

### **52:4B-1. Short title**

This act shall be known and may be cited as the "Criminal Injuries Compensation Act of 1971."

L.1971, c. 317, s. 1, eff. Oct. 4, 1971.

### **52:4B-2 Definitions.**

2. As used in P.L.1971, c.317:

"Agency" means the Victims of Crime Compensation Agency;

"Child" means an unmarried person who is under 21 years of age and includes a stepchild or an adopted child;

"Dependent" means a relative of a deceased victim who was wholly or partially dependent upon the victim's income at the time of the victim's death and shall include the child of a victim born after the victim's death;

"Legal assistance" means assistance provided to a crime victim in the enforcement of victims' rights in all courts; family law matters, including but not limited to child protection actions, divorce, custody, parenting time, child support, emancipation, dependency, guardianship, and family reunification; obtaining protective and restraining orders; employment matters, including but not limited to wage and hour claims; accessing public benefits; life planning; and any other situation for which an eligible crime victim needs legal services related to the victimization;

"Personal injury" means actual bodily harm and includes pregnancy and mental or nervous shock;

"Relative" of any person means the person's spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half brother, half sister, or parent of the person's spouse;

"Relevant evidence" means evidence having a tendency in reason to prove or disprove any fact of consequence to the determination of the action and that is deemed to be admissible under the rules of evidence and does not include rumor, supposition, speculation, hearsay or opinion, except as otherwise deemed admissible under the rules of evidence;

"Review Board" or "board" means the Victims of Crime Compensation Review

Board established by section 2 of P.L.2007, c.95 (C.52:4B-3.2);

"Victim" means a person who suffers personal, physical, or psychological injury or death as a result of the conduct of another person who commits against that person any of the offenses specified in section 11 of P.L.1971, c.317 (C.52:4B-11) or an act by a juvenile, which if committed by an adult, would constitute a violation of any of these offenses. The term shall include, in the case of a criminal homicide or an act by a juvenile which, if committed by an adult, would constitute a criminal homicide, the spouse, parent, legal guardian, grandparent, child, sibling, domestic or civil union partner of the decedent, or parent of the decedent's child;

"Victims of Crime Compensation Office" or "office" means the Victims of Crime Compensation Agency established pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) which is continued as the Victims of Crime Compensation Office pursuant to P.L.2007, c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.

L.1971, c.317, s.2; amended 2007, c.95, s.1; 2019, c.380, s.1.

### **52:4B-3.2 Victims of Crime Compensation Office .**

2. a. There is hereby established in the Department of Law and Public Safety the Victims of Crime Compensation Office .

b. The chief executive officer of the Victims of Crime Compensation Office shall be the director, who shall be appointed by the Governor, with the advice and consent of the Senate. The director shall serve at the pleasure of the Governor. The Governor may appoint an acting director to serve as chief executive officer of the Victims of Crime Compensation Office , who may be the person serving as chairman of the Victims of Crime Compensation Board on the effective date of P.L.2007, c.95 (C.52:4B-3.2 et al.), and who shall serve as the director of the Victims of Crime Compensation Office until a successor is appointed and qualifies. The director shall, in consultation with the Review Board established pursuant to subsection c. of this section, develop, establish and supervise all practices and procedures of the office .

c. There is hereby established in the Victims of Crime Compensation Office the Victims of Crime Compensation Review Board which shall be composed of five citizens, to be appointed by the Governor, with the advice and consent of the Senate, one of whom shall be designated chairman by, and serve as such at the pleasure of, the Governor. Three members of the board

shall, by training or experience, have expertise in the rights of crime victims . One member of the board shall have direct knowledge or experience related to the trauma of criminal victimization and one member shall be an attorney admitted to the practice of law in the State of New Jersey and who shall have practiced law in the courts of New Jersey for a minimum of five years. The purpose of the Victims of Crime Compensation Review Board shall be:

- (1) to hear appeals of decisions of the Victims of Crime Compensation Office involving issues of victim compensation ;
- (2) to consult with the director in developing, establishing and supervising all practices and procedures of the office ;
- (3) to review individual and supplemental awards to a victim or a victim's family in excess of \$10,000 in the aggregate, and awards of attorney fees for legal representation to victims ;
- (4) to review, on at least a bi-monthly basis, information detailing the aggregate claims received and paid by the office , and the operations of the office ; and
- (5) to review and, if appropriate, approve any rules and regulations, standards, and maximum rates and service limitations for reimbursement proposed by the office .

d. All the functions of the Violent Crimes Compensation Board and the Victims of Crime Compensation Board are continued in the Victims of Crime Compensation Office and the Victims of Crime Compensation Review Board. Whenever in any law, rule, regulation, judicial or administrative procedure or otherwise, reference is made to the Violent Crimes Compensation Board or to the Victims of Crime Compensation Board, the same shall mean and refer to the Victims of Crime Compensation Office or the Victims of Crime Compensation Review Board, as the case may be.

L.2007, c.95, s.2; amended 2019, c.502.

#### **52:4B-3.4 Victims of Crime Compensation Review Board, members, terms, no compensation .**

4. The term of office of each member of the Victims of Crime Compensation Review Board shall be three years and until the member's successor is appointed and qualifies, except that of the members first appointed one shall be appointed for a term of one year, two for terms of two years and two for terms of three years. All vacancies, except through the expiration of term,

shall be filled for the unexpired term only.

Each member of the board shall be eligible for reappointment and any member of the board may be removed by the Governor for inefficiency, neglect of duty or malfeasance in office .

The members of the board shall serve without compensation .

L.2007,c.95,s.4.

**52:4B-6 Principal office ; place to conduct affairs.**

6. The principal office of the Victims of Crime Compensation Office shall be in Newark, New Jersey, but the office may sit and conduct its affairs in any place.

L.1971, c.317, s.6; amended 2007, c.95, s.7; 2019, c.380, s.2.

**52:4B-8 Attorney fees and costs.**

8. a. (1) The Victims of Crime Compensation Office may, as a part of any order entered under P.L.1971, c.317 (C.52:4B-1 et seq.), determine and allow reasonable attorney fees and costs, which shall not exceed 15 percent of the amount awarded as compensation under section 10 of P.L.1971, c.317 (C.52:4B-10), to be paid in addition to the amount of this compensation , to the attorney representing the applicant. Notwithstanding the provisions of this subsection, an award for attorney fees shall not be less than \$500, unless the office determines that the attorney has not acted diligently or in good faith representing the claimant.

(2) If the office enters an order denying compensation , it may nevertheless allow attorney fees of \$500 to the attorney representing the claimant if the office determines that the attorney has acted diligently or in good faith representing the claimant.

(3) It shall be unlawful for any attorney to ask for, contract for, or receive any larger sum than the amount allowed under paragraph (1) or (2) of this subsection.

b. The office may allow payment up to a maximum of \$10,000, at an hourly rate of \$275 or more to be fixed by the office , to an attorney who provides legal assistance to a victim in any legal matter arising out of the victimization, other than a decision of the Victims of Crime Compensation Office involving victim compensation or any related appeal, arising from or related to having been the victim of an offense specified in section 11 of P.L.1971, c.317 (C.52:4B-11), provided that the victim is otherwise eligible to receive compensation . Payment pursuant to this subsection shall

be subject to the limitation on compensation set forth in section 18 of P.L.1971, c.317 (C.52:4B-18).

L.1971, c.317,s.8; amended 2007, c.95, s.9; 2015, c.190; 2019, c.380, s.3.

**52:4B-8.1 Development of an informational tracking system.**

19. a. The Victims of Crime Compensation Agency, after consultation with the Attorney General, the Department of Corrections, and the Administrative Office of the Courts, on behalf of the county probation divisions and the municipal court clerks, shall continue to develop the existing uniform system for recording all information necessary to ensure proper identification, tracking, collection and disposition of moneys owed for:

- (1) assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1);
- (2) fines and restitutions imposed in accordance with provisions of Title 2C of the New Jersey Statutes;
- (3) fees imposed pursuant to N.J.S.2C:35-20;
- (4) penalties imposed pursuant to N.J.S.2C:35-15.

b. The Victims of Crime Compensation Agency shall use the moneys deposited in the Criminal Disposition and Revenue Collection Fund to defray the costs incurred by the agency in developing, implementing, operating and improving the agency's component of the uniform system for tracking and collecting revenues described in subsection a. of this section.

c. The Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), the Department of Corrections, and the Administrative Office of the Courts, on behalf of the county probation divisions and the municipal court clerks, shall file such reports with the Victims of Crime Compensation Agency as required for the operation of the uniform system described in subsection a. of this section.

d. The Victims of Crime Compensation Agency shall report annually to the Governor, the Attorney General, the Administrative Director of the Administrative Office of the Courts, the Commissioner of the Department of Corrections, the Juvenile Justice Commission and the Legislature on the development,

implementation, improvement and effectiveness of the uniform system and on moneys received, deposited and identified as receivable.

L.1991,c.329,s.19; amended 1992, c.169, s.4; 1995, c.281, s.4; 2007, c.95, s.10.

### **52:4B-10.1 Emergency award.**

1. a. The Victims of Crime Compensation Office may make one or more emergency awards to any applicant for compensation pending final determination of a case, when it determines that compensation is likely to be provided and that the applicant will suffer undue hardship if funds are not made immediately available. The amount of any one emergency award shall not exceed \$7,500. Any emergency awards made to an applicant shall be deducted from the final amount of compensation provided to an applicant by the office . If the amount of compensation made by the office to an applicant is less than the sum provided to the applicant through emergency grants, the applicant shall pay to the office an amount of money equal to the difference. If the office determines that an applicant who has received emergency awards shall receive no compensation , the applicant shall repay to the office the total amount of all emergency awards which the applicant received.

b. In addition to any emergency award made pursuant to the provisions of subsection a. of this section, the office may make an emergency award in an amount not to exceed \$1,000 for compensation for funds stolen from a victim in connection with any of the incidents specified in section 11 of P.L.1971, c.317 (C.52:4B-11) except burglary pursuant to paragraph (11) of subsection b. of section 11 of P.L.1971, c.317 (C.52:4B-11), whether or not the victim suffered personal injury, under the following circumstances:

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

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

(3) (Deleted by amendment, P.L.2019, c.380)

(4) The victim establishes:

(a) that the victim has filed a police report indicating, among other things, the

amount stolen;

(b) that the victim has cooperated with investigative and prosecuting authorities;  
and

(c) the source of the funds stolen; and

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

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

d. (Deleted by amendment, P.L.2007, c.95).

L.1981, c.258, s.1; amended 1995, c.135, s.2; 2007, c.95, s.13; 2019, c.380, s.5.

### **52:4B-10.2 Additional compensation .**

3. In addition to ordering the payment of compensation for personal injury or death which resulted from the incidents specified in section 11 of P.L.1971, c.317 (C.52:4B-11), the Victims of Crime Compensation Office may order the payment of compensation for funds in connection with those incidents to compensate certain victims , whether or not those victims suffered personal injury, as specified in paragraphs (1) through (5) of subsection b. of section 1 of P.L.1981, c.258 (C.52:4B-10.1), in an amount not to exceed \$1,000.

L.1995, c.135, s.3; amended 2007, c.95, s.14; 2019, c.380, s.6.

### **52:4B-11 Victim compensation .**

11. The Victims of Crime Compensation Office may order the payment of compensation in accordance with the provisions of P.L.1971, c.317 (C.52:4B-1 et seq.) for personal injury or death which resulted from:

a. an attempt to prevent the commission of crime or to arrest a suspected criminal or in aiding or attempting to aid a police officer to do so; or

b. the commission or attempt to commit any of the following offenses:

- (1) aggravated assault;
- (2) (Deleted by amendment, P.L.1995, c.135).
- (3) threats to do bodily harm;
- (4) lewd, indecent, or obscene acts;
- (5) indecent acts with children;
- (6) kidnapping;
- (7) murder;
- (8) manslaughter;
- (9) aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact;
- (10) any other crime involving violence including domestic violence as defined by section 3 of P.L.1981, c.426 (C.2C:25-3) or section 3 of P.L.1991, c.261 (C.2C:25-19);
- (11) burglary;
- (12) tampering with a cosmetic, drug or food product;
- (13) a violation of human trafficking, section 1 of P.L.2005, c.77 (C.2C:13-8); or
  - c. the commission of a violation of R.S.39:4-50, section 5 of P.L.1990, c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236 (C.12:7-34.19), or section 3 of P.L.1952, c.157 (C.12:7-46); or
  - d. theft of an automobile pursuant to N.J.S.2C:20-2, eluding a law enforcement officer pursuant to subsection b. of N.J.S.2C:29-2 or unlawful taking of a motor vehicle pursuant to subsection b., c., or d. of N.J.S.2C:20-10 where injuries to the victim occur in the course of operating an automobile in furtherance of the offense; or
  - e. the commission of a violation of N.J.S.2C:16-1, bias intimidation; or



f. simple assault pursuant to N.J.S.2C:12-1 or disorderly conduct pursuant to N.J.S.2C:33-2; or

g. a motor vehicle accident resulting in injury or death where the driver of the vehicle left the scene of the accident in violation of R.S.39:4-129.

L.1971, c.317, s.11; amended 1987, c.169, s.1; 1987, c.420, s.1; 1990, c.64, s.2; 1995, c.135, s.4; 2005, c.77, s.4; 2007, c.95, s.15; 2007, c.303, s.3; 2019, c.380, s.7.

### **52:4B-12.1 Payment for relocation of certain witnesses of crimes .**

1. Notwithstanding the provisions of section 10 of P.L.1971, c.317 (C.52:4B-10) or the provisions of section 12 of P.L.1971, c.317 (C.52:4B-12), the Victims of Crime Compensation Office may, upon application, order the payment of relocation expenses for a witness and the family of the witness.

As used in this section, "witness" means a person who witnessed the commission of any of the offenses listed under section 11 of P.L.1971, c.317 (C.52:4B-11) and who has been threatened as a result.

L.2016, c.97, s.1.

### **52:4B-18 Compensation for criminal injuries; statute of limitations for claims.**

18. An order for the payment of compensation shall not be made under section 10 of P.L.1971, c.317 (C.52:4B-10) unless the application has been made within five years after the date of the personal injury or death or after that date upon determination by the office that good cause exists for the delayed filing, and the personal injury or death was the result of an offense listed in section 11 of P.L.1971, c.317 (C.52:4B-11) which had been reported to the police or other appropriate law enforcement agency within nine months after its occurrence or reasonable discovery. If the victim is under 18 years of age, the five-year limit on filing shall commence on the day the victim turns 18 years old. For the purposes of this section, "good cause" shall include, but not be limited to, instances where the victim or the victim's dependents were not appropriately informed of the benefits offered by the office as required by law. The office will make its determination regarding the application within 90 days of acknowledgment by the office of receipt of the completed application and any and all necessary supplemental information, provided that this period may be extended for good cause if an administrative denial would otherwise result. Notwithstanding this time period, the office shall reimburse the claimant or pay to any third-party service provider the amount claimed to be due and

owing within 30 days after eligibility has been determined and the amount submitted for payment has been determined by the office to be fair and reasonable.

In determining the amount of an award, the office shall determine whether, because of the victim's conduct, the victim of such crime contributed to the infliction of the victim's injury, and the office shall reduce the amount of the award or reject the application altogether, in accordance with the determination, except that the office is authorized to make a limited award for funeral benefits, mental health counseling, loss of support for dependent children, and attorneys' fees in cases of criminal homicide when it is determined that the victim's conduct was a contributing factor to the victim's death. The office shall not consider any conduct of the victim contributory toward the victim's injury, if the record indicates the conduct occurred during efforts by the victim to prevent a crime or apprehend a person who had committed a crime in the victim's presence or had in fact committed a crime .

The office may reduce an award where the victim has not paid in full any payments owed on assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) or restitution ordered following conviction for a crime and the office may deduct any amount due for these assessments or restitution from an award of compensation and make payments to satisfy these obligations prior to making any payments of compensation to the victim .

No compensation shall be awarded if:

- a. Compensation to the victim proves to be substantial unjust enrichment to the offender or if the victim did not cooperate with the reasonable requests of law enforcement authorities unless the victim demonstrates a compelling health or safety reason for not cooperating; or
- b. (Deleted by amendment, P.L.1990, c.64.)
- c. The victim was guilty of a violation of subtitle 10 or 12 of Title 2A or subtitle 2 of Title 2C of the New Jersey Statutes, which caused or contributed to the victim's injuries; or
- d. The victim was injured as a result of the operation of a motor vehicle, except as provided in subsection c. or d. of section 11 of P.L.1971, c.317 (C.52:4B-11), boat, or airplane unless the vehicle, boat, or airplane was used as a weapon in a deliberate attempt to run the victim down; or
- e. The victim suffered personal injury or death while an occupant of a motor

vehicle or vessel where the victim knew or reasonably should have known that the driver was operating the vehicle or vessel in violation of R.S.39:4-50, section 5 of P.L.1990, c.103 (C.39:3-10.13), section 19 of P.L.1954, c.236 (C.12:7-34.19), section 3 of P.L.1952, c.157 (C.12:7-46), subparagraph (b) of paragraph (2) of subsection b. of N.J.S.2C:20-2, subsection b. of N.J.S.2C:29-2 or subsection b., c., or d. of N.J.S.2C:20-10 .

f. (Deleted by amendment, P.L.2019, c.380)

g. (Deleted by amendment, P.L.2019, c.380)

Except as provided in this section, compensation shall not be awarded under P.L.1971, c.317 (C.52:4B-1 et seq.) in an amount in excess of \$25,000, and all payments shall be made in a lump sum, except that in the case of death or protracted disability the award may provide for periodic payments to compensate for loss of earnings or support.

An award made pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) shall not be subject to execution or attachment other than for expenses resulting from the injury which is the basis of the claim.

Compensation may be awarded in an amount not exceeding the actual cost of a rehabilitative service of the type enumerated in section 2 of P.L.1999, c.166 (C.52:4B-18.2).

The award may provide for periodic payments in the case of protracted care or rehabilitative assistance.

L.1971, c.317, s.18; amended 1981, c.307, s.1; 1982, c.192, s.1; 1982, c.193; 1983, c.86; 1990, c.64, s.3; 1991, c.329, s.18; 1995, c.135, s.6; 1999, c.166, s.1; 2007, c.95, s.18; 2010, c.92; 2011, c.165, s.1; 2019, c.380, s.8.

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### **52:4B-22 Information booklets, pamphlets.**

1. a. Every State, county, and municipal police department and hospital or other place of emergency medical care shall have available and shall post in a public place

information booklets, pamphlets or other pertinent written information, to be supplied by the Victims of Crime Compensation Agency, relating to the availability of crime victims' compensation including all necessary application blanks required to be filed with the agency.

b. Included in the information supplied by the Victims of Crime Compensation Agency shall be information for victims of sexual offenses. This information shall contain the location of rape crisis centers in all geographical areas throughout the State and shall instruct victims of sexual offenses that if a rape crisis center is not available in a victim's immediate geographical area, the victim may contact the appropriate county victim -witness coordinator appointed by the Chief of the Office of Victim -Witness Advocacy established pursuant to P.L.1985, c.404 (C.52:4B-39 et seq.). The information shall also provide that victims will not be charged any fee for services that are directly associated with a forensic sexual assault examination, including routine medical screening, medications for prophylaxis of sexually transmitted infections, pregnancy tests, emergency contraception, supplies, equipment and use of space.

Unless the victim requires immediate medical attention, this information shall be personally conveyed to the victim of a sexual offense by a representative of the hospital or place of emergency care before a medical examination of the victim is conducted, or by a representative of the police department before the victim's statement is taken, to afford the victim the opportunity to arrange to have assistance from the rape crisis center or county victim -witness coordinator during these procedures. Hospitals shall be held harmless from suits emanating from a hospital's carrying out the obligation to convey information to victims of sexual offenses.

"Rape crisis center" means an office , institution or center offering assistance to victims of sexual offenses through crisis intervention, medical and legal information and follow-up counseling.

c. Every police department shall, upon the filing of a report of a violent crime , make available to any victim information concerning crime victims' compensation .

L.1981, c.256, s.1; amended 1987, c.327, s.1; 2007, c.95, s.24; 2011, c.106, s.1.

### **52:4B-25 Victim counseling service.**

2. a. The Victims of Crime Compensation Office shall establish a victim counseling service which shall identify and develop sources to provide counseling to victims as defined in P.L.1971, c.317. The service shall provide assistance to victims without charge, including information and advice relative to filing a claim with the board,

emergency food and clothing, employment opportunities, referral to violence intervention programs and other social service agencies, and in obtaining legal advice or representation. The service shall be conducted at locations within the State as the office deems advisable.

b. The office is authorized to appoint personnel for the service as may be necessary to carry out its functions. Appointments made pursuant to this subsection shall be within the funds appropriated or otherwise made available to the agency for this purpose.

c. (Deleted by amendment, P.L.2007, c.95).

d. The office may also identify and develop sources to provide mental health counseling to victims , and provide victims with information as may be appropriate through its victim counseling service.

L.1982, c.192, s.2; amended 2007, c.95, s.27; 2019, c.210.

#### **52:4B-25.2 Payment for certain victim counseling services.**

1. a. In the event that a person is the victim of a firearm or stabbing injury incurred during the course of an offense described in subsection b. of section 11 of P.L.1971, c.317 (C.52:4B-11), and the person receives counseling in connection with the injury, the entity providing counseling services may directly bill the Victims of Crime Compensation Office for the counseling services, provided that:

(1) the counseling was provided by a licensed psychiatrist, psychologist, social worker, or therapist, or by a peer or support counselor or other individual authorized by the Victims of Crime Compensation Office to provide such counseling while under the supervision of a licensed professional;

(2) the person providing the counseling is affiliated with the hospital where the victim received treatment for the injury or is affiliated with a hospital-based or hospital-linked violence intervention program recognized by the Victims of Crime Compensation Office ;

(3) the victim reported the injury to law enforcement within nine months after its occurrence or reasonable discovery, except that, notwithstanding the requirements of section 18 of P.L.1971, c.317 (C.52:4B-18), a report made after such time shall not be deemed to bar a claim for compensation for counseling services if the victim was admitted to the hospital for the injury and the victim consents to the hospital releasing records of the admission to the Victims of Crime Compensation Office ;

(4) the victim has consented in writing to the entity directly billing the Victims of Crime Compensation Office pursuant to this section; and

(5) the victim has filed a claim with the Victims of Crime Compensation Office that is deemed eligible for counseling services pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.).

Compensation to be paid for counseling services provided under this section shall be determined in accordance with the provisions of subsection b. of this section and section 19 of P.L.1971, c.317 (C.52:4B-19).

b. The Victims of Crime Compensation Office shall establish by regulation the maximum amount of compensation that may be directly billed pursuant to subsection a. of this section, which in any case shall not exceed \$1,000 in connection with a given injury.

c. An entity that directly bills for counseling services pursuant to subsection a. of this section shall not bill the victim or any other person or entity in any amount for any counseling services for which it received compensation from the Victims of Crime Compensation Office pursuant to this section.

L.2019, c.489, s.1.

### **52:4B-25.3 Rules, regulations.**

2. The Victims of Crime Compensation Office may, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt such rules and regulations as may be necessary to implement the provisions of this act.

L.2019, c.489, s.2.

### **52:4B-40 Office of Victim -Witness Assistance.**

2. There is established under the jurisdiction of the Victims of Crime Compensation Agency in the Department of the Treasury an Office of Victim -Witness Assistance under the supervision of the Director of the Office of Victim -Witness Assistance.

L.1985,c.404,s.2; amended 2007, c.95, s.30.

### **52:4B-42 Victim -witness rights information program.**

4. The victim -witness rights information program shall:
  - a. Provide victims or their representatives with information about the availability of social and medical services, especially emergency and social services available in the victim's immediate geographical area;
  - b. Provide victims or their representatives with information about possible compensation under the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 et seq.) and of the sentencing court's authority to order restitution under chapter 43 of Title 2C of the New Jersey Statutes;
  - c. Provide victims or their representatives with information about how to contact the appropriate county office of victim -witness advocacy and the appropriate county prosecutor's office ;
  - d. Provide a 24-hour toll-free hotline telephone number for victims and witnesses to call with inquiries concerning the information and services available pursuant to this act;
  - e. Provide victims and witnesses with a detailed description of the rights established under the Crime Victim's Bill of Rights created by P.L.1985, c.249 (C.52:4B-34 et seq.) and Article I, paragraph 22 of the New Jersey Constitution;
  - f. Gather available information from victim assistance programs throughout the country and make that information available to the Office of Victim -Witness Advocacy, police agencies, hospitals, prosecutors' offices , the courts, and other agencies that provide assistance to victims of crimes ;
  - g. Sponsor conferences to bring together personnel working in the field of victim assistance and compensation to exchange methods and procedures for improving and expanding services to victims ;
  - h. Provide assistance to victims without charge, which assistance shall include information and advice relative to filing a claim with the board, emergency food and clothing, employment opportunities, referral to other social service agencies, and in obtaining legal advice or representation; and
  - i. Conduct training programs for attorneys and victim service providers.

L.1985,c.404,s.4; amended 2007, c.95, s.32.

## **52:4B-43.2 "Sex Crime Victim Treatment Fund."**

2. a. The "Sex Crime Victim Treatment Fund" shall be a separate, nonlapsing, revolving fund and shall be administered by the Victims of Crime Compensation Board established pursuant to section 3 of P.L.1971, c.317 (C.52:4B-3), and all moneys deposited in that fund pursuant to this act shall be used for the provision of counseling and treatment services to victims of specified sex offenses as set forth in section 1 of P.L.2005, c.73 (C.2C:14-10) and the families of these victims .

b. The development and provision of counseling and treatment services to victims and their families shall be pursuant to rules and regulations promulgated by the Victims of Crime Compensation Board. The board shall coordinate these counseling and treatment services with other services offered by the State Office of Victim and Witness Advocacy, the 21 county offices of Victim and Witness Advocacy and as otherwise deemed appropriate for the implementation of the Attorney General Standards to Ensure the Rights of Crime Victims .

L. 2005, c. 73, s. 2.

## **52:4B-44 Standards for law enforcement agencies to ensure rights of crime victims .**

6. a. The Attorney General shall, 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, promulgate standards for law enforcement agencies to ensure that the rights of crime victims are enforced.

b. The standards shall 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) Orientation information about the criminal justice system and the victim's and witness's role in the criminal justice process;

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

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

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



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

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

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

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

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

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

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

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

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

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

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

(16) Advice to victims about their right to make a statement about the impact of the crime for inclusion in the presentence report or at time of parole consideration, if applicable;

(17) Notification to victims of the right to make an in-person statement, prior to sentencing, directly to the sentencing court concerning the impact of the crime ;

- (18) Expediting the return of property when no longer needed as evidence;
- (19) Advise and counsel, or refer for advice or counseling, victims of sexual assault, or other criminal acts involving a risk of transmission of disease, concerning available medical testing and assist such victims , or refer such victims for assistance, in obtaining appropriate testing, counseling and medical care and in making application to the Victims of Crime Compensation Office for compensation for the costs of such testing, counseling and care;
- (20) Assistance to victims in submitting a written impact statement to a representative of the county prosecutor's office concerning the impact of the crime which shall be considered prior to the prosecutor's accepting a negotiated plea agreement containing recommendations as to sentence and assistance to victims in securing an explanation of the terms of any such agreement and the reasons for the agreement;
- (21) Notification to the victim of the defendant's release from custody which shall include:
- (a) notice of the defendant's escape from custody and return to custody following escape;
  - (b) notice of any other release from custody, including placement in an Intensive Supervision Program or other alternative disposition, and any associated conditions of release;
  - (c) notice of the filing by an inmate of an application for commutation of sentence pursuant to N.J.S.2A:167-4 and its disposition;
  - (d) notice of parole consideration pursuant to provisions of P.L.1979, c.441 (C.30:4-123.45 et seq.); and
  - (e) notice of the pending release of an inmate due to expiration of sentence;
- (22) Interpreting services for victims and witnesses when necessary to assist a victim or witness who is hearing impaired or developmentally disabled as defined in section 3 of P.L.1977, c.82 (C.30:6D-3) to understand questions and frame answers; and
- (23) Providing any applicable assistance to victims of sexual assault or sexual misconduct who are incarcerated in a State correctional facility that is available to

other victims or witnesses.

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

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

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

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

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

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

e. In a case involving a victim of human trafficking as defined in section 1 of P.L.2005, c.77 (C.2C:13-8), the Office of Victim -Witness Advocacy or the county prosecutor's office involved in the case shall ensure that the victim of human

trafficking obtains assistance in receiving any available benefits or services, including assistance in receiving any necessary certifications or endorsements needed to be recognized as having federal T non-immigrant status for the purpose of receiving any federal benefits or services available pursuant to the "Trafficking Victims Protection Reauthorization Act of 2003," 22 U.S.C. s. 7101 et seq.

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

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

L.1985, c.404, s.6; amended 1991, c.44, s.2; 1993, c.364, s.1; 1994, c.131, s.5; 1995, c.98, s.2; 1996, c.114; 2005, c.50, s.6; 2005, c.77, s.5; 2019, c.308.

## **52:4B-60.2 Findings, declarations relative to the rights of victims of sexual violence.**

2. The Legislature finds and declares that:

a. The enactment of the "Crime Victim's Bill of Rights," P.L.1985, c.249 (C.52:4B-34 et seq.) and the "New Jersey Campus Sexual Assault Victim's Bill of Rights Act," P.L.1994, c.160 (C.18A:61E-1 et seq.) have resulted in significant advances in the recognition and protection of the rights of crime victims and survivors once they enter

the criminal justice system;

b. Nonetheless, victims of sexual violence in particular often face circumstances where they may be blamed for the crime, assumed to be fabricating the crime, or taken less seriously than their injuries warrant. These victims are sometimes discouraged from proceeding with their complaints and as a result may not be afforded the protections and rights in the criminal justice system to which they are entitled;

c. Therefore, with no diminution of the legislatively-recognized rights of crime victims, it is the public policy of this State that the criminal justice system accord victims of sexual violence the following rights:

(1) To have any allegation of sexual assault treated seriously; to be treated with dignity and compassion; and to be notified of existing medical, counseling, mental health, or other services available for victims of sexual assault, whether or not the crime is reported to law enforcement;

(2) To be free, to the extent consistent with the New Jersey or United States Constitution, from any suggestion that victims are responsible for the commission of crimes against them or any suggestion that victims were contributorily negligent or assumed the risk of being assaulted;

(3) To be free from any suggestion that victims are to report the crimes to be assured of any other guaranteed right and that victims should refrain from reporting crimes in order to avoid unwanted personal publicity;

(4) When applicable, to no-cost access to the services of a sexual assault response team comprised of: a certified forensic nurse examiner, a confidential sexual violence advocate, and a law enforcement official as provided in accordance with the Attorney General's Standards for Providing Services to Victims of Sexual Assault, and the choice to opt into or out of any of the team's services;

(5) To be informed of, and assisted in exercising, the right to be confidentially or anonymously tested for acquired immune deficiency syndrome (AIDS) or infection with the human immunodeficiency virus (HIV) or any other related virus identified as a probable causative agent of AIDS; and to be informed of, and assisted in exercising, any rights that may be provided by law to compel and disclose the results of testing of a sexual assault suspect for communicable diseases;

(6) To have forensic medical evidence, if collected, retained for a minimum of five

years, and to receive information about the status of the evidence upon request;

(7) To choose whether to participate in any investigation of the assault;

(8) To reasonable efforts to provide treatment and interviews in a language in which the victim is fluent and the right to be given access to appropriate assistive devices to accommodate disabilities that the victim may have, whether temporary or long term;

(9) To information and assistance in accessing specialized mental health services; protection from further violence; other appropriate community or governmental services, including services provided by the Victims of Crime Compensation Office ; and all other assistance available to crime victims under current law;

(10) To be apprised of the availability and process by which a court may order the taking of testimony from a victim via closed circuit television in accordance with section 1 of P.L.1985, c.126 (C.2A:84A-32.4); and

(11) To be apprised of the availability and process by which to seek protections through a temporary or final protective order under the "Sexual Assault Survivor Protection Act of 2015," P.L.2015, c.147 (C.2C:14-13 et seq.), if the victim believes that the victim is at risk for re-victimization or further harm by the perpetrator.

L.2019, c.103, s.2.