

ASSEMBLY, No. 2597

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 6, 2010

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman PAMELA R. LAMPITT

District 6 (Camden)

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Clarifies that sexual assault victims are not responsible for any costs of forensic sexual assault examinations or related services.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2010)

1 AN ACT concerning forensic sexual assault examinations and
2 amending P.L.1981, c.256 and P.L.2001, c.81.

3

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

6

7 1. Section 1 of P.L.1981, c.256 (C.52:4B-22) is amended to
8 read as follows:

9 1. a. Every State, county, and municipal police department and
10 hospital or other place of emergency medical care shall have
11 available and shall post in a public place information booklets,
12 pamphlets or other pertinent written information, to be supplied by
13 the Victims of Crime Compensation Agency, relating to the
14 availability of crime victims' compensation including all necessary
15 application blanks required to be filed with the agency.

16 b. Included in the information supplied by the Victims of
17 Crime Compensation Agency shall be information for victims of
18 sexual offenses. This information shall contain the location of rape
19 crisis centers in all geographical areas throughout the State and
20 shall instruct victims of sexual offenses that if a rape crisis center is
21 not available in a victim's immediate geographical area, the victim
22 may contact the appropriate county victim-witness coordinator
23 appointed by the Chief of the Office of Victim-Witness Advocacy
24 established pursuant to P.L.1985, c.404 (C.52:4B-39 et seq.). The
25 information shall also provide that victims will not be charged any
26 fee for services that are directly associated with a forensic sexual
27 assault examination, including routine medical screening,
28 medications for prophylaxis of sexually transmitted infections,
29 pregnancy tests, emergency contraception, supplies, equipment and
30 use of space.

31 Unless the victim requires immediate medical attention, this
32 information shall be personally conveyed to the victim of a sexual
33 offense by a representative of the hospital or place of emergency
34 care before a medical examination of the victim is conducted, or by
35 a representative of the police department before the victim's
36 statement is taken, to afford the victim the opportunity to arrange to
37 have assistance from the rape crisis center or county victim-witness
38 coordinator during these procedures. Hospitals shall be held
39 harmless from suits emanating from a hospital's carrying out the
40 obligation to convey information to victims of sexual offenses.

41 "Rape crisis center" means an office, institution or center
42 offering assistance to victims of sexual offenses through crisis
43 intervention, medical and legal information and follow-up
44 counseling.

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 c. Every police department shall, upon the filing of a report of
2 a violent crime, make available to any victim information
3 concerning crime victims' compensation.
4 (cf: P.L.2007, c.95, s.24)
5
- 6 2. Section 4 of P.L.2001, c.81 (C.52:4B-52) is amended to read
7 as follows:
- 8 4. The program coordinator shall:
- 9 a. Coordinate the county Sexual Assault Nurse Examiner
10 program in accordance with standard protocols for the provision of
11 information and services to victims of sexual assault developed by
12 the Attorney General pursuant to subsection d. of section 6 of
13 P.L.1985, c.404 (C.52:4B-44);
- 14 b. Perform forensic sexual assault examinations on victims of
15 sexual assault in accordance with the standards developed by the
16 Attorney General and appropriate medical and nursing standards of
17 care;
- 18 c. Designate one or more licensed physicians or certified
19 forensic sexual assault nurse examiners to perform forensic sexual
20 assault examinations on victims of sexual assault in accordance
21 with the standards developed by the Attorney General and
22 appropriate medical and nursing standards of care;
- 23 d. Develop and implement standardized guidelines for forensic
24 sexual assault examinations performed by designated physicians or
25 certified forensic sexual assault nurse examiners in the county;
- 26 e. Develop and implement a standardized education and
27 training program to provide instruction to members of the county
28 Sexual Assault Response Team established pursuant to section 6 of
29 this act which shall include, but not be limited to, instruction in the
30 following areas:
- 31 (1) the importance of a coordinated, multi-disciplinary response
32 to a report of sexual assault;
- 33 (2) the policies and procedures which govern the responsibilities
34 of each team member;
- 35 (3) the psychological effects of sexual assault and rape trauma
36 syndrome on the victim and the victim's family and friends;
- 37 (4) the collection, handling and documentation of forensic
38 evidence; and
- 39 (5) confidentiality issues associated with the treatment of a
40 victim of sexual assault and the investigation of a report of sexual
41 assault;
- 42 f. Establish, in cooperation with licensed health care facilities,
43 private waiting rooms and areas designated for forensic sexual
44 assault examinations and the provision of rape care services in the
45 licensed health care facilities participating in the program;
- 46 g. Develop, in cooperation with licensed health care facilities,
47 protocols for the storage of forensic evidence;

- 1 h. Provide appropriate services to victims of sexual assault,
2 including the opportunity to tend to personal hygiene needs, obtain
3 fresh clothing and speak with a rape care advocate prior to and
4 during any medical procedure or law enforcement investigation,
5 unless the victim requires immediate medical attention, as
6 appropriate;
- 7 i. Collaborate with law enforcement officials and the county
8 rape care program to ensure that the needs of victims of sexual
9 assault are met in a compassionate manner; **[and]**
- 10 j. Participate in regular meetings of the Sexual Assault Nurse
11 Examiner Program Coordinating Council established pursuant to
12 section 7 of this act; and
- 13 k. Develop and implement procedures to ensure that victims of
14 sexual assault are not charged any fee for services that are directly
15 associated with forensic sexual assault examinations, including
16 routine medical screening, medications for prophylaxis of sexually
17 transmitted infections, pregnancy tests, emergency contraception,
18 supplies, equipment and use of space.

19 As used in this section and section 6 of this act, "rape care
20 advocate" means a victim counselor, as defined pursuant to section
21 3 of P.L.1987, c.169 (C.2A:84A-22.14), who specializes in the
22 provision of rape care services.
23 (cf: P.L.2001, c.81, s.4)

24
25 3. This act shall take effect immediately.
26
27

28 STATEMENT
29

30 This bill would clarify that victims of sexual assault who
31 undergo forensic sexual assault exams are not responsible for any
32 costs of the exams.

33 P.L.2001, c.81 (C.52:4B-50 et seq.) established the Statewide
34 Sexual Assault Nurse Examiner program ("SANE"). Under the
35 statute, each county provides forensic sexual assault examinations
36 to sexual assault victims. The examinations are conducted by
37 physicians or certified forensic sexual assault nurse examiners.

38 The intent of the SANE program is to ensure that the needs of
39 sexual assault victims are met in a compassionate manner and that
40 forensic evidence is collected and handled appropriately so that it
41 can be used in prosecutions.

42 Under the statute, the Attorney General promulgates standards
43 and protocols for the county programs. Currently, these standards
44 provide that victims are not charged any fee for services that are
45 directly associated with forensic sexual assault examinations,
46 including routine medical screening, medications for prophylaxis of
47 sexually transmitted infections, pregnancy tests, emergency

A2597 QUIJANO, LAMPITT

5

- 1 contraception, supplies, equipment and use of space. This bill
- 2 would codify this provision.