

2A:12-14

**LEGISLATIVE HISTORY CHECKLIST**  
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(Victim notification)

**NJSA:** 2A:12-14

**LAWS OF:** 1994 **CHAPTER:** 131

**BILL NO:** S1398/A1029

**SPONSOR(S):** Ciesla and Scott

**DATE INTRODUCED:** September 19, 1994

**COMMITTEE:** **ASSEMBLY:** Judiciary  
**SENATE:** Law & Public Safety

**AMENDED DURING PASSAGE:** No Senate Committee  
substitute S1398/A1029  
enacted

**DATE OF PASSAGE:** **ASSEMBLY:** October 20, 1994  
**SENATE:** October 3, 1994

**DATE OF APPROVAL:** October 31, 1994

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

See newspaper clippings--attached:  
"Megan's Law is enacted," 11-1-94, Trenton Times.

KBG:pp

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 1398 and ASSEMBLY, No. 1029  
STATE OF NEW JERSEY

ADOPTED SEPTEMBER 26, 1994

Sponsored by Senators CIESLA, SCOTT,  
Assemblymen SOLOMON, AZZOLINA, GAFFNEY and ZISA

1 AN ACT concerning certain notices to victims of crime,  
2 supplementing Title 52 of the Revised Statutes and amending  
3 P.L.1985, c.404.

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

7 1. (New section) The Legislature finds and declares that it is in  
8 the public interest that victims involved in proceedings within the  
9 State's criminal justice system receive adequate notice and  
10 advice concerning critical stages of the criminal justice process  
11 to allow for participation and understanding. In furtherance of  
12 this objective, the Legislature has required, and the Attorney  
13 General has promulgated, "Standards to Ensure the Rights of  
14 Crime Victims." Successful implementation of these standards  
15 requires the cooperation of various agencies of local, county and  
16 State government which share responsibility during different  
17 stages in the State's criminal justice process. It is the intent of  
18 the Legislature that the various agencies of government establish  
19 and coordinate procedures to ensure adequate notice to victims,  
20 provided in the most efficient manner possible.

21 2. (New section) a. The Administrative Office of the Courts  
22 shall establish procedures to ensure that advance notice is given  
23 to the prosecutor in any matter in which (1) a victim of an  
24 offense has been identified, and (2) the offense is within the  
25 jurisdiction of the Superior Court, and (3) the offense involves  
26 criminal conduct or conduct arising from an incident of domestic  
27 violence pursuant to N.J.S.2C:25-17 et seq. in which a criminal  
28 complaint has been filed. Notice shall include the date, time and  
29 place of the defendant's appearance before a judicial officer and  
30 shall include, but not limited to, notice of motions or hearings to  
31 establish or reduce bail or authorize other pre-trial release from  
32 custody; notice of proceedings in which any plea agreement may  
33 be submitted; notice of trial and notice of sentencing.

34 b. Upon receipt of such notice from the court, the prosecutor  
35 shall use any reasonable means available to notify a victim in  
36 advance of a scheduled proceeding.

37 c. As used in this act, "Prosecutor" means the prosecutor of  
38 the county in which the defendant was convicted, unless the  
39 matter was prosecuted by the Attorney General, in which case  
40 "prosecutor" means the Attorney General.

41 3. (New section) a. The chief executive officer of the  
42 institution in which an inmate is confined shall notify the  
43 prosecutor of the release of an inmate, as follows:

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 (1) Written notification shall be provided 90 days before the  
2 inmate's anticipated release whenever possible, but in no event  
3 fewer than 30 days before release if such release is due to the  
4 expiration of the inmate's maximum term or is authorized by the  
5 State Parole Board or order of the Governor upon commutation of  
6 a sentence of incarceration.

7 (2) Immediate telephone notification shall be provided  
8 whenever possible, followed by written notification within 48  
9 hours, of pre-trial release, escape from custody or return to  
10 custody following an escape of a defendant detained or  
11 incarcerated in a county or State penal institution, including the  
12 Adult Diagnostic and Treatment Center; and

13 (3) Advance written notification shall be provided whenever  
14 possible of any other release of an inmate from custody, including  
15 placement in an Intensive Supervision Program or other  
16 alternative disposition. If advance notification is not provided,  
17 notification shall be provided within 48 hours following release.

18 All notice provided pursuant to this section shall include the  
19 inmate's name, identifying information, and anticipated  
20 residence.

21 4. (New section) Notwithstanding any other provision of law  
22 to the contrary, the State Parole Board shall provide in writing to  
23 the prosecutor of:

24 (1) Notice of consideration of parole release required to be  
25 provided to victims by the State Parole Board pursuant to  
26 provisions of P.L.1979, c.441 (C.30:4-123.45 et seq.); and

27 (2) Notice of the filing by an inmate of any application for  
28 commutation of sentence filed pursuant to N.J.S. 2A:167-4 and  
29 its disposition. Notice shall include the inmate's name and  
30 identifying information.

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

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

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

44 (1) Orientation information about the criminal justice system  
45 and the victim's and witness's role in the criminal justice  
46 process;

47 (2) Notification of any change in the case status and of final  
48 disposition;

49 (3) Information on crime prevention and on available responses  
50 to witness intimidation;

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

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

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

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

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

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

11     (e) notice of the pending release of an inmate due to  
12 expiration of sentence.

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

17         (1) Notify the victim of the victim's right to obtain an  
18 approved serological test for acquired immune deficiency  
19 syndrome (AIDS) or infection with the human immunodeficiency  
20 virus (HIV) or any other related virus identified as a probable  
21 causative agent of AIDS, and assist the victim, or refer the  
22 victim for assistance, in obtaining a test and appropriate  
23 counseling and medical care;

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

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

37         (4) Assist the victim in applying to the Violent Crimes  
38 Compensation Board for compensation for the costs of testing,  
39 counseling and medical care.

40 (cf: P.L.1993, c.364, s.1)

41     6. This act shall take effect immediately.

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46     Requires notice of critical events in the criminal justice process  
47 to certain victims.

# SENATE, No. 1398

## STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 19, 1994

By Senators CIESLA and SCOTT

1 AN ACT concerning crime victims and amending N.J.S.2A:167-4,  
2 P.L.1979, c.441, P.L.1977, c.189 and supplementing various  
3 parts of the statutory law.

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

7 1. N.J.S.2A:167-4 is amended to read as follows:

8 2A:167-4. Form of order; filing.

9 The governor may, upon application for commutation of  
10 sentence of any person sentenced to imprisonment, order that  
11 such sentence be commuted upon such terms, conditions and  
12 limitations as the governor, in his discretion, may direct, as  
13 conditions precedent to the release of any such person from  
14 imprisonment; which terms, conditions and limitations shall be  
15 annexed to and form part of said order. Upon the filing of such  
16 order signed by the governor with the officer in whose custody  
17 such person may be, and after the acceptance by such person of  
18 the terms, conditions and limitations contained in said order, as  
19 evidenced by his signature affixed to the duplicate copy of such  
20 order to be kept in the files of the state parole board, such  
21 sentence shall thereupon be commuted in accordance with the  
22 terms, conditions and limitations of such order.

23 The governor shall notify the victim or in the case of the  
24 victim's death the nearest relative upon the filing of such an  
25 order.

26 As used in this section, "victim" means a person who suffers  
27 personal physical or psychological injury or death or incurs loss of  
28 or injury to personal or real property as a result of a crime  
29 committed against that person.

30 (cf: N.J.S.2A:167-4)

31 2. Section 10 of P.L.1979, c.441 (C.30:4-123.54) is amended to  
32 read as follows:

33 10. a. At least 120 days but not more than 180 days prior to  
34 the parole eligibility date of each adult inmate, a report  
35 concerning the inmate shall be filed with the appropriate board  
36 panel, by the staff members designated by the superintendent or  
37 other chief executive officer of the institution in which the  
38 inmate is held.

39 b. (1) The report filed pursuant to subsection a. shall contain  
40 preincarceration records of the inmate, state the conduct of the  
41 inmate during the current period of confinement, include a  
42 complete report on the inmate's social, physical and mental  
43 condition, include an investigation by the Bureau of Parole of the  
44 inmate's parole plans, and present information bearing upon the

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 likelihood that the inmate will commit a crime under the laws of  
2 this State if released on parole.

3 (2) At the time of sentencing, the prosecutor shall notify any  
4 victim injured as a result of a crime of the first or second degree  
5 or a crime under N.J.S.2C:14-3 or an offense involving domestic  
6 violence as defined in P.L.1991, c.261 (C.2C:25-17 et seq.) or the  
7 nearest relative of a murder victim of the opportunity to present  
8 a statement for the parole report to be considered at the parole  
9 hearing or to testify to the parole board concerning his harm at  
10 the time of the parole hearing. Each victim or relative shall be  
11 responsible for notifying the board of his intention to submit such  
12 a statement and to provide an appropriate mailing address.

13 The report may include a statement concerning the continuing  
14 nature and extent of any physical harm or psychological or  
15 emotional harm or trauma suffered by the victim, the extent of  
16 any loss of earnings or ability to work suffered by the victim and  
17 the continuing effect of the crime upon the victim's family. At  
18 the time public notice is given that an inmate is being considered  
19 for parole pursuant to this section, the board shall also notify any  
20 victim or nearest relative [who has previously contacted the  
21 board of the availability] that the inmate is being considered for  
22 parole and give the victim the opportunity to provide a statement  
23 for inclusion in the parole report or to present testimony at the  
24 parole hearing.

25 The board shall notify such person at his last known mailing  
26 address.

27 c. A copy of the report filed pursuant to subsection a. of this  
28 section, excepting those documents which have been classified as  
29 confidential pursuant to rules and regulations of the board or the  
30 Department of Corrections, shall be served on the inmate at the  
31 time it is filed with the board panel. The inmate may file with  
32 the board panel a written statement regarding the report, but  
33 shall do so within 105 days prior to the primary parole eligibility  
34 date.

35 d. Upon receipt of the public notice pursuant to section 1 of  
36 P.L.1979, c.441 (C.30:4-123.45), a county prosecutor may request  
37 from the parole board a copy of the report on any adult inmate  
38 prepared pursuant to subsection a. of this section, which shall be  
39 expeditiously forwarded to the county prosecutor by the parole  
40 board by mail, courier, or other means of delivery. Upon receipt  
41 of the report, the prosecutor has 10 working days to review the  
42 report and notify the parole board of the prosecutor's comments,  
43 if any, or notify the parole board of the prosecutor's intent to  
44 provide comments. If the county prosecutor does not provide  
45 comments or notify the parole board of the prosecutor's intent to  
46 provide comments within the 10 working days, the parole board  
47 may presume that the prosecutor does not wish to provide  
48 comments and may proceed with the parole consideration. Any  
49 comments provided by a county prosecutor shall be delivered to  
50 the parole board by the same method by which the county  
51 prosecutor received the report. The confidentiality of the  
52 contents in a report which are classified as confidential shall be  
53 maintained and shall not be disclosed to any person who is not  
54 authorized to receive or review a copy of the report containing

1 the confidential information.

2 e. Any provision of this section to the contrary  
3 notwithstanding, the board shall by rule or regulation modify the  
4 scope of the required reports and time periods for rendering such  
5 reports with reference to county penal institutions.

6 As used in this section, "victim" means a person who suffers  
7 personal physical or psychological injury or death or incurs loss of  
8 or injury to personal or real property as a result of a crime  
9 committed against that person.

10 (cf: P.L.1985, c.44, s.2)

11 3. Section 1 of P.L.1977, c.189 (C.30:4-91.3a.) is amended to  
12 read as follows:

13 1. Any superintendent, or his designee, of a State correctional  
14 institution or warden or keeper, or his designee, of a county penal  
15 institution, from which an inmate is released on an interim basis  
16 pursuant to P.L.1969, c.22 (C.30:4-91.1 et seq.), or P.L.1968,  
17 c.372 (C.30:8-44 et seq.) shall notify the local police department  
18 of the intention of the inmate to visit, study, work or reside in  
19 the respective municipality.

20 If the inmate was convicted for a crime under the following  
21 sections: N.J.S.2C:14-2, N.J.S.2C:14-3 or an offense involving  
22 domestic violence as defined in P.L.1991, c.261 (C.2C:25-17 et.  
23 seq.) and the inmate is released pursuant to this section,  
24 notification shall also be given to the victim or in the case of the  
25 victim's death the nearest relative.

26 As used in this section, "victim" means a person who suffers  
27 personal physical or psychological injury or death or incurs loss of  
28 or injury to personal or real property as a result of a crime  
29 committed against that person.

30 (cf: P.L.1977, c.189, s.1)

31 4. (New section) Notwithstanding any other provision of law  
32 to the contrary, if an inmate who has been convicted of a crime  
33 under the following sections: N.J.S.2C:14-2, N.J.S.2C:14-3 or an  
34 offense involving domestic violence as defined in P.L.1991, c.261  
35 (C.2C:25-17 et. seq.) escapes from a county penal institution, a  
36 State institution, a intensive supervision program or any other  
37 program designed as an alternative to incarceration, the  
38 superintendent, or his designee, of a State correctional  
39 institution, the warden or keeper, or his designee, of a county  
40 penal institution, or the prosecutor shall notify the victim or in  
41 the case of the victim's death the nearest relative.

42 As used in this section, "victim" means a person who suffers  
43 personal physical or psychological injury or death or incurs loss of  
44 or injury to personal or real property as a result of a crime  
45 committed against that person.

46 5. (New section) Notwithstanding any other provision of law  
47 to the contrary, if an inmate who has been convicted of a crime  
48 under the following sections: N.J.S.2C:14-2, N.J.S.2C:14-3 or an  
49 offense involving domestic violence as defined in P.L.1991, c.261  
50 (C.2C:25-17 et. seq.) is placed by the court in an intensive  
51 supervision program or any other program designed as an  
52 alternative to incarceration, the superintendent, or his designee,  
53 of a State correctional institution, the warden or keeper, or his  
54 designee, of a county penal institution, or the prosecutor shall



1 notify the victim or in the case of the victim's death the nearest  
2 relative.

3 As used in this section, "victim" means a person who suffers  
4 personal physical or psychological injury or death or incurs loss of  
5 or injury to personal or real property as a result of a crime  
6 committed against that person.

7 6. This act shall take effect immediately.

8

9

10 STATEMENT

11

12 This bill would provide that certain crime victims or in the  
13 case of the victim's death the nearest relative be notified by the  
14 appropriate authorities when a defendant becomes eligible for  
15 parole, escapes, is released on an interim basis or is placed in any  
16 program designed as an alternative to incarceration. The bill  
17 would apply only to those defendants which have been convicted  
18 of aggravated sexual assault, sexual assault, criminal sexual  
19 contact or any offense involving domestic violence.

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24 Clarifies notification procedures for certain crime victims.

ASSEMBLY, No. 1029  
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

INTRODUCED JANUARY 20, 1994

By Assemblyman SOLOMON

1 AN ACT concerning crime victims and amending N.J.S.2A:167-4,  
2 P.L.1979, c.441, P.L.1977, c.189 and supplementing various  
3 parts of the statutory law.

4

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

7 1. N.J.S.2A:167-4 is amended to read as follows:

8 2A:167-4. Form of order; filing.

9 The governor may, upon application for commutation of  
10 sentence of any person sentenced to imprisonment, order that  
11 such sentence be commuted upon such terms, conditions and  
12 limitations as the governor, in his discretion, may direct, as  
13 conditions precedent to the release of any such person from  
14 imprisonment; which terms, conditions and limitations shall be  
15 annexed to and form part of said order. Upon the filing of such  
16 order signed by the governor with the officer in whose custody  
17 such person may be, and after the acceptance by such person of  
18 the terms, conditions and limitations contained in said order, as  
19 evidenced by his signature affixed to the duplicate copy of such  
20 order to be kept in the files of the state parole board, such  
21 sentence shall thereupon be commuted in accordance with the  
22 terms, conditions and limitations of such order.

23 The governor shall notify the victim or in the case of the  
24 victim's death the nearest relative upon the filing of such an  
25 order.

26 As used in this section, "victim" means a person who suffers  
27 personal physical or psychological injury or death or incurs loss of  
28 or injury to personal or real property as a result of a crime  
29 committed against that person.

30 (cf: N.J.S.2A:167-4)

31 2. Section 10 of P.L.1979, c.441 (C.30:4-123.54) is amended to  
32 read as follows:

33 10. a. At least 120 days but not more than 180 days prior to  
34 the parole eligibility date of each adult inmate, a report  
35 concerning the inmate shall be filed with the appropriate board  
36 panel, by the staff members designated by the superintendent or  
37 other chief executive officer of the institution in which the  
38 inmate is held.

39 b. (1) The report filed pursuant to subsection a. shall contain  
40 preincarceration records of the inmate, state the conduct of the  
41 inmate during the current period of confinement, include a  
42 complete report on the inmate's social, physical and mental

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 condition, include an investigation by the Bureau of Parole of the  
2 inmate's parole plans, and present information bearing upon the  
3 likelihood that the inmate will commit a crime under the laws of  
4 this State if released on parole.

5 (2) At the time of sentencing, the prosecutor shall notify any  
6 victim injured as a result of a crime of the first or second degree  
7 or a crime under N.J.S.2C:14-3 or an offense involving domestic  
8 violence as defined in P.L.1991, c.261 (C.2C:25-17 et seq.) or the  
9 nearest relative of a murder victim of the opportunity to present  
10 a statement for the parole report to be considered at the parole  
11 hearing or to testify to the parole board concerning his harm at  
12 the time of the parole hearing. Each victim or relative shall be  
13 responsible for notifying the board of his intention to submit such  
14 a statement and to provide an appropriate mailing address.

15 The report may include a statement concerning the continuing  
16 nature and extent of any physical harm or psychological or  
17 emotional harm or trauma suffered by the victim, the extent of  
18 any loss of earnings or ability to work suffered by the victim and  
19 the continuing effect of the crime upon the victim's family. At  
20 the time public notice is given that an inmate is being considered  
21 for parole pursuant to this section, the board shall also notify any  
22 victim or nearest relative [who has previously contacted the  
23 board of the availability] that the inmate is being considered for  
24 parole and give the victim the opportunity to provide a statement  
25 for inclusion in the parole report or to present testimony at the  
26 parole hearing.

27 The board shall notify such person at his last known mailing  
28 address.

29 c. A copy of the report filed pursuant to subsection a. of this  
30 section, excepting those documents which have been classified as  
31 confidential pursuant to rules and regulations of the board or the  
32 Department of Corrections, shall be served on the inmate at the  
33 time it is filed with the board panel. The inmate may file with  
34 the board panel a written statement regarding the report, but  
35 shall do so within 105 days prior to the primary parole eligibility  
36 date.

37 d. Upon receipt of the public notice pursuant to section 1 of  
38 P.L.1979, c.441 (C.30:4-123.45), a county prosecutor may request  
39 from the parole board a copy of the report on any adult inmate  
40 prepared pursuant to subsection a. of this section, which shall be  
41 expeditiously forwarded to the county prosecutor by the parole  
42 board by mail, courier, or other means of delivery. Upon receipt  
43 of the report, the prosecutor has 10 working days to review the  
44 report and notify the parole board of the prosecutor's comments,  
45 if any, or notify the parole board of the prosecutor's intent to  
46 provide comments. If the county prosecutor does not provide  
47 comments or notify the parole board of the prosecutor's intent to  
48 provide comments within the 10 working days, the parole board  
49 may presume that the prosecutor does not wish to provide  
50 comments and may proceed with the parole consideration. Any  
51 comments provided by a county prosecutor shall be delivered to  
52 the parole board by the same method by which the county  
53 prosecutor received the report. The confidentiality of the  
54 contents in a report which are classified as confidential shall be

1 maintained and shall not be disclosed to any person who is not  
2 authorized to receive or review a copy of the report containing  
3 the confidential information.

4 e. Any provision of this section to the contrary  
5 notwithstanding, the board shall by rule or regulation modify the  
6 scope of the required reports and time periods for rendering such  
7 reports with reference to county penal institutions.

8 As used in this section, "victim" means a person who suffers  
9 personal physical or psychological injury or death or incurs loss of  
10 or injury to personal or real property as a result of a crime  
11 committed against that person.

12 (cf: P.L.1985, c.44, s.2)

13 3. Section 1 of P.L.1977, c.189 (C.30:4-91.3a.) is amended to  
14 read as follows:

15 1. Any superintendent, or his designee, of a State correctional  
16 institution or warden or keeper, or his designee, of a county penal  
17 institution, from which an inmate is released on an interim basis  
18 pursuant to P.L.1969, c.22 (C.30:4-91.1 et seq.), or P.L.1968,  
19 c.372 (C.30:8-44 et seq.) shall notify the local police department  
20 of the intention of the inmate to visit, study, work or reside in  
21 the respective municipality.

22 If the inmate was convicted for a crime under the following  
23 sections: N.J.S.2C:14-2, N.J.S.2C:14-3 or an offense involving  
24 domestic violence as defined in P.L.1991, c. 261 (C.2C:25-17 et.  
25 seq.) and the inmate is released pursuant to this section,  
26 notification shall also be given to the victim or in the case of the  
27 victim's death the nearest relative.

28 As used in this section, "victim" means a person who suffers  
29 personal physical or psychological injury or death or incurs loss of  
30 or injury to personal or real property as a result of a crime  
31 committed against that person.

32 (cf: P.L.1977, c.189, s.1)

33 4. (New section) Notwithstanding any other provision of law to  
34 the contrary, if an inmate who has been convicted of a crime  
35 under the following sections: N.J.S.2C:14-2, N.J.S.2C:14-3 or an  
36 offense involving domestic violence as defined in P.L.1991, c.261  
37 (C.2C:25-17 et. seq.) escapes from a county penal institution, a  
38 State institution, a intensive supervision program or any other  
39 program designed as an alternative to incarceration, the  
40 superintendent, or his designee, of a State correctional  
41 institution, the warden or keeper, or his designee, of a county  
42 penal institution shall notify the victim or in the case of the  
43 victim's death the nearest relative.

44 As used in this section, "victim" means a person who suffers  
45 personal physical or psychological injury or death or incurs loss of  
46 or injury to personal or real property as a result of a crime  
47 committed against that person.

48 5. (New section) Notwithstanding any other provision of law to  
49 the contrary, if an inmate who has been convicted of a crime  
50 under the following sections: N.J.S.2C:14-2, N.J.S.2C:14-3 or an  
51 offense involving domestic violence as defined in P.L.1991, c.261  
52 (C.2C:25-17 et. seq.) is placed in an intensive supervision  
53 program or any other program designed as an alternative to  
54 incarceration, the superintendent, or his designee, of a State

1 correctional institution, the warden or keeper, or his designee, of  
2 a county penal institution shall notify the victim or in the case of  
3 the victim's death the nearest relative.

4 As used in this section, "victim" means a person who suffers  
5 personal physical or psychological injury or death or incurs loss of  
6 or injury to personal or real property as a result of a crime  
7 committed against that person.

8 6. This act shall take effect immediately.

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STATEMENT

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13 This bill would provide that certain crime victims or in the  
14 case of the victim's death the nearest relative be notified by the  
15 appropriate authorities when a defendant becomes eligible for  
16 parole, escapes, is released on an interim basis or is placed in any  
17 program designed as an alternative to incarceration. The bill  
18 would apply only to those defendants which have been convicted  
19 of aggravated sexual assault, sexual assault, criminal sexual  
20 contact or any offense involving domestic violence.

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25 Clarifies notification procedures for certain crime victims.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1029**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 13, 1994

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1029.

This bill would provide that certain crime victims or, in the case of the victim's death, the nearest relative, be notified by the appropriate authorities when a defendant's sentence is commuted. The bill would also expand the notification provision when a defendant becomes eligible for parole. Under current law crime victims who are injured as a result of a crime of the first or second degree are notified when the defendant is eligible for parole. This bill would expand the list of offenses when crime victims would be notified to include criminal sexual contact or any offense involving domestic violence.

The bill also requires victims to be notified when an inmate, who has been convicted of aggravated sexual assault, sexual assault, criminal sexual contact or any offense involving domestic violence, is released on an interim basis, escapes or is placed in any program designed as an alternative to incarceration.

The committee amended the bill to add a reference to the "prosecutor" in sections 4 and 5 of the bill concerning notification in cases of escape or placement by the court in an alternative program. Currently the bill places the obligation for this notification on the superintendent of the State facility or warden of a county facility, or their designees.

This bill was prefiled for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE, No. 1398 and ASSEMBLY, No. 1029

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 1994

The Senate Law and Public Safety Committee favorably reports a committee substitute for Senate Bill No. 1398 and Assembly Bill No. 1029 .

This committee substitute requires the Administrative Office of the Courts to establish procedures to ensure that advance notice is given to the prosecutor in any matter in which (1) a victim of an offense has been identified, and (2) the offense is within the jurisdiction of the Superior Court, and (3) the offense involves criminal conduct or conduct arising from an incident of domestic violence pursuant to N.J.S.2C:25-17 et seq. in which a criminal complaint has been filed. Notice would include the date, time and place of the defendant's appearance before a judicial officer and would include, but not be limited to, notice of motions or hearings to establish or reduce bail or authorize other pre-trial release from custody; notice of proceedings in which any plea agreement may be submitted; notice of trial and notice of sentencing. Upon receipt of notice from the court, the prosecutor would use any reasonable means available to notify a victim in advance of a scheduled proceeding.

The chief executive officer of the institution in which an inmate is confined would provide written notice of the release of an inmate to the prosecutor 90 days before an inmate's anticipated release whenever possible, but in no event fewer than 30 days before release if such release is due to the expiration of the inmate's maximum term or is authorized by the State Parole Board or order of the Governor upon commutation of a sentence of incarceration. Immediate telephone notification would be provided whenever possible, followed by written notification within 48 hours, of pre-trial release, escape from custody or return to custody following an escape of a defendant detained or incarcerated in a county or State penal institution, including the Adult Diagnostic and Treatment Center. Advance notice would be provided whenever possible of any other release of an inmate from custody, including placement in an Intensive Supervision Program or other alternative disposition. If advance notice is not provided, notification would be provided within 48 hours following release. The notice provided would include the inmate's name, identifying information, and anticipated residence.

Under the provisions of the committee substitute, the State Parole Board would provide written notice of the following to the prosecutor: (1) notice of consideration of parole release required

to be provided to victims by the State Parole Board pursuant to provisions of P.L.1979, c.441 (C.30:4-123.45 et seq.) and (2) notice of the filing by an inmate of any application for commutation of sentence filed pursuant to N.J.S.2A:167-4 and its disposition. Notice would include the inmate's name and identifying information.

Under current law, the Attorney General, through the Office of Victim-Witness Advocacy in the Division of Criminal Justice in the Department of Law and Public Safety and in consultation with the county prosecutors, promulgates standards for law enforcement agencies to ensure that the rights of crime victims are enforced. Under the committee substitute, the standards would require that the Office of Victim-Witness Advocacy in the Division of Criminal Justice and each county prosecutor's office provide the following services upon request for victims and witnesses involved in the prosecution of a case: (1) assistance to victims in submitting a written impact statement to a representative of the county prosecutor's office concerning the impact of the crime; and (2) notification to the victim of the defendant's release from custody, including escape, placement in Intensive Supervision or alternative disposition, commutation of sentence, parole consideration and pending release due to expiration of sentence.