

SENATE, No. 1219

STATE OF NEW JERSEY

INTRODUCED MAY 30, 1996

By Senators GIRGENTI and KOSCO

1 AN ACT concerning the provision of information regarding crimes,
2 amending P.L.1985, c.404 and supplementing P.L.1971, c.317
3 (C.52:4B-1 et seq.).

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

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

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

15 b. The standards shall require that the Office of Victim-Witness
16 Advocacy in the Division of Criminal Justice and each county
17 prosecutor's office provide the following services, which may be
18 through a toll-free telephone hotline established by a county, and
19 shall be made upon request for victims and witnesses involved in the
20 prosecution of a case:

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

23 (2) Notification of any change in the case status and of final
24 disposition;

25 (3) Information on crime prevention and on available responses to
26 witness intimidation;

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

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

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

33 (7) Advice about available compensation, restitution and other
34 forms of recovery and assistance in applying for government

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 compensation;
- 2 (8) A waiting or reception area separate from the defendant for use
3 during court proceedings;
- 4 (9) An escort or accompaniment for intimidated victims or
5 witnesses during court appearances;
- 6 (10) Information about directions, parking, courthouse and
7 courtroom locations, transportation services and witness fees, in
8 advance of court appearances;
- 9 (11) Assistance for victims and witnesses in meeting special needs
10 when required to make court appearances, such as transportation and
11 child care arrangements;
- 12 (12) Assistance in making travel and lodging arrangements for
13 out-of-State witnesses;
- 14 (13) Notification to employers of victims and witnesses, if
15 cooperation in the investigation or prosecution causes absence from
16 work;
- 17 (14) Notification of the case disposition, including the trial and
18 sentencing;
- 19 (15) Assistance to victims in submitting a written statement to a
20 representative of the county prosecutor's office about the impact of the
21 crime prior to the prosecutor's final decision concerning whether
22 formal charges will be filed;
- 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 advice 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 (20) Assistance to victims in submitting a written impact statement
39 to a representative of the county prosecutor's office concerning the
40 impact of the crime which shall be considered prior to the prosecutor's
41 accepting a negotiated plea agreement containing recommendations as
42 to sentence and assistance to victims in securing an explanation of the
43 terms of any such agreement and the reasons for the agreement;
- 44 (21) Notification, which, pursuant to standards promulgated by the
45 Attorney General, may be electronic and automatic in certain cases, to
46 the victim of the defendant's release from custody which shall include:

- 1 (a) notice of the defendant's escape from custody and return to
2 custody following escape;
- 3 (b) notice of any other release from custody, including placement
4 in an Intensive Supervision Program or other alternative disposition,
5 and any associated conditions of release;
- 6 (c) notice of the filing by an inmate of an application for
7 commutation of sentence pursuant to N.J.S.2A:167-4 and its
8 disposition;
- 9 (d) notice of parole consideration pursuant to provisions of
10 P.L.1979, c.441 (C.30:4-123.45 et seq.); and
- 11 (e) notice of the pending release of an inmate due to expiration of
12 sentence; [and]
- 13 (22) Interpreting services for victims and witnesses when necessary
14 to assist a victim or witness who is hearing impaired or
15 developmentally disabled as defined in section 3 of P.L.1977, c.82
16 (C.30:6D-3) to understand questions and frame answers[.]; and
- 17 (23) Information to victims and witnesses concerning the name and
18 location of any correctional facility in which the defendant is detained
19 or an inmate is incarcerated, as the case may be.
- 20 c. In a case involving a victim of aggravated sexual assault or
21 sexual assault as defined in subsection a. or c. of N.J.S.2C:14-2, the
22 Office of Victim-Witness Advocacy or the county prosecutor's office
23 involved in the case shall:
- 24 (1) Notify the victim of the victim's right to obtain an approved
25 serological test for acquired immune deficiency syndrome (AIDS) or
26 infection with the human immunodeficiency virus (HIV) or any other
27 related virus identified as a probable causative agent of AIDS, and
28 assist the victim, or refer the victim for assistance, in obtaining a test
29 and appropriate counseling and medical care;
- 30 (2) Notify the victim of the victim's right to obtain a court order
31 pursuant to subsection a. of section 4 of P.L.1993, c.364
32 (C.2C:43-2.2) requiring the offender to submit to an approved
33 serological test for acquired immune deficiency syndrome (AIDS) or
34 infection with the human immunodeficiency virus (HIV) or any other
35 related virus identified as a probable causative agent of AIDS in the
36 event that the offender is indicted, formally charged, convicted or
37 adjudicated delinquent;
- 38 (3) Communicate the request of a victim who agrees to seek an
39 order pursuant to subsection a. of section 4 of P.L.1993, c.364
40 (C.2C:43-2.2) to the prosecutor handling the case and notify the
41 victim or arrange for the victim to be notified of the test result; and
- 42 (4) Assist the victim in applying to the Violent Crimes
43 Compensation Board for compensation for the costs of testing,
44 counseling and medical care.
- 45 (cf: P.L.1995, c.98, s.2)

1 2. (New section) A county may establish a pay-per-use telephone
2 service. The service shall enable members of the public to obtain the
3 information available to victims and witnesses under section 6 of
4 P.L.1985, c.404 (C.52:4B-44). Proceeds from a pay-per-use service
5 shall be used by a county to defray the cost of the service and the cost
6 of a toll-free telephone hotline established pursuant to section 6 of
7 P.L.1985, c.404 (C.52:4B-44).

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9 3. (New section) A county which establishes by resolution or
10 ordinance, as appropriate, a toll-free telephone hotline for victims
11 and witnesses or an electronic notification system pursuant to
12 subsection b. of section 6 of P.L.1985, c.404 (C.52:4B-44) shall be
13 entitled to assess a person charged with a criminal offense a fee no
14 greater than one percent of the total amount required to be posted as
15 bail, which amount shall be paid in cash. This fee shall be forwarded
16 to the county treasurer no later than the 10th day of the month
17 following its collection for deposit in a dedicated account to be used
18 to defray the start up and continuing costs of a pay-per-use telephone
19 service established pursuant to section 2 of P.L. , c. (C.) (now
20 pending before the Legislature as this bill) or of a crime victim and
21 witness toll-free telephone hotline or an electronic notification system
22 established pursuant to section 6 of P.L.1985, c.404 (C.52:4B-44).
23 If fee collections exceed program costs, the fee shall be reduced
24 proportionately and shall be eliminated when no longer necessary.
25 Upon a finding that the defendant is not guilty of a criminal offense,
26 the fee authorized by this section shall, by order of the appropriate
27 court, be refunded to the payer.

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29 4. This act shall take effect on the first day of the seventh month
30 after enactment, except that the counties may take such anticipatory
31 administrative action in advance as shall be necessary upon enactment
32 for the implementation of this act.

33 34 35 STATEMENT

36
37 This bill authorizes counties to establish funding mechanisms to
38 support a crime case hotline for victims and witnesses, a computer-
39 aided victim notification system providing information on the release
40 of offenders and those charged with crimes, and a pay-per-call jail
41 information line. This legislative initiative, patterned in part on
42 pending New York State legislation and a pilot program already
43 operating in Passaic County, would empower victims and strengthen
44 the counties' victim-witness programs in several ways.

45 A crime case toll-free hotline would provide a means for victims
46 and witnesses to more easily obtain information relating to cases in

1 which they are or have been involved. The law already provides for
2 the Office of Victim-Witness Advocacy in the Division of Criminal
3 Justice to ensure that the rights of crime victims are enforced in each
4 county prosecutor's office by adherence to standards promulgated by
5 the Attorney General. The standards set forth a wide variety of
6 services and information, including advice and counsel to victims
7 concerning their rights. These forms of assistance, which are
8 triggered upon request, may be especially appreciated by victims and
9 witnesses on a toll-free basis. For example, status information could
10 be obtained about pending criminal proceedings, custody, court dates
11 and incarceration sites.

12 The bill permits county prosecutors' offices to utilize a
13 computerized device to notify victims by telephone of the release of
14 defendants charged with or convicted of crimes. This device
15 automatically dials a person on a preset periodic schedule until it is
16 successful in reaching that person. In conjunction with current
17 guidelines, this bill would provide for automatic computer-aided
18 telephone notice for the following crimes: homicide, arson, robbery,
19 domestic violence, death by auto, aggravated assault, sexual offenses,
20 child abuse and attempts to commit all of the above offenses. In such
21 cases presently, the arresting or investigating police agency
22 immediately notifies the victim by telephone. For all other offenses,
23 the police provide telephone notification within 48 hours of the
24 offender's release. To date, notification in such cases has been
25 inconsistent at best since authorities have lacked the resources to
26 implement these important statutory and administrative guidelines.

27 The bill also provides that the public, including attorneys, bail
28 bondsmen, family members of offenders and the media may be able to
29 access a county-operated pay-per-call information line for similar
30 crime case information. Too often, the corrections and court staff are
31 unable to meet the public's need for such information. The caller
32 would be billed a nominal charge by his telephone company. The
33 proceeds of this telephone line would help to offset the expense of the
34 toll-free line and the electronic notification system when a county
35 establishes one or both of them.

36 The bill also authorizes counties to obtain additional funding for the
37 bill's requirements by assessing a fee of up to one percent on the total
38 amount required to be posted as bail by persons charged with a crime.
39 It would be paid in cash and be refunded should the alleged offender
40 be exonerated.

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46 Permits counties to establish funding mechanisms for certain criminal
offender information systems.