

[First Reprint]

SENATE, No. 3847

STATE OF NEW JERSEY
220th LEGISLATURE

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Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator DECLAN J. O'SCANLON, JR.

District 13 (Monmouth)

SYNOPSIS

Makes various revisions to the Crime Victims' Bill of Rights.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on December 18, 2023, with amendments.



(Sponsorship Updated As Of: 12/18/2023)

1 AN ACT concerning crime victims' rights and amending P.L.1985,
2 c.249 ¹, P.L.1991, c.329,¹ P.L.2012, c.27 and supplementing
3 Title 52 of the Revised Statutes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 m. To submit a written statement, within a reasonable amount
41 of time, about the impact of the crime to a representative of the
42 prosecuting agency which shall be considered prior to the
43 prosecutor's final decision concerning whether formal criminal
44 charges will be filed, whether the prosecutor will consent to a
45 request by the defendant to enter into a pre-trial program, and
46 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted December 18, 2023.

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 ¹["consult"] communicate¹ with
6 the prosecuting [authority] ¹["attorney"] authority any perspective
7 the victim may have on considerations related to plea negotiations
8 with the defendant¹ prior to the [conclusion] beginning of any plea
9 negotiations ¹and to consult with the prosecuting authority prior to
10 the conclusion of any plea negotiations¹, and to have the prosecutor
11 advise the court of the consultation and the victim's position
12 regarding the plea agreement [, provided however that nothing]
13 ¹subject to the provision that the prosecutor shall be required to
14 advise the court of the victim's position unless the victim
15 affirmatively requests otherwise¹. ¹["If the victim is not present in
16 court for the plea hearing, the court shall determine if the victim
17 received adequate notice of the hearing. The court may, within its
18 discretion, proceed with the plea hearing if the court determines the
19 victim received adequate notice of the hearing. A court that
20 determines the victim did not receive adequate notice of the plea
21 hearing shall adjourn the hearing until such time as the victim can
22 be present with the opportunity to be heard by the court. If the
23 victim objects to the proposed plea bargain, the victim shall notify
24 the court and the prosecutor within a reasonable time from receipt
25 of notice of the proposed plea bargain from the prosecutor, and the
26 court shall schedule a hearing on the victim's objection.

27 At the hearing, the victim, the prosecutor, and the defendant may
28 present testimony and argument regarding the victim's opposition to
29 the proposed plea bargain. The court may, within its discretion,
30 reject the plea if the court finds that: (1) the proposed plea violates
31 the victim's rights under Article I, paragraph 22 of the New Jersey
32 Constitution, or any law of this State; (2) to permit the plea would
33 cause a manifest injustice to the victim or the victim's survivors;
34 and (3) a rejection of the plea offer does not violate the defendant's
35 rights under the federal and State constitutions.]¹

36 Nothing herein shall be construed to alter or limit the authority
37 or discretion of the prosecutor to enter into any plea agreement
38 which the prosecutor deems appropriate;

39 p. To be present ¹["and to be heard"]¹ at any judicial ¹or quasi-
40 judicial¹ proceeding involving a crime [or] ¹[".] or offense
41 committed against them or¹ any juvenile proceeding involving a
42 ¹["criminal offense"] crime or offense committed against them,
43 including, without limitation, any Superior Court proceeding, any
44 Family Court proceeding¹, any municipal court proceeding, and any
45 administrative law proceeding held in accordance with the
46 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
47 seq.) ¹which involves the crime or offense committed against

1 them¹, except as otherwise provided by Article I, paragraph 22 of
2 the New Jersey Constitution;

3 q. To be notified of any release or escape of the defendant;
4 **[and]** 'and'

5 r. To appear 'and be heard, including through representation
6 by a private attorney.'¹ in any court before which a proceeding
7 implicating the rights of the victim is being held, with standing to
8 file a motion or present argument on a motion filed to enforce any
9 right conferred herein or by Article I, paragraph 22 of the New
10 Jersey Constitution, and to receive an adjudicative decision by the
11 court on any such motion **[.]** '[; and

12 s. To be represented in any court by a private attorney in
13 connection with any rights conferred herein, by Article I, paragraph
14 22 of the New Jersey Constitution, or by any other law or
15 administrative regulation applicable to the matter before the
16 court]¹.

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

18
19 2. Section 3 of P.L.2012, c.27 (C.52:4B-36.2) is amended to
20 read as follows:

21 3. Pursuant to Article I, paragraph 22 of the New Jersey
22 Constitution:

23 a. A crime victim shall not be required to pay the maintenance,
24 support, rehabilitation, or other costs arising from the imprisonment
25 or commitment of a victimizer as a result of the crime; and

26 b. A crime victim shall not be charged any fee otherwise
27 prescribed by law or regulation to obtain copies of the victim's own
28 records to which the victim is entitled to access as provided in
29 section 1 of P.L.1995, c.23 (C.47:1A-1.1), including, but not
30 limited to, any law enforcement agency incident report, domestic
31 violence offense report, sexual assault offense report, and
32 temporary or permanent restraining order.

33 c. In cases where there is a pending 'application for a'
34 domestic violence restraining order pursuant to the "Prevention of
35 Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et
36 seq.) or a pending 'application for a' sexual assault restraining
37 order pursuant to "Sexual Assault Survivor Protection Act of 2015,"
38 P.L.2015, c.147 (C.2C:14-13 et al.), 'upon request of the victim or
39 the victim's attorney'¹

40 the law enforcement agency shall furnish the law enforcement
41 agency incident report to the victim or the victim's attorney within
42 the time required by section 3 of P.L.1963, c.73 (C.47:1A-3), but in
43 no event more than five days after the date of receipt of the written
44 request for such report.

45 (cf: P.L.2014, c.19, s.1)

1 3. Section 4 of P.L.1985, c.249 (C.52:4B-37) is amended to
2 read as follows:

3 4. As used in this act, "victim" means ¹:

4 a.¹ a person who suffers personal, physical or psychological
5 injury or death or incurs loss of or injury to personal or real
6 property as a result of a crime ¹or offense¹ committed by an adult or
7 an act of delinquency that would constitute a crime ¹or offense¹ if
8 committed by an adult, committed against that person ¹["Victim"
9 also includes] ;

10 b. the parent or legal guardian of a minor victim who is acting on
11 behalf of the minor; or

12 c.¹ the ¹["parent or legal guardian of a minor victim, anyone
13 financially dependent on the victim, and the"]¹ spouse, parent, legal
14 guardian, grandparent, child, sibling, domestic partner or civil union
15 partner of the decedent in the case of a criminal homicide or act of
16 juvenile delinquency that would constitute a criminal homicide if
17 committed by an adult.

18 (cf: P.L.2016, c.15, s.1)

19

20 ¹4. (New section) In furtherance of the rights provided in
21 subsection o. of section 3 of P.L.1985, c.249 (C.52:4B-36), the
22 court may establish a procedure by which judges in criminal cases
23 may ascertain whether a victim has been afforded an adequate
24 opportunity to communicate and consult with the prosecuting
25 authority on a plea agreement, including but not limited to
26 consideration of whether the prosecuting authority made sufficient
27 efforts to contact the victim in matters in which contact did not
28 occur.¹

29

30 ¹5. Section 20 of P.L.1991, c.329 (C.52:4B-43.1) is amended to
31 read as follows:

32 20. a. The Victim and Witness Advocacy Fund, established in
33 the State Treasury by section 2 of P.L.1979, c.396 (C.2C:43-3.1),
34 administered by the Department of Law and Public Safety through
35 the Division of Criminal Justice, pursuant to rules and regulations
36 promulgated by the Director of the Division of Criminal Justice, to
37 support the development and provision of services to victims and
38 witnesses of crimes and for related administrative costs, is hereby
39 continued.

40 b. The division is authorized to continue disbursing moneys
41 deposited in the Victim and Witness Advocacy Fund to fund the
42 operation of the State Office of Victim and Witness Advocacy, the
43 21 county offices of Victim and Witness Advocacy and to provide
44 funding to other public entities as deemed appropriate for the
45 implementation of the Attorney General Standards to Ensure the
46 Rights of Crime Victims.

1 c. In addition, the division, pursuant to rules and regulations to
2 be promulgated by the director to ensure that funds are given to
3 qualified entities that will provide services consistent with this act,
4 shall award grants to qualified public entities and not-for-profit
5 organizations that provide direct services to victims and witnesses,
6 including but not limited to such services as:

- 7 (1) shelter, food and clothing;
- 8 (2) medical and legal advocacy and support services;
- 9 (3) 24-hour crisis response services and 24-hour hotlines;
- 10 (4) information and referral and community education;
- 11 (5) psychiatric treatment programs;
- 12 (6) expanded services for victims' families and significant
13 others;
- 14 (7) short and long term counseling and support groups;
- 15 (8) emergency locksmith and carpentry services;
- 16 (9) financial services; and
- 17 (10) medical testing ordered by a court pursuant to section 4 of
18 P.L.1993, c.364 (C.2C:43-2.2).

19 d. Organizations eligible to apply for grants under subsection c.
20 of this section include but are not limited to **【**:

- 21 (1) member programs of the New Jersey Coalition for Battered
22 Women, including but not limited to
- 23 (a) Atlantic County Women's Center;
- 24 (b) Shelter Our Sisters, (Bergen County);
- 25 (c) Providence House/ Willingboro Shelter, (Burlington
26 County);
- 27 (d) YWCA/SOLACE, (Camden County);
- 28 (e) Family Violence Project and The Safe House, (Essex
29 County);
- 30 (f) People Against Spouse Abuse, (Gloucester County);
- 31 (g) Battered Women's Program, (Hudson County);
- 32 (h) Women's Crisis Services, (Hunterdon County);
- 33 (i) Womanspace, Inc., (Mercer County);
- 34 (j) Women Aware, Inc., (Middlesex County);
- 35 (k) Women's Resource and Survival Center, (Monmouth
36 County);
- 37 (l) Jersey Battered Women's Services, Inc., (Morris County);
- 38 (m) Passaic County Women's Center, (Passaic County);
- 39 (n) Salem County Women's Services, (Salem County);
- 40 (o) Resource Center for Women and Their Families, (Somerset
41 County);
- 42 (p) Domestic Abuse Services, Inc., (Sussex County);
- 43 (q) Project Protect, (Union County);
- 44 (r) Domestic Abuse and Rape Crisis Center, Inc., (Warren
45 County); and
- 46 (s) Ocean County Women's Center; and
- 47 (2) rape care services and programs, including, but not limited
48 to:

- 1 (a) Atlantic County Women's Center, (Atlantic County);
2 (b) Bergen County Rape Crisis Center, (Bergen County);
3 (c) Women Against Rape, (Burlington County);
4 (d) Women Against Rape, (Camden County);
5 (e) Coalition against Rape and Abuse, (Cape May County);
6 (f) Cumberland County Guidance Center;
7 (g) North Essex Helpline and Sexual Assault Support Service,
8 (Essex County);
9 (h) Gloucester County Rape Assault Prevention Program;
10 (i) Christ Hospital Mental Health Center, serving Hudson
11 County;
12 (j) Women's Crisis Services, (Hunterdon County);
13 (k) Rape Crisis Program Mercer County YWCA, (Mercer
14 County);
15 (l) Rape Crisis Intervention Center Roosevelt Hospital,
16 (Middlesex County);
17 (m) Women's Resource Center, (Monmouth County);
18 (n) Parenting Center, Morristown Hospital, (Morris County);
19 (o) Ocean County Advisory Commission on the Status of
20 Women, (Ocean County);
21 (p) Passaic County Women's Center, (Passaic County);
22 (q) Salem County Rape Crisis Service, (Salem County);
23 (r) Rape Crisis Service of Somerset and Richard Hall Mental
24 Health Center Somerset County Coalition for the prevention and
25 Treatment of Sexual Abuse;
26 (s) Project Against Sexual Assault Abuse, (Sussex County);
27 (t) Union County Rape Crisis Center;
28 (u) Domestic Abuse and Rape Crisis Center, (Warren County);
29 and
30 (v) Alternatives to Domestic Violence of Hackensack, N.J.
31 (Bergen County)] service providers and county-based programs
32 throughout the State which serve victims of violence, including but
33 not limited to those which provide cultural and population specific
34 services to victims of domestic violence, sexual violence,
35 community violence, or human trafficking.
36 e. The Director shall report annually to the Governor and the
37 Legislature concerning the administration of the Victim and
38 Witness Advocacy Fund and the administration and award of grants
39 authorized by this section.¹
40 (cf: P.L.1993, c.364, s.2)
41
42 ¹**[4.] 6.**¹ This act shall take effect immediately.