

ASSEMBLY, No. 4917

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Requires law enforcement agency to provide copy of certain police reports to crime victims.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/5/2020)

1 AN ACT concerning access to certain police reports and amending
2 P.L.1985, c.404.

3

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

6

7 1. Section 6 of P.L.1985, c.404 (C.52:4B-44) is amended to
8 read as follows:

9 6. a. The Attorney General shall, through the Office of Victim-
10 Witness Advocacy in the Division of Criminal Justice in the
11 Department of Law and Public Safety and in consultation with the
12 county prosecutors, promulgate standards for law enforcement
13 agencies to ensure that the rights of crime victims are enforced.

14 b. The standards shall require that the Office of Victim-
15 Witness Advocacy in the Division of Criminal Justice and each
16 county prosecutor's office provide the following services upon
17 request for victims and witnesses involved in the prosecution of a
18 case:

19 (1) Orientation information about the criminal justice system
20 and the victim's and witness's role in the criminal justice process;

21 (2) Notification of any change in the case status and of final
22 disposition;

23 (3) Information on crime prevention and on available responses
24 to witness intimidation;

25 (4) Information about available services to meet needs resulting
26 from the crime and referrals to service agencies, where appropriate;

27 (5) Advance notice of the date, time and place of the defendant's
28 initial appearance before a judicial officer, submission to the court
29 of any plea agreement, the trial and sentencing;

30 (6) Advance notice of when presence in court is not needed;

31 (7) Advice about available compensation, restitution and other
32 forms of recovery and assistance in applying for government
33 compensation;

34 (8) A waiting or reception area separate from the defendant for
35 use during court proceedings;

36 (9) An escort or accompaniment for intimidated victims or
37 witnesses during court appearances;

38 (10) Information about directions, parking, courthouse and
39 courtroom locations, transportation services and witness fees, in
40 advance of court appearances;

41 (11) Assistance for victims and witnesses in meeting special
42 needs when required to make court appearances, such as
43 transportation and child care arrangements;

44 (12) Assistance in making travel and lodging arrangements for
45 out-of-State witnesses;

**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 (13) Notification to employers of victims and witnesses, if
2 cooperation in the investigation or prosecution causes absence from
3 work;
- 4 (14) Notification of the case disposition, including the trial and
5 sentencing;
- 6 (15) Assistance to victims in submitting a written statement to a
7 representative of the county prosecutor's office about the impact of
8 the crime prior to the prosecutor's final decision concerning whether
9 formal charges will be filed;
- 10 (16) Advice to victims about their right to make a statement
11 about the impact of the crime for inclusion in the presentence report
12 or at time of parole consideration, if applicable;
- 13 (17) Notification to victims of the right to make an in-person
14 statement, prior to sentencing, directly to the sentencing court
15 concerning the impact of the crime;
- 16 (18) Expediting the return of property when no longer needed as
17 evidence;
- 18 (19) Advise and counsel, or refer for advice or counseling,
19 victims of sexual assault, or other criminal acts involving a risk of
20 transmission of disease, concerning available medical testing and
21 assist such victims, or refer such victims for assistance, in obtaining
22 appropriate testing, counseling and medical care and in making
23 application to the Victims of Crime Compensation Office for
24 compensation for the costs of such testing, counseling and care;
- 25 (20) Assistance to victims in submitting a written impact
26 statement to a representative of the county prosecutor's office
27 concerning the impact of the crime which shall be considered prior
28 to the prosecutor's accepting a negotiated plea agreement containing
29 recommendations as to sentence and assistance to victims in
30 securing an explanation of the terms of any such agreement and the
31 reasons for the agreement;
- 32 (21) Notification to the victim of the defendant's release from
33 custody which shall include:
 - 34 (a) notice of the defendant's escape from custody and return to
35 custody following escape;
 - 36 (b) notice of any other release from custody, including
37 placement in an Intensive Supervision Program or other alternative
38 disposition, and any associated conditions of release;
 - 39 (c) notice of the filing by an inmate of an application for
40 commutation of sentence pursuant to N.J.S.2A:167-4 and its
41 disposition;
 - 42 (d) notice of parole consideration pursuant to provisions of
43 P.L.1979, c.441 (C.30:4-123.45 et seq.); and
 - 44 (e) notice of the pending release of an inmate due to expiration
45 of sentence;
- 46 (22) Interpreting services for victims and witnesses when
47 necessary to assist a victim or witness who is hearing impaired or

1 developmentally disabled as defined in section 3 of P.L.1977, c.82
2 (C.30:6D-3) to understand questions and frame answers; and

3 (23) Providing any applicable assistance to victims of sexual
4 assault or sexual misconduct who are incarcerated in a State
5 correctional facility that is available to other victims or witnesses.

6 c. In a case involving a victim of aggravated sexual assault or
7 sexual assault as defined in subsection a. or c. of N.J.S.2C:14-2, the
8 Office of Victim-Witness Advocacy or the county prosecutor's
9 office involved in the case shall:

10 (1) Notify the victim of the victim's right to obtain an approved
11 serological test for acquired immune deficiency syndrome (AIDS)
12 or infection with the human immunodeficiency virus (HIV) or any
13 other related virus identified as a probable causative agent of AIDS,
14 and assist the victim, or refer the victim for assistance, in obtaining
15 a test and appropriate counseling and medical care;

16 (2) Notify the victim of the victim's right to obtain a court order
17 pursuant to subsection a. of section 4 of P.L.1993, c.364 (C.2C:43-
18 2.2) requiring the offender to submit to an approved serological test
19 for acquired immune deficiency syndrome (AIDS) or infection with
20 the human immunodeficiency virus (HIV) or any other related virus
21 identified as a probable causative agent of AIDS in the event that
22 the offender is indicted, formally charged, convicted or adjudicated
23 delinquent;

24 (3) Communicate the request of a victim who agrees to seek an
25 order pursuant to subsection a. of section 4 of P.L.1993, c.364
26 (C.2C:43-2.2) to the prosecutor handling the case and notify the
27 victim or arrange for the victim to be notified of the test result; and

28 (4) Assist the victim in applying to the Victims of Crime
29 Compensation Office for compensation for the costs of testing,
30 counseling and medical care.

31 d. The Attorney General shall, through the Office of Victim-
32 Witness Advocacy and in consultation with the Commissioner of
33 Health, the Superintendent of State Police and representatives of
34 providers of sexual assault services, to be designated by the
35 Director of the Office of Victim-Witness Advocacy, coordinate the
36 establishment of standard protocols for the provision of information
37 and services to victims of sexual assault, and shall make such
38 protocols available to victims upon request, except that the
39 provision of information and services with regard to emergency
40 contraception and sexually transmitted diseases shall be in
41 accordance with P.L.2005, c.50 (C.26:2H-12.6b et al.).

42 e. In a case involving a victim of human trafficking as defined
43 in section 1 of P.L.2005, c.77 (C.2C:13-8), the Office of Victim-
44 Witness Advocacy or the county prosecutor's office involved in the
45 case shall ensure that the victim of human trafficking obtains
46 assistance in receiving any available benefits or services, including
47 assistance in receiving any necessary certifications or endorsements
48 needed to be recognized as having federal T non-immigrant status

1 for the purpose of receiving any federal benefits or services
2 available pursuant to the "Trafficking Victims Protection
3 Reauthorization Act of 2003," 22 U.S.C. s. 7101 et seq.

4 f. The Attorney General shall, through the Office of Victim-
5 Witness Advocacy and in consultation with the Commissioner of
6 Health, the Superintendent of State Police and representatives of
7 providers of services to victims of human trafficking, to be
8 designated by the Director of the Office of Victim-Witness
9 Advocacy, coordinate the establishment of standard protocols for
10 the provision of information and services to victims of human
11 trafficking, including coordination of efforts with the appropriate
12 federal authorities pursuant to the "Trafficking Victims Protection
13 Reauthorization Act of 2003," 22 U.S.C. s. 7101 et seq. and shall
14 make such protocols available to victims upon request.

15 g. The Attorney General, shall, through the Office of Victim-
16 Witness Advocacy and in consultation with the Commissioner of
17 Corrections, promulgate standards to ensure that the rights of
18 female crime victims incarcerated in State correctional facilities are
19 enforced. The standards shall include a requirement that
20 unannounced visits be made to the facilities housing female inmates
21 and random surveys be conducted for the purpose of identifying
22 inmates who are the victims of sexual assault or sexual misconduct;
23 an inmate who is determined to be a victim shall be informed of the
24 available services set forth in subsection b. of this section and, upon
25 request, be provided with any of these services. An inmate chosen
26 by inmates in a housing unit as the liaison between the correctional
27 facility administration and the inmate population shall be provided
28 with a copy of this section of law. The liaison also shall be
29 provided with a summary of the assistance and services available
30 pursuant to subsection b. of this section for dissemination to the
31 inmates in the housing unit.

32 h. Upon the request of a victim, or the victim's next-of-kin if
33 the victim is deceased or unable to make the request, every law
34 enforcement agency in this State shall provide electronically or in
35 hard copy the police report concerning or in connection with the
36 crime against the victim at no charge to the victim or victim's next-
37 of-kin. The law enforcement agency shall not require a victim or
38 victim's next-of-kin to complete a formal written request pursuant
39 to P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open
40 public records act, to receive a copy of a police report pursuant to
41 this subsection.

42 A police report provided to a victim or victim's next-of-kin
43 pursuant to this subsection shall be accompanied by written
44 information, to be supplied by the Victims of Crime Compensation
45 Office, relating to the availability of crime victims' compensation.
46 (cf: P.L.2019, c.308, s.1)

47

48 2. This act shall take effect immediately.

STATEMENT

This bill requires law enforcement agencies to provide a crime victim with a copy of the victim's police report.

Specifically, under the bill, every law enforcement agency in this State, upon the request of a victim, or the victim's next-of-kin if the victim is deceased or unable to make the request, is required to provide an electronic or hard copy of the police report concerning or in connection with the crime against the victim, free of charge. The law enforcement agency is prohibited from requiring a victim or victim's next-of-kin to complete a formal written open public records act request to receive a copy of the police report.

A law enforcement agency is required to include with any police report provided to a victim or victim's next-of-kin under the bill, written information relating to the availability of crime victims' compensation. This information is to be to be supplied to law enforcement agencies by the Victims of Crime Compensation Office.