

2C:43-3.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:43-3.1 (Victim and Witness Assistance Fund-- Establish)

LAWS OF: 1985 **CHAPTER:** 406

BILL NO: A2802

Sponsor(s): Kern and others

Date Introduced: October 22, 1984

Committee: Assembly: Revenue, Finance and Appropriations
Senate: Judiciary

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: May 13, 1985
Senate: December 9, 1985

Date of Approval: January 9, 1986

Following statements are attached if available:

Sponsor statement:		Yes	
Committee statement:	Assembly	Yes	2-14-85 and 4-15-85
	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 bills become law in N.J.," 1-10-86 Trenton Times.

1-9-86

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 2802

STATE OF NEW JERSEY

INTRODUCED OCTOBER 22, 1984

By Assemblymen KERN, SHUSTED, ROCCO and SCHUBER

AN ACT concerning the assessment and disposition of certain penalties and amending P. L. 1979, c. 396.

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

1 1. Section 2 of P. L. 1979, c. 396 (C. 2C:43-3.1) is amended to
2 read as follows:

3 2. a. (1) In addition to any disposition made pursuant to the
4 provisions of N. J. S. 2C:43-2, any person convicted of a crime of
5 violence resulting in the injury or death of another person shall
6 be assessed a penalty of at least **[\$25.00]** *\$30.00*, but not to exceed
7 \$10,000.00 for each such crime for which he was convicted. In im-
8 posing this penalty the court shall consider factors such as the
9 severity of the crime, the defendant's criminal record, the defend-
10 ant's ability to pay and the economic impact of the penalty on the
11 defendant's dependents.

12 (2) (a) In addition to any other disposition made pursuant to
13 the provisions of N. J. S. 2C:43-2 or any other statute imposing
14 sentences for crimes, any person convicted of any disorderly
15 persons offense, any petty disorderly persons offense, violation
16 of the "New Jersey Controlled Dangerous Substances Act," P. L.
17 1970, c. 226 (C. 24:21-1 et seq.), or any crime not resulting in the
18 injury or death of any other person shall be assessed a penalty of
19 **[\$25.00]** *\$30.00* for each such offense or crime for which he was
20 convicted.

21 (b) In addition to any other disposition made pursuant to the
22 provisions of section 20 of P. L. 1973, c. 306 (C. 2A:4-61) or any

**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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted February 14, 1985.

65 *Crimes Compensation Board to accurately identify the \$5.00 share*
66 *allocatable to the Victim and Witness Advocacy Fund*.*

67 (5) *The Department of Law and Public Safety through the Divi-*
68 *sion of Criminal Justice shall be responsible for administering the*
69 *Victim and Witness ***[Assistance]*** *Advocacy*Fund. This fund*
70 *shall be used to support the development and provision of services*
71 *to victims and witnesses of crimes and for related administrative*
72 *costs. The Director of the Division of Criminal Justice shall*
73 *promulgate rules and regulations in order to effectuate the purposes*
74 *of this fund.*

75 (6) *The Division of Criminal Justice shall report annually to the*
76 *Governor and the Legislature concerning the implementation of*
77 *this fund.*

78 b. All moneys, including fines and restitution, collected from a
79 person convicted of any disorderly persons offense, any petty dis-
80 orderly persons offense, violation of the "New Jersey Controlled
81 Dangerous Substances Act," P. L. 1970, c. 226 (C. 24:21-1 et seq.),
82 from any juvenile adjudicated delinquent or any crime shall be
83 applied first to any penalty imposed pursuant to this section upon
84 such a person.

1 2. This act shall take effect immediately.

STATEMENT

In recent years, New Jersey has made significant progress in recognizing and defining the rights of crime victims and witnesses involved in the prosecution process and in improving the criminal justice system's response to their needs. To ensure that existing services are maintained and additional services are provided to reach all victims, a source of fiscal support is necessary.

This bill establishes a Victim and Witness Assistance Fund to support the delivery of services for crime victims and witnesses. The fund will be derived from a \$5.00 increase in the mandatory penalty assessment currently imposed upon all convictions for criminal offenses. Monies generated will be used to help support services to victims and witnesses provided by prosecutors' offices, police departments and other organizations responding to crime victims and witnesses. The Victim and Witness Assistance Fund will be administered by the Division of Criminal Justice of the Department of Law and Public Safety. Rules and regulations will be promulgated to effectuate the purposes of this act. The Division of Criminal Justice will also be required to report annually to the Governor and the Legislature concerning the implementation of this fund.

Subsidizing governmental services through resources that do not involve taxpayer support has proven to be a valid and effective means of accomplishing public objectives. By increasing the mandatory penalty assessment by a nominal amount and thereby providing monies for a Victim and Witness Assistance Fund, offenders will be contributing to paying for the cost of these services.

A2802 (1985)

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2802

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 1985

This bill, as amended by the committee, establishes a Victim and Witness Advocacy Fund to support the delivery of services for crime victims and witnesses. The fund will be derived from a \$5.00 increase in the mandatory penalty assessment currently imposed upon all convictions for criminal offenses. Monies generated will be used to help support services to victims and witnesses provided by prosecutors' offices, police departments and other organizations responding to crime victims and witnesses. The Victim and Witness Advocacy Fund will be administered by the Division of Criminal Justice of the Department of Law and Public Safety. Rules and regulations will be promulgated to effectuate the purposes of this act. The Division of Criminal Justice will also be required to report annually to the Governor and the Legislature concerning the implementation of this fund.

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2802

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: APRIL 15, 1985

PROVISIONS:

Assembly Bill No. 2802 (OCR) provides for a \$5.00 increase in the mandatory minimum penalty assessed against persons convicted of criminal offenses. The additional \$5.00 assessment is to be deposited in a newly-created Victim and Witness Advocacy Fund, to be administered by the Division of Criminal Justice in the Department of Law and Public Safety. The purpose of the Victim and Witness Advocacy Fund is to "support the development and provision of services to victims and witnesses of crimes and for related administrative costs." The Director of the Division of Criminal Justice is to promulgate rules and regulations to implement the purposes of the fund, and to report annually to the Governor and the Legislature on the fund's operations.

The bill makes it clear that the criminal penalties in question are to be forwarded through the Violent Crimes Compensation Board for transmittal and deposit in the Treasury.

FISCAL IMPACT:

It is estimated that the additional \$5.00 assessment would raise approximately \$540,000.00 for deposit in the Victim and Witness Advocacy Fund in 1985.

The committee reports this bill favorably.