

COMMITTEE STATEMENT S2513/2522:	ASSEMBLY:	No	
	SENATE:	Yes	Law and Public Safety Budget and Approp.
FLOOR AMENDMENT STATEMENT S2513/2522:		No	
LEGISLATIVE FISCAL ESTIMATE S2513/2522:		Yes	
VETO MESSAGE:		No	
GOVERNOR'S PRESS RELEASE ON SIGNING:		No	

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	Yes

"Gov. Christie OKs expansion of violent crime victim, witness notification system," South Jersey Times, 1-22-14.
 "Trio of crime bills is signed into law," CourierPostOnline.com, 1-23-14.

LAW/RWH

P.L.2013, CHAPTER 270, *approved January 17, 2014*
Assembly, No. 3692 (*Third Reprint*)

1 AN ACT concerning ¹**【witnesses to crimes】** certain notification about
2 offenders, supplementing Title 52 of the Revised Statutes¹ and
3 amending ³**【various parts of the statutory law】** P.L.1994, c.135.³
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 ¹1. (New section) a. The Attorney General shall maintain, or
9 arrange for the State to participate in, an automatic notification
10 system to alert crime victims, witnesses, and other appropriate
11 persons when an offender is released from custody or is transferred
12 within the correctional system.

13 b. Notification of the offender's change of custody shall be
14 made to persons who have elected to register with the automatic
15 notification system. Victims and witnesses and, as determined by
16 the prosecuting agency, other appropriate persons, shall be provided
17 with the opportunity to supply contact information in order to be
18 notified when the offender's custody status changes. The automatic
19 notification system shall alert the victim, witnesses, and other
20 appropriate persons about the custody status change.

21 c. If a person who has registered pursuant to this section cannot
22 be contacted through the automatic notification system, notification
23 of the offender's change of custody shall be made to the appropriate
24 investigating agency or county correctional facility and such agency
25 or facility shall use reasonable efforts to notify the person.

26 d. ³**【Pursuant to the "Administrative Procedure Act," P.L.1968,**
27 c.410 (C.52:14B-1 et seq.), the】 The³ Attorney General ³**【,** may
28 adopt rules and regulations】 shall issue a directive³ to effectuate the
29 purposes of P.L. , c. (C.) (pending before the Legislature as
30 this bill).¹
31

32 ¹**【1.】** ³**【2.】** Section 1 of P.L.1994, c.137 (C.2C:25-26.1) is
33 amended to read as follows:

34 1. Notwithstanding any other provision of law to the contrary,
35 whenever a defendant charged with a crime or an offense involving
36 domestic violence is released from custody the prosecuting agency
37 shall notify the victim and, upon request of any witness to the crime

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 March 7, 2013.

²Assembly floor amendments adopted June 20, 2013.

³Senate SBA committee amendments adopted December 5, 2013.

1 or offense, shall notify such witness.

2 (cf: P.L.1994, c.137, s.1)]³

3

4 ¹[2.]³[3.¹ Section 15 of P.L.1998, c.71 (C.30:4-27.38) is
5 amended to read as follows:

6 15. In addition to any other information required to be released
7 under this act, prior to the release of a person committed under this
8 act, the Department of Corrections shall give written notice of the
9 person's release to the Attorney General or the prosecutor of the
10 county in which the person was prosecuted for the sexually violent
11 offense which rendered the person subject to commitment under
12 this act, depending on which office prosecuted the person for the
13 sexually violent offense. Upon receipt of such notice, the county
14 prosecutor or Attorney General, as the case may be, shall notify the
15 Office of Victim and Witness Advocacy of the county in which the
16 person was prosecuted and that office shall use any reasonable
17 means available to it to give notice of the person's release to the
18 victim of the sexually violent offense or the victim's nearest relative
19 if the sexually violent offense resulted in death, and to any witness
20 to the sexually violent offense, if the witness requests such notice,
21 which notice shall be in accordance with the provisions of section 6
22 of P.L.1985, c.404 (C.52:4B-44). The notice required under this
23 section shall be given only if a request for such notification has
24 been made by the victim or the victim's nearest relative, as the case
25 may be, to the county prosecutor or Attorney General, as the case
26 may be, at the time the person was sentenced or committed. Failure
27 to notify shall not be a reason for postponement of release. Nothing
28 in this subsection shall create a cause of action against the State,
29 county or any employee of the State or county acting within the
30 scope of the employee's employment as a result of the failure to
31 notify under this act.

32 (cf: P.L.1998, c.71, s.15)]³

33

34 ¹[3.]³[4.¹ Section 1 of P.L.1998, c.68 (C.30:4-91.8) is amended
35 to read as follows:

36 1. a. Whenever an inmate who has been convicted of murder;
37 manslaughter; vehicular homicide; aggravated sexual assault; sexual
38 assault; aggravated assault; aggravated criminal sexual contact;
39 robbery; kidnapping pursuant to paragraph (2) of subsection c. of
40 N.J.S.2C:13-1; endangering the welfare of a child by engaging in
41 sexual conduct which would impair or debauch the morals of the
42 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the
43 welfare of a child pursuant to paragraph (4) of subsection b. of
44 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
45 c.291 (C.2C:13-6); or any crime of the first or second degree
46 involving serious bodily injury is subject to a review by an
47 Institutional Classification Committee which may result in
48 participation in any residential community release program, the

1 Department of Corrections shall provide written notice of that
2 review in accordance with the provisions of subsection b. of this
3 section.

4 b. (1) Upon the scheduling of a review subject to the
5 notification requirement of this section, the Department of
6 Corrections shall so notify the prosecutor of the county in which the
7 inmate was convicted or, if the matter was prosecuted by the
8 Attorney General, the Attorney General.

9 Upon receipt of such notice, the county prosecutor or Attorney
10 General, as the case may be, shall have 10 working days in which to
11 submit comments. If the county prosecutor or Attorney General
12 does not provide comments within those 10 working days, the
13 Department of Corrections may presume that the prosecutor or
14 Attorney General, as the case may be, does not wish to submit any
15 comments on the matter. The notice shall include the inmate's
16 name, identifying factors and offense history.

17 (2) Immediately upon receipt of such notice, the county
18 prosecutor or Attorney General in accordance with the provisions of
19 paragraph (1) of this subsection shall notify the Office of Victim
20 and Witness Advocacy of the county in which the inmate was
21 convicted and that office shall use any reasonable means available
22 to it to give notice within 10 working days to the victim of the
23 crime or the victim's nearest relative if the crime resulted in death,
24 and to any witness to the crime of which the inmate was convicted.

25 The notice required under this paragraph shall be given only if a
26 request for such notification has been made by the victim or the
27 victim's nearest relative, or by any witness to the crime, as the case
28 may be, to the county prosecutor or Attorney General, as the case
29 may be, at the time the inmate was sentenced.

30 Upon receipt of such notice, the victim or the victim's nearest
31 relative, as the case may be, shall have 10 working days in which to
32 submit comments. If the victim or the victim's nearest relative, as
33 the case may be, does not provide comments within those 10
34 working days, the Department of Corrections may presume that the
35 victim or victim's nearest relative, as the case may be, does not wish
36 to submit any comments on the matter.

37 (3) Any comments provided pursuant to paragraph (1) or (2) of
38 this subsection shall be in writing and shall be delivered to the
39 Department of Corrections.

40 Comments submitted pursuant to this subsection shall be deemed
41 confidential and shall not be disclosed to any person who is not
42 authorized to receive or review them.

43 c. Whenever the Department of Corrections receives comments
44 from a prosecutor or the Attorney General, as the case may be, or
45 from a victim or a victim's nearest relative, as the case may be,
46 concerning the participation of an inmate in accordance with this
47 act, it shall give all due consideration to the information contained

1 in those comments when considering the participation of that
2 inmate.

3 d. The Commissioner of Corrections, in accordance with the
4 provisions of the "Administrative Procedure Act," P.L.1968, c.410
5 (C.52:14B-1 et seq.), may promulgate rules and regulations to
6 effectuate the provisions of this act.
7 (cf: P.L.1998, c.68, s.1)]³

8
9 ¹[4.] ³[5.1] 2.³ Section 1 of P.L.1994, c.135 (C.30:4-123.53a) is
10 amended to read as follows:

11 1. a. As used in this act: "Prosecutor" means the county
12 prosecutor of the county in which the defendant was convicted
13 unless the matter was prosecuted by the Attorney General, in which
14 case "prosecutor" means the Attorney General.

15 "Office of Victim ³[2and²]³ Witness Advocacy" means the
16 Office of Victim ³[2and²]³ Witness Advocacy of the county in
17 which the defendant was convicted.

18 b. Notwithstanding any other provision of law to the contrary,
19 the State shall provide written notice to the prosecutor of the
20 anticipated release from incarceration in a county or State penal
21 institution or the Adult Diagnostic and Treatment Center of a
22 person convicted of murder; manslaughter; aggravated sexual
23 assault; sexual assault; aggravated assault; aggravated criminal
24 sexual contact; ³[kidnaping] kidnapping³ pursuant to paragraph (2)
25 of subsection c. of N.J.S.2C:13-1; endangering the welfare of a
26 child by engaging in sexual conduct which would impair or debauch
27 the morals of the child pursuant to subsection a. of N.J.S.2C:24-4;
28 endangering the welfare of a child pursuant to paragraph (4) of
29 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to
30 section 1 of P.L.1993, c.291 (C.2C:13-6); any other offense
31 involving serious bodily injury or an attempt to commit any of the
32 aforementioned offenses. In cases involving a release on parole, the
33 State Parole Board shall provide the notice required by this
34 subsection. In all other cases, including but not limited to release
35 upon expiration of sentence or release from incarceration due to a
36 change in sentence, the Department of Corrections shall provide the
37 notice required by this subsection.

38 c. Notwithstanding any other provision of law to the contrary,
39 the Juvenile Justice Commission established pursuant to section 2
40 of P.L.1995, c.284 (C.52:17B-170) shall provide written notice to
41 the prosecutor of the anticipated release from incarceration of a
42 juvenile adjudicated delinquent on the basis of an offense which, if
43 committed by an adult, would constitute murder; manslaughter;
44 aggravated sexual assault; sexual assault; aggravated assault;
45 aggravated criminal sexual contact; ³[kidnaping] kidnapping³
46 pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1;
47 endangering the welfare of a child by engaging in sexual conduct

1 which would impair or debauch the morals of the child pursuant to
2 subsection a. of N.J.S.2C:24-4; endangering the welfare of a child
3 pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4; luring
4 or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6);
5 any other offense involving serious bodily injury or an attempt to
6 commit any of the aforementioned offenses.

7 d. If available, the notice shall be provided to the prosecutor 90
8 days before the inmate's anticipated release; provided however, the
9 notice shall be provided at least 30 days before release. The notice
10 shall include the person's name, identifying factors, offense history,
11 and anticipated future residence. The prosecutor shall notify the
12 Office of Victim ³[and]³ Witness Advocacy and that office shall
13 use any reasonable means available to them to notify the victim
14 ²[and witnesses and, as determined by the prosecutor, any other
15 appropriate person,¹]² of the anticipated release ^{2,2} unless the
16 ¹[victim] ²[person¹] victim² has requested not to be notified.
17 ³[Upon the request of a witness or, as determined by the
18 prosecutor, any other appropriate person, the Office of Victim and
19 Witness Advocacy shall also notify the witness or other person.²]³
20 ¹[The Office of Victim and Witness Advocacy shall also use any
21 reasonable means available to them to notify any witness to the
22 crime who has requested such notice.]¹ ³The Office of Victim
23 Witness Advocacy shall use any reasonable means available to also
24 notify witnesses and other appropriate persons, as determined by
25 the prosecutor in accordance with the directive issued by the
26 Attorney General, who have requested notification of the
27 anticipated release.³

28 e. Upon receipt of notice, the prosecutor shall provide notice to
29 the law enforcement agency responsible for the municipality where
30 the inmate will reside, the municipality in which any victim resides,
31 and such other State and local law enforcement agencies as
32 appropriate for public safety.

33 (cf: P.L.2001, c.79, s.8)

34
35 ¹[5.]³[6.¹ Section 6 of P.L.1985, c.404 (C.52:4B-44) is
36 amended to read as follows:

37 6. a. The Attorney General shall, through the Office of Victim-
38 Witness Advocacy in the Division of Criminal Justice in the
39 Department of Law and Public Safety and in consultation with the
40 county prosecutors, promulgate standards for law enforcement
41 agencies to ensure that the rights of crime victims and witnesses
42 are enforced.

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

- 1 (1) Orientation information about the criminal justice system
2 and the victim's and witness's role in the criminal justice process;
- 3 (2) Notification of any change in the case status and of final
4 disposition;
- 5 (3) Information on crime prevention and on available responses
6 to witness intimidation;
- 7 (4) Information about available services to meet needs resulting
8 from the crime and referrals to service agencies, where appropriate;
- 9 (5) Advance notice of the date, time and place of the defendant's
10 initial appearance before a judicial officer, submission to the court
11 of any plea agreement, the trial and sentencing;
- 12 (6) Advance notice of when presence in court is not needed;
- 13 (7) Advice about available compensation, restitution and other
14 forms of recovery and assistance in applying for government
15 compensation;
- 16 (8) A waiting or reception area separate from the defendant for
17 use during court proceedings;
- 18 (9) An escort or accompaniment for intimidated victims or
19 witnesses during court appearances;
- 20 (10) Information about directions, parking, courthouse and
21 courtroom locations, transportation services and witness fees, in
22 advance of court appearances;
- 23 (11) Assistance for victims and witnesses in meeting special
24 needs when required to make court appearances, such as
25 transportation and child care arrangements;
- 26 (12) Assistance in making travel and lodging arrangements for
27 out-of-State witnesses;
- 28 (13) Notification to employers of victims and witnesses, if
29 cooperation in the investigation or prosecution causes absence from
30 work;
- 31 (14) Notification of the case disposition, including the trial and
32 sentencing;
- 33 (15) Assistance to victims in submitting a written statement to a
34 representative of the county prosecutor's office about the impact of
35 the crime prior to the prosecutor's final decision concerning whether
36 formal charges will be filed;
- 37 (16) Advice to victims about their right to make a statement
38 about the impact of the crime for inclusion in the presentence report
39 or at time of parole consideration, if applicable;
- 40 (17) Notification to victims of the right to make an in-person
41 statement, prior to sentencing, directly to the sentencing court
42 concerning the impact of the crime;
- 43 (18) Expediting the return of property when no longer needed as
44 evidence;
- 45 (19) Advise and counsel, or refer for advice or counseling,
46 victims of sexual assault, or other criminal acts involving a risk of
47 transmission of disease, concerning available medical testing and
48 assist such victims, or refer such victims for assistance, in obtaining

1 appropriate testing, counseling and medical care and in making
2 application to the Victims of Crime Compensation Board for
3 compensation for the costs of such testing, counseling and care;

4 (20) Assistance to victims in submitting a written impact
5 statement to a representative of the county prosecutor's office
6 concerning the impact of the crime which shall be considered prior
7 to the prosecutor's accepting a negotiated plea agreement containing
8 recommendations as to sentence and assistance to victims in
9 securing an explanation of the terms of any such agreement and the
10 reasons for the agreement;

11 (21) Notification to the victim and, upon request of any witness
12 to the crime, notification to such witness, of the defendant's release
13 from custody which shall include:

14 (a) notice of the defendant's escape from custody and return to
15 custody following escape;

16 (b) notice of any other release from custody, including
17 placement in an Intensive Supervision Program or other alternative
18 disposition, and any associated conditions of release;

19 (c) notice of the filing by an inmate of an application for
20 commutation of sentence pursuant to N.J.S.2A:167-4 and its
21 disposition;

22 (d) notice of parole consideration pursuant to provisions of
23 P.L.1979, c.441 (C.30:4-123.45 et seq.); and

24 (e) notice of the pending release of an inmate due to expiration
25 of sentence; and

26 (22) Interpreting services for victims and witnesses when
27 necessary to assist a victim or witness who is hearing impaired or
28 developmentally disabled as defined in section 3 of P.L.1977, c.82
29 (C.30:6D-3) to understand questions and frame answers.

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

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

40 (2) Notify the victim of the victim's right to obtain a court order
41 pursuant to subsection a. of section 4 of P.L.1993, c.364 (C.2C:43-
42 2.2) requiring the offender to submit to an approved serological test
43 for acquired immune deficiency syndrome (AIDS) or infection with
44 the human immunodeficiency virus (HIV) or any other related virus
45 identified as a probable causative agent of AIDS in the event that
46 the offender is indicted, formally charged, convicted or adjudicated
47 delinquent;

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

5 (4) Assist the victim in applying to the Victims of Crime
 6 Compensation Board for compensation for the costs of testing,
 7 counseling and medical care.

8 d. The Attorney General shall, through the Office of Victim-
 9 Witness Advocacy and in consultation with the Commissioner of
 10 Health and Senior Services, the Superintendent of State Police and
 11 representatives of providers of sexual assault services, to be
 12 designated by the Director of the Office of Victim-Witness
 13 Advocacy, coordinate the establishment of standard protocols for
 14 the provision of information and services to victims of sexual
 15 assault, and shall make such protocols available to victims upon
 16 request, except that the provision of information and services with
 17 regard to emergency contraception and sexually transmitted
 18 diseases shall be in accordance with P.L.2005, c.50 (C.26:2H-12.6b
 19 et al.).

20 e. In a case involving a victim of human trafficking as defined
 21 in section 1 of P.L.2005, c.77 (C.2C:13-8) the Office of Victim-
 22 Witness Advocacy or the county prosecutor's office involved in the
 23 case shall ensure that the victim of human trafficking obtains
 24 assistance in receiving any available benefits or services, including
 25 assistance in receiving any necessary certifications or endorsements
 26 needed to be recognized as having federal T non-immigrant status
 27 for the purpose of receiving any federal benefits or services
 28 available pursuant to the "Trafficking Victims Protection
 29 Reauthorization Act of 2003," 22 U.S.C. s. 7101 et seq.

30 f. The Attorney General shall, through the Office of Victim-
 31 Witness Advocacy and in consultation with the Commissioner of
 32 the Department of Health and Senior Services, the Superintendent
 33 of State Police and representatives of providers of services to
 34 victims of human trafficking, to be designated by the Director of the
 35 Office of Victim-Witness Advocacy, coordinate the establishment
 36 of standard protocols for the provision of information and services
 37 to victims of human trafficking, including coordination of efforts
 38 with the appropriate federal authorities pursuant to the "Trafficking
 39 Victims Protection Reauthorization Act of 2003," 22 U.S.C. s. 7101
 40 et seq. and shall make such protocols available to victims upon
 41 request.

42 (cf: P.L.2005, c.77, s.5)]³

43
 44 ¹[6.]³[7.]¹ 3.³ This act shall take effect on the ¹[90th] first¹
 45 day ¹of the third month¹ following ¹the date of¹ enactment ¹, except
 46 the Attorney General, where appropriate, may take such
 47 anticipatory administrative action in advance thereof as shall be
 48 necessary for the implementation of this act¹.

A3692 [3R]

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Expands notification when an offender is released from custody
or transferred within the criminal justice system.

ASSEMBLY, No. 3692

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 14, 2013

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Assemblyman NELSON T. ALBANO

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman PETER J. BARNES, III

District 18 (Middlesex)

Co-Sponsored by:

Assemblyman Fuentes, Assemblywomen Casagrande and McHose

SYNOPSIS

Requires notification to crime witnesses of defendant's release from custody under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/8/2013)

A3692 BURZICHELLI, EUSTACE

2

1 AN ACT concerning witnesses to crimes and amending various parts
2 of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1994, c.137 (C.2C:25-26.1) is amended to
8 read as follows:

9 1. Notwithstanding any other provision of law to the contrary,
10 whenever a defendant charged with a crime or an offense involving
11 domestic violence is released from custody the prosecuting agency
12 shall notify the victim and, upon request of any witness to the crime
13 or offense, shall notify such witness.

14 (cf: P.L.1994, c.137, s.1)

15

16 2. Section 15 of P.L.1998, c.71 (C.30:4-27.38) is amended to
17 read as follows:

18 15. In addition to any other information required to be released
19 under this act, prior to the release of a person committed under this
20 act, the Department of Corrections shall give written notice of the
21 person's release to the Attorney General or the prosecutor of the
22 county in which the person was prosecuted for the sexually violent
23 offense which rendered the person subject to commitment under
24 this act, depending on which office prosecuted the person for the
25 sexually violent offense. Upon receipt of such notice, the county
26 prosecutor or Attorney General, as the case may be, shall notify the
27 Office of Victim and Witness Advocacy of the county in which the
28 person was prosecuted and that office shall use any reasonable
29 means available to it to give notice of the person's release to the
30 victim of the sexually violent offense or the victim's nearest relative
31 if the sexually violent offense resulted in death, and to any witness
32 to the sexually violent offense, if the witness requests such notice,
33 which notice shall be in accordance with the provisions of section 6
34 of P.L.1985, c.404 (C.52:4B-44). The notice required under this
35 section shall be given only if a request for such notification has
36 been made by the victim or the victim's nearest relative, as the case
37 may be, to the county prosecutor or Attorney General, as the case
38 may be, at the time the person was sentenced or committed. Failure
39 to notify shall not be a reason for postponement of release. Nothing
40 in this subsection shall create a cause of action against the State,
41 county or any employee of the State or county acting within the
42 scope of the employee's employment as a result of the failure to
43 notify under this act.

44 (cf: P.L.1998, c.71, s.15)

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.

1 3. Section 1 of P.L.1998, c.68 (C.30:4-91.8) is amended to read
2 as follows:

3 1. a. Whenever an inmate who has been convicted of murder;
4 manslaughter; vehicular homicide; aggravated sexual assault; sexual
5 assault; aggravated assault; aggravated criminal sexual contact;
6 robbery; kidnapping pursuant to paragraph (2) of subsection c. of
7 N.J.S.2C:13-1; endangering the welfare of a child by engaging in
8 sexual conduct which would impair or debauch the morals of the
9 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the
10 welfare of a child pursuant to paragraph (4) of subsection b. of
11 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
12 c.291 (C.2C:13-6); or any crime of the first or second degree
13 involving serious bodily injury is subject to a review by an
14 Institutional Classification Committee which may result in
15 participation in any residential community release program, the
16 Department of Corrections shall provide written notice of that
17 review in accordance with the provisions of subsection b. of this
18 section.

19 b. (1) Upon the scheduling of a review subject to the
20 notification requirement of this section, the Department of
21 Corrections shall so notify the prosecutor of the county in which the
22 inmate was convicted or, if the matter was prosecuted by the
23 Attorney General, the Attorney General.

24 Upon receipt of such notice, the county prosecutor or Attorney
25 General, as the case may be, shall have 10 working days in which to
26 submit comments. If the county prosecutor or Attorney General
27 does not provide comments within those 10 working days, the
28 Department of Corrections may presume that the prosecutor or
29 Attorney General, as the case may be, does not wish to submit any
30 comments on the matter. The notice shall include the inmate's
31 name, identifying factors and offense history.

32 (2) Immediately upon receipt of such notice, the county
33 prosecutor or Attorney General in accordance with the provisions of
34 paragraph (1) of this subsection shall notify the Office of Victim
35 and Witness Advocacy of the county in which the inmate was
36 convicted and that office shall use any reasonable means available
37 to it to give notice within 10 working days to the victim of the
38 crime or the victim's nearest relative if the crime resulted in death,
39 and to any witness to the crime of which the inmate was convicted.

40 The notice required under this paragraph shall be given only if a
41 request for such notification has been made by the victim or the
42 victim's nearest relative, or by any witness to the crime, as the case
43 may be, to the county prosecutor or Attorney General, as the case
44 may be, at the time the inmate was sentenced.

45 Upon receipt of such notice, the victim or the victim's nearest
46 relative, as the case may be, shall have 10 working days in which to
47 submit comments. If the victim or the victim's nearest relative, as
48 the case may be, does not provide comments within those 10

1 working days, the Department of Corrections may presume that the
2 victim or victim's nearest relative, as the case may be, does not wish
3 to submit any comments on the matter.

4 (3) Any comments provided pursuant to paragraph (1) or (2) of
5 this subsection shall be in writing and shall be delivered to the
6 Department of Corrections.

7 Comments submitted pursuant to this subsection shall be deemed
8 confidential and shall not be disclosed to any person who is not
9 authorized to receive or review them.

10 c. Whenever the Department of Corrections receives comments
11 from a prosecutor or the Attorney General, as the case may be, or
12 from a victim or a victim's nearest relative, as the case may be,
13 concerning the participation of an inmate in accordance with this
14 act, it shall give all due consideration to the information contained
15 in those comments when considering the participation of that
16 inmate.

17 d. The Commissioner of Corrections, in accordance with the
18 provisions of the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-1 et seq.), may promulgate rules and regulations to
20 effectuate the provisions of this act.

21 (cf: P.L.1998, c.68, s.1)

22

23 4. Section 1 of P.L.1994, c.135 (C.30:4-123.53a) is amended to
24 read as follows:

25 1. a. As used in this act: "Prosecutor" means the county
26 prosecutor of the county in which the defendant was convicted
27 unless the matter was prosecuted by the Attorney General, in which
28 case "prosecutor" means the Attorney General.

29 "Office of Victim Witness Advocacy" means the Office of
30 Victim Witness Advocacy of the county in which the defendant was
31 convicted.

32 b. Notwithstanding any other provision of law to the contrary,
33 the State shall provide written notice to the prosecutor of the
34 anticipated release from incarceration in a county or State penal
35 institution or the Adult Diagnostic and Treatment Center of a
36 person convicted of murder; manslaughter; aggravated sexual
37 assault; sexual assault; aggravated assault; aggravated criminal
38 sexual contact; kidnaping pursuant to paragraph (2) of subsection c.
39 of N.J.S.2C:13-1; endangering the welfare of a child by engaging in
40 sexual conduct which would impair or debauch the morals of the
41 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the
42 welfare of a child pursuant to paragraph (4) of subsection b. of
43 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
44 c.291 (C.2C:13-6); any other offense involving serious bodily
45 injury or an attempt to commit any of the aforementioned offenses.
46 In cases involving a release on parole, the State Parole Board shall
47 provide the notice required by this subsection. In all other cases,
48 including but not limited to release upon expiration of sentence or

1 release from incarceration due to a change in sentence, the
2 Department of Corrections shall provide the notice required by this
3 subsection.

4 c. Notwithstanding any other provision of law to the contrary,
5 the Juvenile Justice Commission established pursuant to section 2
6 of P.L.1995, c.284 (C.52:17B-170) shall provide written notice to
7 the prosecutor of the anticipated release from incarceration of a
8 juvenile adjudicated delinquent on the basis of an offense which, if
9 committed by an adult, would constitute murder; manslaughter;
10 aggravated sexual assault; sexual assault; aggravated assault;
11 aggravated criminal sexual contact; kidnaping pursuant to
12 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
13 welfare of a child by engaging in sexual conduct which would
14 impair or debauch the morals of the child pursuant to subsection a.
15 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
16 paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing
17 pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); any other
18 offense involving serious bodily injury or an attempt to commit any
19 of the aforementioned offenses.

20 d. If available, the notice shall be provided to the prosecutor 90
21 days before the inmate's anticipated release; provided however, the
22 notice shall be provided at least 30 days before release. The notice
23 shall include the person's name, identifying factors, offense history,
24 and anticipated future residence. The prosecutor shall notify the
25 Office of Victim and Witness Advocacy and that office shall use
26 any reasonable means available to them to notify the victim of the
27 anticipated release unless the victim has requested not to be
28 notified. The Office of Victim and Witness Advocacy shall also use
29 any reasonable means available to them to notify any witness to the
30 crime who has requested such notice.

31 e. Upon receipt of notice, the prosecutor shall provide notice to
32 the law enforcement agency responsible for the municipality where
33 the inmate will reside, the municipality in which any victim resides,
34 and such other State and local law enforcement agencies as
35 appropriate for public safety.

36 (cf: P.L. 2001, c.79, s.8)

37

38 5. Section 6 of P.L.1985, c.404 (C.52:4B-44) is amended to
39 read as follows:

40 6. a. The Attorney General shall, through the Office of Victim-
41 Witness Advocacy in the Division of Criminal Justice in the
42 Department of Law and Public Safety and in consultation with the
43 county prosecutors, promulgate standards for law enforcement
44 agencies to ensure that the rights of crime victims and witnesses
45 are enforced.

46 b. The standards shall require that the Office of Victim-
47 Witness Advocacy in the Division of Criminal Justice and each
48 county prosecutor's office provide the following services upon

- 1 request for victims and witnesses involved in the prosecution of a
2 case:
- 3 (1) Orientation information about the criminal justice system
4 and the victim's and witness's role in the criminal justice process;
 - 5 (2) Notification of any change in the case status and of final
6 disposition;
 - 7 (3) Information on crime prevention and on available responses
8 to witness intimidation;
 - 9 (4) Information about available services to meet needs resulting
10 from the crime and referrals to service agencies, where appropriate;
 - 11 (5) Advance notice of the date, time and place of the defendant's
12 initial appearance before a judicial officer, submission to the court
13 of any plea agreement, the trial and sentencing;
 - 14 (6) Advance notice of when presence in court is not needed;
 - 15 (7) Advice about available compensation, restitution and other
16 forms of recovery and assistance in applying for government
17 compensation;
 - 18 (8) A waiting or reception area separate from the defendant for
19 use during court proceedings;
 - 20 (9) An escort or accompaniment for intimidated victims or
21 witnesses during court appearances;
 - 22 (10) Information about directions, parking, courthouse and
23 courtroom locations, transportation services and witness fees, in
24 advance of court appearances;
 - 25 (11) Assistance for victims and witnesses in meeting special
26 needs when required to make court appearances, such as
27 transportation and child care arrangements;
 - 28 (12) Assistance in making travel and lodging arrangements for
29 out-of-State witnesses;
 - 30 (13) Notification to employers of victims and witnesses, if
31 cooperation in the investigation or prosecution causes absence from
32 work;
 - 33 (14) Notification of the case disposition, including the trial and
34 sentencing;
 - 35 (15) Assistance to victims in submitting a written statement to a
36 representative of the county prosecutor's office about the impact of
37 the crime prior to the prosecutor's final decision concerning whether
38 formal charges will be filed;
 - 39 (16) Advice to victims about their right to make a statement
40 about the impact of the crime for inclusion in the presentence report
41 or at time of parole consideration, if applicable;
 - 42 (17) Notification to victims of the right to make an in-person
43 statement, prior to sentencing, directly to the sentencing court
44 concerning the impact of the crime;
 - 45 (18) Expediting the return of property when no longer needed as
46 evidence;
 - 47 (19) Advise and counsel, or refer for advice or counseling,
48 victims of sexual assault, or other criminal acts involving a risk of

1 transmission of disease, concerning available medical testing and
2 assist such victims, or refer such victims for assistance, in obtaining
3 appropriate testing, counseling and medical care and in making
4 application to the Victims of Crime Compensation Board for
5 compensation for the costs of such testing, counseling and care;

6 (20) Assistance to victims in submitting a written impact
7 statement to a representative of the county prosecutor's office
8 concerning the impact of the crime which shall be considered prior
9 to the prosecutor's accepting a negotiated plea agreement containing
10 recommendations as to sentence and assistance to victims in
11 securing an explanation of the terms of any such agreement and the
12 reasons for the agreement;

13 (21) Notification to the victim and, upon request of any witness
14 to the crime, notification to such witness, of the defendant's release
15 from custody which shall include:

16 (a) notice of the defendant's escape from custody and return to
17 custody following escape;

18 (b) notice of any other release from custody, including
19 placement in an Intensive Supervision Program or other alternative
20 disposition, and any associated conditions of release;

21 (c) notice of the filing by an inmate of an application for
22 commutation of sentence pursuant to N.J.S.2A:167-4 and its
23 disposition;

24 (d) notice of parole consideration pursuant to provisions of
25 P.L.1979, c.441 (C.30:4-123.45 et seq.); and

26 (e) notice of the pending release of an inmate due to expiration
27 of sentence; and

28 (22) Interpreting services for victims and witnesses when
29 necessary to assist a victim or witness who is hearing impaired or
30 developmentally disabled as defined in section 3 of P.L.1977, c.82
31 (C.30:6D-3) to understand questions and frame answers.

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

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

42 (2) Notify the victim of the victim's right to obtain a court order
43 pursuant to subsection a. of section 4 of P.L.1993, c.364 (C.2C:43-
44 2.2) requiring the offender to submit to an approved serological test
45 for acquired immune deficiency syndrome (AIDS) or infection with
46 the human immunodeficiency virus (HIV) or any other related virus
47 identified as a probable causative agent of AIDS in the event that

1 the offender is indicted, formally charged, convicted or adjudicated
2 delinquent;

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

7 (4) Assist the victim in applying to the Victims of Crime
8 Compensation Board for compensation for the costs of testing,
9 counseling and medical care.

10 d. The Attorney General shall, through the Office of Victim-
11 Witness Advocacy and in consultation with the Commissioner of
12 Health and Senior Services, the Superintendent of State Police and
13 representatives of providers of sexual assault services, to be
14 designated by the Director of the Office of Victim-Witness
15 Advocacy, coordinate the establishment of standard protocols for
16 the provision of information and services to victims of sexual
17 assault, and shall make such protocols available to victims upon
18 request, except that the provision of information and services with
19 regard to emergency contraception and sexually transmitted
20 diseases shall be in accordance with P.L.2005, c.50 (C.26:2H-12.6b
21 et al.).

22 e. In a case involving a victim of human trafficking as defined
23 in section 1 of P.L.2005, c.77 (C.2C:13-8) the Office of Victim-
24 Witness Advocacy or the county prosecutor's office involved in the
25 case shall ensure that the victim of human trafficking obtains
26 assistance in receiving any available benefits or services, including
27 assistance in receiving any necessary certifications or endorsements
28 needed to be recognized as having federal T non-immigrant status
29 for the purpose of receiving any federal benefits or services
30 available pursuant to the "Trafficking Victims Protection
31 Reauthorization Act of 2003," 22 U.S.C. s. 7101 et seq.

32 f. The Attorney General shall, through the Office of Victim-
33 Witness Advocacy and in consultation with the Commissioner of
34 the Department of Health and Senior Services, the Superintendent
35 of State Police and representatives of providers of services to
36 victims of human trafficking, to be designated by the Director of the
37 Office of Victim-Witness Advocacy, coordinate the establishment
38 of standard protocols for the provision of information and services
39 to victims of human trafficking, including coordination of efforts
40 with the appropriate federal authorities pursuant to the "Trafficking
41 Victims Protection Reauthorization Act of 2003," 22 U.S.C. s. 7101
42 et seq. and shall make such protocols available to victims upon
43 request.

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

45

46 6. This act shall take effect on the 90th day following
47 enactment.

STATEMENT

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This bill would require that crime witnesses be notified of the defendant's release from custody under certain circumstances. Under current law, only crime victims or their relatives must be so notified. The statutes requiring victim notification are set out below:

- Section 1 of P.L.1994, c.137 (C.2C:25-26.1) provides that whenever a defendant charged with a crime or an offense involving domestic violence is released from custody the prosecutor must notify the victim;
- Section 15 of P.L.1998, c.71 (C.30:4-27.38) provides that the county Office of Victim and Witness Advocacy must notify the victim of a sexually violent offense or, if the victim died as a result of the offense, the victim's nearest relative, of the release from custody of a person committed as a sexually violent predator;
- Section 1 of P.L.1998, c.68 (C.30:4-91.8), provides that the Office must notify victims of certain serious crimes or their relatives that the defendant is subject to a review by an Institutional Classification Committee which may result in his participation in a residential community release program;
- Section 1 of P.L.1994, c.135 (C.30:4-123.53a) requires notification to victims of the anticipated release from incarceration of persons convicted of certain serious crimes; and
- Section 6 of P.L.1985, c.404 (C.52:4B-44), which governs the standards for law enforcement agencies to ensure the rights of crime victims, provides that victims are entitled to notification of: the defendant's escape from custody; any other release from custody, including placement in an Intensive Supervision Program or other alternative disposition; the inmate's filing of an application for commutation of sentence; the inmate's parole consideration; and the pending release of an inmate due to expiration of sentence.

This bill would amend these statutory sections to require the county Office of Victim and Witness Advocacy or prosecutor, in addition to notifying the victim, to also notify any witness to the crime who has requested such notification.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3692

STATE OF NEW JERSEY

DATED: FEBRUARY 11, 2013

The Assembly Judiciary Committee reports favorably Assembly Bill No. 3692.

This bill would require that crime witnesses be notified of the defendant's release from custody under certain circumstances. Under current law, only crime victims or their relatives must be so notified. The statutes requiring victim notification are set out below:

- Section 1 of P.L.1994, c.137 (C.2C:25-26.1) provides that whenever a defendant charged with a crime or an offense involving domestic violence is released from custody the prosecutor must notify the victim;
- Section 15 of P.L.1998, c.71 (C.30:4-27.38) provides that the county Office of Victim and Witness Advocacy must notify the victim of a sexually violent offense or, if the victim died as a result of the offense, the victim's nearest relative, of the release from custody of a person committed as a sexually violent predator;
- Section 1 of P.L.1998, c.68 (C.30:4-91.8) provides that the county Office of Victim and Witness Advocacy must notify victims of certain serious crimes or their relatives that the defendant is subject to a review by an Institutional Classification Committee which may result in his participation in a residential community release program;
- Section 1 of P.L.1994, c.135 (C.30:4-123.53a) requires notification to victims of the anticipated release from incarceration of persons convicted of certain serious crimes; and
- Section 6 of P.L.1985, c.404 (C.52:4B-44), which governs the standards for law enforcement agencies to ensure the rights of crime victims, provides that victims are entitled to notification of: the defendant's escape from custody; any other release from custody, including placement in an Intensive Supervision Program or other alternative disposition; the inmate's filing of an application for commutation of sentence; the inmate's parole consideration; and the pending release of an inmate due to expiration of sentence.

This bill would amend these statutory sections to require the county Office of Victim and Witness Advocacy or prosecutor, in addition to notifying the victim, to also notify any witness to the crime who has requested such notification.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3692

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 7, 2013

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3692, with committee amendments.

As amended, this bill requires crime witnesses to be notified of the defendant's release from custody under certain circumstances.

The bill requires the Attorney General to maintain, or arrange for the State to participate in, an automatic notification system to alert crime victims, witnesses, and other appropriate persons when an offender is released from custody or is transferred within the correctional system. Victims, witnesses, and, as determined by the prosecuting agency, other appropriate persons will be allowed to supply contact information and automatic notification will alert the person about custody status changes.

Under current law, only crime victims or the relatives of certain crime victims must be notified of the defendant's release from custody. The current statutes requiring victim notification include the following:

-- Section 1 of P.L.1994, c.137 (C.2C:25-26.1) provides that whenever a defendant charged with a crime or an offense involving domestic violence is released from custody the prosecutor must notify the victim;

-- Section 15 of P.L.1998, c.71 (C.30:4-27.38) provides that the county Office of Victim and Witness Advocacy must notify the victim of a sexually violent offense or, if the victim died as a result of the offense, the victim's nearest relative, of the release from custody of a person committed as a sexually violent predator;

-- Section 1 of P.L.1998, c.68 (C.30:4-91.8) provides that the county Office of Victim and Witness Advocacy must notify victims of certain serious crimes or their relatives that the defendant is subject to a review by an Institutional Classification Committee which may result in his participation in a residential community release program;

-- Section 1 of P.L.1994, c.135 (C.30:4-123.53a) requires notification to victims of the anticipated release from incarceration of persons convicted of certain serious crimes; and

-- Section 6 of P.L.1985, c.404 (C.52:4B-44), which governs the standards for law enforcement agencies to ensure the rights of crime

victims, provides that victims are entitled to notification of: the defendant's escape from custody; any other release from custody, including placement in an Intensive Supervision Program or other alternative disposition; the inmate's filing of an application for commutation of sentence; the inmate's parole consideration; and the pending release of an inmate due to expiration of sentence.

This bill amends each of the enumerated statutory sections to require the county Office of Victim and Witness Advocacy or the prosecutor, in addition to notifying the victim, to notify any witness to the crime, or other appropriate person as determined by the prosecuting agency, who has requested to be notified of the defendant's release from custody.

The bill takes effect on the first day of the third month following enactment.

FISCAL IMPACT:

The Office of Legislative Services anticipates that the State will incur some additional administrative costs in implementing and administering the additional notification requirements. While data are not available to estimate these costs, they will in part be absorbed by the existing administrative framework in place for notifying certain domestic violence victims when an offender is released from custody under the VINE system currently maintained by the Attorney General.

COMMITTEE AMENDMENTS:

The amendments add the provisions requiring the Attorney General to maintain, or arrange for the State to participate in, an automatic notification system to alert crime victims, witnesses, and other appropriate persons when an offender is released from custody or is transferred within the correctional system.

The amendments integrate the provisions of the automatic notification system into the statute (section 6 of the bill as amended) governing the standards for law enforcement agencies to ensure the rights of crime victims and others.

The amendments make technical changes to the effective date of the bill, shifting the date from the 90th day after the date of enactment to the first day to the third month after enactment and authorizing the Attorney General to take appropriate advance administrative action.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3692

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: APRIL 10, 2013

SUMMARY

- Synopsis:** Requires notification to crime witnesses of defendant's release from custody under certain circumstances.
- Type of Impact:** Indeterminate expenditure increase. General Fund.
- Agencies Affected:** Department of Corrections; State Parole Board; Office of the Attorney General; Division of Criminal Justice; Division of State Police; Juvenile Justice Commission; Office of Victim and Witness Advocacy; County Prosecutor.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State and Local Cost	Indeterminate – See comments below		
State and Local Revenue	None – See comments below		

- The Office of Legislative Services (OLS) finds that the provisions of this bill will have an indeterminate fiscal impact to the State since it expands a notification service currently being provided to crime victims. It is uncertain how many additional persons may register to receive the notifications.
- This bill broadens existing law which requires the victims of crime be notified of a defendant's release from prison.
- This bill would amend the law to require the Office of the Attorney General, county correctional facility, or appropriate investigating agency to notify, in addition to notifying the victim, any witness to the crime who requests such notification and, as determined by the prosecutor, other appropriate persons, who request such notification.

BILL DESCRIPTION

Assembly Bill No. 3692 [1R] of 2013 requires that crime victims, witnesses, and other appropriate persons be notified of the defendant's release from custody under certain circumstances.

Under current law, only crime victims or their relatives must be notified of a defendant's release from custody. This bill extends that notification requirement to include the witnesses of a crime and, as determined by the prosecutor, other appropriate persons, who request such notification.

The bill requires the Office of the Attorney General to maintain, or arrange for the State to participate in, an automatic notification system to alert crime victims, witnesses, and other appropriate persons when an offender is released from custody or is transferred within the correctional system. Victims, witnesses, and other appropriate persons, as determined by the prosecuting agency, will be allowed to supply contact information. Upon custody status changes an automatic notification will alert the registered individuals.

Additionally, if a registered individual cannot be contacted through the automatic notification system, notification of the offender's change of custody is required to be made by the appropriate investigating agency or county correctional facility.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services finds that the provisions of this bill will have an indeterminate fiscal impact to the State since it expands a notification service currently being provided to crime victims. It is uncertain how many additional persons may register to receive the notifications.

Although data is not available to estimate these costs, they will in part be absorbed by the existing administrative framework in place for notifying certain domestic violence victims when an offender is released from custody under the Victim Information and Notification Everyday (VINE) system currently maintained by the Attorney General.

Currently, in addition to providing custody status information, the VINE system has an automatic notification feature. Any crime victim may register with VINE to be automatically notified if the custody status of an offender who victimized him or her should change. This capability of the VINE system eliminates the need for victims to telephone a prosecutor's office to determine an offender's status.

The Office of Attorney General works with the State Office of Victim/Witness Advocacy, the Department of Corrections, the county prosecutors' offices, the State Police, the Parole Board and the Juvenile Justice Commission in making VINE available to crime victims throughout New Jersey.

This bill would extend the notification to witnesses of a crime and other appropriate persons upon the request of these persons.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 3692

with Assembly Floor Amendments
(Proposed by Assemblyman BURZICHELLI)

ADOPTED: JUNE 20, 2013

Currently, section 1 of P.L.1994, c.135 (C.30:4-123.53a) requires the Office of Victim and Witness Advocacy to automatically notify crime victims when defendants convicted of certain serious crimes are about to be released from incarceration, unless the crime victims have requested not to be notified. This floor amendment amends this provision of law, set out in section 5 of the bill, to provide that upon the request of a witness or, as determined by the prosecutor, any other appropriate person, the Office of Victim and Witness Advocacy would also notify such persons of the impending release. This amendment would make section 5 of the bill consistent with the other sections of the bill which require notification of witnesses and other appropriate persons only upon their request.

The floor amendment would also make a technical change in subsection a. of section 5 to correct a reference to the Office of Victim and Witness Advocacy.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 3692

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: JUNE 27, 2013

SUMMARY

- Synopsis:** Requires notification to crime witnesses of defendant's release from custody under certain circumstances.
- Type of Impact:** Indeterminate expenditure increase from the General Fund.
- Agencies Affected:** Department of Corrections; State Parole Board; Office of the Attorney General; Division of Criminal Justice; Division of State Police; Juvenile Justice Commission; Office of Victim and Witness Advocacy; County Prosecutor.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State and Local Cost	Indeterminate - See comments below		
State and Local Revenue	None.		

- The Office of Legislative Services finds that the provisions of this bill will have an indeterminate fiscal impact to the State since it expands a notification service currently being provided to crime victims. It is uncertain how many additional persons may register to receive the notifications.
- This bill broadens existing law which requires the victims of crime to be notified of a defendant's release from prison unless they have been requested not to be notified.
- This bill would amend the law to require the Office of the Attorney General, county correctional facility, or appropriate investigating agency to notify, in addition to notifying the victim, any witness to the crime who requests such notification and, as determined by the prosecutor, other appropriate persons who request such notification.

BILL DESCRIPTION

Assembly Bill No. 3692 (2R) of 2013 requires that crime victims, witnesses, and other appropriate persons be notified of the defendant's release from custody under certain circumstances.

Under current law, only crime victims or their relatives must be notified of a defendant's release from custody. This bill extends that notification requirement to include the witnesses of a crime and, as determined by the prosecutor, other appropriate persons, who request such notification.

The bill requires the Office of the Attorney General to maintain, or arrange for the State to participate in, an automatic notification system to alert crime victims, witnesses, and other appropriate persons when an offender is released from custody or is transferred within the correctional system. Victim and witnesses, and as determined by the prosecuting agency other appropriate persons, will be allowed to supply contact information. Upon custody status changes an automatic notification will alert the registered individuals.

Additionally, if a registered individual cannot be contacted through the automatic notification system, notification of the offender's change of custody is required to be made by the appropriate investigating agency or county correctional facility and the agency or facility would be required to make a reasonable effort to notify the person.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services finds that the provisions of this bill will have an indeterminate fiscal impact to the State since it expands a notification service currently being provided to crime victims. It is uncertain how many additional persons may register to receive the notifications.

Although data is not available to estimate these costs, they will in part be absorbed by the existing administrative framework in place for notifying certain domestic violence victims when an offender is released from custody under the Victim Information and Notification Everyday (VINE) system currently maintained by the Attorney General.

Currently, in addition to providing custody status information, the VINE system has an automatic notification feature. Any crime victim may register with VINE to be automatically notified if there is a change in the custody status of an offender who victimized him or her. This capability of the VINE system eliminates the need for victims to telephone a prosecutor's office to determine an offender's status.

The Office of Attorney General works with the State Office of Victim and Witness Advocacy, the Department of Corrections, the county prosecutors' offices, the State Police, the Parole Board and the Juvenile Justice Commission in making VINE available to crime victims throughout New Jersey.

This bill would extend the notification to witnesses of a crime and other appropriate persons upon the request of these persons.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint] **ASSEMBLY, No. 3692**

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2013

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3692 (2R), with committee amendments.

As amended, Assembly Bill No. 3692 (2R) expands the scope of notification when an offender is released from custody or transferred within the criminal justice system.

Section 1 of P.L.1994, c.135 (C.30:4-123.53a), which was enacted with Megan's Law, requires the Parole Board, Department of Corrections, or Juvenile Justice Commission to provide written notice to the prosecutor of the anticipated release from incarceration of offenders convicted of certain violent crimes and sex offenses. Notification is then provided to the Office of Victim Witness Advocacy, which is required to notify the victim of the anticipated release. The bill, as amended, expands that notification to include witnesses and any other appropriate person who has requested notification, as determined by the prosecutor in accordance with a directive issued by the Attorney General.

At present, the Attorney General operates an automatic notification system pursuant to Attorney General Directive No. 2005-5. The directive authorizes the notification of crime victims who have elected to participate in the system whenever an offender is released from custody or transferred within the correctional system. The State currently utilizes the Victim Information and Notification Everyday (VINE) system, which is provided through a private vendor. This bill expands the automatic notification to include witnesses and any other appropriate person, as determined by the prosecuting agency in accordance with the Attorney General's directive, who has requested notification.

This bill requires the Attorney General to continue to maintain the automatic notification system. The bill further authorizes the Attorney General to issue a directive to effectuate the purposes of the bill.

The bill provides that its terms are not to be construed to limit the notification of investigating agencies or county correctional facilities that currently takes place if the automatic notification system is unable

to reach a victim, witnesses, and other appropriate person who has registered for notification.

As amended and reported by the committee, the amendments make this bill identical to Senate Bill Nos. 2513 and 2522 (SCS), as also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments require the Attorney General to issue a directive to effectuate the bill's purposes. The amendments also require the Office of Victim Witness Advocacy to use any reasonable means available to notify witnesses and other appropriate persons, as determined by the prosecutor in accordance with the directive issued by the Attorney General, who has requested notification.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that this bill will have an indeterminate fiscal impact to the State since it expands a notification service currently being provided to crime victims. It is uncertain how many additional persons may be included in the registry to receive the notifications.

Although data is not available to estimate these costs, they will in part be absorbed by the existing administrative framework in place for notifying certain victims when an offender is released from custody under the Victim Information and Notification Everyday (VINE) system currently maintained by the Attorney General. Currently, any crime victim may register with VINE to be automatically notified if there is a change in the custody status of an offender by whom they were victimized. This capability of the VINE system eliminates the need for victims to contact a prosecutor's office to determine an offender's status.

The Office of Attorney General works with the State Office of Victim-Witness Advocacy, the Department of Corrections, the county prosecutors' offices, the State Police, the Parole Board and the Juvenile Justice Commission in making VINE available to crime victims throughout New Jersey. Under this bill, the automatic notification is extended to notification for witnesses and any other appropriate person as determined by the prosecuting agency.

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

ASSEMBLY, No. 3692

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: DECEMBER 27, 2013

SUMMARY

- Synopsis:** Expands notification when an offender is released from custody or transferred within the criminal justice system.
- Type of Impact:** Indeterminate expenditure increase from the General Fund.
- Agencies Affected:** Department of Corrections; State Parole Board; Office of the Attorney General; Division of Criminal Justice; Division of State Police; Juvenile Justice Commission; Office of Victim Witness Advocacy; County Prosecutors.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State and Local Cost	Indeterminate – See comments below		
State and Local Revenue	None – See comments below		

- The Office of Legislative Services (OLS) finds that this bill will have an indeterminate fiscal impact to the State since it expands a notification service currently being provided to crime victims. It is uncertain how many additional persons may register with the Office of Victim Witness Advocacy to receive the notifications.
- Expands the scope of notification to additional persons beyond victims when an offender is released from custody or transferred within the criminal justice system.
- Expands current law to require the Office of the Attorney General, county correctional facility, or appropriate investigating agency to notify any witness to the crime and any other appropriate person, as determined by the prosecutor, in accordance with the directive issued by the Attorney General, unless a person declines to receive such notification.

BILL DESCRIPTION

Assembly Bill No. 3692 (3R) of 2013 expands the scope of notification when an offender is released from custody or transferred within the criminal justice system.

Section 1 of P.L.1994, c.135 (C.30:4-123.53a), which was enacted with Megan's Law, requires the Parole Board, Department of Corrections, or Juvenile Justice Commission to provide written notice to the prosecutor of the anticipated release from incarceration of offenders convicted of certain violent crimes and sex offenses. Notification is then provided to the Office of Victim Witness Advocacy, which is required to notify the victim of the anticipated release. This committee substitute expands that notification to include witnesses and any other appropriate person, as determined by the prosecutor.

At present, the Attorney General operates an automatic notification system pursuant to Attorney General Directive No. 2005-5. The directive authorizes the notification of crime victims who have elected to participate in the system whenever an offender is released from custody or transferred within the correctional system. The State currently utilizes the Victim Information and Notification Everyday (VINE) system, which is provided through a private vendor. This expands the automatic notification to include witnesses and any other appropriate person as determined by the prosecuting agency in accordance with the Attorney General's directive. This bill requires the Attorney General to continue to maintain the automatic notification system.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services finds that the provisions of this bill will have an indeterminate fiscal impact to the State since it expands a notification service currently being provided to crime victims. It is uncertain how many additional persons may be included in the registry to receive the notifications.

Although data is not available to estimate these costs, they will in part be absorbed by the existing administrative framework in place for notifying certain victims when an offender is released from custody under the Victim Information and Notification Everyday (VINE) system currently maintained by the Attorney General.

In addition to providing custody status information, the VINE system has an automatic notification feature. Any crime victim may register with VINE to be automatically notified if there is a change in the custody status of an offender who victimized him or her. This capability of the VINE system eliminates the need for victims to contact a prosecutor's office to determine an offender's status.

The Office of Attorney General works with the State Office of Victim Witness Advocacy, the Department of Corrections, the county prosecutors' offices, the State Police, the Parole Board and the Juvenile Justice Commission in making VINE available to crime victims throughout New Jersey.

This bill would extend the notification to witnesses of crimes and other appropriate persons, as determined by the prosecutor in accordance with the Attorney General's directive.

Section: *Law and Public Safety*

Analyst: *Kristin Brunner Santos*
 Senior Fiscal Analyst

Approved: *David J. Rosen*
 Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 2513

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 4, 2013

Sponsored by:

Senator DONALD NORCROSS
District 5 (Camden and Gloucester)

Co-Sponsored by:

Senator Bateman

SYNOPSIS

Expands notification when an offender is released from custody or transferred within the criminal justice system.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/22/2013)

S2513 NORCROSS

2

1 AN ACT concerning certain notification about offenders,
2 supplementing Title 52 of the Revised Statutes and amending
3 P.L.1994, c.135.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) a. The Attorney General shall maintain an
9 automatic notification system to be known as the "Victim
10 Information and Notification Everyday (VINE)" system to alert
11 crime victims, witnesses and other appropriate persons when an
12 offender is released from custody or is transferred within the
13 correctional system.

14 b. Notification of the offender's change of custody shall be
15 made to persons who have elected to register with the VINE system.
16 Victims, witnesses, and other appropriate persons, as determined by
17 the prosecuting agency, shall be provided with the opportunity to
18 supply contact information in order to be notified when the
19 offender's custody status changes. The VINE system shall alert the
20 victim, witnesses and other appropriate persons about the custody
21 status change.

22 c. Nothing in this act shall be construed to limit or impair the
23 notification of investigating agencies or county correctional
24 facilities when an offender's custody status has changed if any
25 person who had registered pursuant to this section is not able to be
26 contacted.

27 d. Pursuant to the "Administrative Procedures Act," P.L.1968,
28 c.410 (C.52:14B-1 et seq.), the Attorney General, may adopt rules
29 and regulations to effectuate the purposes of P.L. , c. (C.)
30 (pending before the Legislature as this bill).

31

32 2. Section 1 of P.L.1994, c.135 (C.30:4-123.53a) is amended to
33 read as follows:

34 1. a. As used in this act: "Prosecutor" means the county
35 prosecutor of the county in which the defendant was convicted
36 unless the matter was prosecuted by the Attorney General, in which
37 case "prosecutor" means the Attorney General.

38 "Office of Victim Witness Advocacy" means the Office of
39 Victim Witness Advocacy of the county in which the defendant was
40 convicted.

41 b. Notwithstanding any other provision of law to the contrary,
42 the State shall provide written notice to the prosecutor of the
43 anticipated release from incarceration in a county or State penal
44 institution or the Adult Diagnostic and Treatment Center of a
45 person convicted of murder; manslaughter; aggravated sexual

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.

S2513 NORCROSS

1 assault; sexual assault; aggravated assault; aggravated criminal
2 sexual contact; kidnaping pursuant to paragraph (2) of subsection c.
3 of N.J.S.2C:13-1; endangering the welfare of a child by engaging in
4 sexual conduct which would impair or debauch the morals of the
5 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the
6 welfare of a child pursuant to paragraph (4) of subsection b. of
7 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
8 c.291 (C.2C:13-6); any other offense involving serious bodily
9 injury or an attempt to commit any of the aforementioned offenses.
10 In cases involving a release on parole, the State Parole Board shall
11 provide the notice required by this subsection. In all other cases,
12 including but not limited to release upon expiration of sentence or
13 release from incarceration due to a change in sentence, the
14 Department of Corrections shall provide the notice required by this
15 subsection.

16 c. Notwithstanding any other provision of law to the contrary,
17 the Juvenile Justice Commission established pursuant to section 2
18 of P.L.1995, c.284 (C.52:17B-170) shall provide written notice to
19 the prosecutor of the anticipated release from incarceration of a
20 juvenile adjudicated delinquent on the basis of an offense which, if
21 committed by an adult, would constitute murder; manslaughter;
22 aggravated sexual assault; sexual assault; aggravated assault;
23 aggravated criminal sexual contact; kidnaping pursuant to
24 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
25 welfare of a child by engaging in sexual conduct which would
26 impair or debauch the morals of the child pursuant to subsection a.
27 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
28 paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing
29 pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); any other
30 offense involving serious bodily injury or an attempt to commit any
31 of the aforementioned offenses.

32 d. If available, the notice shall be provided to the prosecutor 90
33 days before the inmate's anticipated release; provided however, the
34 notice shall be provided at least 30 days before release. The notice
35 shall include the person's name, identifying factors, offense history,
36 and anticipated future residence. The prosecutor shall notify the
37 Office of Victim and Witness Advocacy and that office shall use
38 any reasonable means available to them to notify the victim,
39 witnesses and any other appropriate person, as determined by the
40 prosecutor, of the anticipated release unless the [victim] person has
41 requested not to be notified.

42 e. Upon receipt of notice, the prosecutor shall provide notice to
43 the law enforcement agency responsible for the municipality where
44 the inmate will reside, the municipality in which any victim resides,
45 and such other State and local law enforcement agencies as
46 appropriate for public safety.
47 (cf: P.L.2001, c.79, s.8)

S2513 NORCROSS

1 3. This act shall take effect on the first day of the third month
2 following the date of enactment, except the Attorney General,
3 where appropriate, may take such anticipatory administrative action
4 in advance thereof as shall be necessary for the implementation of
5 this act.

6

7

8

STATEMENT

9

10 This bill expands the scope of notification when an offender is
11 released from custody or transferred within the criminal justice
12 system.

13 Section 1 of P.L.1994, c.135 (C.30:4-123.53a), which was
14 enacted with Megan's Law, requires the Parole Board, Department
15 of Corrections, or Juvenile Justice Commission to provide written
16 notice to the prosecutor of the anticipated release from incarceration
17 of offenders convicted of certain violent crimes and sex offenses.
18 Notification is then provided to the victim by the Office of Victim
19 Witness Advocacy, which is required to notify the victim of the
20 anticipated release. This bill expands that notification to include
21 witnesses and any other appropriate person, as determined by the
22 prosecutor.

23 Currently, the Attorney General operates the Victim Information
24 and Notification Everyday (VINE) system pursuant to Attorney
25 General Directive No.2005-5. The directive authorizes the
26 notification of crime victims who have elected to participate in the
27 system whenever an offender is released from custody or
28 transferred within the correctional system. This bill also expands
29 the automatic notification to include witnesses and any other
30 appropriate person as determined by the prosecuting agency.

31 The Attorney General would continue to maintain the VINE
32 system. The bill further authorizes the Attorney General to adopt
33 rules and regulations to effectuate the purposes of the bill. The
34 provisions of the bill are not to be construed to limit the notification
35 of investigating agencies or county correctional facilities that
36 currently takes place if the system is unable to reach the victim.

SENATE, No. 2522

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED FEBRUARY 4, 2013

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

SYNOPSIS

Requires notification to crime witnesses of defendant's release from custody under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



S2522 WEINBERG

2

1 AN ACT concerning witnesses to crimes and amending various parts
2 of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1994, c.137 (C.2C:25-26.1) is amended to
8 read as follows:

9 1. Notwithstanding any other provision of law to the contrary,
10 whenever a defendant charged with a crime or an offense involving
11 domestic violence is released from custody the prosecuting agency
12 shall notify the victim and, upon request of any witness to the crime
13 or offense, shall notify such witness.

14 (cf: P.L.1994, c.137, s.1)

15

16 2. Section 15 of P.L.1998, c.71 (C.30:4-27.38) is amended to
17 read as follows:

18 15. In addition to any other information required to be released
19 under this act, prior to the release of a person committed under this
20 act, the Department of Corrections shall give written notice of the
21 person's release to the Attorney General or the prosecutor of the
22 county in which the person was prosecuted for the sexually violent
23 offense which rendered the person subject to commitment under
24 this act, depending on which office prosecuted the person for the
25 sexually violent offense. Upon receipt of such notice, the county
26 prosecutor or Attorney General, as the case may be, shall notify the
27 Office of Victim and Witness Advocacy of the county in which the
28 person was prosecuted and that office shall use any reasonable
29 means available to it to give notice of the person's release to the
30 victim of the sexually violent offense or the victim's nearest relative
31 if the sexually violent offense resulted in death, and to any witness
32 to the sexually violent offense, if the witness requests such notice,
33 which notice shall be in accordance with the provisions of section 6
34 of P.L.1985, c.404 (C.52:4B-44). The notice required under this
35 section shall be given only if a request for such notification has
36 been made by the victim or the victim's nearest relative, as the case
37 may be, to the county prosecutor or Attorney General, as the case
38 may be, at the time the person was sentenced or committed. Failure
39 to notify shall not be a reason for postponement of release. Nothing
40 in this subsection shall create a cause of action against the State,
41 county or any employee of the State or county acting within the
42 scope of the employee's employment as a result of the failure to
43 notify under this act.

44 (cf: P.L.1998, c.71, s.15)

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.

1 3. Section 1 of P.L.1998, c.68 (C.30:4-91.8) is amended to read
2 as follows:

3 1. a. Whenever an inmate who has been convicted of murder;
4 manslaughter; vehicular homicide; aggravated sexual assault; sexual
5 assault; aggravated assault; aggravated criminal sexual contact;
6 robbery; kidnapping pursuant to paragraph (2) of subsection c. of
7 N.J.S.2C:13-1; endangering the welfare of a child by engaging in
8 sexual conduct which would impair or debauch the morals of the
9 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the
10 welfare of a child pursuant to paragraph (4) of subsection b. of
11 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
12 c.291 (C.2C:13-6); or any crime of the first or second degree
13 involving serious bodily injury is subject to a review by an
14 Institutional Classification Committee which may result in
15 participation in any residential community release program, the
16 Department of Corrections shall provide written notice of that
17 review in accordance with the provisions of subsection b. of this
18 section.

19 b. (1) Upon the scheduling of a review subject to the
20 notification requirement of this section, the Department of
21 Corrections shall so notify the prosecutor of the county in which the
22 inmate was convicted or, if the matter was prosecuted by the
23 Attorney General, the Attorney General.

24 Upon receipt of such notice, the county prosecutor or Attorney
25 General, as the case may be, shall have 10 working days in which to
26 submit comments. If the county prosecutor or Attorney General
27 does not provide comments within those 10 working days, the
28 Department of Corrections may presume that the prosecutor or
29 Attorney General, as the case may be, does not wish to submit any
30 comments on the matter. The notice shall include the inmate's
31 name, identifying factors and offense history.

32 (2) Immediately upon receipt of such notice, the county
33 prosecutor or Attorney General in accordance with the provisions of
34 paragraph (1) of this subsection shall notify the Office of Victim
35 and Witness Advocacy of the county in which the inmate was
36 convicted and that office shall use any reasonable means available
37 to it to give notice within 10 working days to the victim of the
38 crime or the victim's nearest relative if the crime resulted in death,
39 and to any witness to the crime of which the inmate was convicted.

40 The notice required under this paragraph shall be given only if a
41 request for such notification has been made by the victim or the
42 victim's nearest relative, or by any witness to the crime, as the case
43 may be, to the county prosecutor or Attorney General, as the case
44 may be, at the time the inmate was sentenced.

45 Upon receipt of such notice, the victim or the victim's nearest
46 relative, as the case may be, shall have 10 working days in which to
47 submit comments. If the victim or the victim's nearest relative, as
48 the case may be, does not provide comments within those 10

1 working days, the Department of Corrections may presume that the
2 victim or victim's nearest relative, as the case may be, does not wish
3 to submit any comments on the matter.

4 (3) Any comments provided pursuant to paragraph (1) or (2) of
5 this subsection shall be in writing and shall be delivered to the
6 Department of Corrections.

7 Comments submitted pursuant to this subsection shall be deemed
8 confidential and shall not be disclosed to any person who is not
9 authorized to receive or review them.

10 c. Whenever the Department of Corrections receives comments
11 from a prosecutor or the Attorney General, as the case may be, or
12 from a victim or a victim's nearest relative, as the case may be,
13 concerning the participation of an inmate in accordance with this
14 act, it shall give all due consideration to the information contained
15 in those comments when considering the participation of that
16 inmate.

17 d. The Commissioner of Corrections, in accordance with the
18 provisions of the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-1 et seq.), may promulgate rules and regulations to
20 effectuate the provisions of this act.
21 (cf: P.L.1998, c.68, s.1)

22
23 4. Section 1 of P.L.1994, c.135 (C.30:4-123.53a) is amended to
24 read as follows:

25 1. a. As used in this act: "Prosecutor" means the county
26 prosecutor of the county in which the defendant was convicted
27 unless the matter was prosecuted by the Attorney General, in which
28 case "prosecutor" means the Attorney General.

29 "Office of Victim Witness Advocacy" means the Office of
30 Victim Witness Advocacy of the county in which the defendant was
31 convicted.

32 b. Notwithstanding any other provision of law to the contrary,
33 the State shall provide written notice to the prosecutor of the
34 anticipated release from incarceration in a county or State penal
35 institution or the Adult Diagnostic and Treatment Center of a
36 person convicted of murder; manslaughter; aggravated sexual
37 assault; sexual assault; aggravated assault; aggravated criminal
38 sexual contact; kidnaping pursuant to paragraph (2) of subsection c.
39 of N.J.S.2C:13-1; endangering the welfare of a child by engaging in
40 sexual conduct which would impair or debauch the morals of the
41 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the
42 welfare of a child pursuant to paragraph (4) of subsection b. of
43 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
44 c.291 (C.2C:13-6); any other offense involving serious bodily
45 injury or an attempt to commit any of the aforementioned offenses.
46 In cases involving a release on parole, the State Parole Board shall
47 provide the notice required by this subsection. In all other cases,
48 including but not limited to release upon expiration of sentence or

1 release from incarceration due to a change in sentence, the
2 Department of Corrections shall provide the notice required by this
3 subsection.

4 c. Notwithstanding any other provision of law to the contrary,
5 the Juvenile Justice Commission established pursuant to section 2
6 of P.L.1995, c.284 (C.52:17B-170) shall provide written notice to
7 the prosecutor of the anticipated release from incarceration of a
8 juvenile adjudicated delinquent on the basis of an offense which, if
9 committed by an adult, would constitute murder; manslaughter;
10 aggravated sexual assault; sexual assault; aggravated assault;
11 aggravated criminal sexual contact; kidnaping pursuant to
12 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
13 welfare of a child by engaging in sexual conduct which would
14 impair or debauch the morals of the child pursuant to subsection a.
15 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
16 paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing
17 pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); any other
18 offense involving serious bodily injury or an attempt to commit any
19 of the aforementioned offenses.

20 d. If available, the notice shall be provided to the prosecutor 90
21 days before the inmate's anticipated release; provided however, the
22 notice shall be provided at least 30 days before release. The notice
23 shall include the person's name, identifying factors, offense history,
24 and anticipated future residence. The prosecutor shall notify the
25 Office of Victim and Witness Advocacy and that office shall use
26 any reasonable means available to them to notify the victim of the
27 anticipated release unless the victim has requested not to be
28 notified. The Office of Victim and Witness Advocacy shall also use
29 any reasonable means available to them to notify any witness to the
30 crime who has requested such notice.

31 e. Upon receipt of notice, the prosecutor shall provide notice to
32 the law enforcement agency responsible for the municipality where
33 the inmate will reside, the municipality in which any victim resides,
34 and such other State and local law enforcement agencies as
35 appropriate for public safety.

36 (cf: P.L. 2001, c.79, s.8)

37

38 5. Section 6 of P.L.1985, c.404 (C.52:4B-44) is amended to
39 read as follows:

40 6. a. The Attorney General shall, through the Office of Victim-
41 Witness Advocacy in the Division of Criminal Justice in the
42 Department of Law and Public Safety and in consultation with the
43 county prosecutors, promulgate standards for law enforcement
44 agencies to ensure that the rights of crime victims and witnesses are
45 enforced.

46 b. The standards shall require that the Office of Victim-
47 Witness Advocacy in the Division of Criminal Justice and each
48 county prosecutor's office provide the following services upon

- 1 request for victims and witnesses involved in the prosecution of a
- 2 case:
- 3 (1) Orientation information about the criminal justice system
- 4 and the victim's and witness's role in the criminal justice process;
- 5 (2) Notification of any change in the case status and of final
- 6 disposition;
- 7 (3) Information on crime prevention and on available responses
- 8 to witness intimidation;
- 9 (4) Information about available services to meet needs resulting
- 10 from the crime and referrals to service agencies, where appropriate;
- 11 (5) Advance notice of the date, time and place of the defendant's
- 12 initial appearance before a judicial officer, submission to the court
- 13 of any plea agreement, the trial and sentencing;
- 14 (6) Advance notice of when presence in court is not needed;
- 15 (7) Advice about available compensation, restitution and other
- 16 forms of recovery and assistance in applying for government
- 17 compensation;
- 18 (8) A waiting or reception area separate from the defendant for
- 19 use during court proceedings;
- 20 (9) An escort or accompaniment for intimidated victims or
- 21 witnesses during court appearances;
- 22 (10) Information about directions, parking, courthouse and
- 23 courtroom locations, transportation services and witness fees, in
- 24 advance of court appearances;
- 25 (11) Assistance for victims and witnesses in meeting special
- 26 needs when required to make court appearances, such as
- 27 transportation and child care arrangements;
- 28 (12) Assistance in making travel and lodging arrangements for
- 29 out-of-State witnesses;
- 30 (13) Notification to employers of victims and witnesses, if
- 31 cooperation in the investigation or prosecution causes absence from
- 32 work;
- 33 (14) Notification of the case disposition, including the trial and
- 34 sentencing;
- 35 (15) Assistance to victims in submitting a written statement to a
- 36 representative of the county prosecutor's office about the impact of
- 37 the crime prior to the prosecutor's final decision concerning whether
- 38 formal charges will be filed;
- 39 (16) Advice to victims about their right to make a statement
- 40 about the impact of the crime for inclusion in the presentence report
- 41 or at time of parole consideration, if applicable;
- 42 (17) Notification to victims of the right to make an in-person
- 43 statement, prior to sentencing, directly to the sentencing court
- 44 concerning the impact of the crime;
- 45 (18) Expediting the return of property when no longer needed as
- 46 evidence;
- 47 (19) Advise and counsel, or refer for advice or counseling,
- 48 victims of sexual assault, or other criminal acts involving a risk of

1 transmission of disease, concerning available medical testing and
2 assist such victims, or refer such victims for assistance, in obtaining
3 appropriate testing, counseling and medical care and in making
4 application to the Victims of Crime Compensation Board for
5 compensation for the costs of such testing, counseling and care;

6 (20) Assistance to victims in submitting a written impact
7 statement to a representative of the county prosecutor's office
8 concerning the impact of the crime which shall be considered prior
9 to the prosecutor's accepting a negotiated plea agreement containing
10 recommendations as to sentence and assistance to victims in
11 securing an explanation of the terms of any such agreement and the
12 reasons for the agreement;

13 (21) Notification to the victim and, upon request of any witness
14 to the crime, notification to such witness, of the defendant's release
15 from custody which shall include:

16 (a) notice of the defendant's escape from custody and return to
17 custody following escape;

18 (b) notice of any other release from custody, including
19 placement in an Intensive Supervision Program or other alternative
20 disposition, and any associated conditions of release;

21 (c) notice of the filing by an inmate of an application for
22 commutation of sentence pursuant to N.J.S.2A:167-4 and its
23 disposition;

24 (d) notice of parole consideration pursuant to provisions of
25 P.L.1979, c.441 (C.30:4-123.45 et seq.); and

26 (e) notice of the pending release of an inmate due to expiration
27 of sentence; and

28 (22) Interpreting services for victims and witnesses when
29 necessary to assist a victim or witness who is hearing impaired or
30 developmentally disabled as defined in section 3 of P.L.1977, c.82
31 (C.30:6D-3) to understand questions and frame answers.

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

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

42 (2) Notify the victim of the victim's right to obtain a court order
43 pursuant to subsection a. of section 4 of P.L.1993, c.364 (C.2C:43-
44 2.2) requiring the offender to submit to an approved serological test
45 for acquired immune deficiency syndrome (AIDS) or infection with
46 the human immunodeficiency virus (HIV) or any other related virus
47 identified as a probable causative agent of AIDS in the event that

1 the offender is indicted, formally charged, convicted or adjudicated
2 delinquent;

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

7 (4) Assist the victim in applying to the Victims of Crime
8 Compensation Board for compensation for the costs of testing,
9 counseling and medical care.

10 d. The Attorney General shall, through the Office of Victim-
11 Witness Advocacy and in consultation with the Commissioner of
12 Health and Senior Services, the Superintendent of State Police and
13 representatives of providers of sexual assault services, to be
14 designated by the Director of the Office of Victim-Witness
15 Advocacy, coordinate the establishment of standard protocols for
16 the provision of information and services to victims of sexual
17 assault, and shall make such protocols available to victims upon
18 request, except that the provision of information and services with
19 regard to emergency contraception and sexually transmitted
20 diseases shall be in accordance with P.L.2005, c.50 (C.26:2H-12.6b
21 et al.).

22 e. In a case involving a victim of human trafficking as defined
23 in section 1 of P.L.2005, c.77 (C.2C:13-8) the Office of Victim-
24 Witness Advocacy or the county prosecutor's office involved in the
25 case shall ensure that the victim of human trafficking obtains
26 assistance in receiving any available benefits or services, including
27 assistance in receiving any necessary certifications or endorsements
28 needed to be recognized as having federal T non-immigrant status
29 for the purpose of receiving any federal benefits or services
30 available pursuant to the "Trafficking Victims Protection
31 Reauthorization Act of 2003," 22 U.S.C. s. 7101 et seq.

32 f. The Attorney General shall, through the Office of Victim-
33 Witness Advocacy and in consultation with the Commissioner of
34 the Department of Health and Senior Services, the Superintendent
35 of State Police and representatives of providers of services to
36 victims of human trafficking, to be designated by the Director of the
37 Office of Victim-Witness Advocacy, coordinate the establishment
38 of standard protocols for the provision of information and services
39 to victims of human trafficking, including coordination of efforts
40 with the appropriate federal authorities pursuant to the "Trafficking
41 Victims Protection Reauthorization Act of 2003," 22 U.S.C. s. 7101
42 et seq. and shall make such protocols available to victims upon
43 request.

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

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46 6. This act shall take effect on the 90th day following enactment.

STATEMENT

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This bill would require that crime witnesses be notified of the defendant's release from custody under certain circumstances. Under current law, only crime victims or their relatives must be so notified. The statutes requiring victim notification are set out below:

- Section 1 of P.L.1994, c.137 (C.2C:25-26.1) provides that whenever a defendant charged with a crime or an offense involving domestic violence is released from custody the prosecutor must notify the victim;
- Section 15 of P.L.1998, c.71 (C.30:4-27.38) provides that the county Office of Victim and Witness Advocacy must notify the victim of a sexually violent offense or, if the victim died as a result of the offense, the victim's nearest relative, of the release from custody of a person committed as a sexually violent predator;
- Section 1 of P.L.1998, c.68 (C.30:4-91.8), provides that the Office must notify victims of certain serious crimes or their relatives that the defendant is subject to a review by an Institutional Classification Committee which may result in his participation in a residential community release program;
- Section 1 of P.L.1994, c.135 (C.30:4-123.53a) requires notification to victims of the anticipated release from incarceration of persons convicted of certain serious crimes; and
- Section 6 of P.L.1985, c.404 (C.52:4B-44), which governs the standards for law enforcement agencies to ensure the rights of crime victims, provides that victims are entitled to notification of: the defendant's escape from custody; any other release from custody, including placement in an Intensive Supervision Program or other alternative disposition; the inmate's filing of an application for commutation of sentence; the inmate's parole consideration; and the pending release of an inmate due to expiration of sentence.

This bill would amend these statutory sections to require the county Office of Victim and Witness Advocacy or prosecutor, in addition to notifying the victim, to also notify any witness to the crime who has requested such notification.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 2513 and 2522**

STATE OF NEW JERSEY

DATED: FEBRUARY 21, 2013

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 2513 and 2522.

This committee substitute expands the scope of notification when an offender is released from custody or transferred within the criminal justice system.

Section 1 of P.L.1994, c.135 (C.30:4-123.53a), which was enacted with Megan's Law, requires the Parole Board, Department of Corrections, or Juvenile Justice Commission to provide written notice to the prosecutor of the anticipated release from incarceration of offenders convicted of certain violent crimes and sex offenses. Notification is then provided to the Office of Victim Witness Advocacy, which is required to notify the victim of the anticipated release. This substitute expands that notification to include witnesses and any other appropriate person, as determined by the prosecutor.

At present, the Attorney General operates an automatic notification system pursuant to Attorney General Directive No. 2005-5. The directive authorizes the notification of crime victims who have elected to participate in the system whenever an offender is released from custody or transferred within the correctional system. The State currently utilizes the Victim Information and Notification Everyday (VINE) system, which is provided through a private vendor. This substitute expands the automatic notification to include witnesses and any other appropriate person as determined by the prosecuting agency.

This substitute requires the Attorney General to continue to maintain the automatic notification system. The substitute further authorizes the Attorney General to adopt rules and regulations to effectuate the purposes of the bill.

The provisions of the substitute are not to be construed to limit the notification of investigating agencies or county correctional facilities that currently takes place if the system is unable to reach the victim.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 2513 and 2522**

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2013

The Senate Budget and Appropriations Committee reports favorably Senate Bill Nos. 2513 and 2522 (SCS), with committee amendments.

The SCS, as amended, expands the scope of notification when an offender is released from custody or transferred within the criminal justice system.

Section 1 of P.L.1994, c.135 (C.30:4-123.53a), which was enacted with Megan's Law, requires the Parole Board, Department of Corrections, or Juvenile Justice Commission to provide written notice to the prosecutor of the anticipated release from incarceration of offenders convicted of certain violent crimes and sex offenses. Notification is then provided to the Office of Victim Witness Advocacy, which is required to notify the victim of the anticipated release. This bill expands that notification to include witnesses and any other appropriate person who has requested notification, as determined by the prosecutor in accordance with a directive issued by the Attorney General.

At present, the Attorney General operates an automatic notification system pursuant to Attorney General Directive No. 2005-5. The directive authorizes the notification of crime victims who have elected to participate in the system whenever an offender is released from custody or transferred within the correctional system. The State currently utilizes the Victim Information and Notification Everyday (VINE) system, which is provided through a private vendor. This bill expands the automatic notification to include witnesses and any other appropriate person who has requested notification, as determined by the prosecuting agency in accordance with the Attorney General's directive.

This bill requires the Attorney General to continue to maintain the automatic notification system. The bill further authorizes the Attorney General to issue a directive to effectuate the purposes of the bill.

The bill provides that its terms are not to be construed to limit the notification of investigating agencies or county correctional facilities

that currently takes place if the automatic notification system is unable to reach a victim, witnesses, and other appropriate person who has registered for notification.

As amended and reported, this bill is identical to Assembly Bill No. 3692 (2R), as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments require the Attorney General to issue a directive to effectuate the substitute's purposes. As reported by the Senate Law and Public Safety Committee, the substitute permitted the Attorney General to adopt rules and regulations pursuant to the "Administrative Procedure Act." The amendments also require the Office of Victim Witness Advocacy to use any reasonable means available to notify witnesses and other appropriate persons who have requested notification, as determined by the prosecutor in accordance with the directive issued by the Attorney General.

FISCAL IMPACT:

The Office of Legislative Services (OLS) finds that this bill will have an indeterminate fiscal impact to the State since it expands a notification service currently being provided to crime victims. It is uncertain how many additional persons may be included in the registry to receive the notifications.

Although data is not available to estimate these costs, they will in part be absorbed by the existing administrative framework in place for notifying certain victims when an offender is released from custody under the Victim Information and Notification Everyday (VINE) system currently maintained by the Attorney General. Currently, any crime victim may register with VINE to be automatically notified if there is a change in the custody status of an offender by whom they were victimized. This capability of the VINE system eliminates the need for victims to contact a prosecutor's office to determine an offender's status.

The Office of Attorney General works with the State Office of Victim-Witness Advocacy, the Department of Corrections, the county prosecutors' offices, the State Police, the Parole Board and the Juvenile Justice Commission in making VINE available to crime victims throughout New Jersey. Under this bill, the automatic notification is extended to notification for witnesses and any other appropriate person as determined by the prosecuting agency.

LEGISLATIVE FISCAL ESTIMATE
 [First Reprint]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 2513 and 2522
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: DECEMBER 27, 2013

SUMMARY

- Synopsis:** Expands notification when an offender is released from custody or transferred within the criminal justice system.
- Type of Impact:** Indeterminate expenditure increase from the General Fund.
- Agencies Affected:** Department of Corrections; State Parole Board; Office of the Attorney General; Division of Criminal Justice; Division of State Police; Juvenile Justice Commission; Office of Victim Witness Advocacy; County Prosecutors.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State and Local Cost	Indeterminate – See comments below		
State and Local Revenue	None – See comments below		

- The Office of Legislative Services (OLS) finds that this bill will have an indeterminate fiscal impact to the State since it expands a notification service currently being provided to crime victims. It is uncertain how many additional persons may register with the Office of Victim Witness Advocacy to receive the notifications.
- Expands the scope of notification to additional persons beyond victims when an offender is released from custody or transferred within the criminal justice system.
- Expands current law to require the Office of the Attorney General, county correctional facility, or appropriate investigating agency to notify any witness to the crime and any other appropriate person, as determined by the prosecutor, in accordance with the directive issued by the Attorney General, unless a person declines to receive such notification.

BILL DESCRIPTION

The First Reprint of the Senate Committee Substitute for Senate Bill Nos. 2513 and 2522 of 2013 expands the scope of notification when an offender is released from custody or transferred within the criminal justice system.

Section 1 of P.L.1994, c.135 (C.30:4-123.53a), which was enacted with Megan's Law, requires the Parole Board, Department of Corrections, or Juvenile Justice Commission to provide written notice to the prosecutor of the anticipated release from incarceration of offenders convicted of certain violent crimes and sex offenses. Notification is then provided to the Office of Victim Witness Advocacy, which is required to notify the victim of the anticipated release. This committee substitute expands that notification to include witnesses and any other appropriate person, as determined by the prosecutor.

At present, the Attorney General operates an automatic notification system pursuant to Attorney General Directive No. 2005-5. The directive authorizes the notification of crime victims who have elected to participate in the system whenever an offender is released from custody or transferred within the correctional system. The State currently utilizes the Victim Information and Notification Everyday (VINE) system, which is provided through a private vendor. This expands the automatic notification to include witnesses and any other appropriate person as determined by the prosecuting agency in accordance with the Attorney General's directive. This bill requires the Attorney General to continue to maintain the automatic notification system.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services finds that the provisions of this bill will have an indeterminate fiscal impact to the State since it expands a notification service currently being provided to crime victims. It is uncertain how many additional persons may be included in the registry to receive the notifications.

Although data is not available to estimate these costs, they will in part be absorbed by the existing administrative framework in place for notifying certain victims when an offender is released from custody under the Victim Information and Notification Everyday (VINE) system currently maintained by the Attorney General.

In addition to providing custody status information, the VINE system has an automatic notification feature. Any crime victim may register with VINE to be automatically notified if there is a change in the custody status of an offender who victimized him or her. This capability of the VINE system eliminates the need for victims to contact a prosecutor's office to determine an offender's status.

The Office of Attorney General works with the State Office of Victim Witness Advocacy, the Department of Corrections, the county prosecutors' offices, the State Police, the Parole Board and the Juvenile Justice Commission in making VINE available to crime victims throughout New Jersey.

This bill would extend the notification to witnesses of crimes and other appropriate persons, as determined by the prosecutor in accordance with the Attorney General's directive.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).