

# ASSEMBLY, No. 3145

## STATE OF NEW JERSEY

### 217th LEGISLATURE

INTRODUCED FEBRUARY 22, 2016

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblyman JAY WEBBER**

**District 26 (Essex, Morris and Passaic)**

**Assemblywoman NANCY F. MUNOZ**

**District 21 (Morris, Somerset and Union)**

**SYNOPSIS**

Permits human trafficking victims to testify by closed circuit television under certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/23/2016)**

1 AN ACT concerning human trafficking victims and supplementing  
2 Title 2A of the New Jersey Statutes.

3

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

6

7 1. a. In prosecutions for a crime involving human trafficking  
8 pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or P.L.2013,  
9 c.51 (C.52:17B-237 et al.), the court may, on motion and after  
10 conducting a hearing in camera, order the taking of the testimony of  
11 a victim on closed circuit television at the trial, out of the view of  
12 the jury, defendant, or spectators upon making findings as provided  
13 in subsection b. of this section.

14 b. An order under this section may be made only if the court  
15 determines by clear and convincing evidence that there is a  
16 substantial likelihood that the victim of human trafficking would  
17 suffer severe emotional or mental distress if required to testify in  
18 open court. The order shall be specific as to whether the victim will  
19 testify outside the presence of spectators, the defendant, the jury, or  
20 all of them and shall be based on specific findings relating to the  
21 impact of the presence of each.

22 c. A motion seeking closed circuit testimony under subsection  
23 a. of this section may be filed by:

- 24 (1) the victim or the victim's attorney, parent, or legal guardian;  
25 (2) the prosecutor;  
26 (3) the defendant or the defendant's counsel; or  
27 (4) the trial judge on the judge's own motion.

28 d. The defendant's attorney shall be present at the taking of  
29 testimony on closed circuit television. If the defendant is not  
30 present, the defendant and the defendant's attorney shall be able to  
31 confer privately with each other during the testimony by a separate  
32 audio system.

33 e. If testimony is taken on closed circuit television pursuant to  
34 the provisions of this section, a stenographic recording of that  
35 testimony shall also be required. A transcript of that testimony  
36 shall be included in the record on appeal. The closed circuit  
37 testimony itself shall not constitute part of the record on appeal  
38 except on motion for good cause shown.

39

40 2. This act shall take effect immediately.

41

42

43

STATEMENT

44

45 This bill would permit victims of human trafficking to testify in  
46 criminal proceeding via closed circuit television.

47 Under the bill, the court may, following an in camera hearing,  
48 order the taking of the victim's testimony out of the presence of the

1 jury, defendant, or spectators. Closed circuit testimony would be  
2 allowed if the court determined by clear and convincing evidence  
3 that there was a substantial likelihood that the victim would suffer  
4 severe emotional or mental distress if required to testify in open  
5 court. The order would be specific as to whether the victim would  
6 testify outside the presence of spectators, the defendant, the jury, or  
7 all of them and would be based on specific findings relating to the  
8 impact of the presence of each.

9 The motion to proceed using closed circuit testimony could be  
10 filed by: (1) the victim or the victim's attorney, parent, or legal  
11 guardian; (2) the prosecutor; (3) the defendant or the defendant's  
12 attorney; or (4) the trial judge on the judge's own motion.

13 The defendant's attorney would be present at the taking of  
14 testimony via closed circuit television. If the defendant was not  
15 present, the defendant and the defendant's attorney would be able to  
16 confer privately with each other during the testimony by a separate  
17 audio system.

18 The bill would also require a stenographic recording of the  
19 closed circuit testimony. A transcript of that testimony would be  
20 included in the record on appeal. However, the closed circuit  
21 testimony itself would not constitute part of that record except on  
22 motion for good cause shown.