

ASSEMBLY, No. 850

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblywoman NANCY F. MUNOZ

District 21 (Morris, Somerset and Union)

Assemblyman EDWARD H. THOMSON

District 30 (Monmouth and Ocean)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

SYNOPSIS

Requires that sexual abuse against a child be reported to law enforcement officials.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 11/27/2018)

1 AN ACT concerning child abuse and amending P.L.1971, c.437.

2

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

5

6 1. Section 3 of P.L.1971, c.437 (C.9:6-8.10) is amended to read
7 as follows:

8 3. **【Any】** a. Except as provided in subsection b. of this section
9 any person having reasonable cause to believe that a child has been
10 subjected to child abuse or acts of child abuse shall report the same
11 immediately to the Division of Youth and Family Services by
12 telephone or otherwise. 【Such reports,】

13 b. Any person having reasonable cause to believe that a child
14 has been subjected to an act of sexual abuse as defined in section 1
15 of P.L.1992, c.109 (C.2A:61B-1) or any sexual offense as defined
16 in chapter 14 of Title 2C of the New Jersey Statutes shall
17 immediately report the act or offense to law enforcement officials.

18 c. Reports made pursuant to subsections a. and b. of this
19 section, where possible, shall contain the names and addresses of
20 the child and his parent, guardian, or other person having custody
21 and control of the child and, if known, the child's age, the nature
22 and possible extent of the child's injuries, abuse or maltreatment,
23 including any evidence of previous injuries, abuse or maltreatment,
24 and any other information that the person believes may be helpful
25 with respect to the child abuse and the identity of the perpetrator.

26 (cf: P.L.1987, c.341, s.4)

27

28 2. Section 7 of P.L.1971, c.437 (C.9:6-8.14) is amended to read
29 as follows:

30 7. **【Any】** a. Except as provided in subsection b. of this section
31 any person knowingly violating the provisions of this act including
32 the failure to report an act of child abuse having reasonable cause to
33 believe that an act of child abuse has been committed, is a
34 disorderly person.

35 b. Any person who knowingly fails to report an act of sexual
36 abuse or any sexual offense pursuant to subsection b. of section 3 of
37 P.L.1971, c.437 (C.9:6-8.10) against a child and who has reasonable
38 cause to believe that an act of sexual abuse or the sexual offense has
39 been committed is guilty of a crime of the fourth degree.

40 (cf: P.L.1971, c.437, s.7)

41

42 3. This act shall take effect immediately.

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.

STATEMENT

This bill requires a person who has reasonable cause to believe that a child has been sexually abused to immediately report that abuse to law enforcement officials. A person's failure to report sexual abuse is a fourth degree crime under the bill.

Under current law, a person who has reasonable cause to believe that an act of child abuse, including sexual abuse, has been committed is required notify the Division of Youth and Family Services. Failure to report abuse to the division is a disorderly person's offense. This bill ensures that law enforcement officials are immediately notified in instances where sexual abuse has occurred, and that the failure to report sexual abuse results in an enhanced criminal penalty.

The penalty for a disorderly persons offense is a term of imprisonment for up to 6 months, a fine of up to \$1,000, or both. The penalty for a fourth degree crime is up to 18 months imprisonment, a fine of up to \$10,000, or both. A third degree crime is punishable 3 to 5 years imprisonment, a fine of up to \$15,000, or both.