

52:4B-36

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 52:4B-36

(Sentencing--
permit victim to
submit statement
on impact of
crime)

LAWS OF: 1991

CHAPTER: 44

Bill No: A2892

Sponsor(s): McGreevey

Date Introduced: January 25, 1990

Committee: Assembly: Judiciary

Senate: Judiciary

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

Date of Passage: Assembly: April 30, 1990

Senate: January 14, 1991

Date of Approval: March 1, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

See newspaper clippings--attached:

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[FIRST REPRINT]
ASSEMBLY, No. 2892

STATE OF NEW JERSEY

INTRODUCED JANUARY 25, 1990

By Assemblyman McGREEVEY and Assemblywoman FORD

1 AN ACT to create a crime victim's right to make a statement
2 about the impact of crime prior to prosecutor's decision
3 concerning prosecution, and prior to the imposition of
4 sentence, and amending P.L.1985, c.249 and P.L.1985, c.404.

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

8 1. Section 3 of P.L.1985, c.249 (C.52:4B-36) is amended to
9 read as follows:

10 3. The Legislature finds and declares that crime victims and
11 witnesses are entitled to the following rights:

12 a. To be treated with dignity and compassion by the criminal
13 justice system;

14 b. To be informed about the criminal justice process;

15 c. To be free from intimidation;

16 d. To have inconveniences associated with participation in the
17 criminal justice process minimized to the fullest extent possible;

18 e. To make at least one telephone call provided the call is
19 reasonable in both length and location called;

20 f. To medical assistance if, in the judgment of the law
21 enforcement agency, medical assistance appears necessary;

22 g. To be notified if presence in court is not needed;

23 h. To be informed about available remedies, financial
24 assistance and social services;

25 i. To be compensated for their loss whenever possible;

26 j. To be provided a secure, but not necessarily separate,
27 waiting area during court proceedings;

28 k. To be advised of case progress and final disposition; and

29 l. To the prompt return of property when no longer needed as
30 evidence.

31 m. To submit a written statement about the impact of the
32 crime to a representative of the county prosecutor's office which
33 shall be considered prior to the prosecutor's final decision
34 concerning whether formal criminal charges will be filed; and

35 n. To make, prior to sentencing, an in-person statement
36 directly to the sentencing court concerning the impact of the
37 crime.

38 This statement ¹[shall be] is to be made¹ in addition to 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.

Matter enclosed in superscript numerals has been adopted as follows:
¹ Assembly AJL committee amendments adopted April 23, 1990.

1 statement permitted for inclusion in the presentence report by
2 N.J.S.2C:44-6.

3 (cf: P.L.1985, c.249, s.3)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (13) Notification to employers of victims and witnesses, if
48 cooperation in the investigation or prosecution causes absence
49 from work;

1 (14) Notification of the case disposition, including the trial and
2 sentencing;

3 (15) Assistance to victims in submitting a written statement to
4 a representative of the county prosecutor's office about the
5 impact of the crime prior to the prosecutor's final decision
6 concerning whether formal charges will be filed;

7 ~~[(15)]~~ (16) Advice to victims about their right to make a
8 statement about the impact of the crime for inclusion in the
9 presentence report or at time of parole consideration, if
10 applicable; [and]

11 ~~[(16)]~~ (17) Notification to victims of the right to make an
12 in-person statement, prior to sentencing, directly to the
13 sentencing court concerning the impact of the crime; and

14 ~~[(17)]~~ (18) Expediting the return of property when no longer
15 needed as evidence.

16 (cf: P.L.1985, c.404, s.6)

17 3. This act shall take effect immediately.

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CRIMINAL JUSTICE

21

22 Permits a crime victim to submit a statement to the prosecutor
23 and the sentencing court concerning the impact of crime.

1 sentencing;

2 (15) Assistance to victims in submitting a written statement to
3 a representative of the county prosecutor's office about the
4 impact of the crime prior to the prosecutor's final decision
5 concerning whether formal charges will be filed;

6 [(15)] (16) Advice to victims about their right to make a
7 statement about the impact of the crime for inclusion in the
8 presentence report or at time of parole consideration, if
9 applicable; [and]

10 [(16)] (17) Notification to victims of the right to make an
11 in-person statement, prior to sentencing, directly to the
12 sentencing court concerning the impact of the crime; and

13 [(17)] (18) Expediting the return of property when no longer
14 needed as evidence.

15 (cf: P.L.1985, c.404, s.6)

16 3. This act shall take effect immediately.

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STATEMENT

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21 This bill would give crime victims the right to submit a written
22 statement concerning the impact of the crime prior to the
23 prosecutor's final decision concerning whether formal charges
24 will be filed. In addition, the bill would permit crime victims to
25 make an in-person statement directly to the sentencing court,
26 prior to the imposition of sentencing, concerning the impact of
27 the crime. This statement shall be in addition to any statement
28 currently permitted by for inclusion in the presentence report,
29 required by N.J.S.2C:44-6.

30 The bill further requires that county prosecutor offices assist
31 crime victims in preparing the statement for consideration by the
32 prosecutor regarding whether to prosecute. Finally, the bill
33 would require each county prosecutors office to notify crime
34 victims of the right to make the in-person statement to the
35 sentencing court concerning the impact of the crime.

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CRIMINAL JUSTICE

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40 Permits a crime victim to submit a statement to the prosecutor
41 and the sentencing court concerning the impact of crime.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2892

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: APRIL 5, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2892.

This bill would give crime victims the right to submit a written statement concerning the impact of the crime prior to the prosecutor's final decision concerning whether formal charges will be filed. In addition, the bill would permit crime victims to make an in-person statement directly to the sentencing court, prior to the imposition of sentencing, concerning the impact of the crime. This statement is to be made in addition to any statement currently permitted for inclusion in the presentence report required by N.J.S.2C:44-6. The committee amended the language in this section of the bill to clarify that the statements by victims to the prosecutor or in-person to the sentencing court are intended to be permissive. The use of the word "shall" was not intended to imply that the statements were mandatory. The statements are permissive and are not meant to preempt the presentence report statement but to be an addition to it.

The bill further requires that county prosecutor offices assist crime victims in preparing the statement for consideration by the prosecutor regarding whether to prosecute. Finally, the bill would require each county prosecutors office to notify crime victims of the right to make the in-person statement to the sentencing court concerning the impact of the crime.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2892

STATE OF NEW JERSEY

DATED: SEPTEMBER 24, 1990

The Senate Judiciary Committee reports favorably Assembly Bill No. 2892.

Under the provisions of N.J.S.2C:44-6, county probation departments, in preparing presentence reports on criminal defendants, are required to notify crime victims of their right to submit a statement for inclusion in that report. The bill would give crime victims the additional right to make an in-person statement directly to the sentencing court, concerning the impact of the crime.

This bill would also give crime victims the right to submit a written statement concerning the impact of the crime to the prosecution prior to the prosecutor's final decision concerning whether to file formal charges. The bill further requires county prosecutors' offices to assist in preparing victim impact statement for consideration by the prosecutor and to notify crime victims of their right to make an in-person statement to the sentencing court.



OFFICE OF THE GOVERNOR

NEWS RELEASE

CN-001

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Release: MONDAY
MARCH 4, 1991

GOVERNOR SIGNS CRIME VICTIMS STATEMENTS BILL

Governor Jim Florio today will sign a bill which will allow crime victims to submit a written statement about the impact of the crime to the prosecutor's office to be considered by the prosecutor prior to his final decision to file charges. The bill also gives victims the right to make an "in person" statement directly to the sentencing court prior to sentencing.

"For too long," said the Governor, "we have allowed crime victims to be silent victims. It's time we recognize the pain and suffering that occurs when a crime is committed. Victims should have the right to speak out and be heard. People accused of doing something wrong aren't the only people that have rights."

The bill also calls for the Victim-Witness Advocacy Office in each of the county prosecutors' offices to inform victims of their rights and to assist victims in preparing their statements.

The bill was sponsored by Assemblyman James E. McGreevey (D-Middlesex) and Assemblywoman Marlene Lynch Ford (D-Ocean).

"The devastating impact of crime upon an individual's life is an essential aspect of every criminal case and the victim should have the opportunity to have this information presented on his or her behalf," said McGreevey.

Assemblywoman Ford added, "The voices of crime victims have been silent for too long. The physical, emotional and financial traumas they have suffered should be expressed if the victim feels it is appropriate and in the best interest of justice."

This bill supplements the Crime Victims' Bill of Rights. In October of last year, Governor Florio announced his support for a constitutional amendment which would guarantee crime victims the same rights as those accused of committing the crime.

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