

SENATE, No. 1017

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

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SYNOPSIS

Establishes right of sexual assault victim to notification of certain developments in criminal case.

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee with technical review.



(Sponsorship Updated As Of: 3/7/2024)

1 AN ACT concerning the rights of victims of sexual assault and
2 amending and supplementing P.L.2019, c.103 (C.52:4B-60.1 et
3 seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 2 of P.L.2019, c.103 (C.52:4B-60.2) is amended to
9 read as follows:

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, c.160
14 (C.18A:61E-1 et seq.) have resulted in significant advances in the
15 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 in particular often
18 face circumstances where they may be blamed for the crime,
19 assumed to be fabricating the crime, or taken less seriously than
20 their injuries warrant. These victims are sometimes discouraged
21 from proceeding with their complaints and as a result may not be
22 afforded the protections and rights in the criminal justice system to
23 which they are entitled;

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

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

33 (2) To be free, to the extent consistent with the New Jersey or
34 United States Constitution, from any suggestion that victims are
35 responsible for the commission of crimes against them or any
36 suggestion that victims were contributorily negligent or assumed
37 the risk of being assaulted;

38 (3) To be free from any suggestion that victims are to report the
39 crimes to be assured of any other guaranteed right and that victims
40 should refrain from reporting crimes in order to avoid unwanted
41 personal publicity;

42 (4) When applicable, to no-cost access to the services of a
43 sexual assault response team comprised of: a certified forensic
44 nurse examiner, a confidential sexual violence advocate, and a law
45 enforcement official as provided in accordance with the Attorney

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.

1 General's Standards for Providing Services to Victims of Sexual
2 Assault, and the choice to opt into or out of any of the team's
3 services;

4 (5) To be informed of, and assisted in exercising, the right to be
5 confidentially or anonymously tested for acquired immune
6 deficiency syndrome (AIDS) or infection with the human
7 immunodeficiency virus (HIV) or any other related virus identified
8 as a probable causative agent of AIDS; and to be informed of, and
9 assisted in exercising, any rights that may be provided by law to
10 compel and disclose the results of testing of a sexual assault suspect
11 for communicable diseases;

12 (6) To have forensic medical evidence, if collected, retained for
13 a minimum of five years, and to receive information about the
14 status of the evidence upon request in accordance with section 2 of
15 P.L. , c. (C.) (pending before the Legislature as this bill);

16 (7) To choose whether to participate in any investigation of the
17 assault;

18 (8) To reasonable efforts to provide treatment and interviews in
19 a language in which the victim is fluent and the right to be given
20 access to appropriate assistive devices to accommodate disabilities
21 that the victim may have, whether temporary or long term;

22 (9) To information and assistance in accessing specialized
23 mental health services; protection from further violence; other
24 appropriate community or governmental services, including
25 services provided by the Victims of Crime Compensation Office;
26 and all other assistance available to crime victims under current
27 law;

28 (10) To be apprised of the availability and process by which a
29 court may order the taking of testimony from a victim via closed
30 circuit television in accordance with section 1 of P.L.1985, c.126
31 (C.2A:84A-32.4); and

32 (11) To be apprised of the availability and process by which to
33 seek protections through a temporary or final protective order under
34 the "Victim's Assistance and Survivor Protection Act," P.L.2015,
35 c.147 (C.2C:14-13 et al.), if the victim believes that the victim is at
36 risk for re-victimization or further harm by the perpetrator.
37 (cf: P.L.2023, c.127, s.8)

38
39 2. (New section) a. A victim of a sexual assault offense shall
40 have the right to be informed:

41 (1) of whether a DNA profile of an assailant was obtained from
42 the processing of forensic medical evidence in a sexual assault case;

43 (2) of whether a DNA profile of an assailant has been entered
44 into any data bank designed or intended to be used for the retention
45 or comparison of case evidence;

46 (3) of whether there is a match between the DNA profile of an
47 assailant obtained in the sexual assault case and any DNA profile
48 contained in any data bank designed or intended to be used for the

1 retention or comparison of case evidence. This paragraph shall not
2 apply if disclosure would impede or compromise an ongoing
3 investigation; and

4 (4) when sexual assault evidence is submitted to a forensic
5 laboratory, when the evidence is compared against any data bank,
6 and of the results of the comparison. This paragraph shall not apply
7 if disclosure would impede or compromise an ongoing
8 investigation.

9 b. Upon the request of a victim of a sexual assault offense, the
10 law enforcement agency with the primary responsibility for
11 investigating that sexual assault case shall inform the victim of the
12 status of the processing of all evidence collected in that case. The
13 law enforcement agency may require that the victim's request made
14 pursuant to this subsection be in writing.

15 The law enforcement agency may respond to a victim's request
16 under this section with a written communication or by electronic
17 mail, if an electronic mail address is available. A law enforcement
18 agency is not required by this subsection to communicate with the
19 victim regarding the status of the processing of crime scene
20 evidence unless the victim has made a specific request to do so.

21 A sexual assault victim may designate another person of the
22 victim's choosing to receive information requested by the sexual
23 assault victim or any notice required under this act.

24 c. The law enforcement agency with the primary responsibility
25 for investigating a sexual assault case shall provide information to a
26 victim pursuant to this section in a timely manner and, upon request
27 of the victim, advise the victim of any significant changes in the
28 information of which the law enforcement agency is aware. To
29 receive notice under this section, the victim shall inform the law
30 enforcement agency of the name, address, telephone number, and
31 electronic mail address of the person to whom the information
32 should be provided, and of any changes to the information. A
33 person accused or convicted of a crime against the victim shall not
34 have standing to object to any failure to comply with this section.
35 The failure to inform a sexual assault victim with notice or
36 information pursuant to this section shall not be the basis for setting
37 aside the conviction or sentence.

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39 3. This act shall take effect on the first day of the fourth month
40 after enactment.