

ASSEMBLY, No. 1233

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman AZZOLINA

1 AN ACT concerning crime victims' rights and amending P.L.1985,  
2 c.249 and P.L.1985, c.404.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 3 of P.L.1985, c.249 (C.52:4B-36) is amended to read  
8 as follows:

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

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

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

14 c. To be free from intimidation;

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

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

19 f. To medical assistance if, in the judgment of the law enforcement  
20 agency, medical assistance appears necessary;

21 g. To be notified if presence in court is not needed;

22 h. To be informed about available remedies, financial assistance  
23 and social services;

24 i. To be compensated for their loss whenever possible;

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

27 k. To be advised of case progress and final disposition;

28 l. To the prompt return of property when no longer needed as  
29 evidence;

30 m. (1) To submit a written statement about the impact of the crime  
31 to a representative of the county prosecutor's office which shall be  
32 considered prior to the prosecutor's final decision concerning whether

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 formal criminal charges will be filed; and

2 (2) For victims to submit a written impact statement to a  
3 representative of the county prosecutor's office which shall be  
4 considered prior to the prosecutor accepting an agreement concerning  
5 the offense or offenses to which the defendant will plead or an  
6 agreement concerning the sentence, and to receive an explanation of  
7 the terms of any plea agreement and the reasons for the agreement;  
8 and

9 n. To make, prior to sentencing, an in-person statement directly to  
10 the sentencing court concerning the impact of the crime.

11 This statement is to be made in addition to the statement permitted  
12 for inclusion in the presentence report by N.J.S.2C:44-6.

13 (cf: P.L.1991, c.44, s.1)

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15 2. Section 6 of P.L.1985, c.404 (C.52:4B-44) is amended to read  
16 as follows:

17 6. a. The Attorney General shall, through the Office of  
18 Victim-Witness Advocacy in the Division of Criminal Justice in the  
19 Department of Law and Public Safety and in consultation with the  
20 county prosecutors, promulgate standards for law enforcement  
21 agencies to ensure that the rights of crime victims are enforced.

22 b. The standards shall require that the Office of Victim-Witness  
23 Advocacy in the Division of Criminal Justice and each county  
24 prosecutor's office provide the following services upon request for  
25 victims and witnesses involved in the prosecution of a case:

26 (1) Orientation information about the criminal justice system and  
27 the victim's and witness's role in the criminal justice process;

28 (2) Notification of any change in the case status and of final  
29 disposition;

30 (3) Information on crime prevention and on available responses to  
31 witness intimidation;

32 (4) Information about available services to meet needs resulting  
33 from the crime and referrals to service agencies, where appropriate;

34 (5) Advance notice of the date, time and place of the defendant's  
35 initial appearance before a judicial officer, submission to the court of  
36 any plea agreement, the trial and sentencing;

37 (6) Advance notice of when presence in court is not needed;

38 (7) Advice about available compensation, restitution and other  
39 forms of recovery and assistance in applying for government  
40 compensation;

41 (8) A waiting or reception area separate from the defendant for use  
42 during court proceedings;

43 (9) An escort or accompaniment for intimidated victims or  
44 witnesses during court appearances;

45 (10) Information about directions, parking, courthouse and  
46 courtroom locations, transportation services and witness fees, in

- 1 advance of court appearances;
- 2 (11) Assistance for victims and witnesses in meeting special needs  
3 when required to make court appearances, such as transportation and  
4 child care arrangements;
- 5 (12) Assistance in making travel and lodging arrangements for  
6 out-of-State witnesses;
- 7 (13) Notification to employers of victims and witnesses, if  
8 cooperation in the investigation or prosecution causes absence from  
9 work;
- 10 (14) Notification of the case disposition, including the trial and  
11 sentencing;
- 12 (15) (a) Assistance to victims in submitting a written statement to  
13 a representative of the county prosecutor's office about the impact of  
14 the crime prior to the prosecutor's final decision concerning whether  
15 formal charges will be filed;
- 16 (b) Assistance to victims of first or second degree crimes as  
17 indicted in submitting a written impact statement to a representative  
18 of the county prosecutor's office which shall be considered prior to the  
19 prosecutor accepting an agreement concerning the offense or offenses  
20 to which the defendant will plead or an agreement concerning the  
21 sentence, and an explanation of the terms of any plea agreement and  
22 the reasons for the agreement;
- 23 (16) Advice to victims about their right to make a statement about  
24 the impact of the crime for inclusion in the presentence report or at  
25 time of parole consideration, if applicable;
- 26 (17) Notification to victims of the right to make an in-person  
27 statement, prior to sentencing, directly to the sentencing court  
28 concerning the impact of the crime;
- 29 (18) Expediting the return of property when no longer needed as  
30 evidence; and
- 31 (19) Advise and counsel, or refer for advise or counseling, victims  
32 of sexual assault, or other criminal acts involving a risk of transmission  
33 of disease, concerning available medical testing and assist such victims,  
34 or refer such victims for assistance, in obtaining appropriate testing,  
35 counseling and medical care and in making application to the Violent  
36 Crimes Compensation Board for compensation for the costs of such  
37 testing, counseling and care.
- 38 c. In a case involving a victim of aggravated sexual assault or  
39 sexual assault as defined in subsection a. or c. of N.J.S.2C:14-2, the  
40 Office of Victim-Witness Advocacy or the county prosecutor's office  
41 involved in the case shall:
- 42 (1) Notify the victim of the victim's right to obtain an approved  
43 serological test for acquired immune deficiency syndrome (AIDS) or  
44 infection with the human immunodeficiency virus (HIV) or any other  
45 related virus identified as a probable causative agent of AIDS, and  
46 assist the victim, or refer the victim for assistance, in obtaining a test

1 and appropriate counseling and medical care;

2 (2) Notify the victim of the victim's right to obtain a court order  
3 pursuant to subsection a. of section 4 of P.L.1993, c.364  
4 (C.2C:43-2.2) requiring the offender to submit to an approved  
5 serological test for acquired immune deficiency syndrome (AIDS) or  
6 infection with the human immunodeficiency virus (HIV) or any other  
7 related virus identified as a probable causative agent of AIDS in the  
8 event that the offender is indicted, formally charged, convicted or  
9 adjudicated delinquent;

10 (3) Communicate the request of a victim who agrees to seek an  
11 order pursuant to subsection a. of section 4 of P.L.1993, c.364  
12 (C.2C:43-2.2) to the prosecutor handling the case and notify the  
13 victim or arrange for the victim to be notified of the test result; and

14 (4) Assist the victim in applying to the Violent Crimes  
15 Compensation Board for compensation for the costs of testing,  
16 counseling and medical care.

17 (cf: P.L.1993, c.364)

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19 3. This act shall take effect immediately.

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#### 22 STATEMENT

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24 Currently, crime victims may file an impact statement with the  
25 prosecutor's office prior to the prosecutor's final decision concerning  
26 whether formal charges will be filed. This bill would amend that  
27 section of law, N.J.S.A.52:4B-36, which sets forth the rights of crime  
28 victims, to give crime victims the additional right to submit a written  
29 impact statement prior to the prosecutor's final decision whether to  
30 accept a plea agreement concerning the offense or offenses to which  
31 the defendant will plead or an agreement concerning the sentence. The  
32 victim would also receive an explanation of the terms of any plea  
33 agreement and the reasons for the agreement. The bill also amends  
34 N.J.S.A.52:4B-44 concerning standards for the provision of services  
35 to victims to include assistance to victims of first and second degree  
36 crimes in submitting a written impact statement of this kind.

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42 Permits crime victims to make impact statements prior to the  
acceptance of plea bargain agreements.