

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 3847

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 18, 2023

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 3847.

As amended and reported by the committee, this bill makes various revisions to the Crime Victims' Bill of Rights.

The Victims' Rights Amendment to the New Jersey Constitution, enacted by the voters in 1991 as paragraph 22 of Article I, makes crime victims' rights a constitutional mandate and specifically provides that victims "shall be entitled to those rights and remedies as may be provided by the Legislature." Under the Crime Victims' Bill of Rights, crime victims and witnesses are to be free from intimidation, harassment, or abuse by any person including the defendant or any other person acting in support of or on behalf of the defendant, due to the involvement of the victim or witness in the criminal justice process.

This bill expands the Crime Victims' Bill of Rights by expanding the process for plea agreements. Under current law, victims and witnesses have the opportunity to consult with the prosecuting authority prior to the conclusion of plea negotiations. The amended bill grants victims and witnesses the opportunity to communicate with the prosecuting authority any perspective the victim may have on considerations related to plea negotiations with the defendant prior to the beginning of any plea negotiations, to consult with the prosecuting authority prior to the conclusion of any plea negotiations, and to have the prosecutor advise the court of the consultation and the victim's position regarding the plea. The amended bill requires the prosecutor to advise the court of the victim's position unless the victim affirmatively requests otherwise.

As amended, the bill also allows a court to establish a procedure by which judges in criminal cases may ascertain whether a victim has been afforded an adequate opportunity to communicate and consult with the prosecuting authority on a plea agreement, including whether the prosecuting authority made sufficient efforts to contact the victim in matters in which contact did not occur.

In addition, the amended bill requires law enforcement agencies to furnish, upon request, incident reports to a victim or the victim's attorney when there is a pending application for a domestic violence

restraining order or pending application for a sexual assault restraining order within 24 hours or as soon as practicable but in no event more than five days after the date the report is requested. The amended bill also expands the definition of victim to include the parent or legal guardian of a minor victim acting on behalf of the minor victim.

Finally, the amended bill clarifies that the Victim Witness and Advocacy Fund is to award grants to legal support services. The amended bill also removes enumerated organizations eligible for grants under current law and provides that organizations eligible to receive grants are to include service providers and county-based programs throughout the State which serve victims of violence.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) remove from the bill's provisions a procedure for the victim to participate in plea hearings and allow the court to establish a procedure by which judges in criminal cases may ascertain whether a victim has been afforded an adequate opportunity to communicate and consult with the prosecuting authority on a plea agreement;

2) clarify that a victim is to receive incident reports when there is a pending application for a domestic violence restraining order or pending application for a sexual assault restraining order upon the victim's or victim's attorney's request;

3) provide that Victim Witness and Advocacy Fund is to award grants for legal support services;

4) remove from the bill certain provisions allowing victims and witnesses to be represented in any court by a private attorney in connection with any rights afforded by Article I, paragraph 22 of the New Jersey Constitution or by any other law or administrative regulation applicable to the matter before the court; and

5) remove enumerated organizations eligible for grants under current law and provide that organizations eligible to receive grants include service providers and county-based programs throughout the State which serve victims of violence.