



Select Victims' Rights – New Jersey

This resource is intended to provide a base of knowledge regarding the crime victims' rights in New Jersey, and promising practices in ensuring 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*, things identified as “promising practices” are procedures, methods or techniques, grounded in victim-centered and trauma informed research and experience, which 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.





For information on additional rights afforded to campus sexual assault victims, victims of domestic violence, victims of drunk driving and victims' survivors in homicide prosecutions, please see pages 8-12.

SELECT DEFINITIONS	New Jersey Constitutional Provisions and Statutes
<p>Victim.</p> <p>For the purposes of . . . paragraph [22 of the New Jersey Constitution], ‘victim 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</p>	<p>N.J. Const. art. I, ¶ 22.</p>


<p>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 explicitly applies to the New Jersey Constitution.</p>	
<p>Victim.</p> <p>As used in this act [also known as the Crime Victim’s Bill of Rights], ‘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.</p> <p>‘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> The above definition explicitly applies to the Crime Victim’s Bill of Rights.</p>	<p>N.J. Stat. Ann. § 52:4B-37.</p>
<p>Victim.</p> <p>As used in this act [also known as the Drunk Driving Victim’s Bill of Rights], “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> The above definition explicitly applies to the Drunk Driving Victim’s Bill of Rights.</p>	<p>N.J. Stat. Ann. § 39:4-50.10.</p>



<p>SELECT CRIME VICTIMS' RIGHTS</p>	<p>New Jersey Constitutional Provisions and Statutes</p>
<p>Full Recognition and Protection of Victims' Rights.</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>Present at All Proceedings Implicating Victims' Rights; Standing; and Court Decisions on Violations of Victims' Rights.</p> <p>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-36(r).</p>
<p>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.</p>
<p>Dignity and Compassion.</p> <p>To be treated with dignity and compassion by the criminal justice system . . .</p>	<p>N.J. Stat. Ann. § 52:4B-36(a).</p>
<p>Informed about the Criminal Justice Process.</p> <p>To be informed about the criminal justice process</p>	<p>N.J. Stat. Ann. § 52:4B-36(b).</p>



<p>Freedom from Intimidation, Harassment or Abuse.</p> <p>To be free from intimidation, harassment or abuse by any person including . . . defendant or any other person acting in support of or on behalf of . . . defendant, due to the involvement of the victim or witness in the criminal justice process</p>	<p>N.J. Stat. Ann. § 52:4B-36(c).</p>
<p>Minimization of Inconveniences.</p> <p>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-36(d).</p>
<p>No Fees for Victims' Records, Including Police Reports; and No Fee Associated with Defendants' Imprisonment or Commitment.</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' 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> A promising practice is to have a policy and procedure in place identifying which records victims can obtain free of charge and have instructions, ready and available, to provide to victims explaining how to obtain records.</p>	<p>N.J. Stat. Ann. § 52:4B-36.2(a)-(b).</p>
<p>Child-Victims; Use of Initials or 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</p>	<p>N.J. Stat. Ann. § 2A:82-46(a).</p>

<p>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> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure victims' identities are not revealed and initials and fictitious names are used as needed.</p> <p> If additional information is requested by law enforcement and received directly by the prosecution, 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 will better protect victims' rights.</p>	
<p>No Public Disclosure of Confidential Child-Victim Information.</p> <p>Disclosure of identity of victims of certain crimes under age 18 prohibited.</p> <p>...</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 . . . section [2A:82-46], 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> To ensure compliance with this law, a promising practice is to have policies and procedures in place to ensure victims' identities are not revealed and initials and fictitious names are used as needed.</p> <p> If additional information is requested by law enforcement and received directly by the prosecution, 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</p>	<p>N.J. Stat. Ann. § 2A:82-46(b).</p>

<p>contains identifying information that requires initials or fictitious names prior to providing discovery. Such concerted efforts between law enforcement and the prosecution will better protect victims' rights.</p>	
<p>Child-Victims and Notice of Hearings Addressing Disclosure of Confidential Information.</p> <p>Disclosure of identity of victims of certain crimes under age 18 prohibited. . . . c. The information described in . . . section [2A:82-46] 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 the victim, and to the person charged with the commission of the offense, counsel or guardian of that person.</p>	<p>N.J. Stat. Ann. § 2A:82-46(c).</p>
<p>Child-Victims and Court Intervention to Prevent Trauma or Stigma.</p> <p>Disclosure of identity of victims of certain crimes under age 18 prohibited. . . . 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>N.J. Stat. Ann. § 2A:82-46(d).</p>
<p>Confidentiality in Counselor Communications and Documentation That Memorializes Counselor Communications.</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>NJ R EVID N.J.R.E. 517(a)(d)-(e).</p>

<p>Permitted Telephone Calls.</p> <p>To make at least one telephone call provided the call is reasonable in both length and location called</p> <p> A promising practice is to notify victims, at the first opportunity, of their right to make telephone calls in the event that they want to retain an attorney.</p>	<p>N.J. Stat. Ann. § 52:4B-36(e).</p>
<p>Medical Assistance in Compliance with the Criminal Injuries Compensation Act of 1971.</p> <p>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-36(f).</p>
<p>Consideration of Victim Input prior to Filing Decision or Disposition.</p> <p>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 . . . 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-36(m).</p>
<p>Confer with Prosecution; Notice of Case Status and Disposition.</p> <p>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-36(k).</p>
<p>Timely Notice of Changes to Court Hearings.</p> <p>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-36(g).</p>

<p>Notice of Remedies, Financial Assistance and Social Services.</p> <p>To be informed about available remedies, financial assistance and social services</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.</p>	<p>N.J. Stat. Ann. § 52:4B-36(h).</p>
<p>Compensation for Losses Sustained.</p> <p>To be compensated for loss sustained by the victim whenever possible</p>	<p>N.J. Stat. Ann. § 52:4B-36(i).</p>
<p>Secure Waiting Area.</p> <p>To be provided a secure, but not necessarily separate, waiting area during court proceedings</p> <p> Although this law addresses court proceedings, the same concept can and should be applied at police stations when interacting with victims, victims' families, victims' witnesses and defendant, defendants' families and defense witnesses.</p>	<p>N.J. Stat. Ann. § 52:4B-36(j).</p>
<p>In-Person Victim Impact Statement to Sentencing Court prior to Sentencing.</p> <p>To make, prior to sentencing, an in-person statement directly to the sentencing court concerning the impact of the crime.</p> <p>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>Consultation with Prosecutor prior to Conclusion of Plea Negotiations; and Victims' Positions Relayed to the Court.</p> <p>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</p>	<p>N.J. Stat. Ann. § 52:4B-36(o).</p>

<p>or limit the authority or discretion of the prosecutor to enter into any plea agreement which the prosecutor deems appropriate</p>	
<p>Present at Judicial Proceedings.</p> <p>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>Notice of Release.</p> <p>To be notified of any release or escape of . . . defendant</p>	<p>N.J. Stat. Ann. § 52:4B-36(q).</p>
<p>Return of Property.</p> <p>To the prompt return of property when no longer needed as evidence</p> <p> A promising practice is to have instructions 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> If a defendant 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>N.J. Stat. Ann. § 52:4B-36(l).</p>
<p>Campus Sexual Assault Victims' 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>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</p>	<p>N.J. Stat. Ann. § 18A:61E-2(a)-(i)</p>

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.

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.

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.


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.

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.


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.

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.

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>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> 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, such as changing academic and living situations.</p>	
<p>Domestic Violence Victims’ Right to Notice by Law Enforcement.</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> <p>(1) That your attacker is temporarily forbidden from entering the home you live in;</p> <p>(2) That your attacker is temporarily forbidden from having contact with you or your relatives;</p> <p>(3) That your attacker is temporarily forbidden from bothering you at work;</p> <p>(4) That your attacker has to pay temporary child support or support for you;</p> <p>(5) That you be given temporary custody of your children;</p> <p>(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> <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>N.J. Stat. Ann. § 2C:25-23.</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>Drunk Driving Victims' Bill of Rights.</p> <p>Victims 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 . . . 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; (4) Prompt notification of any decision or action in the case which results in . . . 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 . . . 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. 	<p>N.J. Stat. Ann. § 39:4-50.11(a)-(g).</p>

<p>When a need is demonstrated, the information in this section shall be provided in the Spanish as well as the English language.</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.</p>	
<p>Homicide Prosecutions: Photographs, Videos, Presentations and Buttons Depicting Victims.</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>b. A victim’s survivor may, during any judicial proceeding involving . . . 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 . . . 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 . . . defendant and to the court no less than 30 days prior to the final trial date.</p>	<p>N.J. Stat. Ann. § 52:4B-36.1(a)-(b).</p>
<p>Standards for Law Enforcement Agencies to Ensure That Victims’ Rights Are Enforced.</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>b. The standards shall require that the Office of Victim-Witness Advocacy in the Division of Criminal Justice and each county prosecutor’s office</p>	<p>N.J. Stat. Ann. § 52:4B-44(a)-(f).</p>

provide the following services upon request for victims and witnesses involved in the prosecution of a case:

- (1) Orientation information about the criminal justice system and the victim's and witness's role in the criminal justice process;
- (2) Notification of any change in the case status and of final disposition;
- (3) Information on crime prevention and on available responses to witness intimidation;
- (4) Information about available services to meet needs resulting from the crime and referrals to service agencies, where appropriate;
- (5) Advance notice of the date, time and place of . . . 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 . . . defendant for use during court proceedings;
- (9) An escort or accompaniment for intimidated victims or witnesses during court appearances;
- (10) Information about directions, parking, courthouse and courtroom locations, transportation services and witness fees, in advance of court appearances;
- (11) Assistance for victims and witnesses in meeting special needs when required to make court appearances, such as transportation and child care arrangements;
- (12) Assistance in making travel and lodging arrangements for out-of-State witnesses;
- (13) Notification to employers of victims and witnesses, if cooperation in the investigation or prosecution causes absence from work;
- (14) Notification of the case disposition, including the trial and sentencing;
- (15) Assistance to victims in submitting a written statement to a representative of the county prosecutor's office about the impact of the crime prior to the prosecutor's final decision concerning whether formal charges will be filed;
- (16) Advice to victims about their right to make a statement about the impact of the crime for inclusion in the presentence report or at time of parole consideration, if applicable;
- (17) Notification to victims of the right to make an in-person statement, prior to sentencing, directly to the sentencing court concerning the impact of the crime;
- (18) Expediting the return of property when no longer needed as evidence;
- (19) Advise and counsel, or refer for advice or counseling, victims of sexual assault, or other criminal acts involving a risk of transmission of disease, concerning available medical testing and assist such victims, or refer such victims for assistance, in obtaining appropriate testing, counseling and medical care and in making application to the Victims of Crime

Compensation Board for compensation for the costs of such testing, counseling and care;

(20) Assistance to victims in submitting a written impact statement to a representative of the county prosecutor's office concerning the impact of the crime which shall be considered prior to the prosecutor's accepting a negotiated plea agreement containing recommendations as to sentence and assistance to victims in securing an explanation of the terms of any such agreement and the reasons for the agreement;

(21) Notification to the victim of . . . defendant's release from custody which shall include:

(a) notice of . . . 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; and

(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.

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

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

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

(3) Communicate the request of a victim who agrees to seek an order pursuant to subsection a. of section 4 of P.L.1993, c. 364 (C.2C:43-2.2) to

the prosecutor handling the case and notify the victim or arrange for the victim to be notified of the test result; and

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


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

e. In a case involving a victim of human trafficking as defined in section 1 of P.L.2005, c. 77 (C.2C:13-8) the Office of Victim-Witness Advocacy or the county prosecutor's office involved in the case shall ensure that the victim of human trafficking obtains assistance in receiving any available benefits or services, including assistance in receiving any necessary certifications or endorsements needed to be recognized as having federal T non-immigrant status for the purpose of receiving any federal benefits or services available pursuant to the 'Trafficking Victims Protection Reauthorization Act of 2003,' 22 U.S.C. s. 7101 et seq.

f. The Attorney General shall, through the Office of Victim-Witness Advocacy and in consultation with the Commissioner of the Department of Health and Senior Services, 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.



A promising practice it to notify victims, at the first opportunity, if they are required to submit a request for rights and to whom.

 With regard to restitution, a promising practice is to notify victims that they should collect and neatly organize all documentation relating to their losses—including anticipated future expenses.	
<p>Receipt of Assistance from the Victim-Witness Rights Information Program.</p> <p>The victim-witness rights information program shall:</p> <ol 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; g. Sponsor conferences to bring together personnel working in the field of victim assistance and compensation to exchange methods and procedures for improving and expanding services to victims; h. Provide assistance to victims without charge, which assistance shall include information and advice relative to filing a claim with the board, emergency food and clothing, employment opportunities, referral to other social service agencies[] and in obtaining legal advice or representation; and 	<p>N.J. Stat. Ann. § 52:4B-42(a)-(i).</p>

<p>i. Conduct training programs for attorneys and victim service providers.</p>	
<p>Bring Civil Suit Upon Learning of Profits from the Crime or That The Convicted Person Has Funds.</p> <p>Notwithstanding any other law to the contrary, any crime victim shall have the right to bring a civil action in a court of competent jurisdiction to recover money damages from a person convicted of a crime of which the crime victim is a victim, or the representative of that convicted person, within three years of the discovery of any profits from a crime or funds of a convicted person, as those terms are defined in this act. Notwithstanding any other provision of law to the contrary, a judgment obtained pursuant to this section shall not be subject to execution or enforcement against the first \$1,000 dollars deposited in an inmate account to the credit of the inmate or in a prisoner account to the credit of the prisoner. In addition, where the civil action involves funds of a convicted person and such funds were recovered by the convicted person pursuant to a judgment obtained in a civil action, a judgment obtained pursuant to this section may not be subject to execution or enforcement against a portion thereof. If an action is filed pursuant to this section after the expiration of all other applicable statutes of limitation, any other crime victims must file any action for damages as a result of the crime within three years of the actual discovery of such profits or funds, or within three years of actual notice received from or notice published by the board of such discovery, whichever is later.</p>	<p>N.J. Stat. Ann. § 52:4B-64.</p>

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