

**ASSEMBLY CONCURRENT
RESOLUTION No. 214**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

SYNOPSIS

Proposes constitutional amendment to expand rights of crime victims in regard to release of defendants from incarceration.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/12/2021)

1 **A CONCURRENT RESOLUTION** proposing to amend Article 1,
2 paragraph 22 of the New Jersey Constitution.

3
4 **BE IT RESOLVED** *by the General Assembly of the State of New*
5 *Jersey (the Senate concurring):*

6
7 1. The following proposed amendment to the Constitution of
8 the State of New Jersey is agreed to:

9
10 PROPOSED AMENDMENT

11
12 Amend Article I, paragraph 22 to read as follows:

13 22. A victim of a crime shall be treated with fairness,
14 compassion and respect by the criminal justice system. A victim of
15 a crime shall not be denied the right to be present at public judicial
16 proceedings except when, prior to completing testimony as a
17 witness, the victim is properly sequestered in accordance with law
18 or the Rules Governing the Courts of the State of New Jersey. A
19 victim of a crime shall have the right to be notified of any release,
20 recommended release, or escape of the defendant. A victim of a
21 crime shall have the right to provide oral, written, or recorded video
22 testimony at any proceeding that may result in the release, or
23 recommended release, of a defendant. A victim of a crime shall be
24 entitled to those rights and remedies as may be provided by the
25 Legislature For the purposes of this paragraph, "victim of a crime"
26 means: a) a person who has suffered physical or psychological
27 injury or has incurred loss of or damage to personal or real property
28 as a result of a crime or an incident involving another person
29 operating a motor vehicle while under the influence of drugs or
30 alcohol, and b) the spouse, parent, legal guardian, grandparent,
31 child or sibling of the decedent in the case of a criminal homicide.
32 (cf: Art. I, par. 22, added effective December 5, 1991)

33
34 2. When this proposed amendment to the Constitution is finally
35 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it
36 shall be submitted to the people at the next general election
37 occurring more than three months after the final agreement and
38 shall be published at least once in at least one newspaper of each
39 county designated by the President of the Senate, the Speaker of the
40 General Assembly and the Secretary of State, not less than three
41 months prior to the general election.

42
43 3. This proposed amendment to the Constitution shall be
44 submitted to the people at that election in the following manner and
45 form:

46 There shall be printed on each official ballot to be used at the
47 general election, the following:

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.

- a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question as follows:
If you favor the proposition printed below make a cross (X), plus (+), or check (✓) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (✓) in the square opposite the word "No."
b. In every municipality the following question:

	YES	<p>CONSTITUTIONAL AMENDMENT TO GIVE VICTIMS OF CRIME ADDITIONAL RIGHTS CONCERNING RELEASE OF DEFENDANTS FROM PRISON</p> <p>Do you approve amending the Constitution to give victims of crime the right to be notified of the release, recommended release, or escape of a defendant from prison?</p> <p>The amendment also would give victims of crime the right to testify at any proceeding that may result in a defendant’s release or recommended release from prison.</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>This change to the Constitution expands the rights of victims of crime.</p> <p>Current State law gives victims of crime the right to be notified when a defendant is released or escapes from prison. This change includes these rights in the Constitution.</p> <p>Current State law does not give victims of crime the right to be notified when a recommendation is made by a State agency or other entity to release a defendant from prison. This change includes this right in the Constitution.</p> <p>Current State law gives victims of crime the right to testify when there is a parole hearing for an inmate serving a sentence for a serious crime. A victim of crime may testify in person, in writing, or by videotape. This change gives victims of crime the right to testify at any proceeding where the defendant might be released or recommended for release. For example, this change would give victims of crime the right to testify when a defendant is considered for work or emergency medical release.</p>

STATEMENT

This Assembly concurrent resolution proposes to amend the New Jersey Constitution to expand the rights of victims of crime in regard to the release of defendants from correctional facilities.

The concurrent resolution specifically accords victims of crime the constitutional right to be notified of any release, recommended release, or escape of the defendant from incarceration. The concurrent resolution also gives these victims the constitutional right to provide oral, written, or recorded video testimony at any proceeding that may result in the release, or recommended release, of the defendant.

Under current statutory law, a victim of crime has the right to be notified of the release or escape of the defendant, but not the recommended release of a defendant. Further, victims of crime injured as a result of a crime of the first or second degree may testify at the defendant's parole hearing or submit a written or videotaped statement to be included in the defendant's parole report, but no statutory right exists giving victims the right to testify at other proceedings related to the release of defendants, such as release on furlough for work or temporary medical release. This concurrent resolution includes these current statutory rights in the Constitution as expanded to include notification of any recommended release of a defendant and the right to testify at any proceeding.

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