

SENATE, No. 2185

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

SYNOPSIS

Creates new \$100 assessment for convictions of certain sexual offenses to fund counseling for victims and their families; establishes Sexual Offender Victim Counseling Fund.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning an assessment for convictions of certain sexual
2 offenses to fund counseling for victims and their families,
3 amending P.L.1979, c.396 and P.L.1991, c.329 and
4 supplementing Title 2C and chapter 4B of Title 52 of the New
5 Jersey Statutes.

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

9
10 1. (New section) a. In addition to any other fine, fee or
11 assessment imposed, any person convicted of the following
12 offenses: aggravated sexual assault; sexual assault; aggravated
13 criminal sexual contact; kidnapping pursuant to N.J.S.2C:13-1;
14 endangering the welfare of a child by engaging in sexual conduct
15 which would impair or debauch the morals of the child pursuant to
16 subsection a. of N.J.S.2C:24-4; endangering the welfare of a child
17 pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4; luring
18 or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6);
19 criminal sexual contact pursuant to subsection b. of N.J.S.2C:14-3
20 if the victim is a minor; criminal restraint pursuant to N.J.S.2C:13-
21 2, or false imprisonment pursuant to N.J.S.2C:13-3 if the victim is a
22 minor and the offender is not the parent of the victim; or an attempt
23 to commit any of these enumerated offenses shall be assessed \$100
24 for each conviction for the Sexual Offender Victim Counseling
25 Fund.

26 b. All assessments provided for in this section shall be
27 collected as provided for the collection of fines and restitutions in
28 section 3 of P.L.1979, c.396 (C.2C:46-4) and shall be forwarded to
29 the Department of the Treasury as provided in subsection c. of this
30 section.

31 c. All money collected pursuant to this section shall be
32 forwarded to the Department of the Treasury to be deposited into
33 the Sexual Offender Victim Counseling Fund established in the
34 State Treasury by section 2 of P.L. , c. (C.)(now pending
35 before the Legislature as this bill).

36
37 2. (New section) a. The Sexual Offender Victim Counseling
38 Fund shall be a separate, nonlapsing, revolving fund and shall be
39 administered by the Division of Criminal Justice, Department of
40 Law and Public Safety and all moneys deposited in that fund
41 pursuant to this act shall be used for the provision of counseling
42 services to victims of specified sexual offenses set forth in section 1
43 of P.L. c. (C.)(now pending before the Legislature as this
44 bill) and the families of these victims.

45 b. The development and provision of counseling services to

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 victims and their families shall be pursuant to rules and regulations
2 promulgated by the Director of the Division of Criminal Justice.
3 The Director of the Division of Criminal Justice shall coordinate
4 these counseling services with other services offered by the State
5 Office of Victim and Witness Advocacy, the 21 county offices of
6 Victim and Witness Advocacy and as otherwise deemed appropriate
7 for the implementation of the Attorney General Standards to Ensure
8 the Rights of Crime Victims.

9
10 3. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
11 as follows:

12 3. a. All fines, assessments imposed pursuant to section 2 of
13 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
14 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
15 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
16 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
17 penalties imposed pursuant to section 1 of P.L.2009, c.143
18 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
19 P.L.2013, c.214 (C.30:4-123.97) and restitution shall be collected as
20 follows:

21 (1) All fines, assessments imposed pursuant to section 2 of
22 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
23 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
24 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
25 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
26 penalties imposed pursuant to section 1 of P.L.2009, c.143
27 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
28 P.L.2013, c.214 (C.30:4-123.97) **【and】** restitution imposed by the
29 Superior Court or otherwise imposed at the county level, and
30 assessments imposed pursuant to section 1 of P.L. , c. (C.)
31 (pending before the Legislature as this bill), shall be collected by
32 the county probation division except when such fine, assessment or
33 restitution is imposed in conjunction with a custodial sentence to a
34 State correctional facility or in conjunction with a term of
35 incarceration imposed pursuant to section 25 of P.L.1982, c.77
36 (C.2A:4A-44) in which event such fine, assessment or restitution
37 shall be collected by the Department of Corrections or the Juvenile
38 Justice Commission established pursuant to section 2 of P.L.1995,
39 c.284 (C.52:17B-170). An adult prisoner of a State correctional
40 institution or a juvenile serving a term of incarceration imposed
41 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) who has not
42 paid an assessment imposed pursuant to section 2 of P.L.1979,
43 c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of
44 P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to
45 section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty imposed
46 pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a penalty
47 imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97),
48 or assessments imposed pursuant to section 1 of

1 P.L. , c. (C.) (pending before the Legislature as this bill),
2 or restitution shall have the assessment, penalty, fine or restitution
3 deducted from any income the inmate receives as a result of labor
4 performed at the institution or on any type of work release program
5 or, pursuant to regulations promulgated by the Commissioner of the
6 Department of Corrections or the Juvenile Justice Commission,
7 from any personal account established in the institution for the
8 benefit of the inmate.

9 (a) A payment of restitution collected by the Department of
10 Corrections pursuant to this paragraph shall be maintained by the
11 department for two years during which the department shall attempt
12 to locate the victim to whom the restitution is owed. If the
13 department has not located the victim and the victim has not come
14 forward to claim the payment within this two-year period, the
15 payment shall be transferred to the Victims of Crime Compensation
16 Office Account to be used in satisfying claims pursuant to the
17 provisions of the "Criminal Injuries Compensation Act of 1971,"
18 P.L.1971, c.317 (C.52:4B-1 et seq.).

19 (b) If the Department of Corrections has transferred a payment
20 of restitution to the Victims of Crime Compensation Office
21 pursuant to subparagraph (a) of this paragraph, the department shall
22 provide the office with the order for restitution and any other
23 information regarding the identity of the victim to whom the
24 payment is owed. The office shall be responsible for maintaining
25 this information and for distributing payments of restitution to
26 victims who can prove they are owed the payments.

27 (2) All fines, assessments imposed pursuant to section 2 of
28 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
29 section 1 of P.L.1999, c.295 (C.2C:43-3.5), assessments imposed
30 pursuant to P.L. , c. (C.) (pending before the Legislature as
31 this bill), and restitution imposed by a municipal court shall be
32 collected by the municipal court administrator except if such fine,
33 assessments imposed pursuant to section 2 of P.L.1979, c.396
34 (C.2C:43-3.1), or restitution or assessment imposed pursuant to
35 section 1 of P.L. , c. (C.) (pending before the Legislature as
36 this bill) is ordered as a condition of probation in which event it
37 shall be collected by the county probation division.

38 b. Except as provided in subsection c. with respect to fines
39 imposed on appeals following convictions in municipal courts and
40 except as provided in subsection i. with respect to restitution
41 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
42 al.), all fines imposed by the Superior Court or otherwise imposed
43 at the county level, shall be paid over by the officer entitled to
44 collect same to:

45 (1) The county treasurer with respect to fines imposed on
46 defendants who are sentenced to and serve a custodial term,
47 including a term as a condition of probation, in the county jail,

1 workhouse or penitentiary except where such county sentence is
2 served concurrently with a sentence to a State institution; or

3 (2) The State Treasurer with respect to all other fines.

4 c. All fines imposed by municipal courts, except a central
5 municipal court established pursuant to N.J.S.2B:12-1 on
6 defendants convicted of crimes, disorderly persons offenses and
7 petty disorderly persons offenses, and all fines imposed following
8 conviction on appeal therefrom, and all forfeitures of bail shall be
9 paid over by the officer entitled to collect same to the treasury of
10 the municipality wherein the municipal court is located.

11 In the case of an intermunicipal court, fines shall be paid into the
12 municipal treasury of the municipality in which the offense was
13 committed, and costs, fees, and forfeitures of bail shall be
14 apportioned among the several municipalities to which the court's
15 jurisdiction extends according to the ratios of the municipalities'
16 contributions to the total expense of maintaining the court.

17 In the case of a central municipal court, established by a county
18 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of
19 bail shall be paid into the county treasury of the county where the
20 central municipal court is located.

21 d. All assessments imposed pursuant to section 2 of P.L.1979,
22 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
23 in that section.

24 e. All mandatory Drug Enforcement and Demand Reduction
25 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
26 and deposited as provided for in that section.

27 f. All forensic laboratory fees assessed pursuant to
28 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
29 that section.

30 g. All restitution ordered to be paid to the Victims of Crime
31 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded
32 to the office for deposit in the Victims of Crime Compensation
33 Office Account.

34 h. All assessments imposed pursuant to section 11 of P.L.1993,
35 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
36 in that section.

37 i. All restitution imposed on defendants under the provisions
38 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
39 enforcement entity in extraditing the defendant from another
40 jurisdiction shall be paid over by the officer entitled to collect same
41 to the law enforcement entities which participated in the extradition
42 of the defendant.

43 j. All penalties imposed pursuant to section 1 of P.L.1999,
44 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
45 in that section.

46 k. All penalties imposed pursuant to section 11 of P.L.2001,
47 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
48 that section.

1 l. All mandatory penalties imposed pursuant to section 1 of
2 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
3 provided in that section.

4 m. All mandatory Computer Crime Prevention penalties
5 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
6 shall be forwarded and deposited as provided in that section.

7 n. All mandatory Sex Offender Supervision penalties imposed
8 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be
9 forwarded and deposited as provided in that section.

10 (cf: P.L.2015, c.55, s.1)

11
12 4. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to
13 read as follows:

14 13. Moneys that are collected in satisfaction of any assessment
15 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
16 assessment imposed pursuant to section 1 of P.L. , c. (C.)
17 (pending before the Legislature as this bill) or in satisfaction of
18 restitution or fines imposed in accordance with the provisions of
19 Title 2C of the New Jersey Statutes or with the provisions of section
20 24 of P.L.1982, c.77 (C.2A:4A-43), shall be applied in the
21 following order:

22 a. first, in satisfaction of all assessments imposed pursuant to
23 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

24 b. second, except as provided in subsection f. of this section, in
25 satisfaction of any restitution ordered;

26 c. third, in satisfaction of all assessments imposed pursuant to
27 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

28 d. fourth, in satisfaction of any forensic laboratory fee assessed
29 pursuant to N.J.S.2C:35-20;

30 e. fifth, in satisfaction of any mandatory Drug Enforcement
31 and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-
32 15;

33 f. sixth, in satisfaction of any anti-drug profiteering penalty
34 imposed pursuant to N.J.S.2C:35A-1 et seq.;

35 g. seventh, in satisfaction of any anti-money laundering
36 profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25
37 (C.2C:21-27.2);

38 h. eighth, in satisfaction of restitution for any extradition costs
39 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

40 i. ninth, in satisfaction of any penalty imposed pursuant to
41 section 1 of P.L.1999, c.295 (C.2C:43-3.5);

42 j. tenth, in satisfaction of any penalty imposed pursuant to
43 section 11 of P.L.2001, c.81 (C.2C:43-3.6);

44 k. eleventh, in satisfaction of the mandatory penalty imposed
45 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10);

46 l. twelfth, in satisfaction of any mandatory Computer Crime
47 Prevention penalty assessed pursuant to section 1 of P.L.2009,
48 c.143 (C.2C:43-3.8);

1 m. thirteenth, in satisfaction of any mandatory Sex Offender
2 Supervision penalty assessed pursuant to section 7 of P.L.2013,
3 c.214 (C.30:4-123.97); and

4 n. in satisfaction of any fine.
5 (cf: P.L. 2013, c.214, s.6)

6
7 5. This act shall take effect immediately.
8
9

10 STATEMENT
11

12 This bill creates a new \$100 assessment to be imposed on person
13 convicted of specified sexual offenses. These sexual offenses are the
14 same as those which currently trigger the registration provisions of
15 P.L.1994, c.133 (C.2C:7-1 et seq.) under "Megan's Law." This \$100
16 assessment would be collected in the same manner as other
17 assessments and would be given the same priority as other
18 assessments. The moneys collected would be deposited in the Sexual
19 Offender Victim Counseling Fund established in the State Treasury by
20 this bill. These special \$100 assessments would be used by the
21 Division of Criminal Justice in the Department of Law and Public
22 Safety to fund counseling for victims of sexual offenses and their
23 families.

24 The development and provision of counseling services to victims
25 and their families would be done in accordance with the rules and
26 regulations promulgated by the Director of the Division of Criminal
27 Justice. The Director would be required to coordinate these
28 counseling services with other services offered by the State Office of
29 Victim and Witness Advocacy, the 21 county offices of Victim and
30 Witness Advocacy, and as otherwise deemed appropriate for the
31 implementation of the Attorney General Standards to Ensure the
32 Rights of Crime Victims.