

CHAPTER 208

AN ACT concerning the liability of children and victims for payment of costs related to maintenance and support of institutionalized individuals and amending R.S.30:4-66 and P.L.1985, c.249.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. R.S.30:4-66 is amended to read as follows:

Liability for patient's support.

30:4-66. Every patient supported in a State or county charitable institution or other residential functional service shall be personally liable for his maintenance and for all necessary expenses incurred by the institution or other residential functional service in his behalf and the husband, wife and father or mother of a child under 18 years of age, severally and respectively, being of sufficient ability, of every patient so confined, whose estate is not sufficient for his support, shall support, and maintain the patient in the institution or other residential functional service, as the case may be, in such manner and to such an amount as the court shall direct pursuant to subsection a. of R.S.30:4-60 in the case of mentally ill patients, and in the case of developmentally disabled persons, as required pursuant to subsection b. of R.S.30:4-60. All spouses living separate and apart from their spouses so confined, and all parents of illegitimate children so confined shall also be personally liable for such expense.

But no payment shall be ordered to be made by a chargeable relative 55 years of age or over except with respect to the maintenance of his or her spouse or his or her natural or adopted child under the age of 18 years.

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

C.52:4B-36 Findings, declarations relative to rights of crime victims, witnesses.

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

- a. To be treated with dignity and compassion by the criminal justice system;
- b. To be informed about the criminal justice process;
- c. To be free from intimidation;
- d. To have inconveniences associated with participation in the criminal justice process minimized to the fullest extent possible;
- e. To make at least one telephone call provided the call is reasonable in both length and location called;
- f. To medical assistance if, in the judgment of the law enforcement agency, medical assistance appears necessary;
- g. To be notified if presence in court is not needed;
- h. To be informed about available remedies, financial assistance and social services;
- i. To be compensated for their loss whenever possible;
- j. To be provided a secure, but not necessarily separate, waiting area during court proceedings;
- k. To be advised of case progress and final disposition;
- l. To the prompt return of property when no longer needed as evidence;
- m. To submit a written statement about the impact of the crime to a representative of the county prosecutor's office which shall be considered prior to the prosecutor's final decision concerning whether formal criminal charges will be filed;
- n. 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.

In any homicide prosecution the victim's survivor may display directly to the sentencing court at the time of this statement a photograph of the victim taken before the homicide; and

- o. No crime victim shall 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.

3. This act shall take effect immediately and shall apply to any attempt made on or after the date of enactment of this act to recover from a patient's child the necessary expenses of the patient pursuant to R.S.30:4-66, or to recover from a crime victim the maintenance, support, rehabilitation or other costs arising from the imprisonment or commitment of the victimizer as a result of the crime

Approved August 15, 2001.