LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 1062
STATE OF NEW JERSEY
221st LEGISLATURE

DATED: FEBRUARY 13, 2025

SUMMARY

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

Type of Impact: Annual State and local expenditure increases.

Agencies Affected: Department of Law and Public Safety; County Prosecutors; Administrative Office of the Courts; Superior and municipal courts; State, county, and municipal law enforcement agencies.

Office of Legislative Services Estimate

Annual Fiscal Impact	
State Expenditure Increase	Indeterminate
Local Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) concludes that the bill may result in annual State and local cost increases related to the establishment of procedures to ensure certain victims' rights.

- The OLS finds the potential administrative cost increases to State and local law enforcement agencies, county prosecutors, and State and municipal courts to be indeterminate, but notes that the Victim and Witness Advocacy Fund may be utilized for administrative costs.

BILL DESCRIPTION

This bill makes various revisions to the Crime Victims' Bill of Rights.

This bill revises 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 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 bill requires the prosecutor to advise the court of the victim's position unless the victim affirmatively requests otherwise.

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 bill requires law enforcement agencies to furnish, upon request, incident reports to the victim or the victim's attorney when there is a pending application for a domestic violence restraining order or a 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 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 bill clarifies that the Victim Witness and Advocacy Fund is to award grants to legal support services. The 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 that serve victims of violence.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that the bill may result in annual State and local cost increases related to the establishment of procedures to ensure certain victims' rights.

The OLS finds that the bill will increase costs to State and local law enforcement agencies, county prosecutors, the Administrative Office of the Courts, Superior Courts, and municipal courts, as there may be administrative workload increases related to the bill's requirements for:

- Earlier communication and consultation on plea negotiations;
- The prosecutor to advise the court of the victim's position unless the victim affirmatively requests otherwise;
- Expediting provisions of domestic violence reports; and
- Expanding the definition of victim to include the parent or legal guardian of a minor victim acting on behalf of the minor victim.

The OLS finds the potential administrative cost increases to be indeterminate, but notes that the Victim and Witness Advocacy Fund may be utilized for administrative costs.

The Victim and Witness Advocacy Fund receives its resources from assessments levied on certain criminal offenders at sentencing. Additionally, beginning in FY 2022 and continuing thereafter, a $500,000 annual State appropriation has supplemented the resources in the fund. Annual budget authority provides that unexpended account balances may be carried forward to the following year. The account balances support the State Office of Victim-Witness Advocacy in the Department of Law and Public Safety's Division of Criminal Justice and county prosecutor's offices of victim witness advocacy. Fund resources are to be utilized to provide services to victims and witnesses of crimes and cover related administrative costs. From FY 2018 through FY 2024, the average annual expenditure from the fund is $685,662.

Victim and Witness Advocacy Fund

Fiscal Year	Budget Authority	Expenditures
FY 2024	$1,690,603	$536,621
FY 2023	$1,435,279	$614,551
FY 2022	$852,955	$301,825
FY 2021	$850,000	$418,412
FY 2020	$889,699	$812,920
FY 2019	$1,572,920	$752,595
FY 2018	$2,080,179	$1,362,713

Section: *Law and Public Safety*

Analyst: *Kristin Brunner Santos*
Lead Fiscal Analyst

Approved: *Thomas Koenig*
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).