

**52:17B-245  
LEGISLATIVE HISTORY CHECKLIST**

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**LAWS OF:** 2019                      **CHAPTER:** 168

**NJSA:** 52:17B-245 (Requires AG to conduct survey of untested sexual assault examination kits.)

**BILL NO:** S1216                      (Substituted for A2370)

**SPONSOR(S)** Stephen M. Sweeney and others

**DATE INTRODUCED:** 1/25/2018

**COMMITTEE:**                      **ASSEMBLY:** Law & Public Safety  
Appropriations

**SENATE:** Law & Public Safety  
Budget & Appropriations

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                      **ASSEMBLY:** 5/23/2019

**SENATE:** 6/7/2018

**DATE OF APPROVAL:** 7/17/2019

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Introduced version of bill enacted)                      Yes

**S1216**

**SPONSOR'S STATEMENT:** (Begins on page 2 of introduced bill)                      Yes

**COMMITTEE STATEMENT:**

**ASSEMBLY:** Yes Law & Public Safety  
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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** Yes

**A2370**

**SPONSOR'S STATEMENT:** (Begins on page 2 of introduced bill)                      Yes

**COMMITTEE STATEMENT:**

**ASSEMBLY:** Yes Law & Public Safety  
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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

(continued)

**LEGISLATIVE FISCAL ESTIMATE:**

Yes

**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 168, *approved July 17, 2019*  
Senate, No. 1216

1 **AN ACT** requiring a survey of untested sexual assault examination  
2 kits and 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. a. The Attorney General, in consultation with the New Jersey  
8 Coalition Against Sexual Assault, shall develop a survey concerning  
9 the sexual assault examination kits in the possession of law  
10 enforcement agencies in this State that have not been submitted to a  
11 laboratory approved by the Attorney General for serology or  
12 deoxyribonucleic acid (DNA) testing. The survey shall be distributed  
13 to and completed by every law enforcement agency in the State which  
14 is responsible for the collection, storage, and maintenance of sexual  
15 assault examination kits.

16 b. The survey shall include, but not be limited to, questions  
17 designed to elicit responsive information concerning: agency policies  
18 and procedures governing the submission of sexual assault  
19 examination kits to an approved forensic laboratory for testing,  
20 including specific submission criteria, timelines, and victim  
21 notifications; agency policies and procedures for logging, tracking,  
22 and storing sexual assault examination kits; descriptive, statistical, and  
23 other relevant information about the sexual assault examination kits  
24 currently in the agency's possession; and any other information the  
25 Attorney General deems appropriate.

26 c. The Attorney General shall distribute the survey developed  
27 pursuant to this section to all law enforcement agencies in this State,  
28 which shall submit responses in a timely manner.

29 d. The Attorney General shall prepare a report summarizing the  
30 information contained in the responses to the survey, provided,  
31 however, that the report shall not contain any personal or identifying  
32 information about any victim. The Attorney General shall submit the  
33 report to the Governor and, pursuant to section 2 of P.L.1991, c.164  
34 (C.52:14-19.1), to the Legislature.

35

36 2. This act shall take effect on the first day of the fourth month  
37 next following enactment, except that the Attorney General may  
38 take any anticipatory administrative action in advance necessary for  
39 the implementation of the act.

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STATEMENT

This bill requires the Attorney General to conduct a survey of untested sexual assault examination kits in this State and report the findings of the survey.

Under the bill, the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, is required to conduct a survey concerning sexual assault examination kits in the possession of law enforcement agencies in this State that have not been submitted to a laboratory approved by the Attorney General for serology or deoxyribonucleic acid (DNA) testing.

The survey is required to include, but not be limited to, questions concerning: agency policies and procedures governing the submission of sexual assault examination kits to an approved forensic laboratory for testing, including specific submission criteria, timelines, and victim notifications; agency policies and procedures for logging, tracking, and storing sexual assault examination kits; descriptive, statistical, and other relevant information about the sexual assault examination kits currently in the agency's possession; and any other information the Attorney General deems appropriate.

The bill requires the Attorney General to distribute the survey to all law enforcement agencies in the State and requires these agencies to submit responses in a timely manner. The Attorney General is required to prepare a report summarizing the information contained in the responses to the survey. However, the report is not to contain any personal or identifying information about any victim. The Attorney General is required to submit the report to the Governor and the Legislature.

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Requires AG to conduct survey of untested sexual assault examination kits.

# SENATE, No. 1216

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JANUARY 25, 2018

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Assemblywoman NANCY F. MUNOZ**

**District 21 (Morris, Somerset and Union)**

**Co-Sponsored by:**

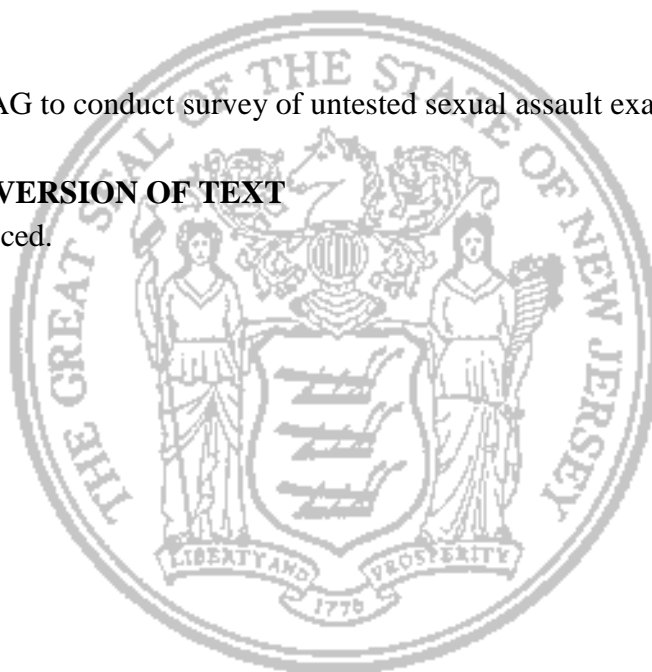
**Senator Pou, Assemblywoman Murphy, Assemblymen Holley, Howarth, Peterson, Assemblywoman Downey, Assemblyman Benson, Assemblywomen Timberlake, Quijano, DiMaso and Lampitt**

**SYNOPSIS**

Requires AG to conduct survey of untested sexual assault examination kits.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/24/2019)**

1 AN ACT requiring a survey of untested sexual assault examination  
2 kits and 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. a. The Attorney General, in consultation with the New Jersey  
8 Coalition Against Sexual Assault, shall develop a survey concerning  
9 the sexual assault examination kits in the possession of law  
10 enforcement agencies in this State that have not been submitted to a  
11 laboratory approved by the Attorney General for serology or  
12 deoxyribonucleic acid (DNA) testing. The survey shall be distributed  
13 to and completed by every law enforcement agency in the State which  
14 is responsible for the collection, storage, and maintenance of sexual  
15 assault examination kits.

16 b. The survey shall include, but not be limited to, questions  
17 designed to elicit responsive information concerning: agency policies  
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19 examination kits to an approved forensic laboratory for testing,  
20 including specific submission criteria, timelines, and victim  
21 notifications; agency policies and procedures for logging, tracking,  
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23 other relevant information about the sexual assault examination kits  
24 currently in the agency's possession; and any other information the  
25 Attorney General deems appropriate.

26 c. The Attorney General shall distribute the survey developed  
27 pursuant to this section to all law enforcement agencies in this State,  
28 which shall submit responses in a timely manner.

29 d. The Attorney General shall prepare a report summarizing the  
30 information contained in the responses to the survey, provided,  
31 however, that the report shall not contain any personal or identifying  
32 information about any victim. The Attorney General shall submit the  
33 report to the Governor and, pursuant to section 2 of P.L.1991, c.164  
34 (C.52:14-19.1), to the Legislature.

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37 next following enactment, except that the Attorney General may  
38 take any anticipatory administrative action in advance necessary for  
39 the implementation of the act.

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#### STATEMENT

43

44 This bill requires the Attorney General to conduct a survey of  
45 untested sexual assault examination kits in this State and report the  
46 findings of the survey.

47 Under the bill, the Attorney General, in consultation with the New  
48 Jersey Coalition Against Sexual Assault, is required to conduct a survey  
49 concerning sexual assault examination kits in the possession of law

1 enforcement agencies in this State that have not been submitted to a  
2 laboratory approved by the Attorney General for serology or  
3 deoxyribonucleic acid (DNA) testing.

4 The survey is required to include, but not be limited to, questions  
5 concerning: agency policies and procedures governing the submission of  
6 sexual assault examination kits to an approved forensic laboratory for  
7 testing, including specific submission criteria, timelines, and victim  
8 notifications; agency policies and procedures for logging, tracking, and  
9 storing sexual assault examination kits; descriptive, statistical, and other  
10 relevant information about the sexual assault examination kits currently in  
11 the agency's possession; and any other information the Attorney General  
12 deems appropriate.

13 The bill requires the Attorney General to distribute the survey to all  
14 law enforcement agencies in the State and requires these agencies to  
15 submit responses in a timely manner. The Attorney General is required to  
16 prepare a report summarizing the information contained in the responses  
17 to the survey. However, the report is not to contain any personal or  
18 identifying information about any victim. The Attorney General is  
19 required to submit the report to the Governor and the Legislature.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 1216

# STATE OF NEW JERSEY

DATED: DECEMBER 3, 2018

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 1216.

As reported by the committee, Senate Bill No. 1216 requires the Attorney General to conduct a survey of untested sexual assault examination kits in this State and report the findings of the survey.

Under the bill, the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, is required to conduct a survey concerning sexual assault examination kits in the possession of law enforcement agencies in this State that have not been submitted to a laboratory approved by the Attorney General for serology or deoxyribonucleic acid (DNA) testing.

The survey is required to include, but not be limited to, questions concerning: agency policies and procedures governing the submission of sexual assault examination kits to an approved forensic laboratory for testing, including specific submission criteria, timelines, and victim notifications; agency policies and procedures for logging, tracking, and storing sexual assault examination kits; descriptive, statistical, and other relevant information about the sexual assault examination kits currently in the agency's possession; and any other information the Attorney General deems appropriate.

The bill requires the Attorney General to distribute the survey to all law enforcement agencies in the State and requires these agencies to submit responses in a timely manner. The Attorney General is required to prepare a report summarizing the information contained in the responses to the survey. However, the report is not to contain any personal or identifying information about any victim. The Attorney General is required to submit the report to the Governor and the Legislature.

As reported by the committee, Senate Bill No. 1216 is identical to Assembly Bill No. 2370, which also was reported by the committee on this date.



# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 1216

# STATE OF NEW JERSEY

DATED: MAY 20, 2019

The Assembly Appropriations Committee reports favorably Senate Bill No. 1216.

This bill requires the Attorney General to conduct a survey of untested sexual assault examination kits in this State and report the findings of the survey.

Under the bill, the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, is required to conduct a survey concerning sexual assault examination kits in the possession of law enforcement agencies in this State that have not been submitted to a laboratory approved by the Attorney General for serology or deoxyribonucleic acid (DNA) testing.

The survey is required to include, but not be limited to, questions concerning: agency policies and procedures governing the submission of sexual assault examination kits to an approved forensic laboratory for testing, including specific submission criteria, timelines, and victim notifications; agency policies and procedures for logging, tracking, and storing sexual assault examination kits; descriptive, statistical, and other relevant information about the sexual assault examination kits currently in the agency's possession; and any other information the Attorney General deems appropriate.

The bill requires the Attorney General to distribute the survey to all law enforcement agencies in the State and requires these agencies to submit responses in a timely manner. The Attorney General is required to prepare a report summarizing the information contained in the responses to the survey. However, the report is not to contain any personal or identifying information about any victim. The Attorney General is required to submit the report to the Governor and the Legislature.

As reported by the committee, Senate Bill No. 1216 is identical to Assembly Bill No. 2370, which also was reported by the committee on this date.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the bill may result in an indeterminate one-time expenditure increase to the Office of the Attorney General to conduct a survey of untested sexual assault examination kits in the possession of law enforcement agencies, and

summarize and report the survey's findings to the Governor and Legislature.

The OLS also finds that there may be indeterminate one-time cost and workload increases to local and other public law enforcement agencies attributable to the time required to examine records and collect information to respond to the survey.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 1216

# STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2018

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1216.

As reported by the committee, this bill requires the Attorney General to conduct a survey of untested sexual assault examination kits in this State and report the findings of the survey.

Under the bill, the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, is required to conduct a survey concerning sexual assault examination kits in the possession of law enforcement agencies in this State that have not been submitted to a laboratory approved by the Attorney General for serology or deoxyribonucleic acid (DNA) testing.

The survey is required to include, but not be limited to, questions concerning: agency policies and procedures governing the submission of sexual assault examination kits to an approved forensic laboratory for testing, including specific submission criteria, timelines, and victim notifications; agency policies and procedures for logging, tracking, and storing sexual assault examination kits; descriptive, statistical, and other relevant information about the sexual assault examination kits currently in the agency's possession; and any other information the Attorney General deems appropriate.

The bill requires the Attorney General to distribute the survey to all law enforcement agencies in the State and requires these agencies to submit responses in a timely manner. The Attorney General is required to prepare a report summarizing the information contained in the responses to the survey. However, the report is not to contain any personal or identifying information about any victim. The Attorney General is required to submit the report to the Governor and the Legislature.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 1216

# STATE OF NEW JERSEY

DATED: JUNE 4, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1216.

This bill requires the Attorney General to conduct a survey of untested sexual assault examination kits in this State and report the findings of the survey.

Under the bill, the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, is required to conduct a survey concerning sexual assault examination kits in the possession of law enforcement agencies in this State that have not been submitted to a laboratory approved by the Attorney General for serology or deoxyribonucleic acid (DNA) testing.

The survey is required to include, but not be limited to, questions concerning: agency policies and procedures governing the submission of sexual assault examination kits to an approved forensic laboratory for testing, including specific submission criteria, timelines, and victim notifications; agency policies and procedures for logging, tracking, and storing sexual assault examination kits; descriptive, statistical, and other relevant information about the sexual assault examination kits currently in the agency's possession; and any other information the Attorney General deems appropriate.

The bill requires the Attorney General to distribute the survey to all law enforcement agencies in the State and requires these agencies to submit responses in a timely manner. The Attorney General is required to prepare a report summarizing the information contained in the responses to the survey. However, the report is not to contain any personal or identifying information about any victim. The Attorney General is required to submit the report to the Governor and the Legislature.

#### FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the bill may result in an indeterminate one-time expenditure increase to the Office of the Attorney General to conduct a survey of untested sexual assault examination kits in the possession of law enforcement agencies, and summarize and report the survey's findings to the Governor and Legislature.

The OLS finds that there may be indeterminate one-time cost and workload increases to local and other public law enforcement agencies attributable to the time required to examine records and collect information to respond to the survey.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 1216**  
**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

DATED: JUNE 7, 2018

**SUMMARY**

**Synopsis:** Requires Attorney General to conduct survey of untested sexual assault examination kits.

**Type of Impact:** One-time expenditure increases to the State and local governments.

**Agencies Affected:** Office of the Attorney General; all law enforcement agencies.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	
<b>One-Time State Expenditure Increase</b>	Indeterminate
<b>One-Time Local Expenditure Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) estimates the bill may result in an indeterminate one-time expenditure increase to the Office of the Attorney General (OAG) to conduct a survey of untested sexual assault examination kits in the possession of law enforcement agencies, and summarize and report the survey's findings to the Governor and Legislature.
- The OLS finds that there may be indeterminate one-time cost and workload increases to local and other public law enforcement agencies attributable to the time required to examine records and collect information to respond to the survey.

**BILL DESCRIPTION**

The bill requires the Office of the Attorney General (OAG), in consultation with the New Jersey Coalition Against Sexual Assault, to conduct a survey concerning sexual assault examination kits in the possession of law enforcement agencies in this State that have not been submitted to a laboratory approved by the OAG for serology or deoxyribonucleic acid (DNA) testing.

At a minimum, the survey is required to include questions concerning: agency policies and procedures governing the submission of sexual assault examination kits to an approved forensic laboratory for testing; agency policies and procedures for logging, tracking, and storing sexual assault examination kits; descriptive, statistical, and other relevant information about the sexual

assault examination kits currently in the agency's possession; and any other information the OAG deems appropriate.

The OAG is required to distribute the survey to all law enforcement agencies in the State. In turn, these agencies must submit responses in a timely manner. The OAG is then required to prepare a report summarizing the information contained in the survey responses.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates the bill may result in an indeterminate one-time increase in administrative expenditures to the OAG. The OAG will experience a one-time workload increase from conducting a survey of untested sexual assault examination kits in the possession of law enforcement agencies and summarizing and reporting the survey's findings to the Governor and Legislature.

Depending on the OAG's resource allocation policies, the additional workload may or may not cause an indeterminate one-time expenditure increase.

The OLS also finds that there may be an indeterminate one-time increase in the workload and administrative expenditures of all law enforcement agencies Statewide attributable to the time required to examine records and collect information in order to respond to the survey.

These costs would be incurred over a limited amount of time, given that the survey is to be conducted only once. The bill provides the OAG with up to four months to take advance administrative action, presumably to produce the survey and establish any implementation procedures. After distribution of the survey, law enforcement agencies would submit responses in a timely manner and the OAG would then summarize and report the findings to the Governor and Legislature.

*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, No. 2370

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Assemblywoman NANCY F. MUNOZ**

**District 21 (Morris, Somerset and Union)**

**Co-Sponsored by:**

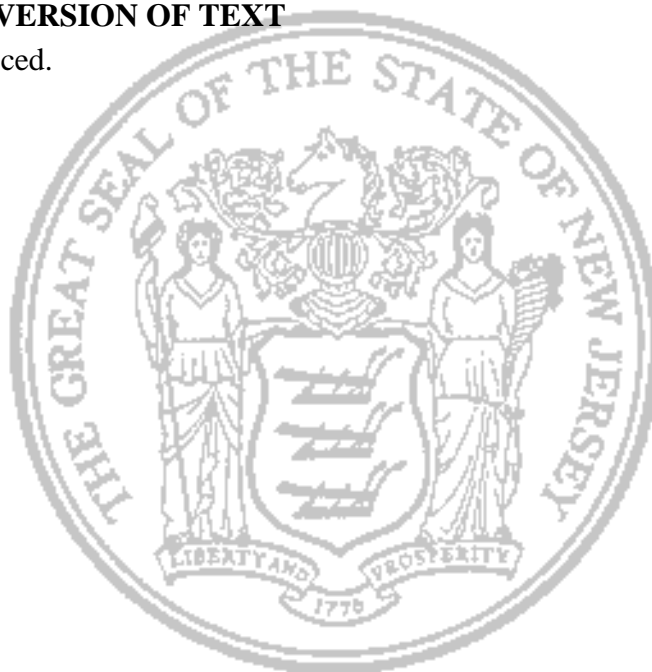
**Assemblywoman Murphy, Assemblymen Holley, Howarth, Peterson,  
Assemblywoman Downey, Assemblyman Benson, Assemblywomen  
Timberlake, Quijano, DiMaso and Lampitt**

**SYNOPSIS**

Requires AG to conduct survey of untested sexual assault examination kits.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/24/2019)**

1 AN ACT requiring a survey of untested sexual assault examination  
2 kits and 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. a. The Attorney General, in consultation with the New Jersey  
8 Coalition Against Sexual Assault, shall develop a survey concerning  
9 the sexual assault examination kits in the possession of law  
10 enforcement agencies in this State that have not been submitted to a  
11 laboratory approved by the Attorney General for serology or  
12 deoxyribonucleic acid (DNA) testing. The survey shall be distributed  
13 to and completed by every law enforcement agency in the State which  
14 is responsible for the collection, storage, and maintenance of sexual  
15 assault examination kits.

16 b. The survey shall include, but not be limited to, questions  
17 designed to elicit responsive information concerning: agency policies  
18 and procedures governing the submission of sexual assault  
19 examination kits to an approved forensic laboratory for testing,  
20 including specific submission criteria, timelines, and victim  
21 notifications; agency policies and procedures for logging, tracking,  
22 and storing sexual assault examination kits; descriptive, statistical, and  
23 other relevant information about the sexual assault examination kits  
24 currently in the agency's possession; and any other information the  
25 Attorney General deems appropriate.

26 c. The Attorney General shall distribute the survey developed  
27 pursuant to this section to all law enforcement agencies in this State,  
28 which shall submit responses in a timely manner.

29 d. The Attorney General shall prepare a report summarizing the  
30 information contained in the responses to the survey, provided,  
31 however, that the report shall not contain any personal or identifying  
32 information about any victim. The Attorney General shall submit the  
33 report to the Governor and, pursuant to section 2 of P.L.1991, c.164  
34 (C.52:14-19.1), to the Legislature.

35

36 2. This act shall take effect on the first day of the fourth month  
37 next following enactment, except that the Attorney General may  
38 take any anticipatory administrative action in advance necessary for  
39 the implementation of the act.

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STATEMENT

43

44 This bill requires the Attorney General to conduct a survey of  
45 untested sexual assault examination kits in this State and report the  
46 findings of the survey.

47 Under the bill, the Attorney General, in consultation with the New  
48 Jersey Coalition Against Sexual Assault, is required to conduct a survey  
49 concerning sexual assault examination kits in the possession of law



1 enforcement agencies in this State that have not been submitted to a  
2 laboratory approved by the Attorney General for serology or  
3 deoxyribonucleic acid (DNA) testing.

4 The survey is required to include, but not be limited to, questions  
5 concerning: agency policies and procedures governing the submission of  
6 sexual assault examination kits to an approved forensic laboratory for  
7 testing, including specific submission criteria, timelines, and victim  
8 notifications; agency policies and procedures for logging, tracking, and  
9 storing sexual assault examination kits; descriptive, statistical, and other  
10 relevant information about the sexual assault examination kits currently in  
11 the agency's possession; and any other information the Attorney General  
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14 law enforcement agencies in the State and requires these agencies to  
15 submit responses in a timely manner. The Attorney General is required to  
16 prepare a report summarizing the information contained in the responses  
17 to the survey. However, the report is not to contain any personal or  
18 identifying information about any victim. The Attorney General is  
19 required to submit the report to the Governor and the Legislature.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2370

# STATE OF NEW JERSEY

DATED: DECEMBER 3, 2018

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2370.

As reported by the committee, Assembly Bill No. 2370 requires the Attorney General to conduct a survey of untested sexual assault examination kits in this State and report the findings of the survey.

Under the bill, the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, is required to conduct a survey concerning sexual assault examination kits in the possession of law enforcement agencies in this State that have not been submitted to a laboratory approved by the Attorney General for serology or deoxyribonucleic acid (DNA) testing.

The survey is required to include, but not be limited to, questions concerning: agency policies and procedures governing the submission of sexual assault examination kits to an approved forensic laboratory for testing, including specific submission criteria, timelines, and victim notifications; agency policies and procedures for logging, tracking, and storing sexual assault examination kits; descriptive, statistical, and other relevant information about the sexual assault examination kits currently in the agency's possession; and any other information the Attorney General deems appropriate.

The bill requires the Attorney General to distribute the survey to all law enforcement agencies in the State and requires these agencies to submit responses in a timely manner. The Attorney General is required to prepare a report summarizing the information contained in the responses to the survey. However, the report is not to contain any personal or identifying information about any victim. The Attorney General is required to submit the report to the Governor and the Legislature.

As reported by the committee, Assembly Bill No. 2370 is identical to Senate Bill No. 1216, which also was reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2370

**STATE OF NEW JERSEY**

DATED: MAY 20, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2370.

This bill requires the Attorney General to conduct a survey of untested sexual assault examination kits in this State and report the findings of the survey.

Under the bill, the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, is required to conduct a survey concerning sexual assault examination kits in the possession of law enforcement agencies in this State that have not been submitted to a laboratory approved by the Attorney General for serology or deoxyribonucleic acid (DNA) testing.

The survey is required to include, but not be limited to, questions concerning: agency policies and procedures governing the submission of sexual assault examination kits to an approved forensic laboratory for testing, including specific submission criteria, timelines, and victim notifications; agency policies and procedures for logging, tracking, and storing sexual assault examination kits; descriptive, statistical, and other relevant information about the sexual assault examination kits currently in the agency's possession; and any other information the Attorney General deems appropriate.

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As reported by the committee, Assembly Bill No. 2370 is identical to Senate Bill No. 1216, which also was reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates the bill may result in an indeterminate one-time expenditure increase to the Office of the Attorney General to conduct a survey of untested sexual assault examination kits in the possession of law enforcement agencies, and

summarize and report the survey's findings to the Governor and Legislature.

The OLS also finds that there may be indeterminate one-time cost and workload increases to local and other public law enforcement agencies attributable to the time required to examine records and collect information to respond to the survey.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 2370**  
**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

DATED: MAY 23, 2019

**SUMMARY**

**Synopsis:** Requires AG to conduct survey of untested sexual assault examination kits.

**Type of Impact:** One-time expenditure increases to the State and local governments.

**Agencies Affected:** Office of the Attorney General; all State and local law enforcement agencies.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	
<b>One-Time State Expenditure Increase</b>	Indeterminate
<b>One-Time Local Expenditure Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) estimates the bill may result in an indeterminate one-time expenditure increase to the Office of the Attorney General (OAG) to conduct a survey of untested sexual assault examination kits in the possession of law enforcement agencies and to summarize and report the survey's findings to the Governor and Legislature.
- The OLS finds that there may be indeterminate one-time cost and workload increases to local and other public law enforcement agencies attributable to the time required to examine records and collect information to respond to the survey.

**BILL DESCRIPTION**

The bill requires the OAG in consultation with the New Jersey Coalition Against Sexual Assault, to conduct a survey concerning sexual assault examination kits in the possession of law enforcement agencies in this State that have not been submitted to a laboratory approved by the OAG for serology or deoxyribonucleic acid (DNA) testing.

At a minimum, the survey is required to include questions concerning: agency policies and procedures governing the submission of sexual assault examination kits to an approved forensic laboratory for testing; agency policies and procedures for logging, tracking, and storing sexual assault examination kits; descriptive, statistical, and other relevant information about the sexual

assault examination kits currently in the agency's possession; and any other information the OAG deems appropriate.

The OAG is required to distribute the survey to all law enforcement agencies in the State. In turn, these agencies must submit responses in a timely manner. The OAG is then required to prepare a report summarizing the information contained in the survey responses.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates the bill may result in an indeterminate one-time increase in administrative expenditures to the Office of the Attorney General. The OAG will experience a one-time workload increase from conducting a survey of untested sexual assault examination kits in the possession of law enforcement agencies in the State and summarizing and reporting the survey's findings to the Governor and Legislature.

Depending on the OAG's resource allocation policies, the additional workload may or may not cause an indeterminate one-time expenditure increase.

The OLS also finds that there may be an indeterminate one-time increase in the workload and administrative expenditures of all law enforcement agencies Statewide attributable to the time required to examine records and collect information in order to respond to the survey.

These costs would be incurred over a limited amount of time, given that the survey is to be conducted only once. The bill provides the OAG with up to four months to take advance administrative action, presumably to produce the survey and establish any implementation procedures. After distribution of the survey, law enforcement agencies would submit responses in a timely manner and the OAG would then summarize and report the findings to the Governor and Legislature.

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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.).

# Governor Murphy Signs Legislation Requiring Survey of Untested Sexual Assault Examination Kits

07/17/2019

TRENTON – Governor Phil Murphy today signed S1216 into law, which will require the Attorney General to conduct a survey of untested sexual assault examination kits. The law mandates the survey to be summarized in a report that will be submitted to the Governor and the Legislature.

“Survivors of rape and sexual assault deserve to know that their cases are treated with the utmost importance and diligence,” said Governor Phil Murphy. “The survey that this law mandates will provide us with a clear picture of how rape kits are logged, tracked, and stored in our state and guide decisions on potential future actions.”

“A measure like this, which is designed to give us a more thorough understanding of how Sexual Assault Forensic Examination (SAFE) kits are being handled by law enforcement agencies throughout the State, will allow New Jersey to remain at the forefront of nationwide best practices and standards in our efforts to ensure that victims of sexual assault receive the services and respect they deserve, and that their cases are handled in accordance with best practices by law enforcement,” said Attorney General Gurbir S. Grewal. “In exercising this authority, we will, as always, be guided by a clear understanding that there can be no compromising of a victim's right to confidentiality or right to make the decision about involving law enforcement. In November, my office issued updated AG Standards for Providing Services to Victims of Sexual Assault that were formulated in collaboration with law enforcement, healthcare professionals, service providers, the Courts, and victim advocates, including the New Jersey Coalition Against Sexual Assault (NJCASA). Those standards require every county to adopt formal policies and procedures for handling of SAFE Kits, encompassing preservation, retention, reporting and tracking. These surveys will provide useful information to help us assess the success of these efforts, and identify any areas where there may be a need for improvement.”

S1216 requires the Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, to conduct a survey concerning sexual assault examination kits in the possession of law enforcement agencies in this State that have not been submitted to a laboratory approved by the Attorney General for serology or DNA testing.

The survey will include questions concerning agency policies and procedures governing the submission of sexual assault examination kits to an approved forensic laboratory for testing, including specific submission criteria, timelines, and victim notifications; agency policies and procedures for logging, tracking, and storing sexual assault examination kits; descriptive, statistical, and other relevant information about the sexual assault examination kits currently in the agency's possession; and any other information the Attorney General deems appropriate. Upon conclusion of the survey, the Attorney General will be required to submit a report to the Governor and the Legislature.

Primary sponsors of the bill include Senate President Steve Sweeney, Senate Majority Leader Loretta Weinberg, and Assemblymembers Valerie Vainieri Huttie, Nancy Pinkin, and Nancy Munoz.

“The study of the untested kits would help to get clarity on the policies and procedures that regulate the testing and what the state can do to empower victims who might be reluctant to report these crimes,” said Senator Steve Sweeney. “Having this information and understanding the process can help ensure that survivors of sexual violence get justice and are treated with respect and dignity in the process.”

“It can be difficult for sexual assault survivors to come forward and report their perpetrators,” said Senator Loretta Weinberg. “We need to have a better understanding of why some of these kits go untested. The data gained may help us develop better ways to counsel rape or assault survivors about their options, to train medical and law enforcement personnel to deal more effectively with sexual assault survivors and ultimately bring to justice more sexual predators.”

“Now more than ever we see how difficult it is for victims to come forward and report their perpetrators. It is especially difficult for victims who have to wait for the results of their test and for action to be taken due to a backlog,” said Assemblywoman Valerie Vainieri Huttie. “Having this information, understanding the process and figuring out a way to move forward with testing can help ensure victims of sexual violence get justice, and that their perpetrators are held

accountable.”

“This survey can help identify any issues and resources that may be needed to ensure that victims are less reluctant to report these crimes to law enforcement,” said Assemblywoman Nancy Pinkin. “We must do everything in our power to ensure victims are safe and to bring justice for the heinous crimes committed against them.”

“Thanks to the recent findings from the state auditor, we have a better understanding of the magnitude of untested rape kits in the state, but there is more we need to know,” said Assemblywoman Nancy F. Munoz. “More knowledge equals better policy. We need to ensure that we are doing everything we can to protect and support victims of sexual violence.”

“The bill signed into law today will allow New Jersey to collect the rich quantitative and qualitative data we need to inform policy and practice reform in support our shared desire to best serve victims of sexual assault and hold accountable those who commit such crimes,” said Patricia Teffenhart, Executive Director of the New Jersey Coalition Against Sexual Assault. “A recent report from the Office of the State Auditor recently found ‘deficiencies concerning the tracking of Sexual Assault Forensic Examination Kits, as well as inconsistent policies and procedures’ from law enforcement in collecting and processing rape kits. It’s clear that we have work to do to and we look forward to working with the Office of the Attorney General in support of our shared vision of a safer, more equitable New Jersey.”