



**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes 12/19/2018

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

rwh/ka

P.L. 2019, CHAPTER 308, *approved January 13, 2020*  
Senate, No. 2533 (*First Reprint*)

1 AN ACT concerning the State Office of Victim-Witness Advocacy  
2 and amending P.L.1985, c.404.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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

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

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

19 (1) Orientation information about the criminal justice system  
20 and the victim's and witness's role in the criminal justice process;

21 (2) Notification of any change in the case status and of final  
22 disposition;

23 (3) Information on crime prevention and on available responses  
24 to witness intimidation;

25 (4) Information about available services to meet needs resulting  
26 from the crime and referrals to service agencies, where appropriate;

27 (5) Advance notice of the date, time and place of the defendant's  
28 initial appearance before a judicial officer, submission to the court  
29 of any plea agreement, the trial and sentencing;

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

31 (7) Advice about available compensation, restitution and other  
32 forms of recovery and assistance in applying for government  
33 compensation;

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

36 (9) An escort or accompaniment for intimidated victims or  
37 witnesses during court appearances;

38 (10) <sup>1</sup>**[information]** Information<sup>1</sup> about directions, parking,  
39 courthouse and courtroom locations, transportation services and  
40 witness fees, in advance of court appearances;

**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:

<sup>1</sup>Senate SBA committee amendments adopted June 18, 2018.

- 1 (11) Assistance for victims and witnesses in meeting special  
2 needs when required to make court appearances, such as  
3 transportation and child care arrangements;
- 4 (12) Assistance in making travel and lodging arrangements for  
5 out-of-State witnesses;
- 6 (13) Notification to employers of victims and witnesses, if  
7 cooperation in the investigation or prosecution causes absence from  
8 work;
- 9 (14) Notification of the case disposition, including the trial and  
10 sentencing;
- 11 (15) Assistance to victims in submitting a written statement to a  
12 representative of the county prosecutor's office about the impact of  
13 the crime prior to the prosecutor's final decision concerning whether  
14 formal charges will be filed;
- 15 (16) Advice to victims about their right to make a statement  
16 about the impact of the crime for inclusion in the presentence report  
17 or at time of parole consideration, if applicable;
- 18 (17) Notification to victims of the right to make an in-person  
19 statement, prior to sentencing, directly to the sentencing court  
20 concerning the impact of the crime;
- 21 (18) Expediting the return of property when no longer needed  
22 as evidence;
- 23 (19) Advise and counsel, or refer for advice or counseling,  
24 victims of sexual assault, or other criminal acts involving a risk of  
25 transmission of disease, concerning available medical testing and  
26 assist such victims, or refer such victims for assistance, in obtaining  
27 appropriate testing, counseling and medical care and in making  
28 application to the Victims of Crime Compensation **[Board]** Office  
29 for compensation for the costs of such testing, counseling and care;
- 30 (20) Assistance to victims in submitting a written impact  
31 statement to a representative of the county prosecutor's office  
32 concerning the impact of the crime which shall be considered prior  
33 to the prosecutor's accepting a negotiated plea agreement containing  
34 recommendations as to sentence and assistance to victims in  
35 securing an explanation of the terms of any such agreement and the  
36 reasons for the agreement;
- 37 (21) Notification to the victim of the defendant's release from  
38 custody which shall include:
  - 39 (a) notice of the defendant's escape from custody and return to  
40 custody following escape;
  - 41 (b) notice of any other release from custody, including  
42 placement in an Intensive Supervision Program or other alternative  
43 disposition, and any associated conditions of release;
  - 44 (c) notice of the filing by an inmate of an application for  
45 commutation of sentence pursuant to N.J.S.2A:167-4 and its  
46 disposition;
  - 47 (d) notice of parole consideration pursuant to provisions of  
48 P.L.1979, c.441 (C.30:4-123.45 et seq.); and

- 1 (e) notice of the pending release of an inmate due to expiration  
2 of sentence; **and**
- 3 (22) Interpreting services for victims and witnesses when  
4 necessary to assist a victim or witness who is hearing impaired or  
5 developmentally disabled as defined in section 3 of P.L.1977, c.82  
6 (C.30:6D-3) to understand questions and frame answers; and
- 7 (23) Providing any applicable assistance to victims of sexual  
8 assault or sexual misconduct who are incarcerated in a State  
9 correctional facility that is available to other victims or witnesses.
- 10 c. In a case involving a victim of aggravated sexual assault or  
11 sexual assault as defined in subsection a. or c. of N.J.S.2C:14-2, the  
12 Office of Victim-Witness Advocacy or the county prosecutor's  
13 office involved in the case shall:
- 14 (1) Notify the victim of the victim's right to obtain an approved  
15 serological test for acquired immune deficiency syndrome (AIDS)  
16 or infection with the human immunodeficiency virus (HIV) or any  
17 other related virus identified as a probable causative agent of AIDS,  
18 and assist the victim, or refer the victim for assistance, in obtaining  
19 a test and appropriate counseling and medical care;
- 20 (2) Notify the victim of the victim's right to obtain a court order  
21 pursuant to subsection a. of section 4 of P.L.1993, c.364 (C.2C:43-  
22 2.2) requiring the offender to submit to an approved serological test  
23 for acquired immune deficiency syndrome (AIDS) or infection with  
24 the human immunodeficiency virus (HIV) or any other related virus  
25 identified as a probable causative agent of AIDS in the event that  
26 the offender is indicted, formally charged, convicted or adjudicated  
27 delinquent;
- 28 (3) Communicate the request of a victim who agrees to seek an  
29 order pursuant to subsection a. of section 4 of P.L.1993, c.364  
30 (C.2C:43-2.2) to the prosecutor handling the case and notify the  
31 victim or arrange for the victim to be notified of the test result; and
- 32 (4) Assist the victim in applying to the Victims of Crime  
33 Compensation **Board** Office for compensation for the costs of  
34 testing, counseling and medical care.
- 35 d. The Attorney General shall, through the Office of Victim-  
36 Witness Advocacy and in consultation with the Commissioner of  
37 Health **and Senior Services**, the Superintendent of State Police  
38 and representatives of providers of sexual assault services, to be  
39 designated by the Director of the Office of Victim-Witness  
40 Advocacy, coordinate the establishment of standard protocols for  
41 the provision of information and services to victims of sexual  
42 assault, and shall make such protocols available to victims upon  
43 request, except that the provision of information and services with  
44 regard to emergency contraception and sexually transmitted  
45 diseases shall be in accordance with P.L.2005, c.50 (C.26:2H-12.6b  
46 et al.).
- 47 e. In a case involving a victim of human trafficking as defined  
48 in section 1 of P.L.2005, c.77 (C.2C:13-8), the Office of Victim-

1 Witness Advocacy or the county prosecutor's office involved in the  
2 case shall ensure that the victim of human trafficking obtains  
3 assistance in receiving any available benefits or services, including  
4 assistance in receiving any necessary certifications or endorsements  
5 needed to be recognized as having federal T non-immigrant status  
6 for the purpose of receiving any federal benefits or services  
7 available pursuant to the "Trafficking Victims Protection  
8 Reauthorization Act of 2003," 22 U.S.C. s. 7101 et seq.

9 f. The Attorney General shall, through the Office of Victim-  
10 Witness Advocacy and in consultation with the Commissioner of  
11 **[the Department of] Health [and Senior Services]**, the  
12 Superintendent of State Police and representatives of providers of  
13 services to victims of human trafficking, to be designated by the  
14 Director of the Office of Victim-Witness Advocacy, coordinate the  
15 establishment of standard protocols for the provision of information  
16 and services to victims of human trafficking, including coordination  
17 of efforts with the appropriate federal authorities pursuant to the  
18 "Trafficking Victims Protection Reauthorization Act of 2003," 22  
19 U.S.C. s. 7101 et seq. and shall make such protocols available to  
20 victims upon request.

21 g. The Attorney General, shall, through the Office of Victim-  
22 Witness Advocacy and in consultation with the Commissioner of  
23 Corrections, promulgate standards to ensure that the rights of  
24 female crime victims incarcerated in State correctional facilities are  
25 enforced. The standards shall include a requirement that  
26 unannounced visits be made to the facilities housing female inmates  
27 and random surveys be conducted for the purpose of identifying  
28 inmates who are the victims of sexual assault or sexual misconduct;  
29 an inmate who is determined to be a victim shall be informed of the  
30 available services set forth in subsection b. of this section and, upon  
31 request, be provided with any of these services. <sup>1</sup>An inmate chosen  
32 by inmates in a housing unit as the liaison between the correctional  
33 facility administration and the inmate population shall be provided  
34 with a copy of this section of law. The liaison also shall be  
35 provided with a summary of the assistance and services available  
36 pursuant to subsection b. of this section for dissemination to the  
37 inmates in the housing unit.<sup>1</sup>

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

39  
40 2. This act shall take effect on the first day of the fourth month  
41 next following enactment, but the Attorney General and the  
42 Commissioner of Corrections may take such anticipatory action  
43 prior to the effective date as needed to effectuate the provisions of  
44 the act.

45 \_\_\_\_\_  
46  
47 Requires Office of Victim-Witness Advocacy to provide services  
48 to certain inmates.

**SENATE, No. 2533**

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

INTRODUCED MAY 10, 2018

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator NILSA CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**SYNOPSIS**

Requires Office of Victim-Witness Advocacy to provide services to certain inmates.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/12/2018)**

S2533 GREENSTEIN, CRUZ-PEREZ

2

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

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42 needs when required to make court appearances, such as  
43 transportation and child care arrangements;

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45 out-of-State witnesses;

**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 (13) Notification to employers of victims and witnesses, if  
2 cooperation in the investigation or prosecution causes absence from  
3 work;
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22 appropriate testing, counseling and medical care and in making  
23 application to the Victims of Crime Compensation **【Board】** Office  
24 for compensation for the costs of such testing, counseling and care;
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- 42 (d) notice of parole consideration pursuant to provisions of  
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12 or infection with the human immunodeficiency virus (HIV) or any  
13 other related virus identified as a probable causative agent of AIDS,  
14 and assist the victim, or refer the victim for assistance, in obtaining  
15 a test and appropriate counseling and medical care;

16 (2) Notify the victim of the victim's right to obtain a court order  
17 pursuant to subsection a. of section 4 of P.L.1993, c.364 (C.2C:43-  
18 2.2) requiring the offender to submit to an approved serological test  
19 for acquired immune deficiency syndrome (AIDS) or infection with  
20 the human immunodeficiency virus (HIV) or any other related virus  
21 identified as a probable causative agent of AIDS in the event that  
22 the offender is indicted, formally charged, convicted or adjudicated  
23 delinquent;

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

28 (4) Assist the victim in applying to the Victims of Crime  
29 Compensation **Board** Office for compensation for the costs of  
30 testing, counseling and medical care.

31 d. The Attorney General shall, through the Office of Victim-  
32 Witness Advocacy and in consultation with the Commissioner of  
33 Health **and Senior Services**, the Superintendent of State Police  
34 and representatives of providers of sexual assault services, to be  
35 designated by the Director of the Office of Victim-Witness  
36 Advocacy, coordinate the establishment of standard protocols for  
37 the provision of information and services to victims of sexual  
38 assault, and shall make such protocols available to victims upon  
39 request, except that the provision of information and services with  
40 regard to emergency contraception and sexually transmitted  
41 diseases shall be in accordance with P.L.2005, c.50 (C.26:2H-12.6b  
42 et al.).

43 e. In a case involving a victim of human trafficking as defined  
44 in section 1 of P.L.2005, c.77 (C.2C:13-8), the Office of Victim-  
45 Witness Advocacy or the county prosecutor's office involved in the  
46 case shall ensure that the victim of human trafficking obtains  
47 assistance in receiving any available benefits or services, including  
48 assistance in receiving any necessary certifications or endorsements

1 needed to be recognized as having federal T non-immigrant status  
2 for the purpose of receiving any federal benefits or services  
3 available pursuant to the "Trafficking Victims Protection  
4 Reauthorization Act of 2003," 22 U.S.C. s. 7101 et seq.

5 f. The Attorney General shall, through the Office of Victim-  
6 Witness Advocacy and in consultation with the Commissioner of  
7 **【the Department of】 Health 【and Senior Services】**, the  
8 Superintendent of State Police and representatives of providers of  
9 services to victims of human trafficking, to be designated by the  
10 Director of the Office of Victim-Witness Advocacy, coordinate the  
11 establishment of standard protocols for the provision of information  
12 and services to victims of human trafficking, including coordination  
13 of efforts with the appropriate federal authorities pursuant to the  
14 "Trafficking Victims Protection Reauthorization Act of 2003," 22  
15 U.S.C. s. 7101 et seq. and shall make such protocols available to  
16 victims upon request.

17 g. The Attorney General, shall, through the Office of Victim-  
18 Witness Advocacy and in consultation with the Commissioner of  
19 Corrections, promulgate standards to ensure that the rights of  
20 female crime victims incarcerated in State correctional facilities are  
21 enforced. The standards shall include a requirement that  
22 unannounced visits be made to the facilities housing female inmates  
23 and random surveys be conducted for the purpose of identifying  
24 inmates who are the victims of sexual assault or sexual misconduct;  
25 an inmate who is determined to be a victim shall be informed of the  
26 available services set forth in subsection b. of this section and, upon  
27 request, be provided with any of these services.

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

29  
30 2. This act shall take effect on the first day of the fourth month  
31 next following enactment, but the Attorney General and the  
32 Commissioner of Corrections may take such anticipatory action  
33 prior to the effective date as needed to effectuate the provisions of  
34 the act.

### 35 36 37 STATEMENT

38  
39 This bill requires the State Office of Victim-Witness Advocacy  
40 to ensure the rights of female inmates who are the victims of crime.

41 Specifically, the bill requires the Office of Victim-Witness  
42 Advocacy, in consultation with the Commissioner of Corrections, to  
43 promulgate standards to ensure that the rights of female crime  
44 victims incarcerated in State correctional facilities are enforced.  
45 The standards are to include a requirement that unannounced visits  
46 be made to the facilities housing female inmates, currently the Edna  
47 Mahan Correctional Facility for Women, and random surveys be  
48 conducted in order to identify inmates who are the victims of sexual

1 assault or sexual misconduct. An inmate who is the victim of  
2 sexual assault or misconduct is to be informed of, and upon request,  
3 be provided services offered by the office.

4 Under current law, the Office of Victim-Witness Advocacy in  
5 the Division of Criminal Justice in the Department of Law and  
6 Public Safety, in consultation with the county prosecutors,  
7 promulgate standards for law enforcement agencies to ensure that  
8 the rights of crime victims are enforced. These standards require  
9 the office to provide certain services upon request for victims and  
10 witnesses involved in the prosecution of a case. Just a few of the  
11 many services provided by the office include: providing orientation  
12 information about the criminal justice system and the victim's role  
13 in the criminal justice process; notification of any change in the  
14 case status and of final disposition; information on crime prevention  
15 and available responses to witness intimidation; notification of the  
16 case disposition, including the trial and sentencing; assistance to  
17 victims in submitting written statement to a representative of the  
18 county prosecutor's office about the impact of the crime prior to the  
19 prosecutor's final decision concerning whether formal charges will  
20 be filed; advice to victims about their right to make a statement  
21 about the impact of the crime to be included in the presentence  
22 report or at when parole is considered; advice and counsel to  
23 victims of sexual assault, or other criminal acts involving a risk of  
24 transmission of disease, concerning available medical testing and  
25 assisting victims in applying to the Victims of Crime Compensation  
26 Office for compensation for the costs of the testing, counseling and  
27 care; assistance to victims in submitting a written impact statement  
28 to a representative of the county prosecutor's office concerning the  
29 impact of the crime which is considered prior to the prosecutor's  
30 accepting a negotiated plea agreement.

31 Under this bill, the office would attempt to identify and assist  
32 inmates in Edna Mahan who may have been victims of sexual  
33 assault or abuse, but who may not report the sexual abuse for fear of  
34 retaliation by correctional police officers or other Department of  
35 Corrections (DOC) staff. According to the sponsor, it is necessary  
36 for a neutral third party to be made available to inmates as an  
37 avenue for reporting their allegations of sexual assault and  
38 misconduct against DOC employees.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 2533

# STATE OF NEW JERSEY

DATED: MAY 14, 2018

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2533.

As reported by the committee, this bill requires the State Office of Victim-Witness Advocacy to ensure the rights of female inmates who are the victims of crime.

Specifically, the bill requires the Office of Victim-Witness Advocacy, in consultation with the Commissioner of Corrections, to promulgate standards to ensure that the rights of female crime victims incarcerated in State correctional facilities are enforced. The standards are to include a requirement that staff of the office make unannounced visits to the Edna Mahan Correctional Facility for Women and conduct random surveys to identify inmates who are the victims of sexual assault or sexual misconduct. An inmate who is the victim of sexual assault or misconduct is to be informed of and, upon request, be provided services offered by the office.

Under current law, the Office of Victim-Witness Advocacy in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the county prosecutors, promulgate standards for law enforcement agencies to ensure that the rights of crime victims are enforced. These standards require the office to provide certain services upon request for victims and witnesses involved in the prosecution of a case. Just a few of the many services provided by the office include: providing orientation information about the criminal justice system and the victim's role in the criminal justice process; notification of any change in the case status and of final disposition; information on crime prevention and available responses to witness intimidation; notification of the case disposition, including the trial and sentencing; assistance to victims in submitting written statement to a representative of the county prosecutor's office about the impact of the crime prior to the prosecutor's final decision concerning whether formal charges will be filed; advice to victims about their right to make a statement about the impact of the crime to be included in the presentence report or at when parole is considered; advice and counsel to victims of sexual assault, or other criminal acts involving a risk of transmission of disease, concerning available medical testing and assisting victims in applying to the Victims of Crime Compensation Office for compensation for the costs of the testing, counseling and

care; and assistance to victims in submitting a written impact statement to a representative of the county prosecutor's office concerning the impact of the crime, which is considered prior to the prosecutor's accepting a negotiated plea agreement.

Under this bill, the office would attempt to identify and assist inmates in Edna Mahan who may have been victims of sexual assault or abuse, but who may not report the sexual abuse for fear of retaliation by correctional police officers or other Department of Corrections (DOC) staff. According to the sponsor, it is necessary for a neutral third party to be made available to inmates as an avenue for reporting their allegations of sexual assault and misconduct against DOC employees.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 2533**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 18, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2533, with committee amendments.

As amended, this bill requires the Office of Victim-Witness Advocacy, in consultation with the Commissioner of Corrections, to promulgate standards to ensure that the rights of female crime victims incarcerated in State correctional facilities are enforced. The standards are to include a requirement that staff of the office make unannounced visits to the Edna Mahan Correctional Facility for Women and conduct random surveys to identify inmates who are the victims of sexual assault or sexual misconduct. An inmate who is the victim of sexual assault or misconduct is to be informed of, and upon request, be provided services offered by the office. Inmate housing liaisons in the correctional facility are to be provided with a copy of this law. The liaison also is to be provided with a summary of the services provided by the office for dissemination to the inmates in the housing unit.

Under current law, the Office of Victim-Witness Advocacy in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the county prosecutors, promulgates standards for law enforcement agencies to ensure that the rights of crime victims are enforced. These standards require the office to provide certain services upon request for victims and witnesses involved in the prosecution of a case. Just a few of the many services provided by the office include: providing orientation information about the criminal justice system and the victim's role in the criminal justice process; notification of any change in the case status and of final disposition; information on crime prevention and available responses to witness intimidation; notification of the case disposition, including the trial and sentencing; assistance to victims in submitting written statements to a representative of the county prosecutor's office about the impact of the crime prior to the prosecutor's final decision concerning whether formal charges will be filed; advice to victims about their right to make a statement about the impact of the crime to be included in the presentence report or when parole is considered; advice and counsel to victims of sexual assault, or other criminal acts involving a risk of transmission of disease, concerning available medical testing and

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Under this bill, the office would attempt to identify and assist inmates in Edna Mahan who may have been victims of sexual assault or abuse, but who may not report the sexual abuse for fear of retaliation by correctional police officers or other Department of Corrections (DOC) staff. According to the sponsor, it is necessary for a neutral third party to be made available to inmates as an avenue for reporting their allegations of sexual assault and misconduct against DOC employees.

COMMITTEE AMENDMENTS:

The committee amended the bill to require that copies of the law be provided to inmate housing unit liaisons in the correctional facility. The amendments also require the liaison to be provided with a summary of the services provided by the office for dissemination to the inmates in the housing unit.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill may result in an indeterminate one-time expenditure increase to the Office of Victim-Witness Advocacy and the Department of Corrections to establish the required standards to ensure that the rights of female crime victims incarcerated in State correctional facilities are enforced. In addition, the Office of Victim-Witness Advocacy and the Department of Corrections will incur indeterminate annual expenditures to comply with the standards, including the conducting of unannounced visits to the facilities housing female inmates and random surveys of inmates. The specific magnitude of the expenditure increases will depend on decisions by the Office of Victim-Witness Advocacy and the Department of Corrections, which the OLS cannot anticipate.



# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

**SENATE, No. 2533**

## **STATE OF NEW JERSEY 218th LEGISLATURE**

DATED: JULY 2, 2018

### **SUMMARY**

- Synopsis:** Requires Office of Victim-Witness Advocacy to provide services to certain inmates.
- Type of Impact:** Annual State Expenditure Increase.
- Agencies Affected:** Department of Law and Public Safety; Department of Corrections.

#### **Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	
<b>Annual State Expenditure Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill may result in an indeterminate one-time expenditure increase to the Office of Victim-Witness Advocacy and the Department of Corrections to establish the required standards to ensure that the rights of female crime victims incarcerated in State correctional facilities are enforced.
- The Office of Victim-Witness Advocacy and the Department of Corrections will also incur indeterminate annual expenditures to comply with the standards, including the conducting of unannounced visits to facilities housing female inmates and random surveys of inmates.
- The specific magnitude of the expenditure increases will depend on decisions by the Office of Victim-Witness Advocacy and the Department of Corrections, which the OLS cannot anticipate.

### **BILL DESCRIPTION**

This bill requires the State Office of Victim-Witness Advocacy to ensure the rights of female inmates who are the victims of crime.

Specifically, the bill requires the Office of Victim-Witness Advocacy in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the Department of Corrections, to establish standards to ensure that the rights of female crime

victims incarcerated in State correctional facilities are enforced. The standards are to include a requirement that the office make unannounced visits to State correctional facilities that house female inmates and conduct random surveys to identify inmates who are the victims of sexual assault or sexual misconduct. An inmate who is the victim of sexual assault or misconduct is to be informed of and, upon request, be provided services offered by the office.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill may result in an indeterminate one-time expenditure increase to the Office of Victim-Witness Advocacy and the Department of Corrections to establish the required standards to ensure that the rights of female crime victims incarcerated in State correctional facilities are enforced. The Office of Victim-Witness Advocacy and the Department of Corrections will also incur indeterminate annual expenditures to comply with the standards, including the conducting of unannounced visits to the facilities housing female inmates and random surveys of inmates. The specific magnitude of the expenditure increases will depend on decisions by the Office of Victim-Witness Advocacy and the Department of Corrections, which the OLS cannot anticipate.

Under current law, the Office of Victim-Witness Advocacy provides certain services upon request for victims and witnesses involved in the prosecution of a case, including: providing information about the criminal justice system and the victim's role in the criminal justice process; notification of any change in the case status; information on crime prevention and available responses to witness intimidation; notification of the case disposition, including the trial and sentencing; assistance to victims in submitting a written statement to the county prosecutor's office about the impact of the crime prior to the prosecutor's final decision concerning whether formal charges will be filed; advice to victims about their right to make a statement about the impact of the crime to be included in the presentence report or when parole is considered; advice and counsel to victims of sexual assault, or other criminal acts involving a risk of transmission of disease, concerning available medical testing and assisting victims in applying to the Victims of Crime Compensation Office for compensation for the costs of the testing, counseling and care; and assistance to victims in submitting a written impact statement to the county prosecutor's office concerning the impact of the crime, which is considered prior to the prosecutor's accepting a negotiated plea agreement.

*Section:* Law and Public Safety

*Analyst:* Kristin Brunner Santos  
Senior Fiscal Analyst

*Approved:* Frank W. Haines III  
Legislative Budget and Finance Officer

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

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 2533**

# **STATE OF NEW JERSEY**

DATED: DECEMBER 10, 2018

The Assembly Appropriations Committee reports favorably Senate Bill No. 2533 (1R).

This bill requires the Office of Victim-Witness Advocacy, in consultation with the Commissioner of Corrections, to promulgate standards to ensure that the rights of female crime victims incarcerated in State correctional facilities are enforced. The standards are to include a requirement that staff of the office make unannounced visits to the Edna Mahan Correctional Facility for Women and conduct random surveys to identify inmates who are the victims of sexual assault or sexual misconduct. An inmate who is the victim of sexual assault or misconduct is to be informed of, and upon request, be provided services offered by the office. Inmate housing liaisons in the correctional facility are to be provided with a copy of this law. The liaison also is to be provided with a summary of the services offered by the office for dissemination to the inmates in the housing unit.

Under current law, the Office of Victim-Witness Advocacy in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the county prosecutors, promulgates standards for law enforcement agencies to ensure that the rights of crime victims are enforced. These standards require the office to provide certain services upon request for victims and witnesses involved in the prosecution of a case. Just a few of the many services provided by the office include: providing orientation information about the criminal justice system and the victim's role in the criminal justice process; notification of any change in the case status and of final disposition; information on crime prevention and available responses to witness intimidation; notification of the case disposition, including the trial and sentencing; assistance to victims in submitting written statements to a representative of the county prosecutor's office about the impact of the crime prior to the prosecutor's final decision concerning whether formal charges will be filed; advice to victims about their right to make a statement about the impact of the crime to be included in the presentence report or when parole is considered; advice and counsel to victims of sexual assault, or other criminal acts involving a risk of transmission of disease, concerning available medical testing and assisting victims in applying to the Victims of

Crime Compensation Office for compensation for the costs of the testing, counseling and care; and assistance to victims in submitting a written impact statement to a representative of the county prosecutor's office concerning the impact of the crime, which is considered prior to the prosecutor's accepting a negotiated plea agreement.

Under this bill, the office would attempt to identify and assist inmates in Edna Mahan who may have been victims of sexual assault or abuse, but who may not report the sexual abuse for fear of retaliation by correctional police officers or other Department of Corrections (DOC) staff. According to the sponsor, it is necessary for a neutral third party to be made available to inmates as an avenue for reporting their allegations of sexual assault and misconduct against DOC employees.

As reported, this bill is identical to Assembly Bill No. 4091, which the committee amended and reported.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill may result in an indeterminate one-time expenditure increase to the Office of Victim-Witness Advocacy and the Department of Corrections to establish the required standards to ensure that the rights of female crime victims incarcerated in State correctional facilities are enforced. In addition, the Office of Victim-Witness Advocacy and the Department of Corrections will incur indeterminate annual expenditures to comply with the standards, including the conducting of unannounced visits to the facilities housing female inmates and random surveys of inmates. The specific magnitude of the expenditure increases will depend on decisions by the Office of Victim-Witness Advocacy and the Department of Corrections, which the OLS cannot anticipate.

# ASSEMBLY, No. 4091

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 4, 2018

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**SYNOPSIS**

Requires Office of Victim-Witness Advocacy to provide services to certain inmates.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the State Office of Victim-Witness Advocacy  
2 and amending P.L.1985, c.404.

3

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

6

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

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

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

19 (1) Orientation information about the criminal justice system  
20 and the victim's and witness's role in the criminal justice process;

21 (2) Notification of any change in the case status and of final  
22 disposition;

23 (3) Information on crime prevention and on available responses  
24 to witness intimidation;

25 (4) Information about available services to meet needs resulting  
26 from the crime and referrals to service agencies, where appropriate;

27 (5) Advance notice of the date, time and place of the defendant's  
28 initial appearance before a judicial officer, submission to the court  
29 of any plea agreement, the trial and sentencing;

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

31 (7) Advice about available compensation, restitution and other  
32 forms of recovery and assistance in applying for government  
33 compensation;

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

36 (9) An escort or accompaniment for intimidated victims or  
37 witnesses during court appearances;

38 (10) information about directions, parking, courthouse and  
39 courtroom locations, transportation services and witness fees, in  
40 advance of court appearances;

41 (11) Assistance for victims and witnesses in meeting special  
42 needs when required to make court appearances, such as  
43 transportation and child care arrangements;

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

**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 (13) Notification to employers of victims and witnesses, if  
2 cooperation in the investigation or prosecution causes absence from  
3 work;
- 4 (14) Notification of the case disposition, including the trial and  
5 sentencing;
- 6 (15) Assistance to victims in submitting a written statement to a  
7 representative of the county prosecutor's office about the impact of  
8 the crime prior to the prosecutor's final decision concerning whether  
9 formal charges will be filed;
- 10 (16) Advice to victims about their right to make a statement  
11 about the impact of the crime for inclusion in the presentence report  
12 or at time of parole consideration, if applicable;
- 13 (17) Notification to victims of the right to make an in-person  
14 statement, prior to sentencing, directly to the sentencing court  
15 concerning the impact of the crime;
- 16 (18) Expediting the return of property when no longer needed as  
17 evidence;
- 18 (19) Advise and counsel, or refer for advice or counseling,  
19 victims of sexual assault, or other criminal acts involving a risk of  
20 transmission of disease, concerning available medical testing and  
21 assist such victims, or refer such victims for assistance, in obtaining  
22 appropriate testing, counseling and medical care and in making  
23 application to the Victims of Crime Compensation **【Board】** Office  
24 for compensation for the costs of such testing, counseling and care;
- 25 (20) Assistance to victims in submitting a written impact  
26 statement to a representative of the county prosecutor's office  
27 concerning the impact of the crime which shall be considered prior  
28 to the prosecutor's accepting a negotiated plea agreement containing  
29 recommendations as to sentence and assistance to victims in  
30 securing an explanation of the terms of any such agreement and the  
31 reasons for the agreement;
- 32 (21) Notification to the victim of the defendant's release from  
33 custody which shall include:
- 34 (a) notice of the defendant's escape from custody and return to  
35 custody following escape;
- 36 (b) notice of any other release from custody, including  
37 placement in an Intensive Supervision Program or other alternative  
38 disposition, and any associated conditions of release;
- 39 (c) notice of the filing by an inmate of an application for  
40 commutation of sentence pursuant to N.J.S.2A:167-4 and its  
41 disposition;
- 42 (d) notice of parole consideration pursuant to provisions of  
43 P.L.1979, c.441 (C.30:4-123.45 et seq.); and
- 44 (e) notice of the pending release of an inmate due to expiration  
45 of sentence; **【and】**
- 46 (22) Interpreting services for victims and witnesses when  
47 necessary to assist a victim or witness who is hearing impaired or

1 developmentally disabled as defined in section 3 of P.L.1977, c.82  
2 (C.30:6D-3) to understand questions and frame answers; and

3 (23) Providing any applicable assistance to victims of sexual  
4 assault or sexual misconduct who are incarcerated in a State  
5 correctional facility that is available to other victims or witnesses.

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

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

16 (2) Notify the victim of the victim's right to obtain a court order  
17 pursuant to subsection a. of section 4 of P.L.1993, c.364 (C.2C:43-  
18 2.2) requiring the offender to submit to an approved serological test  
19 for acquired immune deficiency syndrome (AIDS) or infection with  
20 the human immunodeficiency virus (HIV) or any other related virus  
21 identified as a probable causative agent of AIDS in the event that  
22 the offender is indicted, formally charged, convicted or adjudicated  
23 delinquent;

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

28 (4) Assist the victim in applying to the Victims of Crime  
29 Compensation **【Board】** Office for compensation for the costs of  
30 testing, counseling and medical care.

31 d. The Attorney General shall, through the Office of Victim-  
32 Witness Advocacy and in consultation with the Commissioner of  
33 Health **【and Senior Services】**, the Superintendent of State Police  
34 and representatives of providers of sexual assault services, to be  
35 designated by the Director of the Office of Victim-Witness  
36 Advocacy, coordinate the establishment of standard protocols for  
37 the provision of information and services to victims of sexual  
38 assault, and shall make such protocols available to victims upon  
39 request, except that the provision of information and services with  
40 regard to emergency contraception and sexually transmitted  
41 diseases shall be in accordance with P.L.2005, c.50 (C.26:2H-12.6b  
42 et al.).

43 e. In a case involving a victim of human trafficking as defined  
44 in section 1 of P.L.2005, c.77 (C.2C:13-8), the Office of Victim-  
45 Witness Advocacy or the county prosecutor's office involved in the  
46 case shall ensure that the victim of human trafficking obtains  
47 assistance in receiving any available benefits or services, including  
48 assistance in receiving any necessary certifications or endorsements



1 needed to be recognized as having federal T non-immigrant status  
2 for the purpose of receiving any federal benefits or services  
3 available pursuant to the "Trafficking Victims Protection  
4 Reauthorization Act of 2003," 22 U.S.C. s. 7101 et seq.

5 f. The Attorney General shall, through the Office of Victim-  
6 Witness Advocacy and in consultation with the Commissioner of  
7 **【the Department of】 Health 【and Senior Services】**, the  
8 Superintendent of State Police and representatives of providers of  
9 services to victims of human trafficking, to be designated by the  
10 Director of the Office of Victim-Witness Advocacy, coordinate the  
11 establishment of standard protocols for the provision of information  
12 and services to victims of human trafficking, including coordination  
13 of efforts with the appropriate federal authorities pursuant to the  
14 "Trafficking Victims Protection Reauthorization Act of 2003," 22  
15 U.S.C. s. 7101 et seq. and shall make such protocols available to  
16 victims upon request.

17 g. The Attorney General, shall, through the Office of Victim-  
18 Witness Advocacy and in consultation with the Commissioner of  
19 Corrections, promulgate standards to ensure that the rights of  
20 female crime victims incarcerated in State correctional facilities are  
21 enforced. The standards shall include a requirement that  
22 unannounced visits be made to the facilities housing female inmates  
23 and random surveys be conducted for the purpose of identifying  
24 inmates who are the victims of sexual assault or sexual misconduct;  
25 an inmate who is determined to be a victim shall be informed of the  
26 available services set forth in subsection b. of this section and, upon  
27 request, be provided with any of these services.

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

29  
30 2. This act shall take effect on the first day of the fourth month  
31 next following enactment, but the Attorney General and the  
32 Commissioner of Corrections may take such anticipatory action  
33 prior to the effective date as needed to effectuate the provisions of  
34 the act.

### 35 36 37 STATEMENT

38  
39 This bill requires the State Office of Victim-Witness Advocacy  
40 to ensure the rights of female inmates who are the victims of crime.

41 Specifically, the bill requires the Office of Victim-Witness  
42 Advocacy, in consultation with the Commissioner of Corrections, to  
43 promulgate standards to ensure that the rights of female crime  
44 victims incarcerated in State correctional facilities are enforced.  
45 The standards are to include a requirement that unannounced visits  
46 be made to the facilities housing female inmates, currently the Edna  
47 Mahan Correctional Facility for Women, and random surveys be  
48 conducted in order to identify inmates who are the victims of sexual

1 assault or sexual misconduct. An inmate who is the victim of  
2 sexual assault or misconduct is to be informed of, and upon request,  
3 be provided services offered by the office.

4 Under current law, the Office of Victim-Witness Advocacy in  
5 the Division of Criminal Justice in the Department of Law and  
6 Public Safety, in consultation with the county prosecutors,  
7 promulgate standards for law enforcement agencies to ensure that  
8 the rights of crime victims are enforced. These standards require  
9 the office to provide certain services upon request for victims and  
10 witnesses involved in the prosecution of a case. Just a few of the  
11 many services provided by the office include: providing orientation  
12 information about the criminal justice system and the victim's role  
13 in the criminal justice process; notification of any change in the  
14 case status and of final disposition; information on crime prevention  
15 and available responses to witness intimidation; notification of the  
16 case disposition, including the trial and sentencing; assistance to  
17 victims in submitting written statement to a representative of the  
18 county prosecutor's office about the impact of the crime prior to the  
19 prosecutor's final decision concerning whether formal charges will  
20 be filed; advice to victims about their right to make a statement  
21 about the impact of the crime to be included in the presentence  
22 report or at when parole is considered; advice and counsel to  
23 victims of sexual assault, or other criminal acts involving a risk of  
24 transmission of disease, concerning available medical testing and  
25 assisting victims in applying to the Victims of Crime Compensation  
26 Office for compensation for the costs of the testing, counseling and  
27 care; assistance to victims in submitting a written impact statement  
28 to a representative of the county prosecutor's office concerning the  
29 impact of the crime which is considered prior to the prosecutor's  
30 accepting a negotiated plea agreement.

31 Under this bill, the office would attempt to identify and assist  
32 inmates in Edna Mahan who may have been victims of sexual  
33 assault or abuse, but who may not report the sexual abuse for fear of  
34 retaliation by correctional police officers or other Department of  
35 Corrections (DOC) staff. According to the sponsor, it is necessary  
36 for a neutral third party to be made available to inmates as an  
37 avenue for reporting their allegations of sexual assault and  
38 misconduct against DOC employees.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4091

# STATE OF NEW JERSEY

DATED: JUNE 11, 2018

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 4091.

As reported by the committee, Assembly Bill No. 4091 requires the State Office of Victim-Witness Advocacy to ensure the rights of female inmates who are the victims of crime.

Specifically, the bill requires the Office of Victim-Witness Advocacy, in consultation with the Commissioner of Corrections, to promulgate standards to ensure that the rights of female crime victims incarcerated in State correctional facilities are enforced. The standards are to include a requirement that staff of the office make unannounced visits to the Edna Mahan Correctional Facility for Women (Edna Mahan) and conduct random surveys to identify inmates who are the victims of sexual assault or sexual misconduct. An inmate who is the victim of sexual assault or misconduct is to be informed of and, upon request, be provided services offered by the office.

Under current law, the Office of Victim-Witness Advocacy in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the county prosecutors, promulgates standards for law enforcement agencies to ensure that the rights of crime victims are enforced. These standards require the office to provide certain services upon request for victims and witnesses involved in the prosecution of a case. Just a few of the many services provided by the office include: providing orientation information about the criminal justice system and the victim's role in the criminal justice process; notification of any change in the case status and of final disposition; information on crime prevention and available responses to witness intimidation; notification of the case disposition, including the trial and sentencing; assistance to victims in submitting a written statement to a representative of the county prosecutor's office about the impact of the crime prior to the prosecutor's final decision concerning whether formal charges will be filed; advice to victims about their right to make a statement about the impact of the crime to be included in the presentence report or when parole is considered; advice and counsel to victims of sexual assault, or other criminal acts involving a risk of transmission of disease, concerning available medical testing and assisting victims in applying to the Victims of Crime Compensation

Office for compensation for the costs of the testing, counseling, and care; and assistance to victims in submitting a written impact statement to a representative of the county prosecutor's office concerning the impact of the crime, which is considered prior to the prosecutor's accepting a negotiated plea agreement.

Under the bill, the office would attempt to identify and assist inmates in Edna Mahan who may have been victims of sexual assault or abuse, but who may not report the sexual abuse for fear of retaliation by correctional police officers or other Department of Corrections (DOC) staff. According to the sponsor, it is necessary for a neutral third party to be made available to inmates as an avenue for reporting their allegations of sexual assault and misconduct against DOC employees.

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 4091**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 10, 2018

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 4091.

As amended, this bill requires the Office of Victim-Witness Advocacy, in consultation with the Commissioner of Corrections, to promulgate standards to ensure that the rights of female crime victims incarcerated in State correctional facilities are enforced. The standards are to include a requirement that staff of the office make unannounced visits to the Edna Mahan Correctional Facility for Women and conduct random surveys to identify inmates who are the victims of sexual assault or sexual misconduct. An inmate who is the victim of sexual assault or misconduct is to be informed of, and upon request, be provided services offered by the office. Inmate housing liaisons in the correctional facility are to be provided with a copy of this law. The liaison also is to be provided with a summary of the services offered by the office for dissemination to the inmates in the housing unit.

Under current law, the Office of Victim-Witness Advocacy in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the county prosecutors, promulgates standards for law enforcement agencies to ensure that the rights of crime victims are enforced. These standards require the office to provide certain services upon request for victims and witnesses involved in the prosecution of a case. Just a few of the many services provided by the office include: providing orientation information about the criminal justice system and the victim's role in the criminal justice process; notification of any change in the case status and of final disposition; information on crime prevention and available responses to witness intimidation; notification of the case disposition, including the trial and sentencing; assistance to victims in submitting written statements to a representative of the county prosecutor's office about the impact of the crime prior to the prosecutor's final decision concerning whether formal charges will be filed; advice to victims about their right to make a statement about the impact of the crime to be included in the presentence report or when parole is considered; advice and counsel to victims of sexual assault, or other criminal acts involving a risk of transmission of disease, concerning available medical testing and

assisting victims in applying to the Victims of Crime Compensation Office for compensation for the costs of the testing, counseling and care; and assistance to victims in submitting a written impact statement to a representative of the county prosecutor's office concerning the impact of the crime, which is considered prior to the prosecutor's accepting a negotiated plea agreement.

Under this bill, the office would attempt to identify and assist inmates in Edna Mahan who may have been victims of sexual assault or abuse, but who may not report the sexual abuse for fear of retaliation by correctional police officers or other Department of Corrections (DOC) staff. According to the sponsor, it is necessary for a neutral third party to be made available to inmates as an avenue for reporting their allegations of sexual assault and misconduct against DOC employees.

As amended, this bill is identical to Senate Bill No. 2533 (1R), as also reported by the committee.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to require that copies of the law be provided to inmate housing unit liaisons in the correctional facility. The amendments also require the liaison to be provided with a summary of the services provided by the office for dissemination to the inmates in the housing unit.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates that the bill may result in an indeterminate one-time expenditure increase to the Office of Victim-Witness Advocacy and the Department of Corrections to establish the required standards to ensure that the rights of female crime victims incarcerated in State correctional facilities are enforced. In addition, the Office of Victim-Witness Advocacy and the Department of Corrections will incur indeterminate annual expenditures to comply with the standards, including the conducting of unannounced visits to the facilities housing female inmates and random surveys of inmates. The specific magnitude of the expenditure increases will depend on decisions by the Office of Victim-Witness Advocacy and the Department of Corrections, which the OLS cannot anticipate.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## ASSEMBLY, No. 4091

### STATE OF NEW JERSEY 218th LEGISLATURE

DATED: DECEMBER 19, 2018

#### SUMMARY

- Synopsis:** Requires Office of Victim-Witness Advocacy to provide services to certain inmates.
- Type of Impact:** Annual State Expenditure Increase.
- Agencies Affected:** Department of Law and Public Safety; Department of Corrections.

#### Office of Legislative Services Estimate

Fiscal Impact	
Annual State Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that the bill may result in an indeterminate one-time expenditure increase to the Office of Victim-Witness Advocacy and the Department of Corrections to establish the required standards to ensure that the rights of female crime victims incarcerated in State correctional facilities are enforced.
- The Office of Victim-Witness Advocacy and the Department of Corrections will also incur indeterminate annual expenditures to comply with the standards, including the conducting of unannounced visits to facilities housing female inmates and random surveys of inmates.
- The specific magnitude of the expenditure increases will depend on decisions by the Office of Victim-Witness Advocacy and the Department of Corrections, which the OLS cannot anticipate.

#### BILL DESCRIPTION

This bill requires the State Office of Victim-Witness Advocacy to ensure the rights of female inmates who are the victims of crime.

Specifically, the bill requires the Office of Victim-Witness Advocacy in the Division of Criminal Justice in the Department of Law and Public Safety, in consultation with the Department of Corrections, to establish standards to ensure that the rights of female crime victims incarcerated in State correctional facilities are enforced. The standards are to include a requirement that the office make unannounced visits to State correctional facilities that house

female inmates and conduct random surveys to identify inmates who are the victims of sexual assault or sexual misconduct. An inmate who is the victim of sexual assault or misconduct is to be informed of and, upon request, be provided services offered by the office.

The bill requires that copies of the law are to be provided to inmate housing unit liaisons in the correctional facility and require the liaison to be provided with a summary of the services provided by the office for dissemination to the inmates in the housing unit.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill may result in an indeterminate one-time expenditure increase to the Office of Victim-Witness Advocacy and the Department of Corrections to establish the required standards to ensure that the rights of female crime victims incarcerated in State correctional facilities are enforced. The Office of Victim-Witness Advocacy and the Department of Corrections will also incur indeterminate annual expenditures to comply with the standards, including the conducting of unannounced visits to the facilities housing female inmates and random surveys of inmates. The specific magnitude of the expenditure increases will depend on decisions by the Office of Victim-Witness Advocacy and the Department of Corrections, which the OLS cannot anticipate.

Under current law, the Office of Victim-Witness Advocacy provides certain services upon request for victims and witnesses involved in the prosecution of a case, including: providing information about the criminal justice system and the victim's role in the criminal justice process; notification of any change in the case status; information on crime prevention and available responses to witness intimidation; notification of the case disposition, including the trial and sentencing; assistance to victims in submitting a written statement to the county prosecutor's office about the impact of the crime prior to the prosecutor's final decision concerning whether formal charges will be filed; advice to victims about their right to make a statement about the impact of the crime to be included in the presentence report or when parole is considered; advice and counsel to victims of sexual assault, or other criminal acts involving a risk of transmission of disease, concerning available medical testing and assisting victims in applying to the Victims of Crime Compensation Office for compensation for the costs of the testing, counseling and care; and assistance to victims in submitting a written impact statement to the county prosecutor's office concerning the impact of the crime, which is considered prior to the prosecutor's accepting a negotiated plea agreement.

*Section:* Law and Public Safety

*Analyst:* Kristin Brunner Santos  
Senior Fiscal Analyst

*Approved:* Frank W. Haines III  
Legislative Budget and Finance Officer

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



# Governor Murphy Takes Action on Legislation

01/13/2020

**TRENTON** – Today, Governor Phil Murphy signed the following bills into law:

**A268 (Kean, Egan, Holley/Singer, Gopal)** - "P.I.C.K. Awareness Act"; authorizes issuance of special support recovery license plates.

**A790 (Andrzejczak, Land, Mosquera, Mukherji, Downey, Zwicker, Mazzeo/Connors, Singleton)** - "Combat to College Act"; grants priority course registration to military service members and veterans attending public institutions of higher education.

**A791 (Andrzejczak, Land, Mosquera, Danielsen, Mukherji, Downey, Zwicker/Van Drew, Brown)** - Requires institution of higher education to award appropriate credit for student's military service.

**A1212 (McKeon, Gusciora, Vainieri Huttle/Sweeney, Smith, Bateman, Greenstein)** - Clarifies intent of P.L.2007, c.340 regarding NJ's required participation in Regional Greenhouse Gas Initiative.

**A1305 (Greenwald/Rice)** - Renames Mountainview Youth Correctional Facility as "William H. Fauver Youth Correctional Facility."

**A1576 (Conaway, Giblin/Vitale)** - Requires certain health care facilities to provide, and employees to receive, annual influenza vaccination.

**A1582 (Conaway, Moriarty, Mosquera, Benson, Pinkin, Giblin, Quijano/Weinberg, Ruiz)** - Establishes "Dietetics and Nutrition Licensing Act".

**A1991 (Sumter, Munoz, Mukherji/Singer, Gordon)** - Requires students at institutions of higher education to receive immunization for meningitis in accordance with recommendations of Advisory Committee on Immunization Practices.

**A3101 (Egan Jones, Benson, Land/Singleton)** - Increases minimum annual amounts for appropriation for certain arts, historical heritage, and tourism purposes from hotel and motel occupancy fee revenues.

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**A3160 (Lampitt, Giblin, Murphy/Beach)** - Permits cosmetology and hairstyling school clinics to charge certain fees for services rendered to general public.

**A3832 (Mukherji, McKnight, Chiaravalloti/Cryan, Stack)** - Authorizes municipal tax levy through public question for certain purposes; clarifies ability of local government entities to issue non-recourse bonds; appropriates \$100,000.

**A4493 (Pinkin, Conaway, Vainieri Huttle/Vitale)** - Authorizes expedited partner therapy, under which sexual partners or patients diagnosed with sexually transmitted disease are treated without prior clinical examination.

**A4608 (Zwicker, Downey/Weinberg, Kean)** - " Applied Behavior Analyst Licensing Act."

**A4710 (Lampitt, Zwicker, Vainieri Huttle/Beach,Turner)** - "Strengthening Gifted and Talented Education Act"; establishes school district responsibilities in educating gifted and talented students.

**A5037 (Pintor Marin, Speight, Vainieri Huttle/Andrzejczak, Greenstein)** - Enhances penalties related to counterfeit drugs.

**A5091 (McKeon, Vainieri Huttle, Pinkin/Pou, Singleton)** - Establishes "Safeguarding Against Financial Exploitation Act."

**A5263 (Tully, Armato/Corrado)** - Requires four-year public institution of higher education to award college credits to firefighters for certain courses completed at county fire academies.

**A5277 (DeAngelo, Houghtaling/Greenstein)** - Eliminates term limits for members of State Board of Examiners of Master Plumbers and State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors.

**A5624 (Pintor Marin, Munoz, Lampitt/Weinberg, Corrado)** - Requires that State employee serve as Equal Employment Opportunity and Affirmative Action officer for gubernatorial transitions.

**A5625 (Pintor Marin, Munoz, Lampitt/Weinberg, Corrado)** - Requires payment of expenses related to background investigations for certain gubernatorial transition positions.

**A5628 (Pintor Marin, Munoz, McKnight/Weinberg, Corrado)** - Requires Civil Service Commission establish standardize recordkeeping and retention requirements with regard to unclassified State employees.

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**A5631 (Pintor Marin, Munoz, Pinkin/Weinberg, Corrado)** - Specifies certain requirements for State agency review of complaint of workplace discrimination.

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**A5632 (Pintor Marin, Munoz, Reynolds-Jackson/Weinberg)** - Requires certain public employees receive additional training to manage harassment or discrimination complaints.

**A5917 (Chiaravalloti, McKnight/Cunningham, Weinberg)** - Expands DOH oversight of hospital finances.

**A6007 (McKeon/Pou)** - Requires insurers and insurance groups to submit corporate governance annual disclosure to DOBI Commissioner.

**S463 (Singer, Greenstein/Dancer, Calabrese, DeAngelo)** - Provides for voluntary contributions by taxpayers on gross income tax returns for Meals on Wheels.

**S538 (Oroho, Stack/Wirths, Vaineri Huttie, Bucco)** - Allows long term tax exemption extension for certain low-income housing.

**S775 (Cunningham, Sacco/Sumter, Caride, Vainieri Huttie)** - Establishes Tuition Aid Grant Study Commission to examine New Jersey's Tuition Aid Grant Program and make recommendations regarding improvements to program.

**S778 (Cunningham, Kean/Quijano, Jasey, Pintor Marin)** - Establishes Campus Sexual Assault Commission.

**S1493 (Stack, Singleton/Quijano, Chaparro, Timberlake)** - Prohibits landlords from requiring residential tenants to pay rent and other related charges through electronic funds transfer; requires landlords to provide receipts for cash payments.

**S1508 (Turner, Singleton/Reynolds-Jackson, Sumter, Wimberly)** - Eliminates motor vehicle surcharges following retirement of bonds and debts tied to surcharges.

**S1834 (Ruiz, Cunningham/Quijano, Murphy)** - Requires each public institution of higher education to post its budget on the institution's website.

**S1953 (Oroho, Cruz-Perez/Space, Andrzejcack, Wirths)** - Directs Dept. of Agriculture to authorize and advise food hubs.

**S1966 (Sweeney, Singleton/Taliaferro)** - Increases death benefit of active member of PFRS and SPRS to 50 percent of final compensation for surviving child or children.

**S2527 (Ruiz, Turner/Lampitt, Quijano, Timberlake)** - Requires Department of Agriculture to promote school meal programs.

**S2533 (Greenstein, Cruz-Perez/Vainieri Huttie, Lopez, Timberlake)** - Requires Office of Victim-Witness Advocacy to provide services to certain inmates.

**S2898 (Madden, Sarlo/Murphy, Mosquera, Vainieri Huttie)** - Establishes "New Jersey Fire and EMS Crisis Intervention Services" telephone hotline; provides funding for hotline through fire inspection fees and penalties.

**S2980 (Ruiz/Lampitt, McKnight)** - Provides that school district may not condition student enrollment in district on fact that MVC does not have name or address of parent or guardian on file.

**S2982 (Ruiz/Lampitt, Mukherji, Lopez)** - Clarifies that child may not be excluded from public school based on membership in protected category under "Law Against Discrimination" or immigration status.

**S2998 (Ruiz/Freiman, Downey)** - Requires creditors to make certain disclosures regarding collateral protection insurance to consumer debtors.

**S3064 (Ruiz, Singleton/Armato, Conaway, Swain)** - Establishes task force to develop State-wide plan to diversify apprenticeships.

**S3066 (Ruiz, Singleton/Lampitt, Mukherji, Benson)** - Creates five year High-Growth Industry Regional Apprenticeship Development Grant Pilot Program.

**S3118 (Ruiz/Speight, Munoz, Tucker)** - Establishes public awareness campaign to promote early conversations about advance care planning and end-of-life care.

**S3124 (Stack/Mukherji)** - Requires landlords to allow tenants to pay rent up to three business days after eviction order or lockout is executed and accept rent payments by any means.

**S3206 (Pou, Cruz-Perez/Lopez, McKeon, Murphy)** - Establishes "Unbanked and Underbanked Consumers Study Commission."

**S3215 (Greenstein, Singleton/Zwicker, Mukherji, Swain)** - Requires State to use 20-year time horizon and most recent Intergovernmental Panel on Climate Change Assessment Report when calculating global warming potential to measure global warming impact of greenhouse gases.

**S3246 (Sarlo, Singleton, Oroho, Bucco/Benson, Bucco, Freiman)** - Establishes elective pass-through entity business alternative income tax and allows corresponding refundable gross income tax and corporation business tax credit.

**S3327 (Ruiz, Cruz-Perez/Lopez, Timberlake)** - Establishes Commission on Latino and Hispanic Heritage in DOE.

**S3348 (Weinberg/Vainieri Huttle, McKnight)** - Requires home health agencies and specialty pharmacies providing services related to bleeding episodes associated with hemophilia to comply with certain minimum practice standards.

**S3528 (Scutari, Codey/Vainieri Huttle, Quijano, Kennedy)** - Establishes process to obtain judgement of adoption for civil union partner or spouse of natural or legal parent of child when that person is named as parent on child's birth certificate.

**S3574 (Scutari, Kean, Cryan/Carter, Kennedy, Freiman)** - Requires NJT to conduct feasibility study on restoring one-seat ride to Manhattan on Raritan Valley Line.

Governor Murphy conditionally vetoed the following bills:

**A2431 (Benson, Jimenez, DeCroce, Eustace/Weinberg, Kean)** – Requires health insurers to provide plans that limit patient cost-sharing concerning certain prescription drug coverage.

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**A4978 (Timberlake, Zwicker, Vainieri Huttle/Greenstein, Cryan)** – Prohibits online education services from using and disclosing certain information, engaging in targeted advertising, and requires deletion of certain information in certain circumstances.

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**S3920 (Pou/Wimberly, Sumter)** – Concerns provision of energy to certain manufacturing facilities by providing exemptions to certain energy related taxes.

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Governor Murphy absolute vetoed the following bill:

**S4139 (Greenstein/Benson)** - Makes Fiscal Year 2020 supplemental appropriation of \$250,000 to Rutgers University - New Brunswick for School of Dental Medicine - Special Care Treatment Center.

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