

# Article I, Paragraph 22 New Jersey Constitution

LEGISLATIVE HISTORY CHECKLIST  
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**New Jersey Constitution:** Article I, Paragraph 22 (Crime Victims Bill of Rights)

**BILL NO:** ACR85

**SPONSOR:** DeCroce, Ford, Pelly, Shusted and Stuhltrager

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:** Judiciary Law and Public Safety

**SENATE:** Judiciary

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** January 17, 1991

**SENATE:** June 13, 1991

**ADDED EFFECTIVE:** December 5, 1991

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Assembly Committee Substitute enacted) Yes

**SPONSOR'S STATEMENT:** (Begins on page 2 of original bill) Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

**REPORTS:** No

**HEARINGS:** Yes

**NEWSPAPER ARTICLES:** Yes

(continued)

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974.90 C929 1990 Public hearing before Assembly Judiciary, Law and Public Safety Committee : Assembly concurrent resolution no. 85 ACS (amends the state Constitution to provide that a victim of crime is entitled to due process of law, including the right to be informed of, to be present at, and to be heard at appropriate criminal justice proceedings).

by New Jersey. Legislature. General Assembly. Judiciary, Law, and Public Safety Committee.

Trenton, N.J. : Office of Legislative Services, Public Information Office, Hearing Unit, [1990]

<http://www.njstatelib.org/digit/c929/c9291990.pdf>

"Victims' rights and health care on ballot," Trenton Times, October 14, 1991, p. A2.

"Ballot questions, New Jersey," Trenton Times, October 31, 1991 p. A14.

"Victims need constitutional protection," Trenton Times, November 5, 1991, p. A21.

"Voters OK victims rights, health-care questions," Trenton Times, November 6, 1991, p. A10.

LAW

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY CONCURRENT RESOLUTION, No. 85

STATE OF NEW JERSEY

ADOPTED OCTOBER 15, 1990

Sponsored by Assemblyman DeCROCE, Assemblywoman FORD,  
Assemblymen Pelly, Shusted, and Stuhltrager

1 A **CONCURRENT RESOLUTION** proposing to amend Article I of  
2 the Constitution of the State of New Jersey by adding a new  
3 paragraph 22 thereto.

4  
5 **BE IT RESOLVED** by the General Assembly of the State of  
6 New Jersey (the Senate concurring):

7  
8 **PROPOSED AMENDMENT**

9 1. Amend Article I by adding a new paragraph 22 to read as  
10 follows:

11 22. A victim of a crime shall be treated with fairness,  
12 compassion and respect by the criminal justice system. A victim  
13 of a crime shall not be denied the right to be present at public  
14 judicial proceedings except when, prior to completing testimony  
15 as a witness, the victim is properly sequestered in accordance  
16 with law or the Rules Governing the Courts of the State of New  
17 Jersey. ~~A victim of a crime shall be entitled to those rights and~~  
18 ~~remedies as may be provided by the Legislature. For the~~  
19 purposes of this paragraph, "victim of a crime" means: a) a  
20 person who has suffered physical or psychological injury or has  
21 incurred loss of or damage to personal or real property as a result  
22 of a crime or an incident involving another person operating a  
23 motor vehicle while under the influence of drugs or alcohol, and  
24 b) the spouse, parent, legal guardian, grandparent, child or  
25 sibling of the decedent in the case of a criminal homicide.

26 2. When this proposed amendment to the Constitution is finally  
27 agreed to pursuant to Article IX, paragraph 1 of the Constitution,  
28 it shall be submitted to the people at the next general election  
29 occurring more than three months after the final agreement and  
30 shall be published at least once in at least one newspaper of each  
31 county designated by the President of the Senate, the Speaker of  
32 the General Assembly and the Secretary of State, not less than  
33 three months prior to the general election.

34 3. This proposed amendment to the Constitution shall be  
35 submitted to the people at that election in the following manner  
36 and form:

37 There shall be printed on each official ballot to be used at the  
38 general election, the following:

39 a. In every municipality in which voting machines are not used,  
40 a legend which shall immediately precede the question, as follows:

41 If you favor the proposition printed below make a cross (X),

1 plus (+) or check (✓) in the square opposite the word "Yes." If you  
 2 are opposed thereto make a cross (X), plus (+) or check (✓) in the  
 3 square opposite the word "No."

4 b. In every municipality the following question:

		CONSTITUTIONAL AMENDMENT TO ENTITLE CRIME VICTIMS TO FAIRNESS, COMPASSION AND RESPECT BY THE CRIMINAL JUSTICE SYSTEM.
YES.		Shall the amendment to Article I of the Constitution, agreed to by the Legislature, entitling a victim of crime to be treated with fairness, compassion and respect by the criminal justice system, to be present at public judicial proceedings when not sequestered and authorizing the Legislature to define rights and remedies for victims of crime, be approved?
NO.		INTERPRETIVE STATEMENT  This constitutional amendment would entitle a victim of crime to be treated with fairness, dignity and respect by the criminal justice system. It would entitle a victim to be present at public judicial proceedings when not sequestered. It would also authorize the Legislature to define these rights and to expressly provide for any appropriate statutory remedies for victims of crime. "Victim of a crime" means: a) a person who has suffered physical or psychological injury or has incurred loss of or damage to personal or real property as a result of a crime or an incident involving another person operating a motor vehicle while under the influence of drugs or alcohol, and b) the spouse, parent, legal guardian, grandparent, child or sibling of the decedent in the case of a criminal homicide.

STATEMENT

48 The proposed constitutional amendment provides that a victim  
 49 of crime is entitled to be treated with fairness, compassion and  
 50 respect by the criminal justice system, and to such other  
 51 substantive or procedural rights as may be provided by statute. It  
 52 would entitle a victim to be present at public judicial hearings  
 53 when not sequestered. Although this amendment is not intended  
 54 in any way to deny or infringe upon the constitutional rights of  
 55 any person accused of a crime, it is designed to place victims on  
 56 an equal footing by guaranteeing certain fundamental rights as a

1 matter of State constitutional imperative.

2 This provision would ensure, for example, that no victim could  
3 be prevented from attending a public trial or other public judicial  
4 proceeding unless he or she were subject to being called or  
5 recalled as a witness at the proceeding. In other words, a court  
6 could only "sequester" a victim prior to the victim completing his  
7 or her testimony as a witness. If a victim is not a witness, or  
8 once any testimony has been given and the victim is no longer  
9 subject to being recalled as a witness, he or she could not  
10 thereafter be denied the right to attend the public judicial  
11 proceeding, unless, of course, the person's conduct was so  
12 disruptive as to warrant exclusion on the grounds of contempt of  
13 court. This provision is intended to preclude the abuse by defense  
14 counsel of the witness sequestration practice. It is also intended  
15 that the right established in this amendment to be present at  
16 public judicial proceedings necessarily includes the right to be  
17 notified of such proceedings, as is required under current law.

18 This proposed constitutional amendment defines a "victim of a  
19 crime" to mean any person who has suffered physical or  
20 psychological injury, or has incurred loss or damage to property,  
21 as a result of the commission of a crime or a motor vehicle  
22 incident in which another person was driving while under the  
23 influence of drugs or alcohol. The definition of a victim for the  
24 purposes of this constitutional amendment includes the surviving  
25 spouse, parent, legal guardian, grandparent, child or sibling of the  
26 victim of a criminal homicide. Nothing in this constitutional  
27 amendment is intended to preclude the Legislature from  
28 extending similar rights to the next of kin of persons  
29 incapacitated as the result of a crime.

30 This constitutional amendment would authorize the Legislature  
31 to provide by statute for any appropriate remedies.  
32 Consequently, although this amendment establishes certain  
33 constitutional rights, and authorizes the Legislature to enlarge  
34 upon those rights, this provision is not intended and does not  
35 establish any cause of action for monetary damages. Rather, it is  
36 intended that any such cause of action could only be sustained if  
37 specifically authorized by a statute.

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#### CRIMINAL JUSTICE

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42 Amends the New Jersey Constitution to provide certain victims  
43 or crimes constitutionally guaranteed rights.

PROPOSED AMENDMENT TO THE 1947 CONSTITUTION

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY CONCURRENT RESOLUTION NO. 85

ARTICLE I, PARAGRAPH 22

ADOPTED OCTOBER 15, 1990

A **CONCURRENT RESOLUTION** proposing to amend Article I of the Constitution of the State of New Jersey by adding a new paragraph 22 thereto.

**BE IT RESOLVED** by the General Assembly of the State of New Jersey (the Senate concurring):

PROPOSED AMENDMENT

1. Amend Article I by adding a new paragraph 22 to read as follows:

22. A victim of a crime shall be treated with fairness, compassion and respect by the criminal justice system. A victim of a crime shall not be denied the right to be present at public judicial proceedings except when, prior to completing testimony as a witness, the victim is properly sequestered in accordance with law or the Rules Governing the Courts of the State of New Jersey. A victim of a crime shall be entitled to those rights and remedies as may be provided by the Legislature. For the purposes of this paragraph, "victim of a crime" means: a) a person who has suffered physical or psychological injury or has incurred loss of or damage to personal or real property as a result of a crime or an incident involving another person operating a motor vehicle while under the influence of drugs or alcohol, and b) the spouse, parent, legal guardian, grandparent, child or sibling of the decedent in the case of a criminal homicide.

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Secretary of State, not less than three months prior to the general election.

3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

There shall be printed on each official ballot to be used at the general election, the following:

a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question, as follows:  
If you favor the proposition printed below make a cross (X),

plus (+) or check (✓) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (✓) in the square opposite the word "No."

b. In every municipality the following question:

**CONSTITUTIONAL AMENDMENT TO ENTITLE  
CRIME VICTIMS TO FAIRNESS, COMPASSION  
AND RESPECT BY THE CRIMINAL JUSTICE  
SYSTEM.**

**YES.** Shall the amendment to Article I of the Constitution, agreed to by the Legislature, entitling a victim of crime to be treated with fairness, compassion and respect by the criminal justice system, to be present at public judicial proceedings when not sequestered and authorizing the Legislature to define rights and remedies for victims of crime, be approved?

**INTERPRETIVE STATEMENT**

**NO.** This constitutional amendment would entitle a victim of crime to be treated with fairness, dignity and respect by the criminal justice system. It would entitle a victim to be present at public judicial proceedings when not sequestered. It would also authorize the Legislature to define these rights and to expressly provide for any appropriate statutory remedies for victims of crime. "Victim of a crime" means: a) a person who has suffered physical or psychological injury or has incurred loss of or damage to personal or real property as a result of a crime or an incident involving another person operating a motor vehicle while under the influence of drugs or alcohol, and b) the spouse, parent, legal guardian, grandparent, child or sibling of the decedent in the case of a criminal homicide.

**STATEMENT**

The proposed constitutional amendment provides that a victim of crime is entitled to be treated with fairness, compassion and respect by the criminal justice system, and to such other substantive or procedural rights as may be provided by statute. It would entitle a victim to be present at public judicial hearings when not sequestered. Although this amendment is not intended in any way to deny or infringe upon the constitutional rights of any person accused of a crime, it is designed to place victims on an equal footing by guaranteeing certain fundamental rights as a

matter of State constitutional imperative.

This provision would ensure, for example, that no victim could be prevented from attending a public trial or other public judicial proceeding unless he or she were subject to being called or recalled as a witness at the proceeding. In other words, a court could only "sequester" a victim prior to the victim completing his or her testimony as a witness. If a victim is not a witness, or once any testimony has been given and the victim is no longer subject to being recalled as a witness, he or she could not thereafter be denied the right to attend the public judicial proceeding, unless, of course, the person's conduct was so disruptive as to warrant exclusion on the grounds of contempt of court. This provision is intended to preclude the abuse by defense counsel of the witness sequestration practice. It is also intended that the right established in this amendment to be present at public judicial proceedings necessarily includes the right to be notified of such proceedings, as is required under current law.

This proposed constitutional amendment defines a "victim of a crime" to mean any person who has suffered physical or psychological injury, or has incurred loss or damage to property, as a result of the commission of a crime or a motor vehicle incident in which another person was driving while under the influence of drugs or alcohol. The definition of a victim for the purposes of this constitutional amendment includes the surviving spouse, parent, legal guardian, grandparent, child or sibling of the victim of a criminal homicide. Nothing in this constitutional amendment is intended to preclude the Legislature from extending similar rights to the next of kin of persons incapacitated as the result of a crime.

This constitutional amendment would authorize the Legislature to provide by statute for any appropriate remedies. Consequently, although this amendment establishes certain constitutional rights, and authorizes the Legislature to enlarge upon those rights, this provision is not intended and does not establish any cause of action for monetary damages. Rather, it is intended that any such cause of action could only be sustained if specifically authorized by a statute.

#### CRIMINAL JUSTICE

Amends the New Jersey Constitution to provide certain victims or crimes constitutionally guaranteed rights.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY CONCURRENT RESOLUTION No. 85

STATE OF NEW JERSEY

DATED: OCTOBER 15, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Concurrent Resolution No. 85.

The proposed constitutional amendment provides that a victim of crime is entitled to be treated with fairness, compassion and respect by the criminal justice system, and to such other substantive or procedural rights as may be provided by statute. It would entitle a victim to be present at public judicial hearings when not sequestered. Although this amendment is not intended in any way to deny or infringe upon the constitutional rights of any person accused of a crime, it is designed to place victims on an equal footing by guaranteeing certain fundamental rights as a matter of State constitutional imperative.

This provision would ensure, for example, that no victim could be prevented from attending a public trial or other public judicial proceeding unless he or she were subject to being called or recalled as a witness at the proceeding. In other words, a court could only "sequester" a victim prior to the victim completing his or her testimony as a witness. If a victim is not a witness, or once any testimony has been given and the victim is no longer subject to being recalled as a witness, he or she could not thereafter be denied the right to attend the public judicial proceeding, unless, of course, the person's conduct was so disruptive as to warrant exclusion on the grounds of contempt of court. This provision is intended to preclude the abuse by defense counsel of the witness sequestration practice. It is also intended that the right established in this amendment to be present at public judicial proceedings necessarily includes the right to be notified of such proceedings, as is required under current law.

This proposed constitutional amendment defines a "victim of a crime" to mean any person who has suffered physical or psychological injury, or has incurred loss or damage to property, as a result of the commission of a crime or a motor vehicle incident in which another person was driving while under the influence of drugs or alcohol. The definition of a victim for the purposes of this constitutional amendment includes the surviving spouse, parent, legal guardian, grandparent, child or sibling of the

victim of a criminal homicide. Nothing in this constitutional amendment is intended to preclude the Legislature from extending similar rights to the next of kin of persons incapacitated as the result of a crime.

This constitutional amendment would authorize the Legislature to provide by statute for any appropriate remedies. Consequently, although this amendment establishes certain constitutional rights, and authorizes the Legislature to enlarge upon those rights, this provision is not intended and does not establish any cause of action for monetary damages. Rather, it is intended that any such cause of action could only be sustained if specifically authorized by a statute.

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SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY CONCURRENT RESOLUTION No. 85

STATE OF NEW JERSEY

DATED: MAY 13, 1991

The Senate Judiciary Committee reports favorably an Assembly Committee Substitute for Assembly Concurrent Resolution No. 85.

Assembly Committee Substitute for Assembly Concurrent Resolution No. 85 would add an amendment to the New Jersey Constitution providing that a victim of a crime is entitled to be treated with fairness, compassion and respect by the criminal justice system and to such other substantive or procedural rights as may be provided by statute. Assembly Committee Substitute for Assembly Concurrent Resolution No. 85 would also entitle a victim to be present at public judicial hearings unless sequestered prior to giving testimony in the proceeding.

Assembly Committee Substitute for Assembly Concurrent Resolution No. 85 defines "victim of a crime" to mean any person who suffered physical or psychological injury or has incurred loss or damage to property as a result of the commission of a crime or a motor vehicle incident in which another person was driving while under the influence of drugs or alcohol. The definition of "victim of a crime" includes the surviving spouse, parent, legal guardian, grandparent, child or sibling of the victim of a criminal homicide.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY CONCURRENT RESOLUTION No. 85

STATE OF NEW JERSEY

DATED: MAY 13, 1991

The Senate Judiciary Committee reports favorably Assembly Concurrent Resolution No. 85.

ACR-85 would add an amendment to the New Jersey Constitution providing that a victim of a crime is entitled to be treated with fairness, compassion and respect by the criminal justice system and to such other substantive or procedural rights as may be provided by statute. ACR-85 would also entitle a victim to be present at public judicial hearings unless sequestered prior to giving testimony in the proceeding.

ACR-85 defines "victim of a crime" to mean any person who suffered physical or psychological injury or has incurred loss or damage to property as a result of the commission of a crime or a motor vehicle incident in which another person was driving while under the influence of drugs or alcohol. The definition of "victim of a crime" includes the surviving spouse, parent, legal guardian, grandparent, child or sibling of the victim of a criminal homicide.

ASSEMBLY CONCURRENT RESOLUTION No. 85

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblyman DeCROCE

1 A **CONCURRENT RESOLUTION** proposing to amend Article I of  
2 the Constitution of the State of New Jersey by adding a new  
3 paragraph 22 thereto.  
4

5 ~~BE IT RESOLVED by the General Assembly of the State of~~  
6 ~~New Jersey (the Senate concurring):~~

7 1. The following proposed amendment to the Constitution of  
8 the State of New Jersey is hereby agreed to:  
9

10 PROPOSED AMENDMENT

11 Amend Article I by adding a new paragraph 22 to read as  
12 follows:

13 22. A victim of crime shall be entitled to due process of law,  
14 including the right to be informed of, to be present at, and to be  
15 heard at appropriate criminal justice proceedings, and the  
16 Legislature may further define the extent of these rights through  
17 legislation.

18 2. When this proposed amendment to the Constitution is finally  
19 agreed to pursuant to Article IX, paragraph 1 of the Constitution,  
20 it shall be submitted to the people at the next general election  
21 occurring more than three months after the final agreement and  
22 shall be published at least once in at least one newspaper of each  
23 county designated by the President of the Senate, the Speaker of  
24 the General Assembly and the Secretary of State, not less than  
25 three months prior to the general election.

26 3. This proposed amendment to the Constitution shall be  
27 submitted to the people at that election in the following manner  
28 and form:

29 There shall be printed on each official ballot to be used at the  
30 general election, the following:

31 a. In every municipality in which voting machines are not used,  
32 a legend which shall immediately precede the question, as follows:

33 If you favor the proposition printed below make a cross (X),  
34 plus (+) or check (✓) in the square opposite the word "Yes." If you  
35 are opposed thereto make a cross (X), plus (+) or check (✓) in the  
36 square opposite the word "No."

37 b. In every municipality the following question:

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.

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YES.	<p>CONSTITUTIONAL AMENDMENT TO ENTITLE CRIME VICTIMS TO FULL PARTICIPATION IN THE LEGAL PROCESS</p> <p>Shall the amendment to Article I of the Constitution, agreed to by the Legislature, entitling a victim of crime to due process of law, including the right to be informed of, to be present at, and to be heard at appropriate criminal justice proceedings, and authorizing the Legislature to further define the extent of these rights through legislation, be approved?</p>
NO.	<p>INTERPRETIVE STATEMENT</p> <p>This constitutional amendment would entitle a victim of crime to due process of law, including the right to be informed of, to be present at, and to be heard at appropriate criminal justice proceedings, and authorize the Legislature to further define the extent of these rights through legislation.</p>

STATEMENT

The proposed constitutional amendment provides that a victim of crime is entitled to due process of law, including the right to be informed of, to be present at, and to be heard at appropriate criminal justice proceedings, and authorizes the Legislature to further define the extent of these rights through legislation.

CRIMINAL JUSTICE

Amends the State Constitution to provide that a victim of crime is entitled to due process of law, including the right to be informed of, to be present at, and to be heard at appropriate criminal justice proceedings.