

Select Victims' Rights – New Jersey

USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in New Jersey and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in New Jersey see the companion resource: *Law Enforcement-Based Victim Services in New Jersey: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

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<p>SELECT DEFINITIONS</p>	<p>New Jersey Constitutional Provisions and Statutes</p>
<p>Victims’ Rights Amendment Definition of “Victim.”</p> <p>. . . “[V]ictim of a crime” means: a) a person who has suffered physical or psychological injury or has incurred loss of or damage to personal or real property as a result of a crime or an incident involving another person operating a motor vehicle while under the influence of drugs or alcohol, and b) the spouse, parent, legal guardian, grandparent, child or sibling of the decedent in the case of a criminal homicide.</p> <p> The above definition applies to New Jersey’s victims’ rights amendment, N.J. Const. art. I, ¶ 22. The rest of this constitutional provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>N.J. Const. art. I, ¶ 22.</p>
<p>Crime Victim’s Bill of Rights Definition of “Victim.”</p> <p>As used in this act, “victim” means a person who suffers personal, physical or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime committed by an adult or an act of delinquency that would constitute a crime if committed by an adult, committed against that person. “Victim” also includes the spouse, parent, legal guardian, grandparent, child, sibling, domestic partner or civil union partner of the decedent in the case of a criminal homicide or act of juvenile delinquency that would constitute a criminal homicide if committed by an adult.</p>	<p>N.J. Stat. Ann. § 52:4B-37.</p>

<p> The above definition applies to the Crime Victim’s Bill of Rights, N.J. Stat. Ann. §§ 52:4B-34 through 52:4B-38. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Victim-Witness Assistance Definitions.</p> <p>As used in P.L.1985, c. 404:</p> <p>a. “Victim” means a person who suffers personal physical or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime committed against that person.</p> <p>b. “Agency” means the Victims of Crime Compensation Agency in the Department of the Treasury.</p> <p> These definitions apply to New Jersey’s laws regarding Victim-Witness Assistance, N.J. Stat. Ann. §§ 52:4B-39 through 52:4B-60.3. Some of these provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>N.J. Stat. Ann. § 52:4B-39.</p>
<p>Victim Counselor’s Privilege Act Definitions.</p> <p>As used in this act:</p> <p>a. “Act of violence” means the commission or attempt to commit any of the offenses set forth in subsection b. of section 11 of P.L.1971, c. 317 (C.52:4B-11).</p> <p>b. “Confidential communication” means any information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and which is disclosed in the course of the</p>	<p>N.J. Stat. Ann. § 2A:84A-22.14.</p>

<p>counselor’s treatment of the victim for any emotional or psychological condition resulting from an act of violence. It includes any advice, report or working paper given or made in the course of the consultation and all information received by the victim counselor in the course of that relationship.</p> <p>c. “Victim” means a person who consults a counselor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused by an act of violence.</p> <p>d. “Victim counseling center” means any office, institution, or center offering assistance to victims and their families through crisis intervention, medical and legal accompaniment and follow-up counseling.</p> <p>e. “Victim counselor” means a person engaged in any office, institution or center defined as a victim counseling center by this act, who has undergone 40 hours of training and is under the control of a direct services supervisor of the center and who has a primary function of rendering advice, counseling or assisting victims of acts of violence. “Victim counselor” includes a rape care advocate as defined in section 4 of P.L.2001, c. 81 (C.52:4B-52).</p> <p> These definitions apply to the Victim Counselor Privilege Act, N.J. Stat. Ann. §§ 2A:84A-22.13 through 2A:84A-22.16. Some of these provisions are included below in the section “Select Crime Victims’ Rights.”</p> <p> The text of this statutory provision is also contained in N.J. R. Evid. 517(b).</p>	
<p>Sex Offense Victims’ Rights Definitions.</p> <p>Definitions. The following definitions apply to this chapter:</p> <p>a. “Actor” means a person accused of an offense proscribed under this act;</p>	<p>N.J. Stat. Ann. § 2C:14-1.</p>

<p>b. "Victim" means a person alleging to have been subjected to offenses proscribed by this act;</p> <p>c. "Sexual penetration" means vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of the hand, finger or object into the anus or vagina either by the actor or upon the actor's instruction. The depth of insertion shall not be relevant as to the question of commission of the crime;</p> <p>d. "Sexual contact" means an intentional touching by the victim or actor, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor. Sexual contact of the actor with himself must be in view of the victim whom the actor knows to be present;</p> <p>e. "Intimate parts" means the following body parts: sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person;</p> <p>f. "Severe personal injury" means severe bodily injury, disfigurement, disease, incapacitating mental anguish or chronic pain;</p> <p>g. "Physically helpless" means that condition in which a person is unconscious or is physically unable to flee or is physically unable to communicate unwillingness to act;</p> <p>h. (Deleted by amendment, P.L.2011, c. 232)</p> <p>i. "Mentally incapacitated" means that condition in which a person is rendered temporarily incapable of understanding or controlling his conduct due to the influence of a narcotic, anesthetic, intoxicant, or other substance administered to that person without his prior knowledge or consent, or due to any other act committed upon that person which rendered that person incapable of appraising or controlling his conduct;</p>	
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<p>j. "Coercion" as used in this chapter shall refer to those acts which are defined as criminal coercion in section 2C:13-5(1), (2), (3), (4), (6) and (7).</p> <p> These definitions apply to the portion of New Jersey's code regarding sex offenses, N.J. Stat. Ann. §§ 2C:14-1 through 2C:14-21. Some of these provisions are included below in the section "Select Crime Victims' Rights."</p>	
<p>Sex Offense Victims' Rights Regarding Offender's Release Definitions.</p> <p>As used in this act:</p> <p>"Sex offense" means a sex offense as defined in subsection b. of section 2 of P.L.1994, c. 133 (C.2C:7-2).</p> <p>"Victim" means a "victim" as defined in N.J.S.2C:14-1.</p> <p> These definitions apply to N.J. Stat. Ann. § 2C:14-12, which governs sex offense victims' rights when an offender is released from custody. This provision is included below in the section "Select Crime Victims' Rights."</p>	<p>N.J. Stat. Ann. § 2C:14-11.</p>
<p>Prevention of Domestic Violence Act Definitions.</p> <p>a. "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor:</p> <ul style="list-style-type: none"> (1) Homicide N.J.S.2C:11-1 et seq. (2) Assault N.J.S.2C:12-1 (3) Terroristic threats N.J.S.2C:12-3 (4) Kidnapping N.J.S.2C:13-1 (5) Criminal restraint N.J.S.2C:13-2 	<p>N.J. Stat. Ann. § 2C:25-19.</p>

<p>(6) False imprisonment N.J.S.2C:13-3 (7) Sexual assault N.J.S.2C:14-2 (8) Criminal sexual contact N.J.S.2C:14-3 (9) Lewdness N.J.S.2C:14-4 (10) Criminal mischief N.J.S.2C:17-3 (11) Burglary N.J.S.2C:18-2 (12) Criminal trespass N.J.S.2C:18-3 (13) Harassment N.J.S.2C:33-4 (14) Stalking P.L.1992, c. 209 (C.2C:12-10) (15) Criminal coercion N.J.S.2C:13-5 (16) Robbery N.J.S.2C:15-1 (17) Contempt of a domestic violence order pursuant to subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly persons offense (18) Any other crime involving risk of death or serious bodily injury to a person protected under the "Prevention of Domestic Violence Act of 1991," P.L.1991, c. 261 (C.2C:25-17 et al.) (19) Cyber-harassment P.L.2013, c. 272 (C.2C:33-4.1)</p> <p>When one or more of these acts is inflicted by an unemancipated minor upon a person protected under this act, the occurrence shall not constitute "domestic violence," but may be the basis for the filing of a petition or complaint pursuant to the provisions of section 11 of P.L.1982, c. 77 (C.2A:4A-30).</p> <p>b. "Law enforcement agency" means a department, division, bureau, commission, board or other authority of the State or of any political subdivision thereof which employs law enforcement officers.</p> <p>c. "Law enforcement officer" means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State.</p>	
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<p>d. "Victim of domestic violence" means a person protected under this act and shall include any person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. "Victim of domestic violence" also includes any person, regardless of age, who has been subjected to domestic violence by a person with whom the victim has a child in common, or with whom the victim anticipates having a child in common, if one of the parties is pregnant. "Victim of domestic violence" also includes any person who has been subjected to domestic violence by a person with whom the victim has had a dating relationship.</p> <p>e. "Emancipated minor" means a person who is under 18 years of age but who has been married, has entered military service, has a child or is pregnant or has been previously declared by a court or an administrative agency to be emancipated.</p> <p> These definitions apply to the Prevention of Domestic Violence Act, N.J. Stat. Ann. §§ 2C:25-17 through 2C:25-35. Some of these provisions are included below in the section "Select Crime Victims' Rights."</p>	
<p>Domestic Violence and Sexual Violence Victims' Employment-Related Rights Definitions.</p> <p>As used in this act:¹</p> <p>"Employee" means a person who is employed for at least 12 months by an employer, with respect to whom benefits are sought under this act, for not less than 1,000 base hours during the immediately preceding 12-month period. Any time, up to a maximum of 90 calendar days, during which a person is laid off or furloughed by an employer due to that employer curtailing operations because of a state of emergency declared after October 22, 2012, shall be regarded as time in which the person is employed for the purpose of determining eligibility for leave time under this act. In making the determination, the base hours per week</p>	<p>N.J. Stat. Ann. § 34:11C-2.</p>

<p>during the layoff or furlough shall be deemed to be the same as the average number of hours worked per week during the rest of the 12-month period.</p> <p>“Employer” means a person or corporation, partnership, individual proprietorship, joint venture, firm or company, or other similar legal entity which engages the services of an employee and employs 25 or more employees for each working day during each of 20 or more calendar workweeks in the then current or immediately preceding calendar year. “Employer” includes the State, any political subdivision thereof, and all public offices, agencies, boards, or bodies.</p> <p>“State of emergency” means a natural or man-made disaster or emergency for which a state of emergency has been declared by the President of the United States or the Governor, or for which a state of emergency has been declared by a municipal emergency management coordinator.</p> <p>¹L.2013, c. 82 (N.J.S.A. §§ 34:11C-1 to 34:11C-5).</p> <p> These definitions apply to N.J. Stat. Ann. § 34:11C-3, which affords victims of domestic violence and sexual violence the right to unpaid leave, and N.J. Stat. Ann. § 34:11C-4, which bars adverse employment actions in response to victims exercising their right to such leave. These provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Drunk Driving Victim’s Bill of Rights Definitions.</p> <p>As used in this act, “victim” means, unless otherwise indicated, a person who suffers personal physical or psychological injury or death or incurs loss of or injury to personal or real property as a result of a motor vehicle accident involving another person’s driving while under the influence of drugs or alcohol. In the event of a death, “victim” means the surviving spouse, a child or the next of kin.</p>	<p>N.J. Stat. Ann. § 39:4-50.10.</p>

<p> This definition applies to the Drunk Driving Victim’s Bill of Rights, N.J. Stat. Ann. §§ 39:4-50.9 through 39:4-50.13. Some of these provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Address Confidentiality Program Definitions.</p> <p>As used in this act:</p> <p>“Address” means a residential street address, school address, or work address of a qualified person, as specified on the qualified person’s application to be a program participant under this act.</p> <p>“Division” means the Division on Women in the Department of Children and Families.</p> <p>“Director” means the Director of the Division on Women in the Department of Children and Families.</p> <p>“Domestic violence” means an act defined in section 3 of P.L.1991, c. 261 (C.2C:25-19), if the act has been reported to a law enforcement agency or court.</p> <p>“Qualified person” means a reproductive health service patient or provider, a victim of domestic violence, sexual assault, or stalking, or a family member of any such person.</p> <p>“Program participant” means a qualified person certified by the director as eligible to participate in the Address Confidentiality Program established by this act.</p> <p>“Reproductive health service provider” means a hospital, clinic, physician’s office, or other facility that provides reproductive health services, including an employee, a volunteer, or a contractor of the provider.</p>	<p>N.J. Stat. Ann. § 47:4-3.</p>

<p>“Reproductive health services” means medical, surgical, counseling, or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.</p> <p>“Sexual assault” means an act of sexual assault as defined in N.J.S.2C:14-2, if the act has been reported to a law enforcement agency or court.</p> <p>“Stalking” means an act defined in section 1 of P.L.1992, c. 209 (C.2C:12-10), if the act has been reported to a law enforcement agency or court.</p> <p> These definitions apply to the statutes governing New Jersey’s Address Confidentiality Program, N.J. Stat. Ann. §§ 47:4-1 through 47:4-6. Some of these provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>SELECT CRIME VICTIMS’ RIGHTS</p>	<p>New Jersey Constitutional Provisions and Statutes</p>
<p>Victims’ Right to be Treated with Fairness, Compassion and Respect.</p> <p>A victim of a crime shall be treated with fairness, compassion and respect by the criminal justice system. . . .</p> <p> N.J. Const. art. I, ¶ 22 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p> <p> Victims have a statutory right to be treated with dignity and compassion under N.J. Stat. Ann. § 52:4B-36(a). This provision is included below.</p>	<p>N.J. Const. art. I, ¶ 22.</p>

<p>Victims' Right to Be Present at Public Proceedings, Except When Sequestered.</p> <p>. . . A victim of a crime shall not be denied the right to be present at public judicial proceedings except when, prior to completing testimony as a witness, the victim is properly sequestered in accordance with law or the Rules Governing the Courts of the State of New Jersey. . . .</p> <p> N.J. Const. art. I, ¶ 22 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p> <p> N.J. Stat. Ann. § 52:4B-36(p) provides victims with the right to be present at judicial proceedings, subject to this constitutional provision. This statutory provision is included below.</p> <p> If the court determines that sequestration is warranted “in accordance with law or the Rules Governing the Courts of the State of New Jersey,” consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim’s right to be present during the entirety of the trial.</p>	<p>N.J. Const. art. I, ¶ 22.</p>
<p>Crime Victim’s Bill of Rights: Legislative Findings and Declarations.</p> <p>The Legislature finds and declares that without the participation and cooperation of crime victims and witnesses, the criminal justice system would cease to function. The rights of these individuals should be given full recognition and protection. The Legislature has the responsibility to enhance and protect the necessary role of crime victims and witnesses in the criminal justice process. In furtherance of this, the improved treatment of these persons should be assured through the establishment of specific rights. These rights are among the most fundamental and important in assuring public confidence in the criminal justice system.</p>	<p>N.J. Stat. Ann. § 52:4B-35.</p>

<p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Be Treated with Dignity and Compassion.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . be treated with dignity and compassion by the criminal justice system[.]</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p> <p> Victims also have a constitution right to be treated with compassion under N.J. Const. art. I, ¶ 22. This constitutional provision is included above.</p>	<p>N.J. Stat. Ann. § 52:4B-36(a).</p>
<p>Victims’ Right to Be Informed About the Criminal Justice Process.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . be informed about the criminal justice process[.]</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p>	<p>N.J. Stat. Ann. § 52:4B-36(b).</p>
<p>Victims’ Right to Be Free from Intimidation, Harassment or Abuse.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . be free from intimidation, harassment or abuse by any person including the defendant or any</p>	<p>N.J. Stat. Ann. § 52:4B-36(c).</p>

<p>other person acting in support of or on behalf of the defendant, due to the involvement of the victim or witness in the criminal justice process[.]</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Minimal Inconvenience.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . have inconveniences associated with participation in the criminal justice process minimized to the fullest extent possible[.]</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p>	<p>N.J. Stat. Ann. § 52:4B-36(d).</p>
<p>Victims’ Right to Make a Telephone Call.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . make at least one telephone call provided the call is reasonable in both length and location called[.]</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p> <p> A promising practice is to notify victims, at the first opportunity, of their right to make a telephone call in the event that they want to retain an attorney.</p>	<p>N.J. Stat. Ann. § 52:4B-36(e).</p>
<p>Victims’ Right to Medical Assistance.</p>	<p>N.J. Stat. Ann. § 52:4B-36(f).</p>

<p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . medical assistance reasonably related to the incident in accordance with the provisions of the “Criminal Injuries Compensation Act of 1971,” P.L.1971, c. 317 (C.52:4B-1 et seq.).</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Notice of Need for Presence at Court Proceedings and of Scheduling Changes.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . be notified in a timely manner, if practicable, if presence in court is not needed or if any scheduled court proceeding has been adjourned or cancelled[.]</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies so that they may be afforded their notification rights.</p>	<p>N.J. Stat. Ann. § 52:4B-36(g).</p>
<p>Victims’ Right to Information Regarding Remedies, Financial Assistance and Services.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . be informed about available remedies, financial assistance and social services[.]</p>	<p>N.J. Stat. Ann. § 52:4B-36(h).</p>

<p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p> <p> The victim-witness rights information program, N.J. Ann. § 52:4B-42, is designed to provide such information. This statutory provision is included below.</p> <p> Crime victims may be in need of services at any given time. A promising practice is to have information relating to community resources ready and available when meeting with or interacting with crime victims. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Victims’ Right to Be Compensated for Loss.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . be compensated for loss sustained by the victim whenever possible[.]</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p>	<p>N.J. Stat. Ann. § 52:4B-36(i).</p>
<p>Victims’ Right to Secure Waiting Area.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . be provided a secure, but not necessarily separate, waiting area during court proceedings[.]</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p>	<p>N.J. Stat. Ann. § 52:4B-36(j).</p>

<p> Although this law is directed at courts, the same concept can and should be applied to law enforcement agencies when interacting with victims, victims' families, and victims' witnesses.</p>	
<p>Victims' Rights to Information Regarding Case Progress and Final Disposition and to Confer with the Prosecutor's Representative.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . be advised of case progress and final disposition and to confer with the prosecutor's representative so that the victim may be kept adequately informed[.]</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term "victim" for the purposes of this right. This definition is included above in the section "Select Definitions."</p>	<p>N.J. Stat. Ann. § 52:4B-36(k).</p>
<p>Victims' Right to the Prompt Return of Property</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . the prompt return of property when no longer needed as evidence[.]</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term "victim" for the purposes of this right. This definition is included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place that clearly defines what "prompt" means in the context of the victim's right to return of property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.</p>	<p>N.J. Stat. Ann. § 52:4B-36(l).</p>

<p> If the accused files a request for return of property, victims and the prosecution must be notified immediately to ensure that they are on notice and have an opportunity to be meaningfully heard on the matter.</p>	
<p>Victims' Rights to Submit Written Statement and to Have Prosecution Consider Statement Regarding Decision to File Charges or Enter into Pretrial Program or Plea.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . submit a written statement, within a reasonable amount of time, about the impact of the crime to a representative of the prosecuting agency which shall be considered prior to the prosecutor's final decision concerning whether formal criminal charges will be filed, whether the prosecutor will consent to a request by the defendant to enter into a pre-trial program, and whether the prosecutor will make or agree to a negotiated plea[.]</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term "victim" for the purposes of this right. This definition is included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place that clearly defines what "a reasonable amount of time" means in this context.</p>	<p>N.J. Stat. Ann. § 52:4B-36(m).</p>
<p>Victims' Right to Make an In-Person Impact Statement to the Sentencing Court.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . make, prior to sentencing, an in-person statement directly to the sentencing court concerning the impact of the crime. This statement is to be made in addition to the statement permitted for inclusion in the presentence report by N.J.S.2C:44-6[.]</p>	<p>N.J. Stat. Ann. § 52:4B-36(n).</p>

<p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p> <p> N.J. Stat. Ann. § 2C:44-6 governs presentence reports. A portion of this provision is included below.</p>	
<p>Victims’ Right to Confer with the Prosecution Prior to the Conclusion of Plea Negotiations.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . have the opportunity to consult with the prosecuting authority prior to the conclusion of any plea negotiations, and to have the prosecutor advise the court of the consultation and the victim’s position regarding the plea agreement, provided however that nothing herein shall be construed to alter or limit the authority or discretion of the prosecutor to enter into any plea agreement which the prosecutor deems appropriate[.]</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p>	<p>N.J. Stat. Ann. § 52:4B-36(o).</p>
<p>Victims’ Right to Be Present.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . be present at any judicial proceeding involving a crime or any juvenile proceeding involving a criminal offense, except as otherwise provided by Article I, paragraph 22 of the New Jersey Constitution[.]</p>	<p>N.J. Stat. Ann. § 52:4B-36(p).</p>

<p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p> <p> N.J. Const. art. I, ¶ 22 provides victims with the right to be present at public court proceedings, except when, prior to completing testimony as a witness, they are sequestered in accordance with court rules. This constitutional provision is included above.</p>	
<p>Victims’ Right to Notice of a Defendant’s Release or Escape.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . be notified of any release or escape of the defendant[.]</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p> <p> Numerous provisions of New Jersey’s criminal code establish procedures for notifying victims of a defendant’s escape or release. <i>See, e.g.</i> N.J. Stat. Ann. § 30:4-123.53a (notification procedures for release of certain offenders); <i>id.</i> at § 52:4B-71 (automatic notification system); . Some of these provisions are included below.</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies so that they may be afforded their notification rights.</p>	<p>N.J. Stat. Ann. § 52:4B-36(q).</p>

<p>Victims' Standing to File a Motion or Present an Argument to Enforce Their Rights.</p> <p>The Legislature finds and declares that crime victims and witnesses are entitled to . . . appear in any court before which a proceeding implicating the rights of the victim is being held, with standing to file a motion or present argument on a motion filed to enforce any right conferred herein or by Article I, paragraph 22 of the New Jersey Constitution, and to receive an adjudicative decision by the court on any such motion.</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p> <p> A promising practice is to notify victims that they have standing to enforce their rights in court and that they may do so personally or with the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	<p>N.J. Stat. Ann. § 52:4B-36(r).</p>
<p>Rights of Survivors of Homicide Victims: to Display Victim’s Photograph to the Sentencing Court During In-Person Statement and to Wear a Button Containing a Picture of the Victim.</p> <p>Pursuant to Article I, paragraph 22 of the New Jersey Constitution, in any homicide prosecution:</p> <p>a. A victim’s survivor may, at the time of making the in-person statement to the sentencing court authorized by subsection n. of section 3 of P.L.1985, c. 249 (C.52:4B-36), display directly to the sentencing court a photograph of the victim taken before the homicide including, but not limited to, a still photograph, a computer-generated presentation, or a video presentation of the victim. The time, length and content of such presentation shall be within the sound discretion of the sentencing judge; and</p>	<p>N.J. Stat. Ann. § 52:4B-36.1.</p>

<p>b. A victim’s survivor may, during any judicial proceeding involving the defendant, wear a button not exceeding four inches in diameter that contains a picture of the victim, if the court determines that the wearing of such button will not deprive the defendant of his right to a fair trial under the Sixth Amendment of the United States Constitution and Article I of the New Jersey Constitution. Other spectators at such judicial proceedings may also wear similar buttons if the court so determines. If the victim’s survivor seeks to wear the button at trial, the victim’s survivor shall give notice to the defendant and to the court no less than 30 days prior to the final trial date.</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p>	
<p>Victims’ Rights to Not Pay Costs of Victimizer or Fees for Copies of Victims’ Own Records.</p> <p>Pursuant to Article I, paragraph 22 of the New Jersey Constitution:</p> <p>a. A crime victim shall not be required to pay the maintenance, support, rehabilitation, or other costs arising from the imprisonment or commitment of a victimizer as a result of the crime; and</p> <p>b. A crime victim shall not be charged any fee otherwise prescribed by law or regulation to obtain copies of the victim’s own records to which the victim is entitled to access as provided in section 1 of P.L.1995, c. 23 (C.47:1A-1.1), including, but not limited to, any law enforcement agency report, domestic violence offense report, and temporary or permanent restraining order.</p> <p> N.J. Stat. Ann. § 52:4B-37 defines the term “victim” for the purposes of this right. This definition is included above in the section “Select Definitions.”</p>	<p>N.J. Stat. Ann. § 52:4B-36.2.</p>

<p>Victim-Witness Rights Information Program: Purposes.</p> <p>The victim-witness rights information program shall:</p> <ul style="list-style-type: none"> 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; 	<p>N.J. Stat. Ann. § 52:4B-42.</p>
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<p>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;</p> <p>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</p> <p>i. Conduct training programs for attorneys and victim service providers.</p> <p> N.J. Stat. Ann. § 52:4B-39 defines the terms used in this provision. These definitions are included above.</p> <p> A promising practice is to have a policy and procedure determining who is responsible for providing victims with such information regarding their rights and when. If the timing of notice is not otherwise specified, consideration should be given to providing such information at or promptly after the victims' initial contact with law enforcement. The notice should be provided in the primary language of the victim when possible, as well as in a form accessible to those with vision impairment.</p>	
<p>Standards to Ensure the Rights of Crime Victims; Obligations of the Office of Victim-Witness Advocacy, Prosecutors, and Law Enforcement.</p> <p>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.</p>	<p>N.J. Stat. Ann. § 52:4B-44.</p>

<p>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:</p> <ol style="list-style-type: none"> (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; 	
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<p>(18) Expediting the return of property when no longer needed as evidence;</p> <p>(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;</p> <p>(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;</p> <p>(21) Notification to the victim of the defendant's release from custody which shall include:</p> <ul style="list-style-type: none">(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; <p>(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</p> <p>(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.</p> <p>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:</p> <ul style="list-style-type: none">(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	
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<p>(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;</p> <p>(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;</p> <p>(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</p> <p>(4) Assist the victim in applying to the Victims of Crime Compensation Office for compensation for the costs of testing, counseling and medical care.</p> <p>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.).</p> <p>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.</p>	
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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.

 N.J. Stat. Ann. § 52:4B-39 defines the terms used in this provision. These definitions are included above.

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Agencies should carefully document a victim's request to exercise rights. Victims who wish to receive the

<p>type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p> <p> A promising practice is to have a policy and procedure determining who is responsible for providing victims written notice of their rights and when. Consideration should be given to providing written notice at or promptly after the victims’ initial contact with law enforcement. The notice should be provided in the primary language of the victim when possible, as well as in a form accessible to those with vision impairment.</p>	
<p>Standard Protocols Regarding Human Trafficking Victims’ Rights to Information and Services.</p> <p>The Attorney General shall, in consultation with the Commissioner of the Department of Health and Senior Services, the Commissioner of Children and Families, the Superintendent of State Police and representatives of providers of services to victims of human trafficking and sexually exploited minors, coordinate the establishment of standard protocols for the provision of information and services to victims of human trafficking and to minors under the age of 18 who are charged with prostitution, 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 upon request.</p> <p> N.J. Stat. Ann. § 52:4B-39 defines the terms used in this provision. These definitions are included above.</p>	<p>N.J. Stat. Ann. § 52:4B-44.1.</p>

<p>In-Service Training for Law Enforcement Regarding Victims' Specialized Needs and Available Services.</p> <p>a. At least one law enforcement officer in every State, county, and municipal police department located in the six urban municipalities with the highest crime index in this State, according to the most recent Uniform Crime Report prepared by the New Jersey Division of State Police, shall receive in-service training on the specialized needs of crime victims and available services in accordance with subsection b. of section 9 of P.L.1985, c. 404 (C.52:4B-47).</p> <p>b. The Attorney General shall ensure that at least one law enforcement officer in each police department in these municipalities has successfully completed the required in-service training.</p> <p>c. The Division of Criminal Justice shall provide assistance to law enforcement agencies in implementing the training requirements of this act.</p> <p> N.J. Stat. Ann. § 52:4B-39 defines the terms used in this provision. These definitions are included above.</p>	<p>N.J. Stat. Ann. § 52:4B-44.2.</p>
<p>Sexual Assault Victims' Right to Information; Obligations of the Office of Victim-Witness Advocacy, Prosecutors, and Law Enforcement to Provide Information Packets.</p> <p>Upon receiving a report 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, the county prosecutor's office, or any other law enforcement agency involved in the case shall make a packet of information available to the victim in electronic or paper format that includes, but is not limited to:</p> <p>a. rights and laws pertaining to victims of sexual assault;</p>	<p>N.J. Stat. Ann. § 52:4B-44.3.</p>

<p>b. the criminal justice process as it pertains to victims of sexual assault; c. existing medical, counseling, and mental health services available to victims of sexual assault; d. any additional services available to victims of sexual assault through the Office of Victim-Witness Advocacy; e. a telephone number, established by the county prosecutor’s office involved in the case, that the victim may call at any time for updates concerning the victim’s case; and f. contact information for the appropriate county Office of Victim-Witness Advocacy.</p> <p>The victim may elect to waive the right to receive the packet of information. Notwithstanding the provisions of any other law, rule, or regulation to the contrary, the Office of Victim-Witness Advocacy, the county prosecutor’s office, or any other law enforcement agency involved in the case shall not discuss or provide information regarding crime prevention strategies with an alleged victim of aggravated sexual assault or sexual assault.</p> <p> N.J. Stat. Ann. § 52:4B-39 defines the terms used in this provision. These definitions are included above.</p>	
<p>Sexual Assault Victims’ Bill of Rights: Legislative Findings and Declarations; Victims’ Rights to Dignity and Compassion, Information Regarding Rights and Services, to Choose Whether to Participate in Investigation, to Protection.</p> <p>The Legislature finds and declares that:</p> <p>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;</p>	<p>N.J. Stat. Ann. § 52:4B-60.2.</p>

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.

 A promising practice is to have a policy and procedure determining who is responsible for providing victims with information regarding their rights and when. Consideration should be given to providing such information at or promptly after the victims' initial contact with law enforcement. The notice should be provided in the primary language of the victim when possible, as well as in a form accessible to those with vision impairment.

 Crime victims may be in need of services at any given time. A promising practice is to have information relating to community resources ready and available when meeting with or interacting with crime victims. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.

<p>Posting of Rights Enumerated in the Sexual Assault Victim’s Bill of Rights.</p> <p>The Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, shall publish a notice of the rights enumerated in the “Sexual Assault Victim’s Bill of Rights” pursuant to subsection c. of section 2 of this act,¹ and shall make this notice available to the public on the Internet website of the Department of Law and Public Safety. All hospital emergency departments, police stations and other law enforcement agencies, sexual violence service organizations, and any other entity informing victims of sexual violence of their rights shall post a copy of this notice in a conspicuous location that is available to the public.</p> <p>The Attorney General shall incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” pursuant to this act and in the “Sexual Assault Survivor Protection Act of 2015,” P.L.2015, c. 147 (C.2C:14-13 et seq.), in the Attorney General Standards for Providing Services to Victims of Sexual Assault to ensure the compassionate and sensitive delivery of services to all sexual violence victims.</p> <p>¹ L.2019, c. 103 (N.J.S.A. § 52:4B-60.2).</p>	<p>N.J. Stat. Ann. § 52:4B-60.3.</p>
<p>Victims’ Right to Notice of Offender’s Release or Transfer; Automatic Notification System.</p> <p>a. The Attorney General shall maintain, or arrange for the State to participate in, an automatic notification system to alert crime victims, witnesses, and other appropriate persons when an offender is released from custody or is transferred within the correctional system.</p> <p>b. Notification of the offender’s change of custody shall be made to persons who have elected to register with the automatic notification system. Victims and witnesses and, as determined by the prosecuting agency, other appropriate persons, shall be provided with the opportunity to supply contact information in order to be notified when the offender’s custody</p>	<p>N.J. Stat. Ann. § 52:4B-71.</p>

<p>status changes. The automatic notification system shall alert the victim, witnesses, and other appropriate persons about the custody status change.</p> <p>c. If a person who has registered pursuant to this section cannot be contacted through the automatic notification system, notification of the offender's change of custody shall be made to the appropriate investigating agency or county correctional facility and such agency or facility shall use reasonable efforts to notify the person.</p> <p>d. The Attorney General shall issue a directive to effectuate the purposes of P.L.2013, c. 270 (C.52:4B-71 et al.).</p> <p> N.J. Stat. Ann. § 52:4B-36(q) provides victims with the right to be notified of a defendant's release or escape from custody. This provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must elect to register with the automatic notification system if they wish to receive notice of changes in custody status.</p>	
<p>Family Justice Centers: Services Not Contingent on Cooperation with Law Enforcement or Consent to Criminal History Background Check; Services Not Denied on Basis of Criminal History, Citizenship or Immigration Status.</p> <p>a. The availability of services at a family justice center shall not be made conditional on the basis of a victim's or family member's willingness to cooperate with law enforcement authorities or participate in the criminal justice system, and services shall not be denied if a victim or family member does not cooperate with law enforcement authorities or participate in the criminal justice system.</p> <p>b. (1) The availability of services at a family justice center shall not be made conditional on the basis of a victim or family member consenting to a criminal history record background</p>	<p>N.J. Stat. Ann. § 52:4B-73.</p>

<p>check, and a criminal history background check shall not be conducted on a victim or family member without that person's written consent, unless the background check is being done in the course of a criminal investigation.</p> <p>(2) Services at a family justice center shall not be denied solely on the basis of any victim's or family member's criminal history, or citizenship or immigration status.</p>	
<p>Family Justice Centers: Victim Privacy and Confidentiality.</p> <p>a. A family justice center shall develop and maintain, under the immediate supervision of the center's privacy officer designated by the director pursuant to subsection b. of section 1 of this act, policies and procedures which comply with all applicable federal and State privacy laws pertaining to the confidentiality of records to be maintained on victims and their family members who request and access assistance through the center.</p> <p>b. All of the providers of assistance at a family justice center shall comply with the applicable laws on confidentiality and privileged communications concerning their respective professions. Nothing in this section shall be deemed to abrogate or modify any existing handling of confidential records or information, or privileged communications, as set forth and recognized under State or federal constitutional, statutory, or common law, or court rule, including any legal obligation by a provider of assistance to report or disclose to other parties specific information or incidents when the disclosure is mandated under State or federal law or required by court order.</p> <p>c. (1) A family justice center shall develop and maintain, under the immediate supervision of the center's privacy officer, a procedure to seek and obtain an informed, voluntary, written consent from each victim at the time the victim initially requests to access assistance through the center, which consent shall be reasonably time limited and intended to only permit the collection and subsequent sharing of the victim's and family members' confidential records and information, and the content of otherwise privileged communications, amongst some or all of the center's personnel, some or all of the providers of assistance at the center, and third-party service providers not providing assistance at the center, as agreed to by the</p>	<p>N.J. Stat. Ann. § 52:4B-75.</p>

<p>victim. A victim shall not be required to provide written consent to the family justice center for the victim or any family member to access services at the center.</p> <p>(2)(a) At the time of seeking the victim's written consent for the collection and limited sharing of confidential and privileged records, information, and communications, the victim shall also be informed that the limitations of any written consent, if given, shall not prevent the sharing of any records, information, and communications offered by the victim or victim's family members when, as described in subsection b. of this section, there is a mandatory, lawful duty to report to law enforcement officers, prosecutors, or other governmental officers or officials based upon any specific information that is provided by the victim or a family member, the type of incident involved, or if the victim or a family member is a danger to himself, herself, or others, or disclosure is required by a court order. The family justice center shall obtain and maintain on file a written acknowledgment from the victim that the victim is aware that any mandatory, lawful duty to report or to disclose pursuant to court order shall apply regardless of the provisions set forth in any written consent for limited sharing, if provided by the victim.</p> <p>(b) Except for a mandatory, lawful duty to report or to disclose pursuant to court order as set forth in subsection b. of this section, and the authorized sharing of information concerning a family justice center's operations and utilization by victims and their family members pursuant to section 5 of this act, the family justice center's personnel and the providers of assistance at the center shall not share any confidential or privileged records, information, and communications in any manner, and with any other parties, other than as consented to in the victim's written consent and consistent with the applicable laws on confidentiality and privileged communications concerning their respective professions.</p> <p>(3) The victim's written consent shall not be deemed to be a more general waiver of confidentiality or privileged communications beyond that which is consented to in the victim's written consent, and beyond that which is consistent with the applicable laws on confidentiality and privileged communications concerning the respective professionals amongst whom any records, information, and communications are shared.</p>	
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<p> N.J. Stat. Ann. § 52:4B-76 governs when and how family justice centers may share and report certain information to partners, where such information does not include victims' personal identifiers.</p>	
<p>Child-Victims' Right to Nondisclosure of Identifying and Locating Information; Confidentiality of Victims' Name and Address; Use of Fictitious Names.</p> <p>Disclosure of identity of victims of certain crimes under age 18 prohibited.</p> <p>a. In prosecutions for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, human trafficking involving sexual activity, a crime involving domestic violence as defined in section 3 of P.L.1991, c. 261 (C.2C:25-19) which involves sexual activity, endangering the welfare of children under N.J.S.2C:24-4, abuse or neglect of a child pursuant to R.S.9:6-3, or in any action alleging an abused or neglected child under P.L.1974, c. 119 (C.9:6-8.21 et seq.), the name, address, and identity of a victim who was under the age of 18 at the time of the alleged commission of an offense shall not appear on the indictment, complaint, or any other public record as defined in P.L.1963, c. 73 (C.47:1A-1 et seq.). In its place initials or a fictitious name shall appear.</p> <p>b. Any report, statement, photograph, court document, indictment, complaint or any other public record which states the name, address and identity of a victim shall be confidential and unavailable to the public. Unless authorized pursuant to subsection c. of this section, any person who purposefully discloses, releases or otherwise makes available to the public any of the above-listed documents which contain the name, address and identity of a victim who was under the age of 18 at the time of the alleged commission of an offense enumerated in subsection a. of this section shall be guilty of a disorderly persons offense.</p> <p>c. The information described in this section shall remain confidential and unavailable to the public unless the court, after a hearing, determines that good cause exists for disclosure. The hearing shall be held after notice has been made to the victim, parents of victim, spouse, partner in a civil union or other person legally responsible for the maintenance and care of</p>	<p>N.J. Stat. Ann. § 2A:82-46.</p>

<p>the victim, and to the person charged with the commission of the offense, counsel or guardian of that person.</p> <p>d. Nothing contained herein shall prohibit the court from imposing further restrictions with regard to the disclosure of the name, address, and identity of the victim when it deems it necessary to prevent trauma or stigma to the victim.</p> <p> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure child-victims' identities are not revealed and initials and fictitious names are used as needed.</p> <p> A promising practice is to have a policy and procedure in place where law enforcement provides advance notice to the prosecution that information will be received by the prosecution that contains identifying information that requires initials or fictitious names prior to providing discovery. Such concerted efforts between law enforcement and the prosecution protect victims' rights.</p>	
<p>Victim Counselor's Privilege Act: Legislative Findings and Declarations.</p> <p>The Legislature finds and declares that:</p> <p>a. The emotional and psychological injuries that are inflicted on victims of violence are often more serious than the physical injuries suffered;</p> <p>b. Counseling is often a successful treatment to ease the real and profound psychological trauma experienced by these victims and their families;</p> <p>c. In the counseling process, victims of violence openly discuss their emotional reactions to the crime. These reactions are often highly intertwined with their personal histories and psychological profile;</p>	<p>N.J. Stat. Ann. § 2A:84A-22.13.</p>

<p>d. Counseling of violence and victims is most successful when the victims are assured their thoughts and feelings will remain confidential and will not be disclosed without their permission; and</p> <p>e. Confidentiality should be accorded all victims of violence who require counseling whether or not they are able to afford the services of private psychiatrists or psychologists.</p> <p>Therefore, it is the public policy of this State to extend a testimonial privilege encompassing the contents of communications with a victim counselor and to render immune from discovery or legal process the records of these communications maintained by the counselor.</p> <p> N.J. Stat. Ann. § 2A:84A-22.14 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> The text of this statutory provision is also contained in N.J. R. Evid. 517(a).</p>	
<p>Victim Counselor’s Privilege.</p> <p>Subject to Rule 37 of the Rules of Evidence,¹ a victim counselor has a privilege not to be examined as a witness in any civil or criminal proceeding with regard to any confidential communication. The privilege shall be claimed by the counselor unless otherwise instructed by prior written consent of the victim. When a victim is incapacitated or deceased consent to disclosure may be given by the guardian, executor, or administrator except when the guardian, executor, or administrator is the defendant or has a relationship with the victim such that the guardian, executor, or administrator has an interest in the outcome of the proceeding. The privilege may be knowingly waived by a juvenile. In any instance where the juvenile is, in the opinion of the judge, incapable of knowing consent, the parent or guardian of the juvenile may waive the privilege on behalf of the juvenile, provided that the parent or guardian is not the defendant and does not have a relationship with the defendant</p>	<p>N.J. Stat. Ann. § 2A:84A-22.15.</p>

<p>such that he has an interest in the outcome of the proceeding. A victim counselor or a victim cannot be compelled to provide testimony in any civil or criminal proceeding that would identify the name, address, location, or telephone number of a domestic violence shelter or any other facility that provided temporary emergency shelter to the victim of the offense or transaction that is the subject of the proceeding unless the facility is a party to the proceeding.</p> <p>¹ See, now, N.J.R.E. 530.</p> <p> N.J. Stat. Ann. § 2A:84A-22.14 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> The text of this statutory provision is also contained in N.J. R. Evid. 517(c).</p>	
<p>Victim Counselor’s Privilege Act: Information Given to County Victim-Witness Coordinator Not Protected.</p> <p>Nothing in this act shall be deemed to prevent the disclosure to a defendant in a criminal action of statements or information given by a victim to a county victim-witness coordinator, where the disclosure of the statements or information is required by the Constitution of this State or of the United States.</p> <p> N.J. Stat. Ann. § 2A:84A-22.14 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> The text of this statutory provision is also contained in N.J. R. Evid. 517(d).</p>	<p>N.J. Stat. Ann. § 2A:84A-22.16.</p>

Certain Victims' Rights Regarding Closed Circuit Testimony.

a. (1) In prosecutions for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, human trafficking involving sexual activity, a crime involving domestic violence as defined in section 3 of P.L.1991, c. 261 (C.2C:25-19), endangering the welfare of a child pursuant to N.J.S.2C:24-4, abuse or neglect of a child pursuant to R.S.9:6-3, or in any action alleging an abused or neglected child under P.L.1974, c. 119 (C.9:6-8.21 et seq.), the court may, on motion and after conducting a hearing in camera, order the taking of the testimony of a victim or witness on closed circuit television at the trial, out of the view of the jury, defendant, or spectators upon making findings as provided in subsection b. of this section.

(2) In granting such an order, the court shall assure that:

- (a) the victim or witness will testify under oath;
- (b) the victim or witness will submit to cross-examination by the defendant's attorney; and
- (c) the defendant, jury, and judge will be permitted to observe the demeanor of the victim or witness when making testimonial statements using closed circuit television.

b. An order under this section may be made only if the court determines by clear and convincing evidence that there is a substantial likelihood that the victim or witness would suffer severe emotional or mental distress if required to testify in the presence of spectators, the defendant, the jury, or all of them. The order shall be specific as to whether the victim or witness will testify outside the presence of spectators, the defendant, the jury, or all of them and shall be based on specific findings relating to the impact of the presence of each.

c. A motion seeking closed circuit testimony under subsection a. of this section may be filed by:

- (1) The victim or witness or, in the case of a victim or witness who is under the age of 18, the victim's or witness's attorney, parent or legal guardian;
- (2) The prosecutor; or
- (3) The defendant or the defendant's counsel.

d. The defendant's counsel shall be present in the same room as the victim or witness at the taking of testimony on closed circuit television. The defendant and the defendant's attorney shall be able to confer privately with each other during the testimony by a separate audio system.

e. If testimony is taken on closed circuit television pursuant to the provisions of this section, the video portion of the testimony shall not be recorded and shall not constitute part of the record on appeal. All audio transmissions, except private conversations between the defendant and the defendant's attorney, shall be recorded and thereafter shall be subject to the following provisions:

(1) If the victim or witness is 18 years of age or older at the time of the court proceedings, any recording of the audio portion of the closed circuit testimony shall constitute part of the record on appeal, unless the court orders otherwise for good cause shown upon motion of the parties.

(2) If the victim or witness is under the age of 18 at the time of the court proceedings, any recording of the audio portion of the closed circuit testimony shall not constitute part of the record on appeal and shall be deemed confidential and not available to the public, unless the court orders otherwise for good cause shown upon motion of the parties. In making the determination regarding the availability of the audio portion of the testimony, the court shall consider potential trauma or stigma to the victim or witness. A transcript of the audio portion of the closed circuit testimony shall constitute part of the record on appeal, subject to any personal identification safeguards contained in section 1 of P.L.1989, c. 336 (C.2A:82-46).

f. For purposes of this section, "closed circuit television" means any closed-circuit, videoconferencing or other audio-visual electronic technology capable of producing a simultaneous, one-way broadcast from a victim or witness to a defendant in a separate physical location. The technology shall allow for the live observation of the victim or witness by the defendant, jury, and judge during the course of testimony or cross-examination, while excluding a victim or witness from directly hearing or viewing the defendant during the proceedings.

<p>Sex Offense Victims' Rights to Review and be Heard Regarding Initial Incident Report; to Notice Regarding Charging Decision; to Confer with the Prosecution.</p> <p>a. Notwithstanding any law, rule, or regulation to the contrary, any victim reporting a violation of N.J.S.2C:14-2 shall be provided with the option to review the initial incident report concerning that violation prior to filing by the law enforcement agency. In addition, the law enforcement agency shall provide the victim with a standardized form prescribed by the Attorney General wherein the victim may state whether the victim disagrees with information contained in the initial incident report. The law enforcement agency shall provide to the victim contact information for a liaison to victims of sexual assault, as set forth in subsection b. of this section, for assistance in completing the standardized form. The law enforcement agency shall review the standardized form prior to finalizing and filing the initial incident report. The victim's decision to not submit a standardized form shall not be construed as indicating the victim's approval regarding the contents of the initial incident report. At the time of the initial report, the law enforcement agency shall inform the victim that the victim is entitled to a copy of the initial incident report once the initial incident report has been finalized or that the victim may waive the right to receive a copy of the initial incident report. The law enforcement agency shall provide the victim with contact information so that the victim may inquire about the status of the initial incident report, prior to the law enforcement agency finalizing the report. The law enforcement agency shall provide the victim with instructions regarding the precise date, time, and location where the victim may obtain a copy of the finalized initial incident report from the law enforcement agency or provide the victim with the option to receive the initial incident report by mail. The victim shall be provided, at no cost, with a copy of the initial incident report and any form submitted by the victim.</p> <p>At any time, a victim may exercise the option to submit a standardized form correcting information contained within the initial incident report, at which time the law enforcement agency also shall provide the victim with a copy of the standardized form submitted by the victim at no cost. The standardized form correcting information contained within the initial incident report shall not be a governmental record under P.L.1963, c. 73 (C.47:1A-1 et seq.), known commonly as the open public records act.</p>	<p>N.J. Stat. Ann. § 2C:14-2.1.</p>
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<p>The law enforcement agency shall establish that it has complied with the provisions of this subsection by obtaining a signature from the victim. A violation of this subsection may be reported to the Office of the Attorney General.</p> <p>The initial incident report and form shall be permanently retained by the law enforcement agency.</p> <p>b. Each county prosecutor’s office shall appoint a staff member who will serve as a liaison to victims of sexual assault. The liaison shall have expertise in the rights of sexual assault victims and in the handling of sexual assault cases. The liaison shall provide assistance, support, and guidance to victims of sexual assault including, but not limited to, completing the standardized form contesting the information contained in the initial incident report.</p> <p>c. For purposes of this section “initial incident report” shall mean the initial victim statement provided by the victim to the law enforcement agency and shall not include any criminal investigatory records or other information deemed confidential pursuant to P.L.1963, c. 73 (C.47:1A-1 et seq.).</p> <p>d. Every victim of sexual assault shall have the right to be notified of the prosecuting authority’s decision to file, or decline to file, criminal charges pursuant to N.J.S.2C:14-2.</p> <p>e. A prosecuting authority investigating an allegation of sexual assault shall:</p> <ol style="list-style-type: none"> (1) advise the victim of the right to be notified of the prosecuting authority’s decision to file, or decline to file, criminal charges in the case; (2) ask the victim whether the victim would like to exercise this right, and, if so, obtain the victim’s written consent to be, or not to be, notified of the prosecuting authority’s charging decision; (3) if the victim requests to be notified, provide that notification via the victim’s preferred method including, but not limited to: <ol style="list-style-type: none"> (a) an in-person meeting; (b) telephone call or text message; or (c) video conference. 	
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<p>f. The prosecuting authority shall make a good faith effort to obtain written acknowledgement of the charging decision from a victim who has requested notification pursuant to paragraphs (2) and (3) of subsection b. of this section prior to notifying the alleged perpetrator of the sexual assault of the charging decision, unless the victim is unavailable; the victim declines to provide the acknowledgement; or the prosecutor is unable to locate the victim following a good faith effort to do so, in which case the prosecutor shall document the good faith effort made and the basis for failure to obtain the acknowledgement.</p> <p>g. A victim shall not publicly disclose the charging decision until the prosecuting authority has provided written notification of the decision to the alleged perpetrator. Written notification may be made via email.</p> <p>h. Whenever there is a prosecution for a violation of N.J.S.2C:14-2, the victim of the sexual assault shall be provided an opportunity to consult with the prosecuting authority prior to the conclusion of any plea negotiations. Nothing contained herein shall be construed to alter or limit the authority or discretion of the prosecutor to enter into any plea agreement which the prosecutor deems appropriate.</p> <p> N.J. Stat. Ann. § 2C:14-1 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.</p>	
<p>Sex Offense Victims’ Right to Nondisclosure of Location When Defendant Released from Custody Before Trial on Bail or Personal Recognizance.</p> <p>a. When a defendant charged with a sex offense is released from custody before trial on bail or personal recognizance, the court authorizing the release may, as a condition of release,</p>	<p>N.J. Stat. Ann. § 2C:14-12.</p>

<p>issue an order prohibiting the defendant from having any contact with the victim including, but not limited to, restraining the defendant from entering the victim’s residence, place of employment or business, or school, and from harassing or stalking the victim or the victim’s relatives in any way.</p> <p>b. The written court order releasing the defendant shall contain the court’s directives specifically restricting the defendant’s ability to have contact with the victim or the victim’s friends, co-workers or relatives. The clerk of the court or other person designated by the court shall provide a copy of this order to the victim forthwith.</p> <p>c. The victim’s location shall remain confidential and shall not appear on any documents or records to which the defendant has access.</p> <p> N.J. Stat. Ann. §§ 2C:14-1 and 2C:14-11 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Sexual Assault Survivor Protection Act of 2015: Sexual Assault Victims’ Rights Regarding Temporary Protective Orders.</p> <p>a. (1) Any person alleging to be a victim of nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, and who is not eligible for a restraining order as a “victim of domestic violence” as defined by the provisions of subsection d. of section 3 of P.L.1991, c. 261 (C.2C:25-19), may, except as provided in subsection b. of this section, file an application with the Superior Court pursuant to the Rules of Court alleging the commission of such conduct or attempted conduct and seeking a temporary protective order. As used in this section and in sections 3, 4, and 8 of P.L.2015, c. 147 (C.2C:14-15, C.2C:14-16, and C.2C:14-20):</p> <p>“Sexual contact” means an intentional touching by the victim or actor, either directly or through clothing, of the victim’s or actor’s intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor.</p>	<p>N.J. Stat. Ann. § 2C:14-14.</p>

<p>“Sexual penetration” means vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of the hand, finger or object into the anus or vagina either by the actor or upon the actor’s instruction.</p> <p>“Lewdness” means the exposing of the genitals for the purpose of arousing or gratifying the sexual desire of the actor or of any other person.</p> <p>“Intimate parts” means the following body parts: sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person.</p> <p>(2) Except as provided in subsection b. of this section, an application for relief under P.L.2015, c. 147 (C.2C:14-13 et al.) may be filed by the alleged victim’s parent or guardian on behalf of the alleged victim in any case in which the alleged victim:</p> <p>(a) is less than 18 years of age; or</p> <p>(b) has a developmental disability as defined in section 3 of P.L.1977, c. 200 (C.5:5-44.4) or a mental disease or defect that renders the alleged victim temporarily or permanently incapable of understanding the nature of the alleged victim’s conduct, including, but not limited to, being incapable of providing consent.</p> <p>b. (1) When it is alleged that nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, has been committed by an unemancipated minor, an applicant seeking a protective order shall not proceed under the provisions of P.L.2015, c. 147 (C.2C:14-13 et al.), but may seek a protective order and other relief under the New Jersey Code of Juvenile Justice, P.L.1982, c. 77 (C.2A:4A-20 et seq.) by filing a complaint pursuant to the provisions of section 11 of P.L.1982, c. 77 (C.2A:4A-30).</p> <p>(2) When it is alleged that nonconsensual sexual contact, sexual penetration, or lewdness, or any attempt at such conduct, has been committed against an unemancipated minor by a parent, guardian, or other person having care, custody and control of that child as defined in N.J.S.9:6-2, an applicant seeking a protective order shall not proceed under the provisions of P.L.2015, c. 147 (C.2C:14-13 et al.), but shall report the incident to the Division of Child Protection and Permanency in the Department of Children and Families for investigation and possible legal action by the division pursuant to R.S.9:6-1 et seq. or other applicable law, including, when appropriate, petitioning the Superior Court pursuant to P.L.1974, c. 119 (C.9:6-8.21 et seq.) for a protective order and other relief on behalf of the applicant and the unemancipated minor.</p>	
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c. (1) An applicant may seek a protective order pursuant to P.L.2015, c. 147 (C.2C:14-13 et al.) and the court may issue such an order regardless of whether criminal charges based on the incident were filed and regardless of the disposition of any such charges.

(2) The filing of an application pursuant to this section shall not prevent the filing of a criminal complaint, or the institution or maintenance of a criminal prosecution based on the same act.

d. The court shall waive any requirement that the applicant's or alleged victim's place of residence appear on the application.

e. An applicant may seek a protective order pursuant to P.L.2015, c. 147 (C.2C:14-13 et al.) in a court having jurisdiction over the place where the alleged conduct or attempted conduct occurred, where the respondent resides, or where the alleged victim resides or is sheltered.

f. No fees or other costs shall be assessed against an applicant for seeking a protective order pursuant to P.L.2015, c. 147 (C.2C:14-13 et al.).



For additional information regarding protective orders for victims of sexual assault under the Sexual Assault Survivor Protection Act of 2015, *see* N.J. Stat. Ann. § 2C:14-15 (emergency ex parte temporary protective orders); *id.* at § 2C:14-16 (protective order hearings; considerations; issuance of final order; notice duration); *id.* at § 2C:14-17 (scope of temporary or final protective order); *id.* at § 2C-14-18 (violation of protective order as contempt); *id.* at § 2C-14-19 (confidentiality of records regarding protective orders); *id.* at § 2C-14-20 (central registry of protective orders and persons charged with violations). N.J. Stat. Ann. § 2C-14-19 is included below.

<p>Sexual Assault Victims' Rights to Confidentiality of Records and to Copies of Protective Orders and Other Relevant Documents.</p> <p>a. All records maintained pursuant to P.L.2015, c. 147 (C.2C:14-13 et al.) [Sexual Assault Protection Act of 2015] shall be confidential and shall not be made available to any individual or institution except as otherwise provided by law.</p> <p>b. A victim shall be provided with copies of all protective orders issued pursuant to P.L.2015, c. 147 (C.2C:14-13 et al.) and other relevant documents upon request at no cost.</p>	<p>N.J. Stat. Ann. § 2C:14-19.</p>
<p>Prevention of Domestic Violence Act: Legislative Findings and Declarations.</p> <p>The Legislature finds and declares that domestic violence is a serious crime against society; that there are thousands of persons in this State who are regularly beaten, tortured and in some cases even killed by their spouses or cohabitants; that a significant number of women who are assaulted are pregnant; that victims of domestic violence come from all social and economic backgrounds and ethnic groups; that there is a positive correlation between spousal abuse and child abuse; and that children, even when they are not themselves physically assaulted, suffer deep and lasting emotional effects from exposure to domestic violence. It is therefore, the intent of the Legislature to assure the victims of domestic violence the maximum protection from abuse the law can provide.</p> <p>The Legislature further finds and declares that the health and welfare of some of its most vulnerable citizens, the elderly and disabled, are at risk because of incidents of reported and unreported domestic violence, abuse and neglect which are known to include acts which victimize the elderly and disabled emotionally, psychologically, physically and financially; because of age, disabilities or infirmities, this group of citizens frequently must rely on the aid and support of others; while the institutionalized elderly are protected under P.L.1977, c. 239 (C. 52:27G-1 et seq.), elderly and disabled adults in noninstitutionalized or</p>	<p>N.J. Stat. Ann. § 2C:25-18.</p>

community settings may find themselves victimized by family members or others upon whom they feel compelled to depend.

The Legislature further finds and declares that violence against the elderly and disabled, including criminal neglect of the elderly and disabled under section 1 of P.L.1989, c. 23 (C. 2C:24-8), must be recognized and addressed on an equal basis as violence against spouses and children in order to fulfill our responsibility as a society to protect those who are less able to protect themselves.

The Legislature further finds and declares that even though many of the existing criminal statutes are applicable to acts of domestic violence, previous societal attitudes concerning domestic violence have affected the response of our law enforcement and judicial systems, resulting in these acts receiving different treatment from similar crimes when they occur in a domestic context. The Legislature finds that battered adults presently experience substantial difficulty in gaining access to protection from the judicial system, particularly due to that system's inability to generate a prompt response in an emergency situation.

It is the intent of the Legislature to stress that the primary duty of a law enforcement officer when responding to a domestic violence call is to enforce the laws allegedly violated and to protect the victim. Further, it is the responsibility of the courts to protect victims of violence that occurs in a family or family-like setting by providing access to both emergent and long-term civil and criminal remedies and sanctions, and by ordering those remedies and sanctions that are available to assure the safety of the victims and the public. To that end, the Legislature encourages the training of all police and judicial personnel in the procedures and enforcement of this act, and about the social and psychological context in which domestic violence occurs; and it further encourages the broad application of the remedies available under this act in the civil and criminal courts of this State. It is further intended that the official response to domestic violence shall communicate the attitude that violent behavior will not be excused or tolerated, and shall make clear the fact that the existing criminal laws and civil remedies created under this act will be enforced without regard to the fact that the violence grows out of a domestic situation.

<p> N.J. Stat. Ann. § 2C:25-19 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Prevention of Domestic Violence Act: Victims’ Right to Information; Law Enforcement’s Obligations.</p> <p>A law enforcement officer shall disseminate and explain to the victim the following notice, which shall be written in both English and Spanish:</p> <p>“You have the right to go to court to get an order called a temporary restraining order, also called a TRO, which may protect you from more abuse by your attacker. The officer who handed you this card can tell you how to get a TRO.</p> <p>The kinds of things a judge can order in a TRO may include:</p> <ol style="list-style-type: none"> (1) That your attacker is temporarily forbidden from entering the home you live in; (2) That your attacker is temporarily forbidden from having contact with you or your relatives; (3) That your attacker is temporarily forbidden from bothering you at work; (4) That your attacker has to pay temporary child support or support for you; (5) That you be given temporary custody of your children; (6) That your attacker pay you back any money you have to spend for medical treatment or repairs because of the violence. There are other things the court can order, and the court clerk will explain the procedure to you and will help you fill out the papers for a TRO. <p>You also have the right to file a criminal complaint against your attacker. The police officer who gave you this paper will tell you how to file a criminal complaint.</p> <p>On weekends, holidays and other times when the courts are closed, you still have a right to get a TRO. The police officer who gave you this paper can help you get in touch with a judge who can give you a TRO.”</p>	<p>N.J. Stat. Ann. § 2C:25-23.</p>

<p> N.J. Stat. Ann. § 2C:25-19 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have the information to which victims are entitled under this provision ready and available when meeting with or interacting with crime victims. In addition to providing this information in English and Spanish, consideration should be given to providing materials in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Prevention of Domestic Violence Act: Victims’ Rights Regarding Criminal Complaints.</p> <p>The court in a criminal complaint arising from a domestic violence incident:</p> <ul style="list-style-type: none"> a. Shall not dismiss any charge or delay disposition of a case because of concurrent dissolution of a marriage, other civil proceedings, or because the victim has left the residence to avoid further incidents of domestic violence; b. Shall not require proof that either party is seeking a dissolution of a marriage prior to institution of criminal proceedings; c. Shall waive any requirement that the victim’s location be disclosed to any person. <p> N.J. Stat. Ann. § 2C:25-19 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>N.J. Stat. Ann. § 2C:25-25.</p>

<p>Prevention of Domestic Violence Act: No Contact Orders; Victim Confidentiality; Victims' Notice Regarding Bail.</p> <p>a. When a defendant charged with a crime or offense involving domestic violence is released from custody before trial on bail or personal recognizance, the court authorizing the release may as a condition of release issue an order prohibiting the defendant from having any contact with the victim including, but not limited to, restraining the defendant from entering the victim's residence, place of employment or business, or school, and from harassing or stalking the victim or the victim's friends, co-workers, or relatives in any way. The court may also enter an order prohibiting the defendant from having any contact with any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. In addition, the court may enter an order directing the possession of the animal and providing that the animal shall not be disposed of prior to the disposition of the crime or offense. The court may enter an order prohibiting the defendant from possessing any firearm or other weapon enumerated in subsection r. of N.J.S.2C:39-1 and ordering the search for and seizure of any such weapon at any location where the judge has reasonable cause to believe the weapon is located. The judge shall state with specificity the reasons for and scope of the search and seizure authorized by the order.</p> <p>b. The written court order releasing the defendant shall contain the court's directives specifically restricting the defendant's ability to have contact with the victim, the victim's friends, co-workers, or relatives, or any animal owned, possessed, leased, kept, or held by either party or a minor child residing in the household. The clerk of the court or other person designated by the court shall provide a copy of this order to the victim forthwith.</p> <p>c. The victim's location shall remain confidential and shall not appear on any documents or records to which the defendant has access.</p> <p>d. Before bail is set, the defendant's prior record shall be considered by the court. The court shall also conduct a search of the domestic violence central registry. Bail shall be set as soon as is feasible, but in all cases within 24 hours of arrest.</p>	<p>N.J. Stat. Ann. § 2C:25-26.</p>
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<p>e. Once bail is set it shall not be reduced without prior notice to the county prosecutor and the victim. Bail shall not be reduced by a judge other than the judge who originally ordered bail, unless the reasons for the amount of the original bail are available to the judge who reduces the bail and are set forth in the record.</p> <p>f. A victim shall not be prohibited from applying for, and a court shall not be prohibited from issuing, temporary restraints pursuant to this act because the victim has charged any person with commission of a criminal act.</p> <p> N.J. Stat. Ann. § 2C:25-19 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Prevention of Domestic Violence Act: Victims’ Right to Notice of Defendants’ Release from Custody.</p> <p>Notwithstanding any other provision of law to the contrary, whenever a defendant charged with a crime or an offense involving domestic violence is released from custody the prosecuting agency shall notify the victim.</p> <p> N.J. Stat. Ann. § 2C:25-19 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies so that they may be afforded their notification rights.</p>	<p>N.J. Stat. Ann. § 2C:25-26.1.</p>

<p>Victims' Right to Restitution: Limitations on Amount of Restitution Imposed.</p> <p>A person who has been convicted of an offense may be sentenced to pay a fine, to make restitution, or both, such fine not to exceed:</p> <ul style="list-style-type: none"> a. (1) \$200,000.00 when the conviction is of a crime of the first degree; (2) \$150,000.00 when the conviction is of a crime of the second degree; b. (1) \$15,000.00 when the conviction is of a crime of the third degree; (2) \$10,000.00 when the conviction is of a crime of the fourth degree; c. \$1,000.00, when the conviction is of a disorderly persons offense; d. \$500.00, when the conviction is of a petty disorderly persons offense; e. Any higher amount equal to double the pecuniary gain to the offender or loss to the victim caused by the conduct constituting the offense by the offender. In such case the court shall make a finding as to the amount of the gain or loss, and if the record does not contain sufficient evidence to support such a finding the court may conduct a hearing upon the issue. For purposes of this section the term "gain" means the amount of money or the value of property derived by the offender and "loss" means the amount of value separated from the victim or the amount of any payment owed to the victim and avoided or evaded and includes any reasonable and necessary expense incurred by the owner in recovering or replacing lost, stolen or damaged property, or recovering any payment avoided or evaded, and, with respect to property of a research facility, includes the cost of repeating an interrupted or invalidated experiment or loss of profits. The term "victim" shall mean a person who suffers a personal physical or psychological injury or death or incurs loss of or injury to personal or real property as a result of a crime committed against that person, or in the case of a homicide, the nearest relative of the victim. The terms "gain" and "loss" shall also mean, where appropriate, the amount of any tax, fee, penalty and interest avoided, evaded, or otherwise unpaid or improperly retained or disposed of; 	<p>N.J. Stat. Ann. § 2C:43-3.</p>
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<p>f. Any higher amount specifically authorized by another section of this code or any other statute;</p> <p>g. Up to twice the amounts authorized in subsection a., b., c. or d. of this section, in the case of a second or subsequent conviction of any tax offense defined in Title 54 of the Revised Statutes or Title 54A of the New Jersey Statutes, as amended and supplemented, or of any offense defined in chapter 20 or 21 of this code;</p> <p>h. In the case of violations of chapter 35, any higher amount equal to three times the street value of the controlled dangerous substance or controlled substance analog. The street value for purposes of this section shall be determined pursuant to subsection e. of N.J.S.2C:44-2.</p> <p>The restitution ordered paid to the victim shall not exceed the victim’s loss, except that in any case involving the failure to pay any State tax, the amount of restitution to the State shall be the full amount of the tax avoided or evaded, including full civil penalties and interest as provided by law. In any case where the victim of the offense is any department or division of State government, the court shall order restitution to the victim. Any restitution imposed on a person shall be in addition to any fine which may be imposed pursuant to this section.</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims’ Right to Restitution: Criteria for Imposing Restitution.</p> <p>a. The court may sentence a defendant to pay a fine in addition to a sentence of imprisonment or probation if:</p>	<p>N.J. Stat. Ann. § 2C:44-2.</p>

<p>(1) The defendant has derived a pecuniary gain from the offense or the court is of opinion that a fine is specially adapted to deterrence of the type of offense involved or to the correction of the offender;</p> <p>(2) The defendant is able, or given a fair opportunity to do so, will be able to pay the fine; and</p> <p>(3) The fine will not prevent the defendant from making restitution to the victim of the offense.</p> <p>b. The court shall sentence a defendant to pay restitution in addition to a sentence of imprisonment or probation that may be imposed if:</p> <p>(1) The victim, or in the case of a homicide, the nearest relative of the victim, suffered a loss; and</p> <p>(2) The defendant is able to pay or, given a fair opportunity, will be able to pay restitution.</p> <p>c. (1) In determining the amount and method of payment of a fine, the court shall take into account the financial resources of the defendant and the nature of the burden that its payment will impose.</p> <p>(2) In determining the amount and method of payment of restitution, the court shall take into account all financial resources of the defendant, including the defendant's likely future earnings, and shall set the amount of restitution so as to provide the victim with the fullest compensation for loss that is consistent with the defendant's ability to pay. The court shall not reduce a restitution award by any amount that the victim has received from the Violent Crimes Compensation Board, but shall order the defendant to pay any restitution ordered for a loss previously compensated by the Board to the Violent Crimes Compensation Board. If restitution to more than one person is set at the same time, the court shall set priorities of payment.</p> <p>d. Nonpayment. When a defendant is sentenced to pay a fine or make restitution, or both, the court shall not impose at the same time an alternative sentence to be served in the event that the fine or restitution is not paid. The response of the court to nonpayment shall be determined only after the fine or restitution has not been paid, as provided in section 2C:46-2.</p>	
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e. Whenever the maximum potential fine which may be imposed on a conviction for an offense defined in the “Comprehensive Drug Reform Act of 1986,” N.J.S. 2C:35-1 et al. depends on the street value of the controlled dangerous substance or controlled substance analog involved and the court intends to impose a fine in excess of the maximum ordinary fine applicable to the offense for which defendant was convicted, and where the fine has not been agreed to pursuant to the provisions of N.J.S. 2C:35-12, the court at the time of sentence shall determine the street value at the time and place of the offense based on the amount and purity of the controlled dangerous substance or controlled substance analog involved. The sentencing court’s finding as to the street value may be based on expert opinion in the form of live testimony or by affidavit, or by such other means as the court deems appropriate. The court’s finding as to street value shall not be subject to modification by an appellate court except upon a showing that the finding was totally lacking in support on the record or was arbitrary or capricious.

f. The ordering of restitution pursuant to this section shall not operate as a bar to the seeking of civil recovery by the victim based on the incident underlying the criminal conviction. Restitution ordered under this section is to be in addition to any civil remedy which a victim may possess, but any amount due the victim under any civil remedy shall be reduced by the amount ordered under this section to the extent necessary to avoid double compensation for the same loss, and the initial restitution judgment shall remain in full force and effect.

 A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.

<p>Victims' Rights to Give a Statement to Include in Presentence Investigation and Report.</p> <p>. . . The presentence report shall also include a report on any compensation paid by the Victims of Crime Compensation Agency as a result of the commission of the offense and, in any case where the victim chooses to provide one, a statement by the victim of the offense for which the defendant is being sentenced. The statement may include the nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss to include loss of earnings or ability to work suffered by the victim and the effect of the crime upon the victim's family. The probation department shall notify the victim or nearest relative of a homicide victim of his right to make a statement for inclusion in the presentence report if the victim or relative so desires. Any such statement shall be made within 20 days of notification by the probation department.</p> <p>The presentence report shall specifically include an assessment of the gravity and seriousness of harm inflicted on the victim, including whether or not the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, disability, ill-health, or extreme youth, or was for any other reason substantially incapable of exercising normal physical or mental power of resistance.</p>	<p>N.J. Stat. Ann. § 2C:44-6(b).</p>
<p>Campus Sexual Assault Victim's Bill of Rights.</p> <p>The Commission on Higher Education shall appoint an advisory committee of experts which shall develop a "Campus Sexual Assault Victim's Bill of Rights" which affirms support for campus organizations which assist sexual assault victims and provides that the following rights shall be accorded to victims of sexual assaults that occur on the campus of any public or independent institution of higher education in the State and where the victim or alleged perpetrator is a student at the institution or when the victim is a student involved in an off-campus sexual assault.</p>	<p>N.J. Stat. Ann. § 18A:61E-2.</p>

<p>a. The right to have any allegation of sexual assault treated seriously; the right to be treated with dignity; and the right to be notified of existing medical, counseling, mental health or student services for victims of sexual assault, both on campus and in the community whether or not the crime is reported to campus or civil authorities. “Campus authorities” as used in this act shall mean any individuals or organizations specified in an institution’s statement of campus security policy as the individuals or organizations to whom students and employees should report criminal offenses.</p> <p>b. The right to have any allegation of sexual assault investigated and adjudicated by the appropriate criminal and civil authorities of the jurisdiction in which the crime occurred, and the right to the full and prompt cooperation and assistance of campus personnel in notifying the proper authorities. The provisions of this subsection shall be in addition to any campus disciplinary proceedings which may take place.</p> <p>c. The right to be free from pressure from campus personnel to refrain from reporting crimes, or to report crimes as lesser offenses than the victims perceive the crimes to be, or to report crimes if the victim does not wish to do so.</p> <p>d. The right to be free from any suggestion that victims are responsible for the commission of crimes against them; to be free from any suggestion that victims were contributorily negligent or assumed the risk of being assaulted; to be free from any suggestion that victims must report the crimes to be assured of any other right guaranteed under this policy; and to be free from any suggestion that victims should refrain from reporting crimes in order to avoid unwanted personal publicity.</p> <p>e. The same right to legal assistance, and the right to have others present, in any campus disciplinary proceeding, that the institution permits to the accused; and the right to be notified of the outcome of any disciplinary proceeding against the accused.</p>	
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<p>f. The right to full, prompt, and victim-sensitive cooperation of campus personnel in obtaining, securing, and maintaining evidence, including a medical examination if it is necessary to preserve evidence of the assault.</p> <p>g. The right to be informed of, and assisted in exercising, any rights to be confidentially or anonymously tested for sexually transmitted diseases or human immunodeficiency virus; the right 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 sexual assault suspects for communicable diseases.</p> <p>h. The right to have access to counseling under the same terms and conditions as apply to other students seeking such counseling from appropriate campus counseling services.</p> <p>i. The right to require campus personnel to take reasonable and necessary action to prevent further unwanted contact of victims with their alleged assailants, including but not limited to, notifying the victim of options for and available assistance in changing academic and living situations after an alleged sexual assault incident if so requested by the victim and if such changes are reasonably available.</p> <p> New Jersey's full Campus Sexual Assault Victim's Bill of Rights Act can be found at N.J. Stat. Ann. §§ 18:61E-1 through 18:61E-10.</p>	
<p>Victims' Rights to Notice and to Be Heard Regarding Compassionate Release.</p> <p>(e) A petition for compassionate release shall be filed with the Superior Court.</p> <p>(1) The petitioner shall serve a copy of the petition in accordance with the Rules of Court on the county prosecutor who prosecuted the matter or, if the matter was prosecuted by the Attorney General, the Attorney General.</p> <p>(2) The county prosecutor or the Attorney General, as the case may be, shall provide notice of the petition to any victim or member of the family of a victim entitled to notice relating to a parole or the consideration of a parole under the provisions of P.L.1979, c. 441 (C.30:4-</p>	<p>N.J. Stat. Ann. § 30:4-123.51e(e)–(f).</p>

<p>123.45 et seq.), and shall notify the victim or family member of the opportunity to present a statement at the hearing on the petition or to testify to the court concerning any harm suffered by the victim or family member at the time of the hearing.</p> <p>(3) Upon receipt of notice of the petition, the victim or member of the family of the victim, as the case may be, may submit any comments to the court within 15 days following receipt of notice of the petition, including but not limited to advising the court of an intent to testify at the hearing.</p> <p>(4) The information contained in the petition and the contents of any comments submitted by a recipient in response thereto shall be confidential and shall not be disclosed to any person who is not authorized to receive or review the information or comments.</p> <p>(5) If a recipient of a notice of the petition does not submit comments or advise the court of an intent to testify at the hearing within the 15-day period following receipt of the notice of the petition, the court may presume that the recipient does not wish to submit comments and proceed with its consideration of the petition.</p> <p>(6) The prosecutor shall have 15 days to respond to the petition, which period may be extended to 30 days for good cause shown.</p> <p>(7) If the court receives from the prosecutor a response objecting to the petition or is notified that a victim or a family member intends to testify to the court at the hearing, the court shall hold a hearing on the petition on an expedited basis in accordance with the Rules of Court and procedures established by the Administrative Director of the Courts. If the court does not, within the time frames established under this subsection, receive a response from the prosecutor objecting to the petition and is not notified of an intent for a victim or family member to testify, the court may make a determination on the petition without holding a hearing.</p> <p>Notice given under the provisions of this subsection shall be in lieu of any other notice of parole consideration required under P.L.1979, c. 441 (C.30:4-123.45 et seq.).</p> <p>Nothing in this subsection shall be construed to impair the right of any party to be heard pursuant to P.L.1979, c. 441 (C.30:4-123.45 et seq.).</p> <p>f. (1) Notwithstanding the provisions of subsection a. of section 9 of P.L.1979, c. 441 (C.30:4-123.53), the court may order the compassionate release of an inmate who has been issued a Certificate of Eligibility for Compassionate Release pursuant to paragraph (2) of</p>	
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<p>subsection d. of this section if the court finds by clear and convincing evidence that the inmate is so debilitated or incapacitated by the terminal condition, disease or syndrome, or permanent physical incapacity as to be permanently physically incapable of committing a crime if released and, in the case of a permanent physical incapacity, the conditions established in accordance with subsection h. of this section under which the inmate would be released would not pose a threat to public safety.</p> <p>(2) No petition for compassionate release may be submitted to the court unless it is accompanied by a Certificate of Eligibility for Compassionate Release pursuant to paragraph (2) of subsection d. of this section. The court may summarily dismiss a petition for compassionate release if the petition is submitted without a Certificate of Eligibility for Compassionate Release.</p> <p>(3) The court shall provide to the inmate and the county prosecutor or Attorney General, as the case may be, written notice of its decision setting forth the reasons for granting or denying compassionate release, and the county prosecutor or Attorney General, as the case may be, shall notify any victim or member of a victim's family who received notification pursuant to paragraph (2) of subsection e. of this section of the outcome of the court's decision.</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies so that they may be afforded their notification rights.</p>	
<p>Victims' Right to Notice Regarding Release of Certain Offenders.</p> <p>a. As used in this act: "Prosecutor" means the county prosecutor of the county in which the defendant was convicted unless the matter was prosecuted by the Attorney General, in which case "prosecutor" means the Attorney General.</p> <p>"Office of Victim Witness Advocacy" means the Office of Victim Witness Advocacy of the county in which the defendant was convicted.</p>	<p>N.J. Stat. Ann. § 30:4-123.53a.</p>

b. Notwithstanding any other provision of law to the contrary, the State shall provide written notice to the prosecutor of the anticipated release from incarceration in a county or State penal institution or the Adult Diagnostic and Treatment Center of a person convicted of murder; manslaughter; aggravated sexual assault; sexual assault; aggravated assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c. 291 (C.2C:13-6); any other offense involving serious bodily injury or an attempt to commit any of the aforementioned offenses. In cases involving a release on parole, the State Parole Board shall provide the notice required by this subsection. In all other cases, including but not limited to release upon expiration of sentence or release from incarceration due to a change in sentence, the Department of Corrections shall provide the notice required by this subsection.

c. (Deleted by amendment, P.L.2019, c. 363)

d. If available, the notice shall be provided to the prosecutor 90 days before the inmate's anticipated release; provided however, the notice shall be provided at least 30 days before release. The notice shall include the person's name, identifying factors, offense history, and anticipated future residence. The prosecutor shall notify the Office of Victim Witness Advocacy and that office shall use any reasonable means available to them to notify the victim of the anticipated release, unless the victim has requested not to be notified. The Office of Victim Witness Advocacy shall use any reasonable means available to also notify witnesses and other appropriate persons, as determined by the prosecutor in accordance with the directive issued by the Attorney General, who have requested notification of the anticipated release.

e. Upon receipt of notice, the prosecutor shall provide notice to the law enforcement agency responsible for the municipality where the inmate will reside, the municipality in which any victim resides, and such other State and local law enforcement agencies as appropriate for public safety.

<p> N.J. Stat. Ann. § 52:4B-36(q) provides victims with the right to be notified of a defendant’s release or escape from custody. This provision is included above.</p> <p> A promising practice is to have a policy and procedure in place regarding what constitutes “reasonable means” to notify victims of an offender’s anticipated release.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Victims should also be informed that, under this statutory provision, they have the right to request that they not receive certain notifications. Agencies should carefully document a victim’s request to exercise rights and decisions to not receive certain notifications. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Rights Regarding Preparole Reports and Parole Hearings: to Notice and to Be Heard.</p> <p>At the time of sentencing, the prosecutor shall notify any victim injured as a result of a crime of the first or second degree or the nearest relative of a murder victim of the opportunity to present a written or videotaped statement for the parole report to be considered at the parole hearing or to testify to the parole board concerning his harm at the time of the parole hearing. Each victim or relative shall be responsible for notifying the board of his intention to submit such a statement and to provide an appropriate mailing address.</p> <p>The report may include a written or videotaped statement concerning the continuing nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss of earnings or ability to work suffered by the victim and the continuing effect of the crime upon the victim’s family . At the time public notice is</p>	<p>N.J. Stat. Ann. § 30:4-123.54(2).</p>

<p>given that an inmate is being considered for parole pursuant to this section, the board shall also notify any victim or nearest relative who has previously contacted the board of the availability to provide a written or videotaped statement for inclusion in the parole report or to present testimony at the parole hearing.</p> <p>The board shall notify the victim or relative at the victim's or relative's last known mailing address.</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies so that they may be afforded their notification rights.</p>	
<p>Victims' Rights Regarding Parole Hearing: to Notice, Presence and to be Heard.</p> <p>a. Prior to the parole eligibility date of each adult inmate, a designated hearing officer shall review the reports required by section 10 of P.L.1979, c. 441 (C.30:4-123.54), and shall determine whether:</p> <p>(1) the inmate is eligible for administrative parole release pursuant to section 4 of P.L.2019, c. 364 (C.30:4-123.55d). If an inmate is eligible for administrative parole release, the hearing officer shall at least 60 days prior to the inmate's parole eligibility date recommend in writing to the assigned member of the board panel that administrative parole release be granted pursuant to section 4 of P.L.2019, c. 364 (C.30:4-123.55d); or</p> <p>(2) there is a basis for denial of parole in the preparole report, any risk assessment prepared in accordance with the provisions of subsection e. of section 8 of P.L.1979, c. 441 (C.30:4-123.52), or the inmate's statement, or an indication, reduced to writing, that additional information providing a basis for denial of parole would be developed or produced at a hearing. If the hearing officer determines that there is no basis in the preparole report, the risk assessment, or the inmate's statement for denial of parole and that there is no additional relevant information to be developed or produced at a hearing, he shall at least 60 days prior to the inmate's parole eligibility date recommend in writing to the assigned member of the board panel that parole release be granted.</p>	<p>N.J. Stat. Ann. § 30:4-123.55.</p>

b. If the assigned member of the board panel or in the case of an inmate sentenced to a county penal institution, the assigned member concurs in the hearing officer's recommendation, he shall certify parole release pursuant to section 15 of P.L.1979, c. 441 (C.30:4-123.59) as soon as practicable after the eligibility date and so notify the inmate and the board. In the case of an inmate recommended for administrative parole release by the hearing officer pursuant to section 4 of P.L.2019, c. 364 (C.30:4-123.55d), the assigned member shall review the reports required by section 10 of P.L.1979, c. 441 (C.30:4-123.54) to confirm eligibility and if the inmate is eligible, shall certify parole release pursuant to section 15 of P.L.1979, c. 441 (C.30:4-123.59) as soon as practicable after the eligibility date and notify the inmate and the board. In the case of an inmate sentenced to a county penal institution the board shall certify parole release or deny parole as provided by this section, except with regard to time periods for notice and parole processing which are authorized by or otherwise adopted pursuant to subsection g. of section 7 of P.L.1979, c. 441 (C.30:4-123.51). If the designated hearing officer does not recommend release on parole or if the assigned member does not concur in a recommendation of the designated hearing officer in favor of release, then the parole release of an inmate in a county penal institution shall be treated under the provisions of law otherwise applicable to an adult inmate. In the case of an inmate sentenced to a county penal institution, the performance of public service for the remainder of the term of the sentence shall be a required condition of parole, where appropriate.

c. If the hearing officer or the assigned member determines that there is a basis for denial of parole, or that a hearing is otherwise necessary, the hearing officer or assigned member shall notify the appropriate board panel and the inmate in writing of his determination, and of a date for a parole consideration hearing. The board panel shall notify the victim of the crime, if the crime for which the inmate is incarcerated was a crime of the first or second degree, or the victim's nearest relative if the crime was murder, as appropriate, who was previously contacted by the board and who has indicated his intention to the board to testify at the hearing, of the opportunity to testify or submit written or videotaped statements at the hearing. Said hearing shall be conducted by the appropriate board panel at least 30 days prior to the eligibility date. At the hearing, which shall be informal, the board panel shall receive as evidence any relevant and reliable documents or videotaped or in person testimony, including that of the victim of the crime or the members of the family of a murder

victim if the victim or a family member so desires. If a victim of a crime or the relative of a murder victim chooses not to testify personally at the hearing, the victim or relative may elect to present testimony to a senior hearing officer designated by the board panel. The senior hearing officer shall notify the victim of the right to have this testimony videotaped. The senior hearing officer shall prepare a report, transcript or videotape, if applicable, of the testimony for presentation to the board panel at the hearing. All such evidence not classified as confidential pursuant to rules and regulations of the board or the Department of Corrections shall be disclosed to the inmate and the inmate shall be permitted to rebut such evidence and to present evidence on his own behalf. The decision of the board panel shall be based solely on the evidence presented at the hearing.

d. At the conclusion of the parole consideration hearing, the board panel shall either (1) certify the parole release of the inmate pursuant to section 15 of this act as soon as practicable after the eligibility date and so notify the inmate and the board, or (2) deny parole and file with the board within 30 days of the hearing a statement setting forth the decision, the particular reasons therefor, except information classified as confidential pursuant to rules and regulations of the board or the Department of Corrections, a copy of which statement shall be served upon the inmate together with notice of his right to appeal to the board.

e. Upon request by the hearing officer or the inmate, the time limitations contained in section 10 of P.L.1979, c. 441 (C.30:4-123.54) and this section may be waived by the appropriate board panel for good cause.

f. Notwithstanding the provision of any other law to the contrary, if an inmate incarcerated for murder is recommended for parole by the assigned board member or the appropriate board panel, parole shall not be certified until a majority of the full parole board, after conducting a hearing, concurs in that recommendation. The board shall notify the victim's family of that hearing and family members shall be afforded the opportunity to testify in person or to submit written or videotaped statements. The provisions of this subsection shall not apply to an inmate who has his parole revoked and is returned to custody pursuant to the provisions of section 19 of P.L.1979, c. 441 (C.30:4-123.63).

<p>g. Notwithstanding the provision of any other law or regulation to the contrary, the board may promulgate rules and regulations for the processing of any inmate whose parole eligibility date is accelerated. For purposes of this section, a parole eligibility date is accelerated when an inmate becomes eligible for parole at the time of or within 120 days of an event or circumstance beyond the control of the parole board, such as sentencing, resentencing or other amendment, including the awarding of additional credit to the original sentence, restoration of authorized institutional time credits or the application of authorized institutional time credits on a future eligibility date established pursuant to subsection a. of section 12 of P.L.1979, c. 441 (C.30:4-123.56) or subsection a. of section 20 of P.L.1979, c. 441 (C.30:4-123.64). The rules and regulations shall provide for the preparation and review of a preparole report and shall require that a parole consideration hearing be held not more than 120 days after the board has received notice that an accelerated parole eligibility date has been established.</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies so that they may be afforded their notification rights.</p>	
<p>Special Parole Conditions Related to Victims: Full or Partial Payment of Restitution, No Contact with Victims.</p> <p>Each parolee shall agree, as evidenced by his signature to abide by specific conditions of parole established by the appropriate board panel which shall be enumerated in writing in a certificate of parole and shall be given to the parolee upon release. . . . In addition, based on prior history of the parolee or information provided by a victim or a member of the family of a murder victim, the member or board panel certifying parole release pursuant to section 11 of P.L.1979, c. 441 (C.30:4-123.55) may impose any other specific conditions of parole deemed reasonable in order to reduce the likelihood of recurrence of criminal or delinquent behavior, including a requirement that the parolee comply with the Internet access conditions set forth in paragraph (2) of this subsection. Such special conditions may include, among other things, a requirement that the parolee make full or partial restitution, the amount of</p>	<p>N.J. Stat. Ann. § 30:4-123.59(b)(1)(a).</p>

<p>which restitution shall be set by the sentencing court upon request of the board. In addition, the member or board panel certifying parole release may, giving due regard to a victim's request, impose a special condition that the parolee have no contact with the victim, which special condition may include, but need not be limited to, restraining the parolee from entering the victim's residence, place of employment, business or school, and from harassing or stalking the victim or victim's relatives in any way. . . .</p> <p> A promising practice, when informing victims about their right to restitution, is to notify victims that they should collect and organize all documentation relating to their losses. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p>Victims' Right to Notice Regarding Offender's Release from Custody During Public Health Emergency.</p> <p>a. Upon receipt of notice from the Commissioner of Corrections that an inmate is scheduled to be released from custody within 365 days based on the award of public health emergency credits pursuant to section 1 of P.L.2020, c. 111 (C.30:4-123.100), the prosecutor or Attorney General may, prior to the inmate's scheduled release date:</p> <ol style="list-style-type: none"> (1) use any reasonable means available to notify any identifiable victim of the crime for which the inmate is incarcerated of the inmate's scheduled release date; (2) notify the identifiable victim that the law prohibits the inmate from having any contact with the victim unless a petition is filed with the court to dissolve the prohibition; (3) notify the victim of the duration of the prohibition against contact; (4) notify the victim of the penalties imposed for the inmate's violation of the prohibition against contact; (5) provide information to the victim concerning the procedures for filing a petition with the court to dissolve the prohibition against the inmate having contact with the victim; and 	<p>N.J. Stat. Ann. § 30:4-123.102.</p>

<p>(6) provide information to the victim concerning the procedures for filing an application for a restraining order pursuant to the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c. 261 (C.2C:25-17 et seq.), and resources for victims of domestic violence.</p> <p>b. The Attorney General shall make available to the public on the Internet website of the Department of Law and Public Safety, in both English and Spanish, information concerning:</p> <p>(1) the procedures for filing an application for a restraining order pursuant to the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c. 261 (C.2C:25-17 et seq.);</p> <p>(2) resources for victims of domestic violence; and</p> <p>(3) procedures for filing with the court a petition to dissolve the prohibition established pursuant to section 5 of P.L.2020, c. 111 (C.30:4-123.103) prohibiting an inmate or juvenile, as the case may be, from making contact with the victim.</p> <p> N.J. Stat. Ann. § 52:4B-36(q) provides victims with the right to be notified of a defendant’s release or escape from custody. This provision is included above.</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies so that they may be afforded their notification rights.</p> <p> A promising practice is to have the information to which victims are entitled under this provision ready and available in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Prohibition on Contact with Victims When Defendant Released from Custody During Public Health Emergency.</p> <p>a. An inmate who is released from the custody of the Commissioner of Corrections or a juvenile who is released from the custody of the Juvenile Justice Commission following an</p>	<p>N.J. Stat. Ann. § 30:4-123.103.</p>

<p>award of public health emergency credits pursuant to section 1 of P.L.2020, c. 111 (C.30:4-123.100), from the date of release until the date the inmate or juvenile, as the case may be, was scheduled to be released prior to the award of public health emergency credits, shall be prohibited from purposely or knowingly making contact with any victim of the crime for which the inmate or juvenile was serving a sentence.</p> <p>For purposes of this subsection, making contact with a victim shall include contact made personally by the inmate or juvenile, as the case may be, or through an agent, and shall include but not be limited to: personal, written, electronic, or telephone contact or communication; or entering the residence, property, school, or place of employment of the victim.</p> <p>b. A violation of subsection a. of this section shall be a crime of the fourth degree.</p> <p>c. (1) A petition may be filed with the court to dissolve the prohibition established pursuant to the provisions of this section prohibiting an inmate or juvenile, as the case may be, from making contact with the victim in accordance with procedures established by the court.</p> <p>(2) The Director of the Administrative Office of the Courts shall provide the Department of Corrections, Juvenile Justice Commission, and Attorney General with information concerning the procedures established by the court for filing a petition to dissolve the prohibition established pursuant to this section prohibiting an inmate or juvenile, as the case may be, from making contact with any victim of the crime for which the inmate or juvenile was serving a sentence.</p>	
<p>Domestic Violence and Sexual Violence Victims' Employment-Related Rights Regarding Unpaid Leave.</p> <p>a. Any employee of an employer in the State who was a victim of an incident of domestic violence as defined in section 3 of P.L.1991, c. 261 (C.2C:25-19) or a sexually violent offense as defined in section 3 of P.L.1998, c. 71 (C.30:4-27.26), or whose parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is</p>	<p>N.J. Stat. Ann. § 34:11C-3.</p>

the equivalent of a family relationship, was a victim shall be entitled to unpaid leave of no more than 20 days in one 12-month period, to be used in the 12-month period next following any incident of domestic violence or any sexually violent offense as provided in this section. For purposes of this section, each incident of domestic violence or any sexually violent offense shall constitute a separate offense for which an employee is entitled to unpaid leave, provided that the employee has not exhausted the allotted 20 days for the 12-month period. The unpaid leave may be taken intermittently in intervals of no less than one day, as needed for the purpose of engaging in any of the following activities as they relate to the incident of domestic violence or sexually violent offense:

- (1) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship;
- (2) obtaining services from a victim services organization for the employee or the employee's parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent;
- (3) obtaining psychological or other counseling for the employee or the employee's parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship;
- (4) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship, from future domestic or sexual violence or to ensure economic security;

<p>(5) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee’s parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner, individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship, including preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic or sexual violence; or</p> <p>(6) attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee’s parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship, was a victim.</p> <p>An eligible employee may elect to use any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee, or any family temporary disability leave benefits provided pursuant to section 3 of P.L.1948, c. 110 (C.43:21-27), during any part of the 20-day period of unpaid leave provided under this subsection. In such case, any paid leave provided by the employer, and accrued pursuant to established policies of the employer, or family temporary disability leave benefits, shall run concurrently with the unpaid leave provided under this subsection and, accordingly, the employee shall receive pay pursuant to the employer’s applicable paid leave policy, or family temporary disability leave benefits, during the period of otherwise unpaid leave. If an employee requests leave for a reason covered by both this subsection and the “Family Leave Act,” P.L.1989, c. 261 (C.34:11B-1 et seq.) or the federal “Family and Medical Leave Act of 1993,” Pub.L.103-3 (29 U.S.C. s.2601 et seq.), the leave shall count simultaneously against the employee’s entitlement under each respective law.</p> <p>Leave granted under this section shall not conflict with any rights pursuant to the “Family Leave Act,” P.L.1989, c. 261 (C.34:11B-1 et seq.), the “Temporary Disability Benefits Law,” P.L.1948, c. 110 (C.43:21-25 et al.), or the federal “Family and Medical Leave Act of 1993,” Pub.L.103-3 (29 U.S.C. s.2601 et seq.).</p>	
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b. Prior to taking the leave provided for in this section, an employee shall, if the necessity for the leave is foreseeable, provide the employer with written notice of the need for the leave, unless an emergency or other unforeseen circumstances precludes prior notice. The notice shall be provided to the employer as far in advance as is reasonable and practical under the circumstances.

c. Nothing contained in this act shall be construed to prohibit an employer from requiring that a period of leave provided pursuant to this section be supported by the employee with documentation of the domestic violence or sexually violent offense which is the basis for the leave. If the employer requires the documentation, the employee shall be regarded as having provided sufficient documentation if the employee provides one or more of the following:

- (1) a domestic violence restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;
- (2) a letter or other written documentation from the county or municipal prosecutor documenting the domestic violence or sexually violent offense;
- (3) documentation of the conviction of a person for the domestic violence or sexually violent offense;
- (4) medical documentation of the domestic violence or sexually violent offense;
- (5) certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency or Rape Crisis Center, that the employee or employee's parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship, is a victim of domestic violence or a sexually violent offense; or
- (6) other documentation or certification of the domestic violence or sexually violent offense provided by a social worker, member of the clergy, shelter worker, or other professional who has assisted the employee or employee's parent-in-law, sibling, grandparent, grandchild, child, parent, spouse, domestic partner, or civil union partner, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close

<p>association with the employee which is the equivalent of a family relationship, in dealing with the domestic violence or sexually violent offenses.</p> <p>For the purposes of this subsection:</p> <p>“Certified Domestic Violence Specialist” means a person who has fulfilled the requirements of certification as a Domestic Violence Specialist established by the New Jersey Association of Domestic Violence Professionals; and “designated domestic violence agency” means a county-wide organization with a primary purpose to provide services to victims of domestic violence, and which provides services that conform to the core domestic violence services profile as defined by the Division of Child Protection and Permanency in the Department of Children and Families and is under contract with the division for the express purpose of providing the services.</p> <p>“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.</p> <p>d. An employer shall display conspicuous notice of its employees’ rights and obligations pursuant to the provisions of this act, in such form and in such manner as the Commissioner of Labor and Workforce Development shall prescribe, and use other appropriate means to keep its employees so informed.</p> <p>e. No provision of this act shall be construed as requiring or permitting an employer to reduce employment benefits provided by the employer or required by a collective bargaining agreement which are in excess of those required by this act. Nor shall any provision of this act be construed to prohibit the negotiation and provision through collective bargaining agreements of leave policies or benefit programs which provide benefits in excess of those required by this act. This provision shall apply irrespective of the date that a collective bargaining agreement takes effect.</p> <p>Nothing contained in this act shall be construed as permitting an employer to:</p> <p>(1) rescind or reduce any employment benefit accrued prior to the date on which the leave taken pursuant to this act commenced; or</p>	
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<p>(2) rescind or reduce any employment benefit, unless the rescission or reduction of the benefit is based on changes that would have occurred if an employee continued to work without taking the leave provided pursuant to this section.</p> <p>f. All information provided to an employer pursuant to subsection c. of this section, and any information regarding a leave taken pursuant to this section and any failure of an employee to return to work, shall be retained in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is required by a federal or State law, rule, or regulation.</p> <p> N.J. Stat. Ann. § 34:11C-2 defines the terms “employee” and “employer” for the purposes of this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.</p>	
<p>Domestic Violence and Sexual Violence Victims’ Employment-Related Rights Regarding Unpaid Leave: Bar on Adverse Employment Actions.</p> <p>An employer shall not discharge, harass or otherwise discriminate or retaliate or threaten to discharge, harass or otherwise discriminate or retaliate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested any leave to which the employee was entitled pursuant to section 3 of this act¹ or on the basis that the employee refused to authorize the release of information deemed confidential pursuant to subsection f. of section 3 of this act.</p> <p>¹ L.2013, c. 82 (N.J.S.A. § 34:11C-3).</p>	<p>N.J. Stat. Ann. § 34:11C-4.</p>

<p> N.J. Stat. Ann. § 34:11C-2 defines the terms “employee” and “employer” for the purposes of this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.</p>	
<p>Drunk Driving Victims’ Bill of Rights: Victims’ Rights to Make Statements to Law Enforcement; to Receive Medical Assistance; to Contact Investigating Officer and See Copies of Reports; to Information and Notice; to Employment Intercession Services; to Secure Waiting Area; to Provide Statement to Court.</p> <p>Victims [of drunk driving] shall have the right to:</p> <ul style="list-style-type: none"> a. Make statements to law enforcement officers regarding the facts of the motor vehicle accident and to reasonable use of a telephone; b. Receive medical assistance for injuries resulting from the accident; c. Contact the investigating officer and see copies of the accident reports and, in the case of a surviving spouse, child or next of kin, the autopsy reports; d. Be provided by the court adjudicating the offense, upon the request of the victim in writing, with: <ul style="list-style-type: none"> (1) Information about their role in the court process; (2) Timely 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; (3) Timely notification of the case disposition, including the trial and sentencing; 	<p>N.J. Stat. Ann. § 39:4-50.11.</p>

- (4) Prompt notification of any decision or action in the case which results in the defendant's provisional or final release from custody; and
- (5) Information about the status of the case at any time from the commission of the offense to final disposition or release of the defendant;

- e. Receive, when requested from any law enforcement agency involved with the offense, assistance in obtaining employer cooperation in minimizing loss of pay and other benefits resulting from their participation in the court process;

- f. A secure waiting area, after the motor vehicle accident, during investigations, and prior to a court appearance;

- g. Submit to the court adjudicating the offense a written or oral statement to be considered in deciding upon sentencing and probation terms. This statement may include the nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss of earnings or ability to work suffered by the victim and the effect of the offense upon the victim's family.

When a need is demonstrated, the information in this section shall be provided in the Spanish as well as the English language.



N.J. Stat. Ann. § 39:4-50.10 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Agencies should carefully document a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.

<p> A promising practice is to have the information to which victims are entitled under this provision ready and available when meeting with or interacting with crime victims. In addition to providing this information in English and Spanish, consideration should be given to providing materials in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.</p>	
<p>Drunk Driving Victims' Bill of Rights: Victims' Right to Confer with the Prosecutor Prior to the Dismissal of Case or Plea Negotiation.</p> <p>A victim shall be provided with an opportunity to consult with the prosecutor prior to dismissal of the case or the filing of a proposed plea negotiation with the court, if the victim sustained bodily injury or serious bodily injury as defined in N.J.S. 2C:11-1.</p> <p>Nothing contained herein shall be construed to alter or limit the authority or discretion of the prosecutor to enter into any plea agreement which the prosecutor deems appropriate.</p> <p> N.J. Stat. Ann. § 39:4-50.10 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>N.J. Stat. Ann. § 39:4-50.12.</p>
<p>Address Confidentiality Program: Legislative Findings and Declarations.</p> <p>The Legislature finds that persons attempting to escape from actual or threatened domestic violence, stalking, or sexual assault, and reproductive health service patients and providers may establish new addresses to prevent their assailants or other individuals from finding</p>	<p>N.J. Stat. Ann. § 47:4-2.</p>

<p>them. The purpose of this act is to enable public agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, stalking, or sexual assault, or reproductive health service patients and providers, to enable interagency cooperation with the Director of the Division on Women in the Department of Children and Families in providing address confidentiality for victims of domestic violence, stalking, and sexual assault, and reproductive health service patients and providers, and to enable public agencies to accept a program participant's use of an address designated by the director as a substitute mailing address.</p> <p> N.J. Stat. Ann. § 47:4-3 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Address Confidentiality Program: Eligibility, Application.</p> <p>a. There is created in the division a program to be known as the "Address Confidentiality Program." A qualified person 18 years of age or over, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated qualified person may apply to the director to have an address designated by the director as the applicant's address. The director shall approve an application if it is filed in the manner and on the form prescribed by the director and if it contains:</p> <ul style="list-style-type: none"> (1) a sworn statement by the applicant that the applicant has good reason to believe: <ul style="list-style-type: none"> (a) that the applicant is a qualified person as defined in this act or the applicant has applied for an order pursuant to P.L.2015, c. 147 (C.2C:14-13 et al.); and (b) that the applicant fears further violent acts from the applicant's assailant or violent acts from other individuals; (2) a designation of the director as agent for the purpose of receiving process and for the purpose of receipt of mail; (3) the mailing address where the applicant can be contacted by the director, and a telephone number where the applicant can be called; (4) the new address or addresses that the applicant requests not be disclosed because of the increased risk of domestic violence, stalking, sexual assault, or other violence; and 	<p>N.J. Stat. Ann. § 47:4-4.</p>

<p>(5) the signature of the applicant and any person who assisted in the preparation of the application, and the date.</p> <p>b. An application shall be filed with the director.</p> <p>c. Upon approving a completed application, the director shall certify the applicant as a program participant. An applicant shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date.</p> <p>d. A program participant may apply to be recertified every four years thereafter.</p> <p>e. A program participant may use the address designated by the director as his or her work address.</p> <p>f. Upon receipt of first class mail addressed to a program participant, the director or a designee shall forward the mail to the actual address of the participant. The director may arrange to receive and forward other kinds and classes of mail for any program participant at the participant's expense. The actual address of a program participant shall be available only to the director and to those employees involved in the operation of the address confidentiality program and to law enforcement officers for law enforcement purposes.</p> <p>g. The director, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), shall promulgate rules and regulations to effectuate the purposes of this act.</p> <p> N.J. Stat. Ann. § 47:4-3 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Address Confidentiality Program: Cancellation of Participation.</p> <p>The director may cancel a program participant's certification if:</p>	<p>N.J. Stat. Ann. § 47:4-5.</p>

<p>(1) the program participant obtains a name change through an order of the court;</p> <p>(2) the program participant changes the participant’s residential address and does not provide seven days’ advance notice to the director;</p> <p>(3) mail forwarded by the director to the address or addresses provided by the program participant is returned as undeliverable; or</p> <p>(4) any information on the application is false.</p> <p>The application form shall notify each applicant of the provisions of this section.</p> <p> N.J. Stat. Ann. § 47:4-3 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Address Confidentiality Program: Use of Address Designated by Agency.</p> <p>A program participant may request that any State or local agency use the address designated by the director as the program participant’s address. The agency shall accept the address designated by the director as a program participant’s address, unless the agency has demonstrated to the satisfaction of the director that:</p> <p>(1) the agency has a bona fide statutory basis for requiring the program participant to disclose to it the actual location of the program participant; and</p> <p>(2) the disclosed confidential address of the program participant will be used only for that statutory purpose and will not be disclosed or made available in any way to any other person or agency.</p>	<p>N.J. Stat. Ann. § 47:4-6.</p>



N.J. Stat. Ann. § 47:4-3 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”

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