

**52:4B-60.1 to 52:4B-60.3
LEGISLATIVE HISTORY CHECKLIST**

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LAWS OF: 2019 **CHAPTER:** 103

NJSA: 52:4B-60.1 to 52:4B-60.3 (Establishes the "Sexual Assault Victim's Bill of Rights.")

BILL NO: S875 (Substituted for A1711)

SPONSOR(S) Stephen M. Sweeney and others

DATE INTRODUCED: 1/9/2018

COMMITTEE: **ASSEMBLY:** Judiciary
 Appropriations

 SENATE: Law & Public Safety
 Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 3/25/2019

SENATE: 6/21/2018

DATE OF APPROVAL: 5/10/2019

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

S875

SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Judiciary
 Appropriations

 SENATE: Yes Law & Public Safety
 Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes 6/7/2018
6/26/2018

A1711

SPONSOR'S STATEMENT: (Begins on page 5 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Judiciary
 Appropriations

 SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

(continued)

FLOOR AMENDMENT STATEMENT:

No

LEGISLATIVE FISCAL ESTIMATE:

Yes 3/20/2019

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

RWH/CL

P.L. 2019, CHAPTER 103, *approved May 10, 2019*
Senate, No. 875 (*First Reprint*)

1 AN ACT concerning the rights of victims of sexual violence and
2 supplementing Title 52 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. This act shall be known and may be cited as the “Sexual
8 Assault Victim’s Bill of Rights.”

9
10 2. The Legislature finds and declares that:

11 a. The enactment of the “Crime Victim’s Bill of Rights,”
12 P.L.1985, c.249 (C.52:4B-34 et seq.) and the “New Jersey Campus
13 Sexual Assault Victim’s Bill of Rights Act,” P.L.1994,
14 c.160 (C.18A:61E-1 et seq.) have resulted in significant advances in
15 the recognition and protection of the rights of crime victims and
16 survivors once they enter the criminal justice system;

17 b. Nonetheless, victims of sexual violence ¹**[**, more than other
18 victims, are likely to **]** in particular often face circumstances where
19 they may¹ be blamed for the crime, assumed to be fabricating the
20 crime, or taken less seriously than their injuries warrant. These
21 victims are sometimes discouraged from proceeding with their
22 complaints and as a result ¹**[are]** may¹ not ¹be¹ afforded the
23 protections and rights ¹**[that other crime victims receive]**¹ in the
24 criminal justice system ¹to which they are entitled¹;

25 c. Therefore, with no diminution of the legislatively-
26 recognized rights of crime victims, it is the public policy of this
27 State ¹**[to]** that the criminal justice system¹ accord victims of sexual
28 violence the following rights:

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

34 (2) To be free¹, to the extent consistent with the New Jersey or
35 United States Constitution,¹ from any suggestion that victims are
36 responsible for the commission of crimes against them ¹**[**; to be free

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted June 11, 2018.

1 from] or¹ any suggestion that victims were contributorily negligent
2 or assumed the risk of being assaulted; ¹[to]
3 (3) To¹ be free from any suggestion that victims are to report the
4 crimes to be assured of any other guaranteed right¹];¹ and ¹[to be
5 free from any suggestion]¹ that victims should refrain from
6 reporting crimes in order to avoid unwanted personal publicity;
7 ¹[(3)] (4)¹ When applicable, to no-cost access to the services
8 of a sexual assault response team comprised of: a certified forensic
9 ¹[sexual assault]¹ nurse examiner, a ¹[rape care] confidential
10 sexual violence¹ advocate, and a law enforcement official as
11 provided in accordance with the Attorney General's Standards for
12 Providing Services to Victims of Sexual Assault, and the choice to
13 opt into or out of any of the team's services;
14 ¹[(4)] (5)¹ To be informed of, and assisted in exercising, the
15 right to be confidentially or anonymously tested for acquired
16 immune deficiency syndrome (AIDS) or infection with the human
17 immunodeficiency virus (HIV) or any other related virus identified
18 as a probable cause agent of AIDS; and to be informed of, and
19 assisted in exercising, any rights that may be provided by law to
20 compel and disclose the results of testing of a sexual assault suspect
21 for communicable diseases;
22 ¹[(5)] (6)¹ To have forensic medical evidence, if collected,
23 retained for a minimum of five years, and to receive information
24 about the status of the evidence upon request;
25 ¹[(6)] (7)¹ To choose whether to participate in any investigation
26 of the assault;
27 ¹[(7)] (8)¹ To reasonable efforts to provide treatment and
28 interviews in a language in which the victim is fluent and the right
29 to be given access to appropriate assistive devices to accommodate
30 disabilities that the victim may have, whether temporary or long
31 term;
32 ¹[(8)] (9)¹ To information and assistance in accessing
33 specialized mental health services; protection from further violence;
34 other appropriate community or governmental services, including
35 services provided by the Victims of Crime Compensation Office;
36 and all other assistance available to crime victims under current
37 law;
38 ¹(10) To be apprised of the availability and process by which a
39 court may order the taking of testimony from a victim via closed
40 circuit television in accordance with section 1 of P.L.1985, c.126
41 (C.2A:84A-32.4);¹ and
42 ¹[(9)] (11)¹ To be apprised of the availability and process by
43 which to seek protections through a temporary or final protective
44 order under the "Sexual Assault Survivor Protection Act of 2015,"
45 P.L.2015, c.147 (C.2C:14-13 et seq.), if the victim believes that the
46 victim is at risk for re-victimization or further harm by the
47 perpetrator.

1 3. The ¹**Victims of Crime Compensation Office** Attorney
 2 General¹, in consultation with the ¹**Executive Director of the**¹
 3 New Jersey Coalition Against Sexual Assault, shall publish a notice
 4 of ¹**these** the¹ rights ¹**and shall promulgate regulations that**
 5 require that these rights be posted in all **enumerated in the “Sexual**
 6 **Assault Victim’s Bill of Rights”** pursuant to subsection c. of section
 7 2 of this act, and shall make this notice available to the public on
 8 the Internet website of the Department of Law and Public Safety.
 9 All¹ hospital emergency departments, police stations and other law
 10 enforcement agencies, sexual violence service organizations, and
 11 any other ¹**appropriate place to inform** entity informing¹ victims
 12 of sexual violence of their rights ¹shall post a copy of this notice in
 13 a conspicuous location that is available to the public¹.

14 The Attorney General shall incorporate the rights and services
 15 enumerated in the “Sexual Assault Victim’s Bill of Rights”
 16 pursuant to ¹**P.L. , c. (C.)** (pending before the
 17 Legislature as this bill) ¹this act¹ and in the “Sexual Assault
 18 Survivor Protection Act of 2015,” P.L.2015, c.147 (C.2C:14-13 et
 19 seq.), in the Attorney General Standards for Providing Services to
 20 Victims of Sexual Assault to ensure the compassionate and
 21 sensitive delivery of services to all sexual violence victims.

22
 23 4. This act shall take effect on the first day of the seventh
 24 month next following the date of enactment, but the Attorney
 25 General ¹**and the Director of the Victims of Crime Compensation**
 26 **Office**¹ may take ¹**such** any¹ anticipatory administrative action
 27 in advance thereof as shall be necessary for the implementation of
 28 this act.

29

30

31

32

33 _____
 Establishes the “Sexual Assault Victim’s Bill of Rights.”

SENATE, No. 875

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Ruiz and Beach

SYNOPSIS

Establishes the “Sexual Assault Victim’s Bill of Rights.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the rights of victims of sexual violence and
2 supplementing Title 52 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the “Sexual
8 Assault Victim’s Bill of Rights.”

9

10 2. The Legislature finds and declares that:

11 a. The enactment of the “Crime Victim’s Bill of Rights,”
12 P.L.1985, c.249 (C.52:4B-34 et seq.) and the “New Jersey Campus
13 Sexual Assault Victim’s Bill of Rights Act,” P.L.1994,
14 c.160 (C.18A:61E-1 et seq.) have resulted in significant advances in
15 the recognition and protection of the rights of crime victims and
16 survivors once they enter the criminal justice system;

17 b. Nonetheless, victims of sexual violence, more than other
18 victims, are likely to be blamed for the crime, assumed to be
19 fabricating the crime, or taken less seriously than their injuries
20 warrant. These victims are sometimes discouraged from proceeding
21 with their complaints and as a result are not afforded the protections
22 and rights that other crime victims receive in the criminal justice
23 system;

24 c. Therefore, with no diminution of the legislatively-
25 recognized rights of crime victims, it is the public policy of this
26 State to accord victims of sexual violence the following rights:

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

32 (2) To be free from any suggestion that victims are responsible
33 for the commission of crimes against them; to be free from any
34 suggestion that victims were contributorily negligent or assumed
35 the risk of being assaulted; to be free from any suggestion that
36 victims are to report the crimes to be assured of any other
37 guaranteed right; and to be free from any suggestion that victims
38 should refrain from reporting crimes in order to avoid unwanted
39 personal publicity;

40 (3) When applicable, to no-cost access to the services of a
41 sexual assault response team comprised of: a certified forensic
42 sexual assault nurse examiner, a rape care advocate, and a law
43 enforcement official as provided in accordance with the Attorney
44 General’s Standards for Providing Services to Victims of Sexual
45 Assault, and the choice to opt into or out of any of the team’s
46 services;

47 (4) To be informed of, and assisted in exercising, the right to be
48 confidentially or anonymously tested for acquired immune

1 deficiency syndrome (AIDS) or infection with the human
2 immunodeficiency virus (HIV) or any other related virus identified
3 as a probable cause agent of AIDS; and to be informed of, and
4 assisted in exercising, any rights that may be provided by law to
5 compel and disclose the results of testing of a sexual assault suspect
6 for communicable diseases;

7 (5) To have forensic medical evidence, if collected, retained for
8 a minimum of five years, and to receive information about the
9 status of the evidence upon request;

10 (6) To choose whether to participate in any investigation of the
11 assault;

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

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

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

27

28 3. The Victims of Crime Compensation Office, in consultation
29 with the Executive Director of the New Jersey Coalition Against
30 Sexual Assault, shall publish a notice of these rights and shall
31 promulgate regulations that require that these rights be posted in all
32 hospital emergency departments, police stations and other law
33 enforcement agencies, sexual violence service organizations, and
34 any other appropriate place to inform victims of sexual violence of
35 their rights.

36 The Attorney General shall incorporate the rights and services
37 enumerated in the "Sexual Assault Victim's Bill of Rights"
38 pursuant to P.L. , c. (C.) (pending before the Legislature
39 as this bill) and in the "Sexual Assault Survivor Protection Act of
40 2015," P.L.2015, c.147 (C.2C:14-13 et seq.), in the Attorney
41 General Standards for Providing Services to Victims of Sexual
42 Assault to ensure the compassionate and sensitive delivery of
43 services to all sexual violence victims.

44

45 4. This act shall take effect on the first day of the seventh
46 month next following the date of enactment, but the Attorney
47 General and the Director of the Victims of Crime Compensation

1 Office may take such anticipatory administrative action in advance
2 thereof as shall be necessary for the implementation of this act.

3

4

5

STATEMENT

6

7 This bill establishes a “Sexual Assault Victim’s Bill of Rights”
8 for victims of sexual violence.

9 The bill accords victims of sexual assault the following rights:

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

15 (2) to be free from any suggestion that victims are responsible
16 for the commission of crimes against them; to be free from any
17 suggestion that victims were contributorily negligent or assumed
18 the risk of being assaulted; to be free from any suggestion that
19 victims are to report the crimes to be assured of any other
20 guaranteed right; and to be free from any suggestion that victims
21 should refrain from reporting crimes in order to avoid unwanted
22 personal publicity;

23 (3) when applicable, to no-cost access to the services of a sexual
24 assault response team comprised of: a certified forensic sexual
25 assault nurse examiner, a rape care advocate, and a law enforcement
26 official as provided in accordance with the Attorney General’s
27 Standards for Providing Services to Victims of Sexual Assault, and
28 the choice to opt into or out of any of the team’s services;

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

37 (5) to have forensic medical evidence, if collected, retained for a
38 minimum of five years, and to receive information about the status
39 of the evidence upon request;

40 (6) to choose whether to participate in any investigation of the
41 assault;

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

46 (8) to information and assistance in accessing specialized mental
47 health services; protection from further violence; and other
48 appropriate community or governmental services, including

1 services provided by the Victims of Crime Compensation Office
2 (VCCO); and all other assistance available to crime victims under
3 current law; and

4 (9) to be apprised of the availability and process by which to
5 seek protections through a temporary or final protective order under
6 the “Sexual Assault Survivor Protection Act of 2015” if the victim
7 believes that he or she is at risk for re-victimization or further harm
8 by the perpetrator.

9 The bill requires the VCCO, in consultation with the Executive
10 Director of the New Jersey Coalition Against Sexual Assault, to
11 publish a notice of these rights and promulgate regulations that
12 require these rights to be posted in all hospital emergency
13 departments, police stations and other law enforcement agencies,
14 sexual violence service organizations, and other appropriate places.

15 The bill requires the Attorney General to incorporate the rights
16 and services enumerated in the “Sexual Assault Victim’s Bill of
17 Rights” and the “Sexual Assault Survivor Protection Act of 2015,”
18 in the Attorney General Standards for Providing Services to Victims
19 of Sexual Assault to ensure the compassionate and sensitive
20 delivery of services to all sexual violence victims.

21 The bill takes effect on the first day of the seventh month next
22 following the date of enactment, but permits the Attorney General
23 and the Director of the Victims of Crime Compensation Office to
24 take anticipatory administrative actions in advance of that date as
25 are necessary to implement the bill.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 875

STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2018

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 875.

As reported by the committee, this bill establishes a “Sexual Assault Victim’s Bill of Rights” for victims of sexual violence.

The bill accords victims of sexual assault 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 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 are to report the crimes to be assured of any other guaranteed right; and to be free from any suggestion that victims should refrain from reporting crimes in order to avoid unwanted personal publicity;

(3) when applicable, to no-cost access to the services of a sexual assault response team comprised of: a certified forensic sexual assault nurse examiner, a rape care 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;

(4) 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 cause 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;

(5) 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;

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

(7) 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;

(8) 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 (VCCO); and all other assistance available to crime victims under current law; and

(9) 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” if the victim believes that he or she is at risk for re-victimization or further harm by the perpetrator.

The bill requires the VCCO, in consultation with the Executive Director of the New Jersey Coalition Against Sexual Assault, to publish a notice of these rights and promulgate regulations that require these rights to be posted in all hospital emergency departments, police stations and other law enforcement agencies, sexual violence service organizations, and other appropriate places.

The bill requires the Attorney General to incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015,” 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.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 875
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: JUNE 7, 2018

SUMMARY

- Synopsis:** Establishes the “Sexual Assault Victim’s Bill of Rights.”
- Type of Impact:** Possible one-time expenditure increases to State, county, and municipal governments.
- Agencies Affected:** Department of Law and Public Safety and County and Local Governments.

Office of Legislative Services Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|-------------------------------------|----------------------------------|----------------------|----------------------|
| State and Local Expenditures | Possible Indeterminate Increases | | |

- The Office of Legislative Services (OLS) projects that the bill may result in an indeterminate, likely marginal, one-time expenditure increase to State, county, and municipal governments. The specific magnitude of any expenditure increase will depend on operating decisions by affected governmental entities, which the OLS cannot anticipate.
- The Victims of Crime Compensation Office (VCCO) may experience nominal one-time workload and expenditure increases as a result of publishing the “Sexual Assault Victim’s Bill of Rights” notice and promulgating regulations for the required posting of the rights in certain locations.
- The Office of the Attorney General may experience nominal one-time workload and expenditure increases to incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 20
- 15” in the Attorney General Standards for Providing Services to Victims of Sexual Assault.
- There may be a marginal expenditure increase to State, county, and municipal law enforcement agencies required to post these rights.

BILL DESCRIPTION

This bill establishes a “Sexual Assault Victim’s Bill of Rights,” which accords victims of sexual assault certain rights and articulates options available to them.

The bill requires the VCCO, in consultation with the New Jersey Coalition Against Sexual Assault, to publish a notice of these rights and promulgate regulations that require these rights to be posted in all hospital emergency departments, police stations and other law enforcement agencies, sexual violence service organizations, and other appropriate places.

The bill also requires the Attorney General to incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015” in the Attorney General Standards for Providing Services to Victims of Sexual Assault.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that the bill may result in an indeterminate, likely marginal, one-time expenditure increase to State, county, and municipal governments. The specific magnitude of any expenditure increase will depend on operating decisions by affected governmental entities, which the OLS cannot anticipate.

The VCCO may experience a nominal one-time workload increase from publishing sexual assault victim’s rights and adopting regulations for the required posting of the rights in certain locations. Any expenditure increase associated with these additional responsibilities would likely be marginal since the notice of rights could be published on the VCCO website and adopting regulations is a regular activity for executive branch entities.

The Office of the Attorney General may experience a nominal one-time workload increase to incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015” in the Attorney General Standards for Providing Services to Victims of Sexual Assault. Any expenditure increase associated with the additional responsibility would likely be marginal.

There may also be a marginal expenditure increase to State, county, and municipal law enforcement agencies required to post these rights. The rights could be posted electronically on an agency’s website or as a hard copy on the agency’s bulletin board or both.

Section: Law and Public Safety

Analyst: Kristin Brunner Santos
Senior Fiscal Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 875

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 11, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 875, with committee amendments.

As amended, this bill establishes a “Sexual Assault Victim’s Bill of Rights” for victims of sexual violence.

The bill accords victims of sexual assault 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 and United States Constitutions, from any suggestion that victims are responsible for the commission of crimes against them or 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, confidential sexual violence advocate, and 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 cause 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 (VCCO); and all other assistance available to crime victims under current law;

(10) to be apprised of the availability and process for taking of testimony from a victim via closed circuit television which may be ordered by the court; 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” if the victim believes that he or she is at risk for re-victimization or further harm by the perpetrator.

The bill requires the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, to publish a notice of these rights, including on the Department of Law and Public Safety’s Internet website. Hospital emergency departments, police stations and other law enforcement agencies, sexual violence service organizations, and other entities informing sexual violence victims of their rights are to post a copy of this notice in a conspicuous location available to the public.

The bill requires the Attorney General to incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015,” 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.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) expand the rights in the bill to include the right to be apprised of the availability and process for taking testimony from a victim via closed circuit television, as may be ordered by the court;

(2) require the Attorney General to publish the notice of these rights, rather than the Victims of Crime Compensation Office;

(3) require the notice to be published on the Attorney General’s website;

(4) specifically make hospital emergency departments, police stations and other law enforcement agencies, and sexual violence service organizations responsible for posting a copy of these rights in a conspicuous place available to the public; and

(5) make other clarifying and technical amendments.

FISCAL IMPACT:

The Office of Legislative Services (OLS) projects that the bill may result in an indeterminate, likely marginal, one-time expenditure increase to State, county, and municipal governments. The specific magnitude of any expenditure increase will depend on operating decisions by affected governmental entities, which the OLS cannot anticipate.

The Office of the Attorney General may experience nominal one-time workload and expenditure increases as a result of publishing the “Sexual Assault Victim’s Bill of Rights” notice, as well as nominal one-time workload and expenditure increases to incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015” in the Attorney General Standards for Providing Services to Victims of Sexual Assault.

There may be a marginal expenditure increase to State, county, and municipal law enforcement agencies required to post these rights.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 875

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: JUNE 26, 2018

SUMMARY

- Synopsis:** Establishes the “Sexual Assault Victim’s Bill of Rights.”
- Type of Impact:** Indeterminate cost increases to State, county, and municipal governments.
- Agencies Affected:** Department of Law and Public Safety and County and Local Governments.

Office of Legislative Services Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|-------------------------------------|----------------------------------|----------------------|----------------------|
| State and Local Expenditures | Possible Indeterminate Increases | | |

- The Office of Legislative Services (OLS) projects that the bill may result in an indeterminate, likely marginal, one-time expenditure increase to State, county, and municipal governments. The specific magnitude of any expenditure increase will depend on operating decisions by affected governmental entities, which the OLS cannot anticipate.
- The Office of the Attorney General may experience nominal one-time workload and expenditure increases as a result of publishing the “Sexual Assault Victim’s Bill of Rights” notice on the Internet and incorporating the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015” in the Attorney General Standards for Providing Services to Victims of Sexual Assault.
- There may be a marginal expenditure increase to State, county, and municipal law enforcement agencies required to post these rights.

BILL DESCRIPTION

This bill establishes a “Sexual Assault Victim’s Bill of Rights,” which accords victims of sexual assault certain rights and articulates options available to them.

The bill requires the Office of the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, to publish a notice of these rights on the New Jersey Department of Law and Public Safety website.

The bill requires these rights to be posted in all hospital emergency departments, police stations and other law enforcement agencies, sexual violence service organizations, and any other entity, at minimum, in a conspicuous location available to the public.

The bill also requires the Office of the Attorney General to incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015” in the Attorney General Standards for Providing Services to Victims of Sexual Assault.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that the bill may result in an indeterminate, likely marginal, one-time expenditure increase to State, county, and municipal governments. The specific magnitude of any expenditure increase will depend on operating decisions by affected governmental entities, which the OLS cannot anticipate.

The Office of the Attorney General may experience nominal one-time workload and expenditure increases as a result of publishing the “Sexual Assault Victim’s Bill of Rights” notice on the Department of Law and Public Safety website. Any expenditure increase associated with these additional responsibilities likely would be marginal since the notice of rights is only required to be published on the Internet, at minimum.

The Office of the Attorney General may experience a nominal one-time workload increase to incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015” in the Attorney General Standards for Providing Services to Victims of Sexual Assault. Any expenditure increase associated with the additional responsibility likely would be marginal.

There also may be a marginal expenditure increase to State, county, and municipal law enforcement agencies required to post these rights. The rights could be posted electronically on an agency’s website or as a hard copy on the agency’s bulletin board or both.

Section: Law and Public Safety

Analyst: Kristin Brunner Santos
Senior Fiscal Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 875

STATE OF NEW JERSEY

DATED: MARCH 11, 2019

The Assembly Judiciary Committee reports favorably Senate Bill No. 875 (1R).

This bill establishes a “Sexual Assault Victim’s Bill of Rights” for victims of sexual violence.

The bill accords victims of sexual assault 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 and United States Constitutions, from any suggestion that victims are responsible for the commission of crimes against them or 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, confidential sexual violence advocate, and 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 (VCCO); and all other assistance available to crime victims under current law;

(10) to be apprised of the availability and process for taking of testimony from a victim via closed circuit television which may be ordered by the court; 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” if the victim believes that he or she is at risk for re-victimization or further harm by the perpetrator.

The bill requires the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, to publish a notice of these rights, including on the Department of Law and Public Safety’s Internet website. Hospital emergency departments, police stations and other law enforcement agencies, sexual violence service organizations, and other entities informing sexual violence victims of their rights are to post a copy of this notice in a conspicuous location available to the public.

The bill requires the Attorney General to incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015,” 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.

As reported by the committee, Senate Bill No. 875 (1R) is identical to Assembly Bill No. A1711 (1R) which was also reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 875

STATE OF NEW JERSEY

DATED: MARCH 18, 2019

The Assembly Appropriations Committee reports favorably Senate Bill No. 875 (1R).

This bill establishes a “Sexual Assault Victim’s Bill of Rights” for victims of sexual violence.

The bill accords victims of sexual assault 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 and United States Constitutions, from any suggestion that victims are responsible for the commission of crimes against them or 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, confidential sexual violence advocate, and 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 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 (VCCO); and all other assistance available to crime victims under current law;

(10) to be apprised of the availability and process for taking of testimony from a victim via closed circuit television which may be ordered by the court; 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” if the victim believes that he or she is at risk for re-victimization or further harm by the perpetrator.

The bill requires the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, to publish a notice of these rights, including on the Department of Law and Public Safety’s Internet website. Hospital emergency departments, police stations and other law enforcement agencies, sexual violence service organizations, and other entities informing sexual violence victims of their rights are to post a copy of this notice in a conspicuous location available to the public.

The bill requires the Attorney General to incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015,” 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.

As reported by the committee, Senate Bill No. 875 (1R) is identical to Assembly Bill No. 1711 (1R), which was also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) projects that the bill may result in an indeterminate, likely marginal, one-time expenditure increase to State, county, and municipal governments. The specific magnitude of any expenditure increase will depend on operating decisions by affected governmental entities, which the OLS cannot anticipate.

The Office of the Attorney General may experience nominal one-time workload and expenditure increase as a result of publishing the “Sexual Assault Victim’s Bill of Rights” notice on the Internet and

incorporating the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights and the “Sexual Assault Survivor Prevention Act of 2015” in the Attorney General Standards for Providing Services to Victims of Sexual Assault.

There may also be a marginal expenditure increase to State, county, and municipal law enforcement agencies required to post these rights.

ASSEMBLY, No. 1711

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

Assemblyman Armato and Assemblywoman Reynolds-Jackson

SYNOPSIS

Establishes the “Sexual Assault Victim’s Bill of Rights.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 12/4/2018)

1 AN ACT concerning the rights of victims of sexual violence and
2 supplementing Title 52 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the “Sexual
8 Assault Victim’s Bill of Rights.”

9

10 2. The Legislature finds and declares that:

11 a. The passage of the “Crime Victim’s Bill of Rights,”
12 P.L.1985, c.249 (C.52:4B-34 et seq.) and the “New Jersey Campus
13 Sexual Assault Victim’s Bill of Rights Act,” P.L.1994,
14 c.160 (C.18A:61E-1 et seq.) have resulted in significant advances in
15 the recognition and protection of the rights of crime victims and
16 survivors once they enter the criminal justice system;

17 b. Nonetheless, victims of sexual violence, more than other
18 victims, are likely to be blamed for the crime, assumed to be
19 fabricating the crime, or taken less seriously than their injuries
20 warrant. These victims are sometimes discouraged from proceeding
21 with their complaints and as a result are not afforded the protections
22 and rights that other crime victims receive in the criminal justice
23 system;

24 c. Therefore, with no diminution of the legislatively-
25 recognized rights of crime victims, it is the public policy of this
26 State to accord victims of sexual violence these specific rights:

27 All victims of sexual violence have the right to be treated with
28 respect, dignity, empathy, and a non-judgmental attitude regardless
29 of gender, race, cultural background, age, affectional or sexual
30 orientation, gender identity, income, cognitive abilities, physical
31 abilities, or sexual, medical, and mental health history;

32 Victims have the right to be free of any suggestion that they are
33 responsible for the violence committed against them; and

34 Victims have the right to have the sexual assault treated seriously
35 and in accordance with their ability and willingness to proceed
36 legally or personally to recoup their losses from any such violence.

37

38 3. As used in this act:

39 a. “Public employee” means any person employed by a public
40 entity who is responsible for the delivery of social, health care,
41 institutional, or correctional services, or primary or secondary
42 educational services to the public.

43 b. “Public entity” means any State, county, or municipal
44 agency that employs public employees as defined in this act, or is
45 funded or regulated by the State to perform the functions of a public
46 employee.

- 1 c. “Division on Women” shall mean the Division on Women in
2 the Department of Children and Families established pursuant to
3 P.L.1974, c.87 (C.52:27D-43.8 et seq.).
- 4 d. “SART” means a Sexual Assault Response Team established
5 pursuant to section 6 of P.L.2001, c.81 (C.52:4B-54).
- 6 e. “Sexual violence” includes, but is not limited to, sexual
7 assault pursuant to N.J.S.2C:14-2; criminal sexual contact pursuant
8 to N.J.S.2C:14-3; endangering the welfare of a child by engaging in
9 sexual conduct which would impair or debauch the morals of the
10 child pursuant to paragraph (1) of subsection a. of N.J.S.2C:24-4;
11 endangering the welfare of a child pursuant to paragraph (3) or (4)
12 or subparagraph (a) of paragraph (5) of subsection b. of
13 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
14 c.291 (C.2C:13-6); luring or enticing an adult pursuant to section 1
15 of P.L.2005, c.1 (C.2C:13-7); kidnapping pursuant to N.J.S.2C:13-
16 1; criminal restraint pursuant to N.J.S.2C:13-2; or false
17 imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and
18 the offender is not the parent of the victim; human trafficking
19 pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8); and knowingly
20 promoting prostitution of a child pursuant to paragraph (3) or
21 paragraph (4) of subsection b. of N.J.S.2C:34-1. It also includes
22 acts which have the same elements as any of those crimes but which
23 occurred beyond the relevant statutes of limitations. No prosecution
24 is necessary to confer these rights on a victim.
- 25 f. “Victim” means a person who alleges to have been subjected
26 to sexual violence, or the parent or guardian of any person under 18
27 who has been subjected to any such act, or the guardian of a person
28 declared incapacitated pursuant to section 12 of P.L.2005,
29 c.304 (C.3B:12-24.1) who has been subjected to any such act.
- 30 g. For the purposes of this act, the responsibility of an
31 employee to “facilitate access to” the rights described in P.L. ,
32 c. (C.)(pending before the Legislature as this bill) can be
33 fulfilled by: (1) assisting the victim in contacting a sexual violence
34 program should the victim choose such contact; or (2) directing a
35 victim to a person designated by the public entity to assist a victim
36 in contacting a sexual violence program or appropriate mandated
37 reporting agency.
- 38
- 39 4. A public employee as defined in subsection a. of section 3 of
40 P.L. , c. (C.)(pending before the Legislature as this bill) to
41 whom, during the course of his employment, a complaint or report
42 of sexual violence is made by a person receiving the services of the
43 public employee, shall not deny such person the rights provided for
44 under this act regardless of the victim’s age, race, gender, cognitive
45 capacity, physical abilities, or sexual, medical, or mental health
46 treatment history. If the reporter of sexual violence is not the
47 victim, information regarding these rights shall be provided to the
48 reporter. There shall be no retaliation against a person who in good

1 faith reports suspected sexual violence against any person to a
2 public employee. The Division on Women shall, upon request,
3 make available written materials that convey the rights of victims of
4 sexual violence as defined in this act and other appropriate
5 information. These materials shall be written in a manner that
6 promotes the dignity of and shows respect for victims of sexual
7 violence.

8
9 5. No public employee or public entity shall deny any of the
10 following rights to a victim of sexual violence and shall facilitate
11 access to these rights:

12 a. To speak privately, consistent with privileges provided by
13 the New Jersey statutes, at any point in the process of reporting a
14 sexual assault or receiving services, with a rape care advocate as
15 defined in section 3 of P.L.1987, c.169 (C.2A:84A-22.14), and with
16 any other advocate, clergy, attorney, or support person of the
17 victim's choosing and to have any such communication treated as
18 privileged and confidential;

19 b. To be informed about any legal or ethical requirement that
20 requires the agency or employee to share any information related to
21 the violence with another government agency;

22 c. To formally report the sexual violence, or to refrain from
23 making a formal report to any person or institution, including law
24 enforcement authorities, and to not have the receipt of any public
25 service made contingent on reporting or not reporting the incident;

26 d. To medical treatment by a provider of the victim's choice, or
27 from a SART, as provided in the Attorney General's Standards for
28 Providing Services to Victims of Sexual Assault. If a SART is
29 chosen, a victim has the right to opt into or out of any of its
30 services, including the option to refuse a forensic examination;

31 e. To choose whether to participate in any investigation of the
32 assault;

33 f. To reasonable efforts to provide treatment and interviews in
34 a language in which the victim is fluent and to be given access to
35 appropriate assistive devices to accommodate the victim's
36 disabilities, whether temporary or long term; and

37 g. To information and assistance in accessing specialized
38 mental health services; protection from further violence; and other
39 appropriate community or governmental services, including
40 services provided by the Victims of Crime Compensation Office;
41 and all other assistance available to crime victims pursuant to
42 P.L.1985, c.249 (C.52:4B-34 et seq.).

43
44 6. The Victims of Crime Compensation Office in consultation
45 with the Director of the Division on Women, the Department of
46 Health, and the Executive Director of the New Jersey Coalition
47 Against Sexual Assault, shall publish a notice of these rights and
48 shall promulgate regulations that require its posting in all hospital

1 emergency departments, police stations, and any other appropriate
2 place to inform victims of their rights and inform public employees
3 and entities of their obligations under P.L. ,
4 c. (C.)(pending before the Legislature as this bill).

5
6 7. Any conflict between P.L. , c. (C.)(pending before the
7 Legislature as this bill) and any other statutory duty of a public
8 employee or any other law shall not invalidate the remainder of this
9 act.

10
11 8. Nothing in P.L. , c. (C.)(pending before the Legislature
12 as this bill) shall add to or diminish any person’s rights to seek
13 damages pursuant to the "New Jersey Tort Claims Act," N.J.S.59:1-
14 1 et seq., nor shall this act preclude or restrict a public employee’s
15 statutory obligation to report a crime to the appropriate law
16 enforcement authorities.

17
18 9. Nothing in P.L. , c. (C.)(pending before the Legislature
19 as this bill) shall be construed to preclude or in any way restrict any
20 public entity from performing a preexisting duty to report any
21 suspected crime or offense to the appropriate law enforcement
22 authorities.

23
24 10. Notwithstanding any other provision of law to the contrary,
25 no public employee or public entity shall be liable for damages
26 resulting from any exercise of judgment or discretion in connection
27 with the performance of the employee’s or entity’s duties unless the
28 actions evidence a reckless disregard for the duties imposed by this
29 act. Nothing in this section shall be deemed to grant immunity to
30 any person causing damage by his willful, wanton, or grossly
31 negligent act of commission or omission.

32
33 11. This act shall take effect 180 days after the date of
34 enactment, but the Victims of Crime Compensation Office and the
35 Director of the Division on Women may take such anticipatory
36 administrative action in advance thereof as shall be necessary for the
37 implementation of this act.

38
39

40 STATEMENT

41
42 This bill would establish a “Sexual Assault Victim’s Bill of
43 Rights” for victims of sexual violence. The bill would also require
44 certain public employees to facilitate access to services for victims
45 of sexual violence.

46 The bill defines “public employee” as any person employed by a
47 public entity who is responsible for the delivery of social, health
48 care, institutional, or correctional services, or primary or secondary

1 educational services to the public. The bill defines “to facilitate
2 access to” as: (1) assisting the victim in contacting a sexual
3 violence program should the victim choose such contact; or (2)
4 directing a victim to a person designated by the public entity to
5 assist a victim in contacting a sexual violence program or
6 appropriate mandated reporting agency.

7 The bill provides that a person receiving the services of a public
8 employee who makes a complaint or report of sexual violence to the
9 employee shall not be denied the rights provided for under the bill
10 regardless of the victim’s age, race, gender, cognitive capacity,
11 physical abilities, or sexual, medical, or mental health treatment
12 history.

13 The intent of this provision is to address a gap in current
14 procedures. At present, if a client of a public agency reports an act
15 of sexual violence to an employee, the agency may not have
16 policies and procedures to address the issue appropriately.

17 The rights enumerated under the bill are as follows:

18 To speak privately, consistent with privileges provided by the
19 New Jersey statutes, at any point in the process of reporting a
20 sexual assault or receiving services, with a rape care advocate and
21 with any other advocate, clergy, attorney, or support person of the
22 victim’s choosing, and to have any such communication treated as
23 privileged and confidential;

24 To be informed about any legal or ethical requirement that
25 requires the agency or employee to share any information related to
26 the violence with another government agency;

27 To formally report the sexual violence, or to refrain from making
28 a formal report to any person or institution, including law
29 enforcement authorities, and to not have the receipt of any public
30 service made contingent on reporting or not reporting the incident;

31 To medical treatment by a provider of the victim’s choice, or
32 from a Sexual Assault Response Team as provided in the Attorney
33 General’s Standards for Providing Services to Victims of Sexual
34 Assault, and to the choice to opt into or out of any of the team’s
35 services, including the option to refuse a forensic examination;

36 To choose whether to participate in any investigation of the
37 assault;

38 To reasonable efforts to provide treatment and interviews in a
39 language in which the victim is fluent and to be given access to
40 appropriate assistive devices to accommodate the victim’s
41 disabilities, whether temporary or long term; and

42 To information and assistance in accessing specialized mental
43 health service; protection from further violence; and other
44 appropriate community or governmental services, including
45 services provided by the Victims of Crime Compensation Office;
46 and all other assistance available to crime victims under present
47 law.

A1711 VAINIERI HUTTLE, N.MUNOZ

7

1 The bill would also require the Victims of Crime Compensation
2 Office in consultation with the Division on Women, the Department
3 of Health and the New Jersey Coalition Against Sexual Assault to
4 publish a notice of these rights and promulgate regulations that
5 require its posting in all hospital emergency departments, police
6 stations, and any other appropriate place to inform victims of their
7 rights and inform public employees and entities of their obligations
8 under the bill.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1711

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 11, 2019

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1711.

This bill as amended would establish a “Sexual Assault Victim’s Bill of Rights” for victims of sexual violence.

The bill as amended accords victims of sexual assault 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 and United States Constitutions, from any suggestion that victims are responsible for the commission of crimes against them or 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, confidential sexual violence advocate, and 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 (VCCO); and all other assistance available to crime victims under current law;

(10) to be apprised of the availability and process for taking of testimony from a victim via closed circuit television which may be ordered by the court; 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” if the victim believes that he or she is at risk for re-victimization or further harm by the perpetrator.

The bill requires the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, to publish a notice of these rights, including on the Department of Law and Public Safety’s Internet website. Hospital emergency departments, police stations and other law enforcement agencies, sexual violence service organizations, and other entities informing sexual violence victims of their rights are to post a copy of this notice in a conspicuous location available to the public.

The bill requires the Attorney General to incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015,” 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.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) require the Attorney General to publish the notice of these rights, rather than the Victims of Crime Compensation Office;

(2) require the notice to be published on the Attorney General’s website;

(3) specifically make hospital emergency departments, police stations and other law enforcement agencies, and sexual violence service organizations responsible for posting a copy of these rights in a conspicuous place available to the public;

(4) remove the definitions section;

(5) remove requirements for certain public employees to facilitate access to services for victims of sexual violence;

(6) remove other references to duties and immunity of public employees and public entities;

(7) remove a reference to the “New Jersey Tort Claims Act”; and

(8) make other clarifying and technical amendments.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended and reported by the committee, Assembly Bill No. A1711 is identical to Senate Bill No. S875 (1R) which was also reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1711

STATE OF NEW JERSEY

DATED: MARCH 18, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1711 (1R).

This bill establishes a “Sexual Assault Victim’s Bill of Rights” for victims of sexual violence.

The bill accords victims of sexual assault 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 and United States Constitutions, from any suggestion that victims are responsible for the commission of crimes against them or 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, confidential sexual violence advocate, and 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 (VCCO); and all other assistance available to crime victims under current law;

(10) to be apprised of the availability and process for taking of testimony from a victim via closed circuit television which may be ordered by the court; 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” if the victim believes that he or she is at risk for re-victimization or further harm by the perpetrator.

The bill requires the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, to publish a notice of these rights, including on the Department of Law and Public Safety’s Internet website. Hospital emergency departments, police stations and other law enforcement agencies, sexual violence service organizations, and other entities informing sexual violence victims of their rights are to post a copy of this notice in a conspicuous location available to the public.

The bill requires the Attorney General to incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015,” 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.

As reported by the committee, Assembly Bill No. 1711 (1R) is identical to Senate Bill No. 875 (1R), which was also reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) projects that the bill may result in an indeterminate, likely marginal, one-time expenditure increase to State, county, and municipal governments. The specific magnitude of any expenditure increase will depend on operating decisions by affected governmental entities, which the OLS cannot anticipate.

The Office of the Attorney General may experience nominal one-time workload and expenditure increase as a result of publishing the “Sexual Assault Victim’s Bill of Rights” notice on the Internet and

incorporating the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights and the “Sexual Assault Survivor Prevention Act of 2015” in the Attorney General Standards for Providing Services to Victims of Sexual Assault.

There may also be a marginal expenditure increase to State, county, and municipal law enforcement agencies required to post these rights.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 1711

STATE OF NEW JERSEY 218th LEGISLATURE

DATED: MARCH 21, 2019

SUMMARY

- Synopsis:** Establishes the “Sexual Assault Victim’s Bill of Rights.”
- Type of Impact:** Indeterminate cost increases to State, county, and municipal governments.
- Agencies Affected:** Department of Law and Public Safety and County and Local Governments.

Office of Legislative Services Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|-------------------------------------|----------------------------------|----------------------|----------------------|
| State and Local Expenditures | Possible Indeterminate Increases | | |

- The Office of Legislative Services (OLS) projects that the bill may result in an indeterminate, likely marginal, one-time expenditure increase to State, county, and municipal governments. The specific magnitude of any expenditure increase will depend on operating decisions by affected governmental entities, which the OLS cannot anticipate.
- The Office of the Attorney General may experience nominal one-time workload and expenditure increases as a result of publishing the “Sexual Assault Victim’s Bill of Rights” notice on the Internet and incorporating the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015” in the Attorney General Standards for Providing Services to Victims of Sexual Assault.
- There may be a marginal expenditure increase to State, county, and municipal law enforcement agencies required to post these rights.

BILL DESCRIPTION

This bill establishes a “Sexual Assault Victim’s Bill of Rights,” which accords victims of sexual assault certain rights and articulates options available to them.

The bill requires the Office of the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, to publish a notice of these rights on the New Jersey Department of Law and Public Safety website.

The bill requires these rights to be posted in all hospital emergency departments, police stations and other law enforcement agencies, sexual violence service organizations, and any other entity, at minimum, in a conspicuous location available to the public.

The bill also requires the Office of the Attorney General to incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015” in the Attorney General Standards for Providing Services to Victims of Sexual Assault.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that the bill may result in an indeterminate, likely marginal, one-time expenditure increase to State, county, and municipal governments. The specific magnitude of any expenditure increase will depend on operating decisions by affected governmental entities, which the OLS cannot anticipate.

The Office of the Attorney General may experience nominal one-time workload and expenditure increases as a result of publishing the “Sexual Assault Victim’s Bill of Rights” notice on the Department of Law and Public Safety website. Any expenditure increase associated with these additional responsibilities likely would be marginal since the notice of rights is only required to be published on the Internet, at minimum.

The Office of the Attorney General may experience a nominal one-time workload increase to incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” and the “Sexual Assault Survivor Protection Act of 2015” in the Attorney General Standards for Providing Services to Victims of Sexual Assault. Any expenditure increase associated with the additional responsibility likely would be marginal.

There also may be a marginal expenditure increase to State, county, and municipal law enforcement agencies required to post these rights. The rights could be posted electronically on an agency’s website or as a hard copy on the agency’s bulletin board or both.

Section: Law and Public Safety

Analyst: Kristin Brunner Santos
Senior Fiscal Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).



Newark, N.J.

Governor Murphy Takes Action on Legislation

05/10/2019

TRENTON – Today, Governor Phil Murphy signed the following bills and resolutions into law:

A2810 (Greenwald, Murphy/Pou) - Requires active supervision of certain professional and occupational licensing boards.

A4285 (Lopez, Quijano, Armato/Vitale, Singleton) - Requires Commissioner of Health to develop voluntary registry to collect cancer incidence data from firefighters.

A4416 (Swain, Karabinchak, Timberlake/Kean, Greenstein) - Prohibits sale or distribution of products containing asbestos.

A4500 (Verrelli, Mejia, Speight/Ruiz, Greenstein) - Directs NJ State Council on Arts to create and disseminate best practices guide for at-risk youth arts programs; requires council to assist government entities creating programs that adopt best practices.

A4578 (Land, Andrzejczak, McKeon/Smith, Greenstein) - Makes supplemental appropriation of \$50 million from General Fund to DEP and adds language provisions concerning use of certain environmental settlement monies for natural resource restoration projects.

A4612 (Jimenez, Mejia, Giblin/Cryan) - Codifies State-specific exam requirement for land surveyor license.

A4799 (Lopez, Coughlin, Benson/Vitale, Ruiz) - Permits self-administration of hydrocortisone sodium succinate by students for adrenal insufficiency and requires that school districts and nonpublic schools establish policy for emergency administration of medication.

A5034 (Pinkin/Smith) - Authorizes sale and conveyance of certain State-owned real property in Stafford Township, Ocean County to US Fish and Wildlife Service.

S52 (Singleton, Gill/Caputo, Webber, Murphy) - Requires disclosure of breach of security of online account.

S455 (Addiego, Singleton/Murphy, Dancer, Rooney) - Requires disclosure of identifying information prior to sale of horse at auction.

S515 (Kean, Sarlo/Munoz, Johnson, Bucco) - Exempts sales of certain materials used in industrial sand casting processes from sales and use tax.

S542 (Oroho, Singleton/Tucker, Wirths, Space) - Designates High Point State Park as High Point State Park and New Jersey Veterans Memorial.

S604 (Smith/Pinkin) - Provides that electric power supplier license issued by BPU may be renewed without expiring if certain conditions are met.

S605 (Smith/Pinkin, McKeon) - Provides that natural gas supplier license issued by BPU may be renewed without expiring if certain conditions are met.

S875 (Sweeney, Greenstein/Vainieri Huttle, Munoz, Murphy) - Establishes the "Sexual Assault Victim's Bill of Rights."

S1729 (Thompson, Quijano/Jones, Barclay) - Designates *Streptomyces griseus* as New Jersey State Microbe.

S2676 (Bucco, Lagana/Schaer, Calabrese, Tully) - Requires boards of education and nonpublic schools to provide law enforcement authorities with copies of blueprints and maps of schools and school grounds.

S2707 (Ruiz, Madden/Lampitt, Vainieri Huttle, Armato) - Establishes task force within DOE on prevention of sexual abuse of children.

S2709 (Ruiz, Madden/Mukherji, Lampitt, Chiaravalloti, Vainieri Huttle, Armato) - Provides that certain persons who commit act of sexual penetration or sexual contact with students who are at least 18 but less than 22 years old are guilty of sexual assault or criminal sexual assault.

S2711 (Ruiz, Madden/Lampitt, Vainieri Huttle, Jones) - Mandates child abuse and sexual abuse training for all candidates for teaching certification.

S2720 (Diegnan, Scutari/Johnson, Quijano, Murphy) - Requires autocycles to be insured by PIP coverage to pedestrians.

SJR101 (Gopal/Pintor Marin, Houghtaling, Downey) - Designates March 15 of each year as Peter Francisco Day in New Jersey.

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