

2C:43-3.1

LEGISLATIVE HISTORY CHECKLIST
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(Victim of crime--increase services)

NJSA: 2C:43-3.1

LAWS OF: 1995 **CHAPTER:** 135

BILL NO: A1629

SPONSOR(S): Lustbader and others

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SENATE: Judiciary

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[THIRD REPRINT]
ASSEMBLY, No. 1629

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1994

By Assemblymen LUSTBADER, LANCE,
Assemblywomen Crecco, Heck and Assemblyman Roma

1 AN ACT concerning compensation for certain crime victims,
2 amending and supplementing various sections of the statutory
3 law.

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

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

9 2. a. (1) In addition to any disposition made pursuant to the
10 provisions of N.J.S.2C:43-2, any person convicted of a crime of
11 violence²[;]² theft of an automobile pursuant to
12 N.J.S.2C:20-2²[;]² eluding a law enforcement officer pursuant to
13 subsection b. of N.J.S.2C:29-2 or unlawful taking of a motor
14 vehicle pursuant to subsections b., c. or d. of N.J.S.2C:20-10²[;
15 resulting in the injury or death of another person,]² shall be
16 assessed at least \$100.00, but not to exceed \$10,000.00 for each
17 such crime for which he was convicted ²which resulted in the
18 injury or death of another person². In imposing this assessment,
19 the court shall consider factors such as the severity of the crime,
20 the defendant's criminal record, defendant's ability to pay and
21 the economic impact of the assessment on the defendant's
22 dependents.

23 (2) (a) In addition to any other disposition made pursuant to the
24 provisions of N.J.S.2C:43-2 or any other statute imposing
25 sentences for crimes, any person convicted of any disorderly
26 persons offense, any petty disorderly persons offense, or any
27 crime not resulting in the injury or death of any other person
28 shall be assessed \$50.00 for each such offense or crime for which
29 he was convicted.

30 (b) In addition to any other disposition made pursuant to the
31 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43) or any
32 other statute indicating the dispositions that can be ordered for
33 adjudications of delinquency, any juvenile adjudicated delinquent,
34 according to the definition of "delinquency" established in
35 section 4 of P.L.1982, c.77 (C.2A:4A-23), shall be assessed at
36 least \$30.00 for each such adjudication, but not to exceed the
37 amount which could be assessed pursuant to paragraph (1) or
38 paragraph (2) (a) of subsection a. of this section if the offense
39 was committed by an adult.

40 (c) In addition to any other assessment imposed pursuant to the
41 provisions of R.S.39:4-50, the provisions of section 12 of

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:

¹ Assembly AJL committee amendments adopted June 23, 1994.

² Assembly floor amendments adopted December 1, 1994.

³ Senate SJU committee amendments adopted March 13, 1995.

1 P.L.1990, c.103 ²[(c.39:3-10.20)] (C.39:3-10.20)² relating to a
2 violation of section 5 of P.L.1990, c.103 (C.39:3-10.13), the
3 provisions of section 19 of P.L.1954, c.236 (C.12:7-34.19) or the
4 provisions of ¹[R.S.12:7-46] section 3 of P.L.1952, c.157
5 (C.12:7-46)¹, any person convicted of operating a motor vehicle,
6 commercial motor vehicle or vessel while under the influence of
7 liquor or drugs shall be assessed \$50.00.

8 (d) In addition to any term or condition that may be included in
9 an agreement for supervisory treatment pursuant to
10 N.J.S.2C:43-13 or imposed as a term or condition of conditional
11 discharge pursuant to N.J.S.2C:36A-1, a participant in either
12 program shall be required to pay an assessment of \$50.00.

13 (3) All assessments provided for in this section shall be
14 collected as provided in section 3 of P.L.1979, c.396 (C.2C:46-4)
15 and the court shall so order at the time of sentencing. When a
16 defendant who is sentenced to incarceration in a State
17 correctional facility has not, at the time of sentencing, paid an
18 assessment for the crime for which he is being sentenced or an
19 assessment imposed for a previous crime, the court shall
20 specifically order the Department of Corrections to collect the
21 assessment during the period of incarceration and to deduct the
22 assessment from any income the inmate receives as a result of
23 labor performed at the institution or on any work release program
24 or from any personal account established in the institution for the
25 benefit of the inmate. [all] All moneys collected, whether in part
26 or in full payment of any assessment imposed pursuant to this
27 section, shall be forwarded monthly by the parties responsible for
28 collection, together with a monthly accounting on forms
29 prescribed by the [Violent Crimes] Victims of Crime
30 Compensation Board pursuant to section 19 of P.L.1991, c.329
31 (C.52:4B-8.1), to the [Violent Crimes] Victims of Crime
32 Compensation Board.

33 (4) The [Violent Crimes] Victims of Crime Compensation
34 Board shall forward monthly all moneys received from
35 assessments collected pursuant to this section to the State
36 Treasury for deposit as follows:

37 (a) Of moneys collected on assessments imposed pursuant to
38 paragraph a. (1):

39 (i) the first \$72.00 collected for deposit in the [Violent
40 Crimes] Victims of Crime Compensation Board Account,

41 (ii) the next \$3.00 collected for deposit in the Criminal
42 Disposition and Revenue Collection Fund,

43 (iii) the next \$25.00 collected for deposit in the Victim
44 Witness Advocacy Fund, and

45 (iv) moneys collected in excess of \$100.00 for deposit in the
46 [Violent Crimes] Victims of Crime Compensation Board Account;

47 (b) Of moneys collected on assessments imposed pursuant to
48 paragraph a. (2) (a), (c) or (d):

49 (i) the first \$39.00 collected for deposit in the [Violent
50 Crimes] Victims of Crime Compensation Board Account,

51 (ii) the next \$3.00 collected for deposit in the Criminal
52 Disposition and Revenue Collection Fund, and

53 (iii) the next \$8.00 collected for deposit in the Victim and
54 Witness Advocacy Fund;

- 1 (c) Of moneys collected on assessments imposed pursuant to
2 paragraph a. (2) (b):
- 3 (i) the first \$17.00 for deposit in the [Violent Crimes] Victims
4 of Crime Compensation Board Account and
- 5 (ii) the next \$3.00 collected for deposit in the Criminal
6 Disposition and Revenue Collection Fund, and
- 7 (iii) the next \$10.00 for deposit in the Victim and Witness
8 Advocacy Fund, and
- 9 (iv) moneys collected in excess of \$30.00 for deposit in the
10 [Violent Crimes] Victims of Crime Compensation Board Account.
- 11 (5) The [Violent Crimes] Victims of Crime Compensation
12 Board shall provide the Attorney General with a monthly
13 accounting of moneys received, deposited and identified as
14 receivable, on forms prescribed pursuant to section 19 of
15 P.L.1991, c.329 (C.52:4B-8.1).
- 16 (6) (a) The [Violent Crimes] Victims of Crime Compensation
17 Board Account shall be a separate, nonlapsing, revolving account
18 that shall be administered by the [Violent Crimes] Victims of
19 Crime Compensation Board. All moneys deposited in that
20 Account shall be used in satisfying claims pursuant to the
21 provisions of the "Criminal Injuries Compensation Act of 1971,"
22 P.L.1971, c.317 (C.52:4B-1 et seq.) and for related administrative
23 costs.
- 24 (b) The Criminal Disposition and Revenue Collection Fund
25 shall be a separate, nonlapsing, revolving account that shall be
26 administered by the [Violent Crimes] Victims of Crime
27 Compensation Board. All moneys deposited in that Fund shall be
28 used as provided in section 19 of P.L.1991, c.329 (C.52:4B-8.1).
- 29 (c) The Victim and Witness Advocacy Fund shall be a separate,
30 nonlapsing, revolving fund and shall be administered by the
31 Division of Criminal Justice, Department of Law and Public
32 Safety and all moneys deposited in that Fund pursuant to this
33 section shall be used for the benefit of victims and witnesses of
34 crime as provided in section 20 of P.L.1991, c.329 (C.52:4B-43.1)
35 and for related administrative costs.
- 36 b. (Deleted by amendment, P.L.1991, c.329).
- 37 c. (Deleted by amendment, P.L.1991, c.329).
- 38 d. (Deleted by amendment, P.L.1991, c.329).
- 39 (cf: P.L.1991,c.329,s.3)
- 40 2. Section 1 of P.L.1981, c.258 (C.52:4B-10.1) is amended to
41 read as follows:
- 42 1. a. The [Violent Crimes] Victims of Crime Compensation
43 Board may make one or more emergency awards to any applicant
44 for compensation pending final determination of a case, when it
45 determines that compensation is likely to be provided and that
46 the applicant will suffer undue hardship if funds are not made
47 immediately available. The amount of any one emergency award
48 shall not exceed \$500.00 with the total amount of each such
49 award made to an individual applicant not to exceed \$1,500.00.
50 Any emergency awards made to an applicant shall be deducted
51 from the final amount of compensation provided to an applicant
52 by the board. If the amount of compensation made by the board
53 to an applicant is less than the sum provided to the applicant
54 through emergency grants, the applicant shall pay to the board an

1 amount of money equal to the difference. If the board
2 determines that an applicant who has received emergency awards
3 shall receive no compensation, the applicant shall repay to the
4 board the total amount of all emergency awards which he
5 received.

6 b. In addition to any emergency award made pursuant to the
7 provisions of subsection a. of this section, the Victims of Crime
8 Compensation Board may make an emergency award in an amount
9 not to exceed \$200.00 for compensation for funds stolen from a
10 victim in connection with any of the incidents specified in section
11 11 of P.L.1971, c.317 (C.52:4B-11) ²except paragraph 11 of
12 subsection b. of section 11 of P.L.1971, c.317 (C.52:4B-11b.(11)),
13 burglary², whether or not the victim suffered personal injury,
14 under the following circumstances:

15 (1) The victim is 60 years of age or older or is disabled as
16 defined pursuant to the federal Social Security Act, 42 U.S.C.
17 416(i);

18 (2) The victim's income does not exceed the limits adopted by
19 the state Department of Human Services as the standard of need
20 for the General Assistance Program;

21 (3) The funds stolen exceed \$50.00;

22 (4) The victim establishes:

23 (a) that ²[he] the victim² has filed a police report indicating,
24 among other things, the amount stolen;

25 (b) that ²[he] the victim² has cooperated with investigative and
26 prosecuting authorities; and

27 (c) the source of the funds stolen; and

28 (5) The board is satisfied that there are no other sources
29 available to provide the victim with funds necessary to cover
30 immediate costs of essential shelter, food or medical expenses,
31 and that, but for the victim's loss, the victim would otherwise
32 have had the funds to pay such costs.

33 c. The board shall direct that any funds awarded pursuant to
34 this act be expended solely to cover the costs established
35 pursuant to paragraph (5) of subsection b. of this section.

36 d. A person shall not receive an emergency award pursuant to
37 this act on more than two occasions, or receive more than one
38 such award within a period of 36 consecutive months.

39 (cf: P.L.1981, c.258, s.1)

40 3. (New section) In addition to ordering the payment of
41 compensation for personal injury or death which resulted from
42 the incidents specified in section 11 of P.L.1971, c.317
43 (C.52:4B-11), the Victims of Crime Compensation Board may
44 order the payment of compensation for funds in connection with
45 those incidents to compensate certain victims, whether or not
46 those victims suffered personal injury, as specified in paragraphs
47 (1) through (5) of subsection b. of section 1 of P.L.1981, c.258
48 (C.52:4B-10.1), in an amount not to exceed \$200.00.

49 4. Section 11 of P.L.1971, c.317 (C.52:4B-11) is amended to
50 read as follows:

51 11. The board may order the payment of compensation in
52 accordance with the provisions of this act for personal injury or
53 death which resulted from:

54 ²[(a)] a.² an attempt to prevent the commission of crime or to

1 arrest a suspected criminal or in aiding or attempting to aid a
 2 police officer so to do, or
 3 ²[(b)] b.² the commission or attempt to commit any of the
 4 following offenses:
 5 ²[1.](1)² aggravated assault;
 6 ²[2.](2)² [mayhem;] (Deleted by amendment, P.L. , c.)(now
 7 pending before the Legislature as this bill).
 8 ²[3.](3)² threats to do bodily harm;
 9 ²[4.](4)² lewd, indecent, or obscene acts;
 10 ²[5.](5)² indecent acts with children;
 11 ²[6.](6)² kidnapping;
 12 ²[7.](7)² murder;
 13 ²[8.](8)² manslaughter;
 14 ²[9.](9)² [rape] aggravated sexual assault, sexual assault,
 15 aggravated criminal sexual contact, criminal sexual contact;
 16 ²[10.](10)² any other crime involving violence including
 17 domestic violence as defined by section 3 of P.L.1981, c.426
 18 (C.2C:25-3) ²or section 3 of P.L.1991, c.261 (C.2C:25-19)²;
 19 ²[11.](11)² burglary;
 20 ²[12.](12)² tampering with a cosmetic, drug or food product; or
 21 ²[(c)] c.² the commission of a violation of R.S.39:4-50,
 22 section 5 of P.L.1990, c.103 (C.39:3-10.13), section 19 of
 23 P.L.1954, c.236 (C.12:7-34.19) or ¹[R.S.12:7-46] section 3 of
 24 P.L.1952, c.157 (C.12:7-46)¹; or
 25 ²[(d)] d.² theft of an automobile pursuant to N.J.S. 2C:20-2,
 26 eluding a law enforcement officer pursuant to subsection b. of
 27 N.J.S. 2C:29-2 or unlawful taking of a motor vehicle pursuant to
 28 subsections b., c. or d. of N.J.S.2C:20-10 where injuries to the
 29 victim occur in the course of operating an automobile in
 30 furtherance of the offense.
 31 (cf: P.L.1990, c.64, s.2)
 32 5. Section 12 of P.L.1971, c.317 (C.52:4B-12) is amended to
 33 read as follows:
 34 12. The board may order the payment of compensation under
 35 this act for:
 36 a. expenses actually and reasonably incurred as a result of the
 37 personal injury or death of the victim, including out-of-pocket
 38 losses which shall mean unreimbursed and unreimbursable
 39 expenses or indebtedness reasonably incurred for medical care or
 40 other services necessary as a result of the injury upon which such
 41 application is based,
 42 b. loss of earning power as a result of total or partial
 43 incapacity of such victim,
 44 c. pecuniary loss to the dependents of the deceased victim, and
 45 d. any other pecuniary loss resulting from the personal injury
 46 or death of the victim which the board determines to be
 47 reasonable.
 48 (cf: P.L.1971, c.317, s.12)
 49 6. Section 18 of P.L.1971, c.317 (C.52:4B-18) is amended to
 50 read as follows:
 51 18. No order for the payment of compensation shall be made
 52 under section 10 of [this act] ¹[P.L.1971, c.317 (C.52:4B-10)]
 53 P.L.1971, c.317 (C.52:4B-10)¹ unless the application has been
 54 made within two years after the date of the personal injury or

1 death or after that date upon determination by the board that
 2 good cause exists for the delayed filing, and the personal injury or
 3 death was the result of an offense listed in section 11 of ¹[this
 4 act] P.L.1971, c.317 (C.52:4B-11)¹ which had been reported to
 5 the police or other appropriate law enforcement agency within
 6 [three months] ³[72 hours] three months³ after its occurrence or
 7 reasonable discovery. ³[²Compensation shall not be barred for a
 8 failure to report the offense within 72 hours if the victim
 9 demonstrates a compelling health or safety reason for such
 10 failure.²]³ The board will make its determination regarding the
 11 application within six months of acknowledgment by the board of
 12 receipt of the completed application and any and all necessary
 13 supplemental information.

14 In determining the amount of an award, the board shall
 15 determine whether, because of his conduct, the victim of such
 16 crime contributed to the infliction of his injury, and the board
 17 shall reduce the amount of the award or reject the application
 18 altogether, in accordance with such determination; provided,
 19 however, that the board shall not consider any conduct of the
 20 victim contributory toward his injury, if the record indicates such
 21 conduct occurred during efforts by the victim to prevent a crime
 22 or apprehend a person who had committed a crime in his presence
 23 or had in fact committed a crime.

24 The board may deny or reduce an award where the victim has
 25 not paid in full any payments owed on assessments imposed
 26 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or
 27 restitution ordered following conviction for a crime.

28 No compensation shall be awarded if:

29 a. Compensation to the victim proves to be substantial unjust
 30 enrichment to the offender or if the victim did not cooperate
 31 with the reasonable requests of law enforcement authorities
 32 unless the victim demonstrates a compelling health or safety
 33 reason for not cooperating; or

34 b. (Deleted by amendment, P.L.1990, c.64.)

35 c. The victim was guilty of a violation of subtitle 10 or 12 of
 36 Title 2A or subtitle 2 of Title 2C of the New Jersey Statutes,
 37 which caused or contributed to his injuries; or

38 d. The victim was injured as a result of the operation of a
 39 motor vehicle, except as provided in [subsection] subsections (c)
 40 or (d) of section 11 of P.L.1971, c.317 (C.52:4B-11), boat or
 41 airplane unless the same was used as a weapon in a deliberate
 42 attempt to run the victim down; or

43 e. The victim suffered personal injury or death while an
 44 occupant of a motor vehicle or vessel where the victim knew or
 45 reasonably should have known that the driver was operating the
 46 vehicle or vessel in violation of R.S.39:4-50, section 5 of
 47 P.L.1990, c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236
 48 (C.12:7-34.19) ¹[or R.S.12:7-46] , section 3 of P.L.1952, c.157
 49 (C.12:7-46), subparagraph (b) of paragraph (2) of section b. of
 50 N.J.S.2C:20-2, subsection b. of N.J.S.2C:29-2 or subsections b.,
 51 c. or d. of N.J.S.2C:20-10¹; or

52 f. The victim has been convicted of a crime and is still
 53 incarcerated; or

54 g. The victim sustained the injury during the period of

1 incarceration immediately following conviction for a crime.

2 [No award shall be made on an application unless the applicant
3 has incurred a minimum out-of-pocket loss of \$100.00 or has lost
4 at least two continuous weeks' earnings or support; except that
5 the requirement of a minimum out-of-pocket loss shall not apply
6 to any applicant 60 years of age or older or any applicant who is
7 disabled as defined pursuant to the federal Social Security Act
8 (42 U.S.C. § 416(i)). Out-of-pocket loss shall mean unreimbursed
9 and unreimbursable expenses or indebtedness reasonably incurred
10 for medical care or other services necessary as a result of the
11 injury upon which such application is based.]

12 No compensation shall be awarded under this act in an amount
13 in excess of \$25,000.00, and all payments shall be made in a lump
14 sum, except that in the case of death or protracted disability the
15 award may provide for periodic payments to compensate for loss
16 of earnings or support. ²[Three] Five² years after the entry of an
17 initial determination order, a claim for ²[benefits] compensation²
18 expires and no further order is to be entered with regard to the
19 claim except for requests for payment of specific ²[out of
20 pocket] out-of-pocket² expenses received by the Victims of
21 ²[Crimes] Crime² Compensation Board prior to the expiration of
22 the ²[three year] five-year² period. No award made pursuant to
23 this act shall be subject to execution or attachment other than
24 for expenses resulting from the injury which is the basis of the
25 claim.

26 (cf: P.L.1991,c.329,s.18)

27 7. Section 23 of P.L.1982, c.77 (C.2A:4A-42) is amended to
28 read as follows:

29 23. Predispositional evaluation. a. Before making a
30 disposition, the court may refer the juvenile to an appropriate
31 individual, agency or institution for examination and evaluation.

32 b. In arriving at a disposition, the court may also consult with
33 such individuals and agencies as may be appropriate to the
34 juvenile's situation, including the county probation department,
35 the Division of Youth and Family Services, school personnel,
36 clergy, law enforcement authorities, family members and other
37 interested and knowledgeable parties. In so doing, the court may
38 convene a predispositional conference to discuss and recommend
39 disposition.

40 c. The predisposition report ordered pursuant to the Rules of
41 Court may include a statement by the victim of the offense for
42 which the juvenile has been adjudicated delinquent or by the
43 nearest relative of a homicide victim. The statement may include
44 the nature and extent of any physical harm or psychological or
45 emotional harm or trauma suffered by the victim, the extent of
46 any loss to include loss of earnings or ability to work suffered by
47 the victim and the effect of the crime upon the victim's family.
48 The probation department shall notify the victim or nearest
49 relative of a homicide victim of his right to make a statement for
50 inclusion in the predisposition report if the victim or relative so
51 desires. Any statement shall be made within 20 days of
52 notification by the probation department. The report shall
53 further include information on the financial resources of the
54 juvenile. This information shall be made available on request to

1 the Victims of Crime Compensation Board established pursuant
2 to section 3 of P.L.1971, c.317 ²[(C.52:52:4B-3)](C.52:4B-3)² or
3 to any officer authorized under ²[N.J.S.2C:46-4] section 3 of
4 P.L.1979, c.396 (C.2C:46-4)² to collect payment of an
5 assessment, restitution or fine.

6 (cf: P.L.1986, c.85, s.2).

7 8. Section 1 of P.L.1982, c.77 (C.2A:4A-60) is amended to read
8 as follows:

9 1. Disclosure of juvenile information; penalties for disclosure.
10 a. Social, medical, psychological, legal and other records of the
11 court and probation department, and records of law enforcement
12 agencies, pertaining to juveniles charged as a delinquent or found
13 to be part of a juvenile-family crisis, shall be strictly
14 safeguarded from public inspection. Such records shall be made
15 available only to:

16 (1) Any court or probation department;

17 (2) The Attorney General or county prosecutor;

18 (3) The parents or guardian and to the attorney of the juvenile;

19 (4) The Division of Youth and Family Services, if providing care
20 or custody of the juvenile;

21 (5) Any institution to which the juvenile is currently
22 committed; and

23 (6) Any person or agency interested in a case or in the work of
24 the agency keeping the records, by order of the court for good
25 cause shown, except that information concerning adjudications of
26 delinquency, records of custodial confinement, payments owed on
27 assessments imposed pursuant to section 2 of P.L.1979, c.396
28 (C.2C:43-3.1) or restitution ordered following conviction of a
29 crime or adjudication of delinquency, and the juvenile's financial
30 resources, shall be made available upon request to the Victims of
31 Crime Compensation Board established pursuant to section 3 of
32 P.L.1971, c.317 (C.52:4B-3), which shall keep such information
33 and records confidential.

34 b. Records of law enforcement agencies may be disclosed for
35 law enforcement purposes to any law enforcement agency of this
36 State.

37 c. Information as to the identity of a juvenile, the offense
38 charged, the adjudication and disposition shall be disclosed to:

39 (1) The victim or a member of the victim's immediate family;

40 (2) Any law enforcement agency which investigated the
41 offense, the person or agency which filed the complaint, and any
42 law enforcement agency in the municipality where the juvenile
43 resides; and

44 (3) On a confidential basis, the principal of the school where
45 the juvenile is enrolled for use by the principal or his designee in
46 planning programs relevant to the juvenile's educational and
47 social development, which information shall not become part of
48 the juvenile's permanent school records;

49 (4) A party in a subsequent legal proceeding involving the
50 juvenile, but only upon approval by the court and for the sole
51 purpose of impeaching the juvenile as a witness.

52 d. There shall be a presumption that information as to the
53 identity of a juvenile adjudicated delinquent, the offense, the
54 adjudication and the disposition shall be disclosed to the public

1 where the offense for which the juvenile has been adjudicated
2 delinquent if committed by an adult, would constitute a crime of
3 the first, second or third degree, or aggravated assault,
4 destruction or damage to property to an extent of more than
5 \$500.00 or the manufacture or distribution of a narcotic drug,
6 unless upon application at the time of disposition the juvenile can
7 demonstrate a substantial likelihood that specific harm would
8 result from such disclosure. Where the court finds that disclosure
9 would be harmful to the juvenile, the reasons therefor shall be
10 stated on the record.

11 e. Nothing in this section shall prohibit the establishment and
12 maintaining of a central registry of the records of law
13 enforcement agencies relating to juveniles for the purpose of
14 exchange between State or local law enforcement agencies of
15 this State.

16 f. Whoever, except as provided by law, knowingly discloses,
17 publishes, receives, or makes use of or knowingly permits the
18 unauthorized use of information concerning a particular juvenile
19 derived from records listed in subsection a. or acquired in the
20 course of court proceedings, probation, or police duties, shall,
21 upon conviction thereof, be guilty of a disorderly persons offense.

22 g. The court may, upon application by the juvenile or his
23 parent or guardian, the prosecutor or any other interested party,
24 including the victim or complainant or members of the news
25 media, permit public attendance during any court proceeding at a
26 delinquency case, where it determines that a substantial
27 likelihood that specific harm to the juvenile would not result.

28 The court shall have the authority to limit and control the
29 attendance in any manner and to the extent it deems appropriate.
30 (cf: P.L.1982, c.79, s.1)

31 9. Section 1 of P.L.1977, c.102 (C.9:6-8.10a) is amended to
32 read as follows:

33 1.a. All records of child abuse reports made pursuant to
34 section 3 of P.L.1971, c.437 (C.9:6-8.10), all information obtained
35 by the Division of Youth and Family Services in investigating
36 such reports including reports received pursuant to section 20 of
37 P.L.1974, c.119 (C.9:6-8.40), and all reports of findings forwarded
38 to the central registry pursuant to section 4 of P.L.1971, c.437
39 (C.9:6-8.11) shall be kept confidential and may be disclosed only
40 under the circumstances expressly authorized under subsection b.
41 herein.

42 b. The division may release the records and reports referred to
43 in subsection a., or parts thereof, to:

44 (1) A public or private child protective agency authorized to
45 investigate a report of child abuse or neglect;

46 (2) A police or other law enforcement agency investigating a
47 report of child abuse or neglect;

48 (3) A physician who has before him a child whom he reasonably
49 suspects may be abused or neglected;

50 (4) A physician, a hospital director or his designate, a police
51 officer or other person authorized to place a child in protective
52 custody when such person has before him a child whom he
53 reasonably suspects may be abused or neglected and requires the
54 information in order to determine whether to place the child in

1 protective custody;

2 (5) An agency authorized to care for, treat, or supervise a
3 child who is the subject of a child abuse report, or a parent,
4 guardian or other person who is responsible for the child's
5 welfare, or both, when the information is needed in connection
6 with the provision of care, treatment, or supervision to such child
7 or such parent, guardian or other person;

8 (6) A court, upon its finding that access to such records may
9 be necessary for determination of an issue before the court, and
10 such records may be disclosed by the court in whole or in part to
11 the law guardian, attorney or other appropriate person upon a
12 finding that such further disclosure is necessary for
13 determination of an issue before the court;

14 (7) A grand jury upon its determination that access to such
15 records is necessary in the conduct of its official business;

16 (8) Any appropriate State legislative committee acting in the
17 course of its official functions, provided, however, that no names
18 or other information identifying persons named in the report shall
19 be made available to the legislative committee unless it is
20 absolutely essential to the legislative purpose;

21 (9) Any person engaged in a bona fide research purpose,
22 provided, however, that no names or other information
23 identifying persons named in the report shall be made available to
24 the researcher unless it is absolutely essential to the research
25 purpose and provided further that the approval of the director of
26 the Division of Youth and Family Services shall first have been
27 obtained;

28 (10) A family day care sponsoring organization for the purpose
29 of providing information on child abuse or neglect allegations
30 involving prospective or current providers or household members
31 pursuant to P.L.1993, c.350 (c.30:58-25.1 et al) and as necessary,
32 for use in administrative appeals related to information obtained
33 through a central registry search;

34 (11) The Victims of Crime Compensation Board, for the
35 purpose of providing services available pursuant to the "Criminal
36 Injuries Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1
37 et seq.) to a child victim who is the subject of such report.

38 Any individual, agency, board, court, grand jury or legislative
39 committee which receives from the division the records and
40 reports referred to in subsection a., shall keep such records and
41 reports, or parts thereof, confidential.

42 (cf: P.L.1993, c.350, s.5)

43 10. N.J.S.22A:2-7 is amended to read as follows:

44 22A:2-7. a. Upon the filing, entering, docketing or recording
45 of the following papers, documents or proceedings by either party
46 to any action or proceeding in the Law Division of the Superior
47 Court, the party or parties filing, entering, docketing or
48 recording the same shall pay to the clerk of said court the
49 following fees:

50 Filing of the first paper in any motion, petition or application,
51 if not in a pending action or proceeding under section 22A:2-6 of
52 this Title, or if made after dismissal or judgment entered other
53 than withdrawal of money deposited in court, the moving party
54 shall pay \$15.00 which shall cover all fees payable on such

1 motion, petition or application down to and including filing and
2 entering of order therein and taxation of costs.

3 For withdrawal of money deposited in court where the sum to
4 be withdrawn is less than \$100.00, no fee; where the sum is
5 \$100.00 or more but less than \$1,000.00, a fee of \$5.00; where
6 such sum is \$1,000.00 or more, a fee of \$10.00.

7 Entering judgment on bond and warrant by attorney and
8 issuance of one final process, \$15.00 in lieu of the fee required by
9 section 22A:2-6 of this Title.

10 Recording of judgment in the civil judgment and order docket,
11 \$25.00 shall be paid to the clerk for use by the State, except as
12 provided in subsection b. of this section.

13 Docketing judgments or orders from other courts or divisions,
14 including Chancery Division judgments, \$25.00 shall be paid to
15 the clerk for use by the State, except as provided in subsection b.
16 of this section and except that no fee shall be paid by any
17 municipal court to docket a judgment of conviction and amount
18 of assessment, restitution, fine, penalty or fee pursuant to
19 section a. of N.J.S.2C:46-1.

20 Satisfaction of judgment or other lien, \$5.00.

21 Recording assignment of judgment or release, \$5.00.

22 Issuing of executions and recording same, except as otherwise
23 provided in this article, \$5.00.

24 Recording of instruments not otherwise provided for in this
25 article, \$5.00.

26 Filing and entering recognizance of civil bail, \$5.00.

27 Signing and issuing subpoena, \$5.00.

28 b. Moneys collected under the provisions of subsection a. of
29 this section for the recording and docketing of judgments shall be
30 deposited in the temporary reserve fund created by section 25 of
31 P.L.1993, c.275. After December 31, 1994, the moneys collected
32 under the provisions of subsection a. shall be for use by the State.

33 (cf: P.L.1993, c.275, s.11)

34 11. (New section) The Victims of Crime Compensation Board
35 is authorized to obtain direct access to criminal history records
36 maintained by the State Bureau of Identification in the Division
37 of the State Police and is hereby designated a criminal justice
38 agency for that purpose.

39 12. (New section) The Violent Crimes Compensation Board
40 shall hereinafter be known and referred to as the Victims of
41 Crime Compensation Board. All the functions, powers and duties
42 of the Violent Crimes Compensation Board are continued in the
43 Victims of Crime Compensation Board. Whenever in any law,
44 rule, regulation, judicial or administrative proceeding or
45 otherwise, reference is made to the Violent Crimes
46 Compensation Board, the same shall mean and refer to the
47 Victims of Crime Compensation Board.

48 13. This act shall take effect immediately but shall apply only
49 to offenses which were committed on or after the effective date
50 and to claims arising from offenses which were committed on or
51 after the effective date.

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4 Increases services to crime victims by the Violent Crimes
5 Compensation Board; changes name to Victims of Crime
Compensation Board.

- 1 of assessment, restitution, fine, penalty or fee pursuant to
2 section a. of N.J.S. 2C:46-1.
3 Satisfaction of judgment or other lien, \$5.00.
4 Recording assignment of judgment or release, \$5.00.
5 Issuing of executions and recording same, except as otherwise
6 provided in this article, \$5.00.
7 Recording of instruments not otherwise provided for in this
8 article, \$5.00.
9 Filing and entering recognizance of civil bail, \$5.00.
10 Signing and issuing subpoena, \$5.00.
11 b. Moneys collected under the provisions of subsection a. of
12 this section for the recording and docketing of judgments shall be
13 deposited in the temporary reserve fund created by section 25 of
14 P.L.1993, c.275. After December 31, 1994, the moneys collected
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21 agency for that purpose.
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23 shall hereinafter be known and referred to as the Victims of
24 Crime Compensation Board. All the functions, powers and duties
25 of the Violent Crimes Compensation Board are continued in the
26 Victims of Crime Compensation Board. Whenever in any law,
27 rule, regulation, judicial or administrative proceeding or
28 otherwise, reference is made to the Violent Crimes
29 Compensation Board, the same shall mean and refer to the
30 Victims of Crime Compensation Board.
31 13. This act shall take effect immediately but shall apply only
32 to offenses which were committed on or after the effective date
33 and to claims arising from offenses which were committed on or
34 after the effective date.

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37 *SPONSORS'* STATEMENT

- 38
39 This bill would increase services to crime victims provided by
40 the Violent Crimes Compensation Board (VCCB). The bill also
41 changes the name of the VCCB to the "Victims of Crime
42 Compensation Board," which more accurately reflects the
43 functions of the board.
44 Section 1 of the bill provides that victims would be entitled to
45 receive compensation from the VCCB for injuries caused by
46 persons who violate the laws against drunk driving, drunk boating,
47 or the operation of a commercial motor vehicle by a person with
48 a blood alcohol concentration of 0.04% or more. Section 1 also
49 requires persons convicted of these offenses to pay a \$50
50 assessment to be used by the VCCB to satisfy claims by victims.
51 This section also clarifies that at the time of sentencing of a
52 defendant who has not yet paid a VCCB assessment, the court
53 must order that the assessment be deducted from any income the
54 defendant receives from a prison work program while

1 incarcerated or be deducted from any prison account maintained
2 for the inmate's benefit.

3 Sections 2 and 3 of the bill allow awards for monetary losses in
4 certain instances. Crime victims who are elderly or disabled and
5 on limited incomes would be eligible for compensation in an
6 amount up to \$200, or for emergency awards up to that amount,
7 whether or not these victims suffered personal injury in
8 connection with the crime. Criminals may target the elderly or
9 disabled poor who receive checks each month from government
10 assistance programs. When the funds are stolen under these
11 circumstances, the needy person may be forced to go without
12 essentials, such as food, shelter or medical expenses.

13 Section 4 allows compensation for persons whose injury or
14 death resulted from the theft of an automobile, eluding a law
15 enforcement officer, or joyriding. The bill also provides for a
16 \$100 assessment for persons convicted of these offenses if the
17 offenses result in the injury or death of another person.

18 Section 5 clarifies that compensation may be granted to a
19 crime victim for unreimbursed and unreimbursable expenses or
20 indebtedness reasonably incurred for medical care or other
21 services necessary as a result of the injury upon which the
22 victim's application for compensation is based.

23 Section 6 eliminates the current requirement that a crime
24 victim must have incurred certain minimum out-of-pocket losses
25 before being eligible for compensation. Additional funding made
26 available to the VCCB through the enactment of P.L.1991, c.329
27 makes it possible for the VCCB to provide compensation to
28 eligible crime victims without the need for a minimum loss
29 requirement.

30 This section requires that, in order to be eligible for
31 compensation, a victim must report the crime to law
32 enforcement officials within 72 hours of the commission of the
33 crime or of the victim's reasonable discovery of the crime.
34 Current law allows three months for the crime to be reported.

35 Section 6 also provides that claims for benefits would expire
36 three years after the entry of an initial determination order.
37 Currently, there is no such time limit, and claims arising out of a
38 single incident may be reopened for an indefinite period.

39 Sections 7 and 8 give the VCCB access to records concerning
40 juvenile offenders. Under current law, the VCCB must be given
41 access to law enforcement records in order to identify offenders,
42 offenses charged, adjudications, dispositions of the charges,
43 sentences ordered and the payment of penalties and restitution.
44 While this information is readily available to the VCCB for adult
45 offenders, similar information concerning juvenile offenders is
46 not. These sections of the bill would require that information
47 concerning the financial circumstances of a juvenile adjudicated
48 delinquent be provided in any pre-disposition report ordered by
49 the court. Section 8 provides that information concerning
50 adjudications of delinquency, records of custodial confinement,
51 and payments owed on assessments or restitution would be made
52 available to the VCCB on request. The bill requires the VCCB to
53 keep this information confidential.

54 Section 9 permits release to the VCCB of certain child abuse

1 records maintained by the Division of Youth and Family Services,
2 in order to provide compensation services to child victims.

3 Section 10 eliminates the requirement that municipal courts
4 pay docketing fees in order to docket judgments imposed on
5 defendants who default in the payment of VCCB assessments,
6 fines or restitution. As of January 5, 1994, the fee for docketing
7 judgments in the Superior Court is \$25.00 for each judgment.

8 Section 11 authorizes the VCCB to obtain direct access to
9 criminal history records maintained by the State Police and
10 designates the VCCB as a "criminal justice agency" in order to
11 comply with federal regulations concerning the exchange of
12 criminal record information.

13 Finally, section 12 changes the name of the VCCB from the
14 "Violent Crimes Compensation Board" to the "Victims of Crime
15 Compensation Board," in order to more clearly reflect the
16 VCCB's mission and functions.

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21 _____
22 Increases services to crime victims by the Violent Crimes
23 Compensation Board; changes name to Victims of Crimes
Compensation Board.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1629

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 1994

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1629.

This bill would increase services to crime victims provided by the Violent Crimes Compensation Board (VCCB). The bill also changes the name of the VCCB to the "Victims of Crime Compensation Board."

Section 6 of the bill provides that a person who suffered personal injury or death will be ineligible for VCCB benefits if he was an occupant of a motor vehicle or vessel which he knew was being operated in violation of N.J.S.A.39:3-10.13 (operation of a commercial motor vehicle with a blood alcohol concentration of 0.04% or more); or N.J.S.A.12:7-34.19 or N.J.S.A.12:7-46 (operating a vessel while under the influence of alcohol or drugs). Currently, N.J.S.A.52:4B-10 provides that an occupant of a motor vehicle will be ineligible for benefits if he knows that the motor vehicle is being operated in violation of R.S.39:4-50, the drunk driving statute. The committee amended the bill to add to the list of driving-related crimes which bar certain passengers from receiving compensation. The amendments add violations of N.J.S.A. 2C:20-2b.(2)(b) (theft of an automobile); N.J.S.A.2C:29-2b. (eluding police); and N.J.S.A.2C:20-10b. or c. (joyriding), to the list of additional offenses set out in the bill.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[SECOND REPRINT]

ASSEMBLY, No. 1629

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 13, 1995

The Senate Judiciary Committee reports favorably Assembly Bill No. 1629 [2R].

This bill proposes a series of amendments to the statutes governing the operation of the Violent Crimes Compensation Board. This bill together with S871, the Senate version of this legislation, was released from this committee on November 21 of last year. After being merged with S871, A-1629 was recommitted to this committee last week in order for the committee to review the issue of what time period should be required for reporting a crime to law enforcement officials in order to qualify for compensation from the VCCB. Under present N.J.S.A.52:4B-18, a crime victim must report a crime to law enforcement authorities within three months in order to be eligible for compensation from the VCCB. As reported by this committee, this bill would have required that a crime must be reported to the police within 72 hours after its occurrence or discovery. Compensation would not be barred for a failure to report the offense within that time period if the victim demonstrates a compelling health or safety reason for such failure. By amendment, the committee restored the present requirement that a crime must be reported to the police within three months in order for the victim to be eligible for compensation from the VCCB.