

ASSEMBLY, No. 1235

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen AZZOLINA and BLEE

1 AN ACT concerning crime victims and amending P.L.1983, c.33.

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

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6 1. Section 3 of P.L.1983, c.33 (C.52:4B-28) as amended to read
7 as follows:

8 3. Every person, firm, corporation, partnership, association or
9 other legal entity contracting with a person convicted or accused of a
10 crime in this State or an agent, assignee, beneficiary, conservator,
11 executor, guardian, representative, relative, friend, associate or
12 conspirator of a person convicted or accused of a crime in this State,
13 with respect to the reenactment of the crime, by way of a movie, book,
14 magazine article, other literary expression, recording, radio or
15 television presentation, live entertainment or presentation of any kind,
16 [or from expression of the person's thoughts, feelings, opinions or
17 emotions regarding the crime] provided that an integral part of the
18 work depicts or discusses the defendant's crime, shall submit a copy of
19 the contract to the board and shall pay over to the board all moneys
20 which would otherwise, by terms of the contract, be owing the person
21 convicted or accused of a crime in this State or an agent, assignee,
22 beneficiary, conservator, executor, guardian, representative, relative,
23 friend, associate or conspirator of a person convicted or accused of a
24 crime in this State. The board shall deposit these moneys in an interest
25 bearing escrow account for the benefit of and payable to any victim of
26 the convicted or accused person or the victim's representative,
27 provided that the person is eventually convicted of the crime and that
28 the victim or victim's representative brings, within five years of the
29 date of the establishment of the escrow account, a civil action for
30 damages resulting from the crime, or has already obtained a judgment
31 for damages resulting from the crime, in a court of competent
32 jurisdiction and files notice of such action with the board and recovers

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 a money judgment for damages resulting from the crime against the
2 person or an agent, assignee, beneficiary, conservator, executor,
3 guardian, representative, relative, friend, associate or conspirator of
4 a person convicted or accused of a crime in this State.

5 (cf: P.L.1983, c.33, s.3)

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7 2. This act shall take effect immediately.

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10 STATEMENT

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12 Recently, the United States Supreme Court in Simon and Schuster
13 v. New York Crime Victims Bd., No. 90-1059 (December 10, 1991)
14 declared that New York's "Son of Sam" law is presumptively
15 inconsistent with the First Amendment since it imposed a financial
16 burden on speakers because of the content of their speech. This bill
17 would amend New Jersey's "Son of Sam" law to reflect the holding in
18 the Simon and Schuster case.

19 Currently, New Jersey's "Son of Sam" law, N.J.S.A.52:4B-26 et
20 seq., provides that any firm, corporation or entity which contracts with
21 a convicted person, with respect to the reenactment of the crime, by
22 way of a movie, book, magazine article, other literary expression,
23 recording, radio or television presentation, live entertainment or
24 presentation of any kind, or from expression of the person's thoughts,
25 feelings and opinions or emotions regarding the crime, would be
26 required to submit a copy of the contract and pay over to the Violent
27 Crimes Compensation Board the proceeds from the contract. The
28 board deposits these monies in an escrow account payable to the
29 victim if the accused is convicted of the crime, provided that the victim
30 brings a civil action and recovers a money judgement against the
31 accused.

32 In order to insure that New Jersey's "Son of Sam" law would not be
33 constitutionally challenged, this bill would clarify that an integral part
34 of the defendant's work must depict or discuss the defendant's crime
35 in order for the proceeds of the contract to be subject to the provisions
36 of the law.

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41 Amends the "Son of Sam" law.