

52:4B-34 to 52:4B-38

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:4B-34 to 52:4B-38

"Crime Victim's Bill of Rights"

LAWS OF: 1985

CHAPTER: 249

Bill No: A571

Sponsor(s): Girgenti and others

Date Introduced: Pre-filed

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: Yes

Senate Committee Substitute for Assembly Committee Substitute enacted.

Date of Passage:

Assembly: December 6, 1985

Senate: June 27, 1985

Date of Approval: July 31, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

See newspaper clippings--attached

(OVER)

"Rights for crime victims being drafted," 9-9-84 Bergen Record

"Seminar emphasizes rights of crime victims," 4-17-85 Star Ledger.

Senate should approve the victims' rights' bill,"  
1-8-85 Asbury Park Press.

Note: Several newspaper clippings written prior to introduction of Senate Committee  
Substitute for Assembly Committee substitutes; Assembly Committee  
Substitute--attached.

249 85  
7-31-85

SENATE COMMITTEE SUBSTITUTE FOR  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 571**

**STATE OF NEW JERSEY**

ADOPTED JUNE 17, 1985

AN ACT establishing a crime victim's bill of rights and supplementing Title 52.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Crime  
2 Victim's Bill of Rights."

1 2. The Legislature finds and declares that without the participa-  
2 tion and cooperation of crime victims and witnesses, the criminal  
3 justice system would cease to function. The rights of these indi-  
4 viduals should be given full recognition and protection. The Legis-  
5 lature has the responsibility to enhance and protect the necessary  
6 role of crime victims and witnesses in the criminal justice process.  
7 In furtherance of this, the improved treatment of these persons  
8 should be assured through the establishment of specific rights.  
9 These rights are among the most fundamental and important in  
10 assuring public confidence in the criminal justice system.

1 3. The Legislature finds and declares that crime victims and  
2 witnesses are entitled to the following rights:

3 a. To be treated with dignity and compassion by the criminal  
4 justice system;

5 b. To be informed about the criminal justice process;

6 c. To be free from intimidation;

7 d. To have inconveniences associated with participation in the  
8 criminal justice process minimized to the fullest extent possible;

9 e. To make at least one telephone call provided the call is reason-  
10 able in both length and location called;

11 f. To medical assistance if, in the judgment of the law enforce-  
12 ment agency, medical assistance appears necessary;

- 13 g. To be notified if presence in court is not needed;
- 14 h. To be informed about available remedies, financial assistance
- 15 and social services;
- 16 i. To be compensated for their loss whenever possible;
- 17 j. To be provided a secure, but not necessarily separate, waiting
- 18 area during court proceedings;
- 19 k. To be advised of case progress and final disposition; and
- 20 l. To the prompt return of property when no longer needed as
- 21 evidence.

1 4. As used in this act, "victim" means a person who suffers  
2 personal, physical or psychological injury or death or incurs loss  
3 of or injury to personal or real property as a result of a crime  
4 committed against that person. "Victim" also includes the nearest  
5 relative of the victim of a criminal homicide.

1 5. Nothing contained in this act shall mitigate any right which  
2 the victim may have pursuant to the New Jersey Tort Claims Act  
3 (N. J. S. 59:1-1 et seq.).

1 6. This act shall take effect immediately.

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ASSEMBLY, No. 571

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblymen GIRGENTI, SCHWARTZ, FORTUNATO, PEL-  
LECCHIA, KERN and BAER

AN ACT establishing a crime victim's bill of rights.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Crime  
2 Victim's Bill of Rights".

1 2. Any person who is the victim of a crime who is detained by  
2 any State, county, or municipal law enforcement agency investigat-  
3 ing the crime shall not be prevented from making any telephone  
4 calls which he desires to make.

1 3. Any person who is the victim of crime shall be entitled to  
2 immediate medical assistance and shall not be detained for an  
3 unreasonable length of time by any State, county or municipal  
4 law enforcement agency before having that assistance adminis-  
5 tered. However, an employee of any law enforcement agency  
6 may, if necessary, accompany the person to a medical facility to  
7 question him about the criminal incident as long as the questioning  
8 does not hinder the administration of medical assistance.

1 4. No person who is the victim of a crime shall be detained by  
2 any State, county, or municipal law enforcement agency investigat-  
3 ing the crime in any area in which a suspected perpetrator of  
4 any crime is being held.

1 5. Any person who is the victim of a crime shall be informed  
2 in writing by the law enforcement agency investigating the crime  
3 of all the rights guaranteed by this act. The agency shall also  
4 inform the victim in writing of any private or public agency or

5 organization dedicated to assisting persons who are victims of  
6 crimes.

1 6. Any person who is the victim of a crime or who is a witness  
2 to a crime shall be given a detailed explanation by the law enforce-  
3 ment agency prosecuting the alleged perpetrator of the crime of  
4 court procedures and the effect of the procedures on that person.

1 7. Any person who is a victim of a crime or a witness to a crime  
2 shall be informed by the law enforcement agency prosecuting the  
3 crime of the result of any grand jury proceeding or criminal trial  
4 within 24 hours of the result.

1 8. This act shall take effect immediately.

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STATEMENT

The purpose of this bill is to establish a Crime Victim's Bill of Rights. The bill would set forth procedures to be followed by law enforcement agencies investigating and prosecuting crimes to insure fair treatment of both the victims of and witnesses to those crimes.

A571(1985)

ASSEMBLY JUDICIARY COMMITTEE  
STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 571**

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**STATE OF NEW JERSEY**

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DATED: NOVEMBER 8, 1984

The purpose of this bill, in its substitute form, is to establish a Crime Victim's Bill of Rights. The bill enumerates specific rights that victims and witnesses are entitled to when involved with law enforcement agencies investigating and prosecuting crimes. Although the various county prosecutors' offices throughout the State presently have programs and personnel to provide services to victims and witnesses, the rights established by this bill are intended to ensure fair treatment of these persons by establishing Statewide standards and remedies.

Under the bill, a person aggrieved by a denial of these rights may file a complaint with the Division of Civil Rights. After a specified period, the person may file a request with the division to present the action by himself or through his own counsel to the Office of Administrative Law. Upon this request, the director of the division shall file the action. Alternatively, the person may seek a remedy in the Superior Court.

If after a hearing the Director of the Division of Civil Rights finds that a person has engaged in the denial of these rights, the director may issue an order requiring compliance with the terms of this act.

The bill also provides that a person causing the denial of any of the rights established by this act shall be civilly liable to the person whose rights are denied in the amount of not less than \$200.00 nor more than \$500.00. In addition, the person whose rights have been denied shall be entitled to consequential damages.

Once the rights of these persons are fully recognized and protected, it will reduce the negative impact of crime on their lives and encourage their willingness to participate in the criminal justice process. This enhanced cooperation should prove to be a benefit to law enforcement agencies in their efforts to reduce and prosecute crime.

The bill directs the Administrative Office of the Courts to conduct a study three years after the bill's enactment into law to find the number of victims and witnesses bringing suit and the types of claims brought.



JUL 31 1985

# OFFICE OF THE GOVERNOR NEWS RELEASE

195 W. State Street

TRENTON, N.J.  
**CN-001**

**Contact:** PAUL WOLCOTT  
609-292-8956

**TRENTON, N.J. 08625**

**Release:** WED., JULY 31, 1985

Governor Thomas H. Kean has signed a package of four bills designed to protect the rights of crime victims and witnesses to crimes.

"I have long sought just this combination of laws to afford the innocent victims of crimes at least the same rights and protections society has long given to criminals," Kean said. "I am pleased that the Legislature has passed this bi-partisan package of bills, and I am proud to sign them."

Speaking at a public ceremony in Haddonfield, the Governor signed A-571 and A-574, both sponsored by Assemblyman John A. Girgenti, D-Passaic, A-2744/A-2803, sponsored by Girgenti and Assemblyman Walter Kern, R-Bergen, and A-2806, sponsored by Assemblyman Thomas J. Shusted, R-Camden.

A-571 creates the Crime Victims Bill of Rights, recognizing the State's responsibility to enhance and protect the role of crime victims and witnesses in the criminal justice system. It guarantees that victims and witnesses are entitled to be treated with dignity and compassion by the criminal justice system and to be informed about how the system works. It is intended to free victims and witnesses from intimidation and inconvenience and to assure that they receive necessary medical attention, have the ability to make telephone calls, be notified if their presence in court is necessary and to be compensated for loss whenever possible.