

CHAPTER 78

ADMINISTRATION OF VICTIM AND WITNESS ADVOCACY FUND

Authority

N.J.S.A. 2C:43-3.1a(6)(c) and 52:4B-43.1.

Source and Effective Date

R.2004 d.224, effective May 20, 2004.
See: 36 N.J.R. 15(a), 36 N.J.R. 3065(a).

Chapter Expiration Date

Chapter 78, Administration of Victim and Witness Advocacy Fund, expires on May 20, 2009.

Chapter Historical Note

Chapter 78, Administration of Victim and Witness Advocacy Fund, was adopted as R.1989 d.156, effective March 20, 1989. See: 20 N.J.R. 2997(b), 21 N.J.R. 774(b). Pursuant to Executive Order No. 66(1978), Chapter 78, Administration of Victim and Witness Advocacy Fund, was readopted as R.1993 d.687, effective November 24, 1993. 25 N.J.R. 4721(a), 25 N.J.R. 5939(b). Chapter 78 was extensively amended by R.1993 d.687, which included the adoption of new subchapters 2, 3 and 4, and the recodification of existing subchapters 2, 3 and 4 as subchapters 6, 5 and 7, respectively. The revisions were effective December 20, 1993. See: 25 N.J.R. 4721(a), 25 N.J.R. 5939(b).

Pursuant to Executive Order No. 66(1978), Chapter 78, Administration of Victim and Witness Advocacy Fund, was readopted as R.1998 d.587, effective November 24, 1998. See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b). As part of R.1998, Subchapter 2, Eligibility Public Entities and Not for Profit, was repealed and new Subchapter 2, Eligibility Criteria, was adopted, effective December 21, 1998. See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

Chapter 78, Administrative of Victim Witness Advocacy Fund, was readopted as R.2004 d.224, effective May 20, 2004. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

13:78-1.1 Purpose

The rules in this chapter govern the administration of the Victim and Witness Advocacy Fund, created pursuant to P.L. 1979, c.396, § 2 (N.J.S.A. 2C:43-3.1a(6)(c)), as amended by P.L. 1991, c.329, § 3 and P.L. 1991, c.329, § 20 (N.J.S.A. 52:4B-43.1). This Fund is legislatively mandated to support the State Office of Victim-Witness Advocacy, county Offices of Victim-Witness Advocacy and other public entities with the development and provision of services to victims and witnesses of crimes, and for related administrative costs. Moneys disbursed to other public entities according to this chapter shall be used to implement the legislative mandates and the Attorney General Standards to Ensure the Rights of Crime Victims, promulgated pursuant to N.J.S.A. 52:4B-44. The Director may award moneys to public entities and not-for-profit organizations who provide specific direct services to victims and witnesses.

Amended by R.1998 d.587, effective December 21, 1998.
See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).
Rewrote the section.

13:78-1.2 Legal authority

The Director of the Division of Criminal Justice within the Department of Law and Public Safety is charged with the responsibility to establish rules deemed necessary to effectuate the purposes of the Fund under N.J.S.A. 2C:43-3.1a(6)(c) and 52:4B-43.1.

13:78-1.3 Scope

The rules contained in this chapter shall govern the allocation of moneys from the Victim and Witness Advocacy Fund to the county Offices of Victim-Witness Advocacy and other public entities pursuant to N.J.S.A. 52:4B-43.1b and shall govern the determination of public entities and not-for-profit organizations as eligible to apply for awards from a grant program to provide direct services to victims and witnesses of crimes pursuant to N.J.S.A. 52:4B-43.1c.

Amended by R.1998 d.587, effective December 21, 1998.
See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).
Rewrote the section.

13:78-1.4 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Act” means the provisions of N.J.S.A. 52:4B-43.1.

“Attorney General Standards” means the “Attorney General Standards to Ensure the Rights of Crime Victims,” promulgated pursuant to N.J.S.A. 52:4B-44.

“Direct services” means the provision of assistance directly to victims and witnesses, including, but not limited to, one or more of the following as may be determined by the Director:

1. Shelter, food and clothing;
2. Medical and legal advocacy services;
3. 24-hour crisis response services and 24-hour hot-lines;
4. Information and referral and community education;
5. Psychiatric treatment programs;
6. Expanded services for victim's families and significant others;
7. Short and long term counseling and support groups;
8. Emergency locksmith and carpentry services;
9. Financial services; or
10. Medical testing pursuant to N.J.S.A. 52:4B-44(c).

“Director” means the Director of the Division of Criminal Justice.

“Fund” means the Victim and Witness Advocacy Fund as set forth at N.J.S.A. 2C:43-3.1.

“Not-for-profit organization” means any corporation or other organization, organized under Title 15A of the New Jersey Revised Statutes or otherwise qualified for nonprofit tax exemption, under § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3)), providing direct services to victims or witnesses of crimes.

“Other public entity” means any law enforcement agency within any public corporation or political subdivision of this State or agency of local government of this State deemed eligible to receive funding for the implementation of the Attorney General Standards.

“Public entity” means any public corporation or political subdivision of this state or agency of local government of this state providing direct services to victims or witnesses of crimes.

“State Fiscal Year” or “SFY” means the fiscal year of the State of New Jersey, which begins on July 1 of a particular year and ends on June 30 of the following year.

“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, or in the case of a homicide, the nearest relative of the homicide victim.

“Witness” means a person who suffers personal physical or psychological injury or incurs loss of or injury to personal or real property or requires services as a result of the prosecution's intent to call the person to testify in any criminal matter.

Amended by R.1998 d.587, effective December 21, 1998.
See: 30 N.J.R. 3422(a), 30 N.J.R. 4385(b).

In “Attorney General Standards”, inserted “promulgated pursuant to” preceding “N.J.S.A.”; in “Direct services”, added 10; in “Not-for-profit organization”, inserted “”, under § 501(c)(3) of the Internal Revenue Code (26 U.S.C. § 501(c)(3));” added “Other public entity”; and deleted “Qualified”.

SUBCHAPTER 2. ELIGIBILITY CRITERIA

13:78-2.1 Eligibility criteria

Applicants for funding must demonstrate that they are a public entity or not-for-profit organization providing direct services. Eligibility will be determined pursuant to the criteria set forth at N.J.S.A. 52:4B-43.1c. Eligibility of a public entity or not-for-profit organization shall be determined by the Director, based upon the information contained in the annual application for money (N.J.A.C. 13:78-3.1).

SUBCHAPTER 3. APPLICATION FOR MONEYS BY ELIGIBLE PUBLIC ENTITIES AND ELIGIBLE NOT-FOR-PROFIT ORGANIZATIONS

13:78-3.1 Annual application for moneys

Public entities and not-for-profit organizations which meet eligibility requirements shall submit an annual application, on forms prescribed by the Director, for moneys from the Victim and Witness Advocacy Fund. Application forms and instructions may be obtained from the State Office of Victim-Witness Advocacy and shall be available when the Notice of Availability of Funds is published in the New Jersey Register. Application forms and related materials shall be completed, in full, and returned to the Director no later than the close of business on the due date indicated on the application. The Director reserves the right to request oral presentations and/or additional information from applicants and to conduct pre-award surveys with any applicant. Applicants shall comply with all requirements in this rule and submit an application by the due date provided in the Notice of Availability of Funds.