

[First Reprint]

ASSEMBLY, No. 4091

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED JUNE 4, 2018

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District 37 (Bergen)

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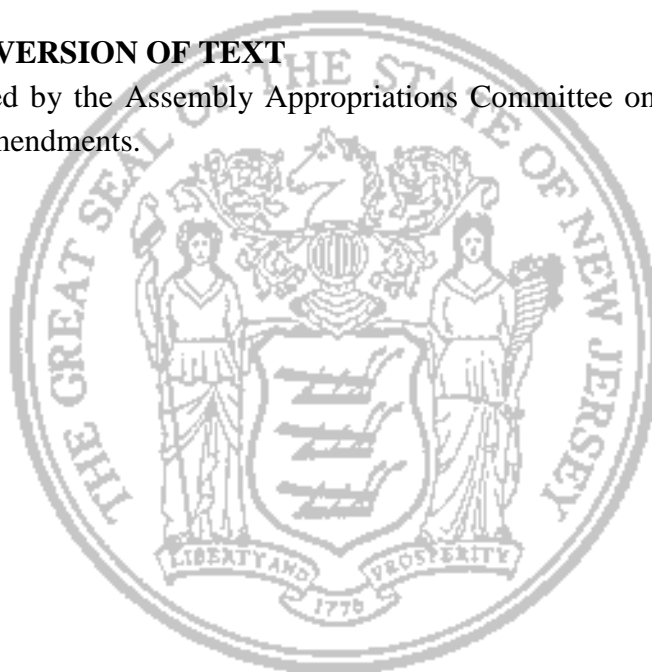
Assemblywomen Mosquera and McKnight

SYNOPSIS

Requires Office of Victim-Witness Advocacy to provide services to certain inmates.

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on December 10, 2018, with amendments.



(Sponsorship Updated As Of: 12/13/2019)

1 AN ACT concerning the State Office of Victim-Witness Advocacy
2 and amending 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 6 of P.L.1985, c.404 (C.52:4B-44) is amended to
8 read as follows:

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

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

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

21 (2) Notification of any change in the case status and of final
22 disposition;

23 (3) Information on crime prevention and on available responses
24 to witness intimidation;

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

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

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

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

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

36 (9) An escort or accompaniment for intimidated victims or
37 witnesses during court appearances;

38 (10) ¹**[information]** Information¹ about directions, parking,
39 courthouse and courtroom locations, transportation services and
40 witness fees, in advance of court appearances;

41 (11) Assistance for victims and witnesses in meeting special
42 needs when required to make court appearances, such as
43 transportation and child care arrangements;

44 (12) Assistance in making travel and lodging arrangements for
45 out-of-State witnesses;

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAP committee amendments adopted December 10, 2018.

- 1 (13) Notification to employers of victims and witnesses, if
- 2 cooperation in the investigation or prosecution causes absence from
- 3 work;
- 4 (14) Notification of the case disposition, including the trial and
- 5 sentencing;
- 6 (15) Assistance to victims in submitting a written statement to a
- 7 representative of the county prosecutor's office about the impact of
- 8 the crime prior to the prosecutor's final decision concerning whether
- 9 formal charges will be filed;
- 10 (16) Advice to victims about their right to make a statement
- 11 about the impact of the crime for inclusion in the presentence report
- 12 or at time of parole consideration, if applicable;
- 13 (17) Notification to victims of the right to make an in-person
- 14 statement, prior to sentencing, directly to the sentencing court
- 15 concerning the impact of the crime;
- 16 (18) Expediting the return of property when no longer needed as
- 17 evidence;
- 18 (19) Advise and counsel, or refer for advice or counseling,
- 19 victims of sexual assault, or other criminal acts involving a risk of
- 20 transmission of disease, concerning available medical testing and
- 21 assist such victims, or refer such victims for assistance, in obtaining
- 22 appropriate testing, counseling and medical care and in making
- 23 application to the Victims of Crime Compensation **【Board】** Office
- 24 for compensation for the costs of such testing, counseling and care;
- 25 (20) Assistance to victims in submitting a written impact
- 26 statement to a representative of the county prosecutor's office
- 27 concerning the impact of the crime which shall be considered prior
- 28 to the prosecutor's accepting a negotiated plea agreement containing
- 29 recommendations as to sentence and assistance to victims in
- 30 securing an explanation of the terms of any such agreement and the
- 31 reasons for the agreement;
- 32 (21) Notification to the victim of the defendant's release from
- 33 custody which shall include:
- 34 (a) notice of the defendant's escape from custody and return to
- 35 custody following escape;
- 36 (b) notice of any other release from custody, including
- 37 placement in an Intensive Supervision Program or other alternative
- 38 disposition, and any associated conditions of release;
- 39 (c) notice of the filing by an inmate of an application for
- 40 commutation of sentence pursuant to N.J.S.2A:167-4 and its
- 41 disposition;
- 42 (d) notice of parole consideration pursuant to provisions of
- 43 P.L.1979, c.441 (C.30:4-123.45 et seq.); and
- 44 (e) notice of the pending release of an inmate due to expiration
- 45 of sentence; **【and】**
- 46 (22) Interpreting services for victims and witnesses when
- 47 necessary to assist a victim or witness who is hearing impaired or

1 developmentally disabled as defined in section 3 of P.L.1977, c.82
2 (C.30:6D-3) to understand questions and frame answers; and

3 (23) Providing any applicable assistance to victims of sexual
4 assault or sexual misconduct who are incarcerated in a State
5 correctional facility that is available to other victims or witnesses.

6 c. In a case involving a victim of aggravated sexual assault or
7 sexual assault as defined in subsection a. or c. of N.J.S.2C:14-2, the
8 Office of Victim-Witness Advocacy or the county prosecutor's
9 office involved in the case shall:

10 (1) Notify the victim of the victim's right to obtain an approved
11 serological test for acquired immune deficiency syndrome (AIDS)
12 or infection with the human immunodeficiency virus (HIV) or any
13 other related virus identified as a probable causative agent of AIDS,
14 and assist the victim, or refer the victim for assistance, in obtaining
15 a test and appropriate counseling and medical care;

16 (2) Notify the victim of the victim's right to obtain a court order
17 pursuant to subsection a. of section 4 of P.L.1993, c.364 (C.2C:43-
18 2.2) requiring the offender to submit to an approved serological test
19 for acquired immune deficiency syndrome (AIDS) or infection with
20 the human immunodeficiency virus (HIV) or any other related virus
21 identified as a probable causative agent of AIDS in the event that
22 the offender is indicted, formally charged, convicted or adjudicated
23 delinquent;

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

28 (4) Assist the victim in applying to the Victims of Crime
29 Compensation **Board** Office for compensation for the costs of
30 testing, counseling and medical care.

31 d. The Attorney General shall, through the Office of Victim-
32 Witness Advocacy and in consultation with the Commissioner of
33 Health **and Senior Services**, the Superintendent of State Police
34 and representatives of providers of sexual assault services, to be
35 designated by the Director of the Office of Victim-Witness
36 Advocacy, coordinate the establishment of standard protocols for
37 the provision of information and services to victims of sexual
38 assault, and shall make such protocols available to victims upon
39 request, except that the provision of information and services with
40 regard to emergency contraception and sexually transmitted
41 diseases shall be in accordance with P.L.2005, c.50 (C.26:2H-12.6b
42 et al.).

43 e. In a case involving a victim of human trafficking as defined
44 in section 1 of P.L.2005, c.77 (C.2C:13-8), the Office of Victim-
45 Witness Advocacy or the county prosecutor's office involved in the
46 case shall ensure that the victim of human trafficking obtains
47 assistance in receiving any available benefits or services, including
48 assistance in receiving any necessary certifications or endorsements

1 needed to be recognized as having federal T non-immigrant status
2 for the purpose of receiving any federal benefits or services
3 available pursuant to the "Trafficking Victims Protection
4 Reauthorization Act of 2003," 22 U.S.C. s. 7101 et seq.

5 f. The Attorney General shall, through the Office of Victim-
6 Witness Advocacy and in consultation with the Commissioner of
7 **【the Department of】 Health 【and Senior Services】**, the
8 Superintendent of State Police and representatives of providers of
9 services to victims of human trafficking, to be designated by the
10 Director of the Office of Victim-Witness Advocacy, coordinate the
11 establishment of standard protocols for the provision of information
12 and services to victims of human trafficking, including coordination
13 of efforts with the appropriate federal authorities pursuant to the
14 "Trafficking Victims Protection Reauthorization Act of 2003," 22
15 U.S.C. s. 7101 et seq. and shall make such protocols available to
16 victims upon request.

17 g. The Attorney General, shall, through the Office of Victim-
18 Witness Advocacy and in consultation with the Commissioner of
19 Corrections, promulgate standards to ensure that the rights of
20 female crime victims incarcerated in State correctional facilities are
21 enforced. The standards shall include a requirement that
22 unannounced visits be made to the facilities housing female inmates
23 and random surveys be conducted for the purpose of identifying
24 inmates who are the victims of sexual assault or sexual misconduct;
25 an inmate who is determined to be a victim shall be informed of the
26 available services set forth in subsection b. of this section and, upon
27 request, be provided with any of these services. ¹An inmate chosen
28 by inmates in a housing unit as the liaison between the correctional
29 facility administration and the inmate population shall be provided
30 with a copy of this section of law. The liaison also shall be
31 provided with a summary of the assistance and services available
32 pursuant to subsection b. of this section for dissemination to the
33 inmates in the housing unit.¹

34 (cf: P.L.2005, c.77, s.5)

35
36 2. This act shall take effect on the first day of the fourth month
37 next following enactment, but the Attorney General and the
38 Commissioner of Corrections may take such anticipatory action
39 prior to the effective date as needed to effectuate the provisions of
40 the act.