

SENATE, No. 1339

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 10, 2020

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)

SYNOPSIS

Requires victims of the criminally insane to be notified upon release, escape, or transfer of offender from mental health facility.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning victims and supplementing Title 52 of the
2 Revised Statutes.

3

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

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7 1. As used in this act,

8 "Relative" means a person's spouse, domestic partner, partner in
9 a civil union, parent, grandparent, stepfather, stepmother, child,
10 grandchild, brother, sister, half-brother, half-sister, spouse's parent,
11 or parent of the person's domestic partner or partner in a civil
12 union.

13 "Victim" means a person who suffers personal injury or incurs
14 loss of or injury to personal or real property as a result of conduct
15 for which the actor is not criminally responsible pursuant to
16 N.J.S.2C:4-1 or conduct for which the actor faced charges
17 dismissed or held in abeyance pursuant to subsection c. of
18 N.J.S.2C:4-6. The term "victim" includes the nearest relative of a
19 person killed as a result of such conduct.

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21 2. Unless the victim requests not to be notified, a victim of a
22 person committed to the custody of the Commissioner of Human
23 Services pursuant to N.J.S.2C:4-6 or committed to a mental health
24 facility pursuant to N.J.S.2C:4-8 shall be notified if:

25 a. the court receives an application to discharge or release the
26 committed person;

27 b. the committed person is released or discharged;

28 c. the committed person escapes from a mental health facility;

29 d. the committed person is transferred to another mental health
30 facility; or

31 e. the committed person is allowed an unsupervised community
32 visit.

33

34 3. The victim of a person committed to the custody of the
35 Commissioner of Human Services pursuant to N.J.S.2C:4-6 or
36 committed to a mental health facility pursuant to N.J.S.2C:4-8 shall
37 be permitted to:

38 a. submit a written statement to the court prior to the court
39 making a determination about release or discharge pursuant to
40 N.J.S.2C:4-9;

41 b. appear and make a statement at a hearing held pursuant to
42 subsection b. of N.J.S.2C:4-9; or

43 c. both.

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45 4. This act shall take effect on the first day of the third month
46 following enactment.

STATEMENT

This bill would require notification of victims in cases where a defendant is acquitted by reason of insanity and in cases where a defendant is unfit to proceed on grounds that he is not mentally competent to stand trial. Specifically, the bill would provide notification, unless the victim requests to not be notified, if:

- the court receives an application to discharge or release the committed person;
- the committed person is released or discharged;
- the committed person escapes from a mental health facility;
- the committed person is transferred to another mental health facility; or
- the committed person is allowed an unsupervised community visit.

The bill would also allow victims to make a statement to the court or submit a written statement prior to the release of a person acquitted by reason of insanity or found unfit to proceed.

Under current law, victims of crime may make a statement prior to sentencing and are notified if the person convicted of the crime is released from custody. This bill would guarantee the same rights in cases where the person who commits the crime is acquitted by reason of insanity or is found unfit to proceed.