

ASSEMBLY, No. 5624

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Expands Crime Victim's Bill of Rights concerning defendants' recommended release; incorporates right to testify at parole hearing and other proceedings.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the Crime Victim's Bill of Rights and amending
2 P.L.1985, c.249.

3

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 m. To submit a written statement, within a reasonable amount
40 of time, about the impact of the crime to a representative of the
41 prosecuting agency which shall be considered prior to the
42 prosecutor's final decision concerning whether formal criminal
43 charges will be filed, whether the prosecutor will consent to a
44 request by the defendant to enter into a pre-trial program, and
45 whether the prosecutor will make or agree to a negotiated plea;

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

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

5 o. To have the opportunity to consult with the prosecuting
6 authority prior to the conclusion of any plea negotiations, and to
7 have the prosecutor advise the court of the consultation and the
8 victim's position regarding the plea agreement, provided however
9 that nothing herein shall be construed to alter or limit the authority
10 or discretion of the prosecutor to enter into any plea agreement
11 which the prosecutor deems appropriate;

12 p. To be present at any judicial proceeding involving a crime or
13 any juvenile proceeding involving a criminal offense, except as
14 otherwise provided by Article I, paragraph 22 of the New Jersey
15 Constitution;

16 q. To be notified of any release, recommended release, or
17 escape of the defendant and to provide oral, written, or recorded
18 video testimony at any proceeding that may result in the release, or
19 recommended release, of the defendant; [and] for the purposes of
20 this subsection, "release" includes, but is not limited to, any
21 furlough for work or temporary medical release from a correctional
22 facility;

23 r. To appear in any court before which a proceeding
24 implicating the rights of the victim is being held, with standing to
25 file a motion or present argument on a motion filed to enforce any
26 right conferred herein or by Article I, paragraph 22 of the New
27 Jersey Constitution, and to receive an adjudicative decision by the
28 court on any such motion; and

29 s. When a victim of crime is injured as a result of a crime of
30 the first or second degree, to make a written or recorded video
31 statement for the parole report to be considered at the parole
32 hearing or to testify before the parole board at the time of the parole
33 hearing concerning the impact of, and harm caused by, the crime
34 pursuant to the provisions of section 10 of P.L.1979, c.441 (C.30:4-
35 123.54).

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

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38 2. This act shall take effect immediately.
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41 STATEMENT

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43 This bill amends the "Crime Victim's Bill of Rights" to include
44 the right of a victim of a crime to be notified of the recommended
45 release of a defendant from incarceration. Current statutory law
46 gives the victim of a crime the right to be notified only of the
47 defendant's actual release. The bill further bestows on these
48 victims the right to provide oral, written, or recorded video

1 testimony at any proceeding that may result in the release, or
2 recommended release, of the defendant. Under the bill, "release"
3 includes, but is not limited to, any furlough for work or temporary
4 medical release of a defendant from a correctional facility.

5 The bill also incorporates into the "Crime Victim's Bill of
6 Rights" the right of certain injured victims to provide a statement
7 concerning the impact of and harm caused by a defendant convicted
8 of first or second degree crime to the State Parole Board to be
9 included in the defendant's parole report that is considered at the
10 parole hearing or to testify before the board at the parole hearing.
11 This right currently is incorporated in the "Parole Act of 1979," but
12 also would be specifically enumerated in the Crime Victim's Bill of
13 Rights under the bill.

14 According to the sponsor, this bill primarily is in response to
15 Governor Murphy's Executive Order No.124 of 2020, which
16 establishes a program to release certain inmates from incarceration
17 during the COVID-19 public health emergency. The order
18 establishes a process for the Department of Corrections (DOC) to
19 grant work release or emergency medical temporary home
20 confinement to inmates at risk of contracting COVID-19 pursuant
21 to the DOC's statutory furlough authority. The order creates the
22 Emergency Medical Review Committee to make recommendations
23 concerning which inmates should be placed on the list to be
24 considered for release. This bill would require notification to
25 victims of crime of the review committee's recommended release of
26 an inmate on furlough pursuant to E.O.124. This requirement also
27 would apply to a recommended release of an inmate by any
28 subsequently created non-judicial body empowered to make similar
29 recommendations. The bill also gives victims of crime the right to
30 provide oral, written, or recorded video testimony at any proceeding
31 held by the review committee.