelter, food and clothing;
- (2) medical and legal advocacy and support services;
- (3) 24-hour crisis response services and 24-hour hotlines;
- (4) information and referral and community education;
- (5) psychiatric treatment programs;
- (6) expanded services for victims' families and significant others;
- (7) short and long term counseling and support groups;
- (8) emergency locksmith and carpentry services;
- (9) financial services; and
- (10) medical testing ordered by a court pursuant to section 4 of P.L.1993, c.364 (C.2C:43-2.2).

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

(1) member programs of the New Jersey Coalition for Battered Women, including but not limited to

- (a) Atlantic County Women's Center;
- (b) Shelter Our Sisters, (Bergen County);
- (c) Providence House/ Willingboro Shelter, (Burlington County);
- (d) YWCA/SOLACE, (Camden County);
- (e) Family Violence Project and The Safe House, (Essex County);
- (f) People Against Spouse Abuse, (Gloucester County);
- (g) Battered Women's Program, (Hudson County);
- (h) Women's Crisis Services, (Hunterdon County);
- (i) Womanspace, Inc., (Mercer County);
- (j) Women Aware, Inc., (Middlesex County);
- (k) Women's Resource and Survival Center, (Monmouth County);
- (l) Jersey Battered Women's Services, Inc., (Morris County);

- 1 (m) Passaic County Women's Center, (Passaic County);
- 2 (n) Salem County Women's Services, (Salem County);
- 3 (o) Resource Center for Women and Their Families, (Somerset
- 4 County);
- 5 (p) Domestic Abuse Services, Inc., (Sussex County);
- 6 (q) Project Protect, (Union County);
- 7 (r) Domestic Abuse and Rape Crisis Center, Inc., (Warren
- 8 County); and
- 9 (s) Ocean County Women's Center; and
- 10 (2) rape care services and programs, including, but not limited to:
- 11 (a) Atlantic County Women's Center, (Atlantic County);
- 12 (b) Bergen County Rape Crisis Center, (Bergen County);
- 13 (c) Women Against Rape, (Burlington County);
- 14 (d) Women Against Rape, (Camden County);
- 15 (e) Coalition against Rape and Abuse, (Cape May County);
- 16 (f) Cumberland County Guidance Center;
- 17 (g) North Essex Helpline and Sexual Assault Support Service,
- 18 (Essex County);
- 19 (h) Gloucester County Rape Assault Prevention Program;
- 20 (i) Christ Hospital Mental Health Center, serving Hudson County;
- 21 (j) Women's Crisis Services, (Hunterdon County);
- 22 (k) Rape Crisis Program Mercer County YWCA, (Mercer
- 23 County);
- 24 (l) Rape Crisis Intervention Center Roosevelt Hospital,
- 25 (Middlesex County);
- 26 (m) Women's Resource Center, (Monmouth County);
- 27 (n) Parenting Center, Morristown Hospital, (Morris County);
- 28 (o) Ocean County Advisory Commission on the Status of
- 29 Women, (Ocean County);
- 30 (p) Passaic County Women's Center, (Passaic County);
- 31 (q) Salem County Rape Crisis Service, (Salem County);
- 32 (r) Rape Crisis Service of Somerset and Richard Hall Mental
- 33 Health Center Somerset County Coalition for the prevention and
- 34 Treatment of Sexual Abuse;
- 35 (s) Project Against Sexual Assault Abuse, (Sussex County);
- 36 (t) Union County Rape Crisis Center;
- 37 (u) Domestic Abuse and Rape Crisis Center, (Warren County);
- 38 and
- 39 (v) Alternatives to Domestic Violence of Hackensack, N.J.
- 40 (Bergen County)] service providers and county-based programs
- 41 throughout the State which serve victims of violence, including but not
- 42 limited to those which provide cultural and population specific
- 43 services to victims of domestic violence, sexual violence, community
- 44 violence, or human trafficking.
- 45 e. The Director shall report annually to the Governor and the
- 46 Legislature concerning the administration of the Victim and Witness

- 1 Advocacy Fund and the administration and award of grants authorized
- 2 by this section.
- 3 (cf: P.L.1993, c.364, s.2)
- 4
- 5 6. This act shall take effect immediately.