

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 89

STATE OF NEW JERSEY

DATED: JUNE 3, 1996

The Assembly Law and Public Safety Committee reports favorably Senate Bill No.89.

Senate Bill No.89 amends section 6 of P.L.1985, c.404 (C.52:4B-44) to require the Office of Victim-Witness Advocacy in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the Commissioner of Health, the Superintendent of the Division of State Police, and representatives of providers of sexual assault services, to establish standard protocols for the provision of information and services to victims of sexual assault, and to make those protocols available to victims upon request.

It is the committee's understanding that these statewide protocols would coordinate the efforts of police departments, hospitals, prosecutors and rape crisis centers. In addition, well-defined statewide guidelines and standardized procedures would enhance the collection, preservation and transmission of forensic evidence, which, in turn, would contribute to the effective prosecution of these crimes.

Under section 6 of P.L.1985, c.404 (C.52:4B-44), the Attorney General, through the Office of Victim-Witness Advocacy in the Division of Criminal Justice and in consultation with county prosecutors, is to promulgate standards for law enforcement agencies to ensure that the rights of crime victims are protected and enforced. The standards promulgated under that section currently require the Office of Victim-Witness Advocacy and each county prosecutor's office to provide services to victims and witnesses concerning the criminal justice process; progress and disposition of the case; advice about compensation, restitution, and other forms of recovery and assistance; escort for intimidated victims or witnesses during court appearances; assistance relating to special needs associated with court appearances, such as transportation and child care arrangements; notification to employers if cooperation in the investigation or prosecution causes absence from work; advice about victim's right to make a statement concerning the impact of the crime for inclusion in the presentence report, at the time of parole consideration, or to the county prosecutor prior to the prosecutor accepting a negotiated plea agreement; notification of the right to present an in court statement prior to sentencing; assistance in expediting the return of property when no longer needed as evidence; advice and counseling, or

reference for advice or counseling, for criminal offenses (such as sexual assault) involving a risk of the transmission of disease, including application to the Violent Crimes Compensation Board for compensation for the costs of testing, counseling and care; and notification concerning a defendant's release or escape from custody, or admission to an alternative disposition, such as Intensive Supervision.

In a case involving a victim of aggravated sexual assault or sexual assault, the office or the prosecutor's office is to notify the victim of the victim's right to obtain an AIDS or HIV test; notify the victim of the victim's right to obtain a court order requiring the offender to submit to an AIDS or HIV test; assist victim in obtaining information concerning the results of the offender's test results; and assist the victim in applying to the Violent Crimes Compensation Board for compensation for the costs of testing, counseling and medical care.