

52: 4B-39 et seq

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:4B-39 et seq. (Office of Victim-Witness Advocacy)

LAWS OF: 1985 CHAPTER: 404

BILL NO: A1995

Sponsor(s): Herman and others

Date Introduced: May 14, 1984

Committee: Assembly: Judiciary

Senate: Institutions, Health and Welfare

Amended during passage: No Senate committee substitute for Assembly committee substitute enacted.

Date of Passage: Assembly: January 24, 1985

Senate: December 9, 1985

Date of Approval: January 9, 1986

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping--attached:

"Crime victim aid bill becomes law in NJ," 1-10-86. Trenton Times.

404 85  
1-9-85

SENATE COMMITTEE SUBSTITUTE FOR  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 1995**

**STATE OF NEW JERSEY**

ADOPTED JUNE 17, 1985

AN ACT establishing an Office of Victim-Witness Advocacy and  
supplementing P. L. 1971, c. 317 (C. 52:4B-1 et seq.).

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

1 1. As used in this act:

2 a. "Victim" means a person who suffers personal, physical or  
3 psychological injury or death or incurs loss of or injury to personal  
4 or real property as a result of a crime committed against that  
5 person.

6 b. "Board" means the Violent Crimes Compensation Board in  
7 the Department of Law and Public Safety.

1 2. There is established under the jurisdiction of the Violent  
2 Crimes Compensation Board in the Department of Law and Public  
3 Safety an Office of Victim-Witness Assistance under the super-  
4 vision of the Director of the Office of Victim-Witness Assistance.

1 3. The Office of Victim-Witness Assistance shall develop and  
2 coordinate a State wide victim-witness rights information program.

1 4. The victim-witness rights information program shall:

2 a. Provide victims or their representatives with information  
3 about the availability of social and medical services, especially  
4 emergency and social services available in the victim's immediate  
5 geographical area;

6 b. Provide victims or their representatives with information  
7 about possible compensation under the "Criminal Injuries Com-  
8 pensation Act of 1971" P. L. 1971, c. 317 (C. 52:4B-1 et seq.) and  
9 of the sentencing court's authority to order restitution under  
10 chapter 43 of Title 2C of the New Jersey Statutes;

11 c. Provide victims or their representatives with information

12 about how to contact the appropriate county office of victim-witness  
13 advocacy and the appropriate county prosecutor's office.

14 d. Provide a 24-hour toll-free hotline telephone number for  
15 victims and witnesses to call with inquiries concerning the informa-  
16 tion and services available pursuant to this act;

17 e. Provide victims and witnesses with a detailed description of  
18 the rights established under the Crime Victim's Bill of Rights  
19 created by P. L. , c. (C. ) (now pending before  
20 the Legislature as Senate Committee Substitute for Assembly  
21 Committee Substitute for Assembly Bill No. 571);

22 f. Gather available information from victim assistance programs  
23 throughout the country and make that information available to the  
24 the Office of Victim-Witness Advocacy, police agencies, hospitals,  
25 prosecutor's offices, the courts, and other agencies that provide  
26 assistance to victims of crimes; and

27 g. Sponsor conferences to bring together personnel working in  
28 the field of victim assistance and compensation to exchange methods  
29 and procedures for improving and expanding services to victims.

1 5. There is established in the Division of Criminal Justice in the  
2 Department of Law and Public Safety an Office of Victim-Witness  
3 Advocacy under the supervision of the Chief of the Office of Victim-  
4 Witness Advocacy.

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

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

10 (1) Orientation information about the criminal justice  
11 system and the victims and witness's role in the criminal  
12 justice process;

13 (2) Notification of any change in the case status and of final  
14 disposition;

15 (3) Information on crime prevention and on available  
16 responses to witness intimidation;

17 (4) Information about available services to meet needs  
18 resulting from the crime and referrals to service agencies  
19 where appropriate;

20 (5) Advance notice of the date, time and place of the defend-  
21 ant's initial appearance before a judicial officer, submission to  
22 the court or any plea agreement, the trial and sentencing;

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

24 (7) Advice about available compensation, restitution and  
25 other forms of recovery and assistance in applying for govern-  
26 ment compensation;

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

29 (9) An escort or accompaniment for intimidated victims or  
30 witnesses during court appearances;

31 (10) Information about directions, parking, courthouse and  
32 courtroom location, transportation services and witness fees  
33 in advance of court appearances;

34 (11) Assistance for victims and witnesses in meeting special  
35 needs when required to make court appearances, such as trans-  
36 portation and child care arrangements;

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

39 (13) Notification to employers of victims and witnesses if  
40 cooperation in the investigation or prosecution causes absence  
41 from work;

42 (14) Notification of the case disposition, including the trial  
43 and sentencing;

44 (15) Advice to victims about their right to make a state-  
45 ment about the impact of the crime for inclusion in the pre-  
46 sentence report or at time of parole consideration, if appli-  
47 cable; and

48 (16) Expediting the return of property when no longer  
49 needed as evidence.

1 7. a. The Chief of the Office of the Victim-Witness Advocacy shall  
2 appoint a county victim-witness coordinator in each county.

3 b. A county victim-witness coordinator shall be responsible for  
4 the implementation of the victim-witness rights program in that  
5 county.

6 c. Each county prosecutor shall provide office space, when avail-  
7 able, for the victim-witness coordinator of that county.

8 d. Each municipality may provide office space for these purposes  
9 at minimal or no cost.

1 8. In providing the information and services mentioned above,  
2 the Office of Victim-Witness Advocacy shall coordinate its efforts  
3 with the various law enforcement agencies. These agencies are re-  
4 quired by P. L. , c. (C. ) (now pending before  
5 the Legislature as Senate Committee Substitute for Assembly  
6 Committee Substitute for Assembly Bill No. 571) to inform victims  
7 of the availability of this assistance.

---

1 9. a. The curriculum for police training courses required pur-  
2 suant to P. L. 1961, c. 56 (C. 52:17B-66 et seq.) shall include  
3 training on responding to the needs of crime victims and on services  
4 available to provide assistance.

5 b. In-service training shall be made available for police officers,  
6 assistant prosecutors, county detectives and investigators on  
7 specialized needs of crime victims and available services.

1 10. The Division of Criminal Justice shall provide assistance to  
2 county prosecutors and law enforcement agencies in implementing  
3 the guidelines and training requirements of this act.

1 11. a. The Chief of the Office of Victim-Witness Advocacy shall  
2 annually report to the Attorney General, through the Director of  
3 the Division of Criminal Justice in the Department of Law and  
4 Public Safety, on the services provided to victims and witnesses  
5 as required by this act.

6 b. Each county prosecutor, as part of his annual report to the  
7 Attorney General pursuant to subsection b. of section 15 of P. L.  
8 1970, c. 74 (C. 52:17B-111), shall report on the services provided  
9 to victims and witnesses as required by this act.

1 12. This act shall take effect on the 90th day after enactment  
2 but any appointment and any action permitted or required by this  
3 act and necessary to implement this act as of such date may be  
4 made or undertaken any time following enactment.

---

# ASSEMBLY, No. 1995

## STATE OF NEW JERSEY

INTRODUCED MAY 14, 1984

By Assemblymen HERMAN, GIRGENTI, PANKOK, FOY, THOMPSON, DOYLE, RILEY, Assemblywoman PERUN, Assemblymen ADUBATO, KERN and ZIMMER

AN ACT establishing an Office of Victim-Witness Advocacy and supplementing P. L. 1974, c. 27 (C. 52:27E-1 et seq.).

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

1 1. There is established in the Department of the Public Advocate  
2 an Office of Victim-Witness Advocacy under the supervision of the  
3 Director of the Office of Victim-Witness Advocacy.

1 2. The Office of Victim-Witness Advocacy shall develop and co-  
2 ordinate a Statewide victim-witness rights program.

1 3. The victim-witness rights program shall:

2 a. Provide victims or their representatives with information  
3 about the availability of social and medical services, especially  
4 emergency services;

5 b. Provide victims or their representatives with information  
6 about possible compensation under the "Criminal Injuries Com-  
7 pensation Act of 1971" P. L. 1971, c. 317 (C. 52:4B-1 et seq.) and  
8 of the sentencing court's authority to order restitution under  
9 chapter 43 of Title 2C of the New Jersey Statutes;

10 c. Provide information to victims and witnesses about their role  
11 in the criminal justice process;

12 d. Advise victims and witnesses of available protections against  
13 unlawful intimidation;

14 e. Provide, when requested, victims of serious crimes timely  
15 advance notice of the date, time and place of the defendant's

16 initial appearance before a judicial officer, submission to the court  
17 of any plea agreement, the trial and sentencing;

18 f. Provide, when requested, victims of serious crimes or their  
19 representatives timely notification of the case disposition, includ-  
20 ing the trial and sentencing;

21 g. Provide, when requested, victims of serious crimes or their  
22 representatives, prompt notification of any decision or action in the  
23 case which results in the defendant's provisional or final release  
24 from State custody;

25 h. Provide, when requested, at any time from the commission of  
26 the crime to final disposition or release of the defendant, victims  
27 and witnesses information about the status of their case;

28 i. Insure that the victims or their representatives in serious  
29 cases have an opportunity to consult with the prosecutor prior  
30 to dismissal of the case or the filing of a proposed plea negotia-  
31 tion with the court;

32 j. Inform victims or their representatives of the right under  
33 N. J. S. 2C:44-6 to include a statement in the presentence report;

34 k. Expedite the return of property to victims of property crimes;

35 l. Assist, when requested, victims and witnesses in obtain-  
36 ing employer cooperation in minimizing employee's loss of pay and  
37 other benefits resulting from their participation in the criminal  
38 justice process; and

39 m. Provide any other service which would facilitate the partici-  
40 pation of victims and witnesses in the criminal justice process.

1 4. The Director of the Division of Victim-Witness Advocacy  
2 may, with the approval of the Public Advocate, employ assistants  
3 on a full-time basis as are necessary to protect the rights of victims  
4 and witnesses. When exceptional circumstances arise, the Director  
5 of the Division of Victim-Witness Advocacy, with the approval of  
6 the Public Advocate, may on a temporary basis retain other expert  
7 assistants as are necessary pursuant to a reasonable fee schedule  
8 established in advance by the Public Advocate.

9 Cases shall be assigned to staff attorneys or attorneys hired by  
10 case on a basis calculated to provide competent representation in  
11 light of the nature of the case, the services to be performed, the  
12 experience of the particular attorney and other relevant factors.

1 5. The Director of the Office of Victim-Witness Advocacy may  
2 receive and investigate complaints and provide legal representa-  
3 tion and other advocacy services on an individual or class basis as  
4 the Public Advocate determines are appropriate to protect and  
5 advocate the rights of victims and witnesses.

1 6. a. The Public Advocate shall appoint a county victim-witness  
2 coordinator in each county.

3 b. A county victim-witness coordinator shall be responsible for  
4 the implementation of the victim-witness rights program in that  
5 county.

6 c. Each county prosecutor shall provide office space for the victim-  
7 witness coordinator of that county.

1 7. There is appropriated from the General State Fund the sum  
2 of \$350,000.00 to the Department of the Public Advocate for the  
3 purpose implementing the provisions of this act.

1 8. This act shall take effect 90 days following enactment but any  
2 appointment and any action permitted or required by this act and  
3 necessary to implement this act as of such date may be made or  
4 undertaken any time following its enactment.

---

#### STATEMENT

Too often the rights and concerns of crime victims and crime witnesses have been ignored by the criminal justice system. In order to insure that the rights of persons who participate as victims or witnesses in the criminal justice process are recognized and addressed, this bill would provide for the establishment in the Department of the Public Advocate of an Office of Victim-Witness Advocacy under the supervision of the Director of Victim-Witness Advocacy.

This Office of Victim-Witness Advocacy would be responsible for developing and implementing a victim and witness rights program. This program would provide victims with information about the availability of social and medical services and about victims compensation and restitution. This program would also explain to victims and witnesses their role in the criminal process; advise of available protections against intimidation and notify both victims and witnesses of court appearances and of the various steps in the process such as the trial and sentencing. Additionally, this program would inform victims of their rights to fill a statement for inclusion in the presentence report; expedite the return of stolen property and assist victims and witnesses in gaining their employers cooperation so their participation in the criminal process will not result in economic loss.

The Director of the Office of Victim-Witness Advocacy would also be authorized to receive complaints and institute legal actions on behalf of victims and witnesses.

---



Additionally, this bill would require the Public Advocate to appoint a victim-witness rights coordinator in each county who would be responsible for implementing the victim-witness rights program in that county. Each county prosecutor would be required to provide office space for the victim-witness rights coordinator of that county.

In order to implement the provisions of this act, \$350,000.00 is appropriated to the Department of the Public Advocate.

---

ASSEMBLY JUDICIARY COMMITTEE  
STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 1995**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 8, 1984

This bill, in its substitute form, would provide for the establishment, under the jurisdiction of the Violent Crimes Compensation Board, of an Office of Victim-Witness Advocacy under the supervision of the Director of Victim-Witness Advocacy. Although the various county prosecutors' offices throughout the State now have programs and personnel to provide services to crime victims and witnesses, it is the purpose of this bill to ensure that the rights of these persons are fully protected.

This Office of Victim-Witness Advocacy would be responsible for developing and implementing a victim and witness rights program. This program would provide victims with information about the availability of social and medical services and about victims compensation and restitution. This program would also explain to victims and witnesses their role in the criminal process; advise of available protections against intimidation and notify both victims and witnesses of court appearances and of the various steps in the process such as the trial and sentencing. Additionally, this program would inform victims of their rights to file a statement for inclusion in the presentence report; expedite the return of stolen property and assist victims and witnesses in gaining their employer's cooperation so their participation in the criminal process will not result in economic loss. A 24-hour toll-free hotline telephone number would be established to answer the inquiries of victims and witnesses concerning available services and information.

The bill directs the Violent Crimes Compensation Board to appoint a victim-witness coordinator in each county to implement this program.

The Director of the Office of Victim-Witness Advocacy would also be authorized to receive complaints and institute legal actions on behalf of victims and witnesses.

---