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ASSEMBLY, No. 4482

STATE OF NEW JERSEY

218th LEGISLATURE

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SYNOPSIS

Establishes “Task Force on the Prevention of Sexual Violence Against Persons with Developmental Disabilities” in DHS.

CURRENT VERSION OF TEXT

As reported by the Assembly Human Services Committee on January 24, 2019, with amendments.

(Sponsorship Updated As Of: 6/28/2019)

1 AN ACT establishing a task force on the prevention of sexual
 2 ¹**abuse of** violence against¹ persons with developmental
 3 disabilities, and supplementing Title 30 of the Revised Statutes.

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

8
 9 1. a. There is established, within the Division of
 10 Developmental Disabilities in the Department of Human Services,
 11 the “Task Force on the Prevention of Sexual ¹**Abuse of** Violence
 12 Against¹ Persons with Developmental Disabilities.”

13 b. The task force shall consist of ¹**17** 19¹ members, as
 14 follows:

15 (1) The Commissioners of Human Services, Children and
 16 Families, and Health, and the State Attorney General, or their
 17 designees, who shall serve ex officio; and

18 (2) ¹**13** 15¹ public members, ¹**to be appointed by the**
 19 **Governor, as follows** including¹:

20 (a) a representative of Disability Rights New Jersey;

21 (b) a representative of the Arc of New Jersey;

22 (c) a representative of the Statewide Parent Advocacy Network;

23 (d) a representative of the New Jersey Statewide Independent
 24 Living Council;

25 (e) a representative of the New Jersey Coalition Against Sexual
 26 Assault;

27 (f) a representative of Prevent Child Abuse-New Jersey;

28 (g) a representative of the New Jersey Association for the
 29 Treatment of Sexual Abusers;

30 (h) a representative of the New Jersey Children’s Alliance;

31 ¹**and**¹

32 (i) ¹a representative of the New Jersey Association of Pupil
 33 Services Administrators;

34 (j) a representative of a county office of Adult Protective
 35 Services; and

36 (k)¹ five residents of this State who have demonstrated expertise
 37 or interest in issues related to the work of the task force, including
 38 at least one person with a developmental disability who is a
 39 survivor of sexual ¹**abuse** violence¹; and at least one parent or
 40 guardian of a person with a developmental disability.

41 ¹Of the 15 public members appointed to the task force, five shall
 42 be appointed by the Governor, five shall be appointed by the
 43 President of the Senate, and five shall be appointed by the Speaker
 44 of the General Assembly.¹

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:

¹Assembly AHU committee amendments adopted January 24, 2019.

1 c. Each public member of the task force shall serve for a term
2 of three years, except that, of the members first appointed, ¹~~four~~
3 five¹ shall serve for a term of one year, five shall serve for a term of
4 two years, and ¹~~four~~ five¹ shall serve for a term of three years.
5 Each member shall serve for the term of appointment, and until
6 their successor is appointed and qualified. A public member who
7 has completed his or her term of membership may be reappointed to
8 the task force, as deemed by the Governor to be appropriate.
9 Vacancies in the task force membership shall be filled in the same
10 manner as the original appointments were made.

11 d. The members of the task force shall be appointed within 60
12 days after the effective date of this act, and the task force shall hold
13 its initial organizational meeting as soon as practicable, but no later
14 than 30 days, after the appointment of a majority of its members.
15 The Commissioner of Human Services, or a designee, shall serve as
16 chairperson of the task force, and the task force shall meet and hold
17 hearings at such places and times as the chairperson may designate.
18 The chairperson may appoint a secretary who need not be a member
19 of the task force. The task force, in its discretion, may divide its
20 membership into subcommittees in the course of carrying out its
21 duties. The task force may conduct business, but shall not adopt
22 recommendations, without a quorum.

23 e. Members of the task force shall serve without compensation,
24 but may be reimbursed for travel and other necessary expenses
25 incurred in the performance of their duties, within the limits of
26 funds appropriated or otherwise made available to the task force for
27 its purposes.

28 f. The Department of Human Services shall provide
29 professional, stenographic, and clerical staff to the task force, as
30 may be necessary for the task force to carry out its duties. The task
31 force shall also be entitled to call upon the services of any State,
32 county, or municipal department, board, commission, or agency, as
33 may be available to it for its purposes.

34 g. In executing its duties under this act, the task force shall
35 consult with the New Jersey Council on Developmental Disabilities;
36 the Office of the Ombudsman for Individuals with Intellectual or
37 Developmental Disabilities and their Families; employees of the
38 Department of Children and Families who work on child protection
39 matters; employees of the Department of Human Services who
40 work on adult protection matters; employees of the Department of
41 Law and Public Safety, and officers of local and State police forces,
42 who are involved in the investigation of sexual ¹~~abuse offenses~~
43 violence¹ perpetrated against persons with developmental
44 disabilities; prosecutors and other attorneys in the State who have
45 experience in representing and advocating on behalf of persons with
46 developmental disabilities, particularly those who are victims of a
47 crime; and any other departments, agencies, associations,
48 organizations, or individuals who are knowledgeable about, or who

1 have experience with, the issues that are of relevance to the work of
2 the task force.

3 h. The task force may solicit and receive grants or other funds
4 that are made available for its purposes by any governmental,
5 public, private, not-for-profit, or for-profit agency, including funds
6 that are made available under any federal or State law, regulation,
7 or program.

8
9 2. a. The purpose and duties of the task force shall be to:
10 study and monitor the prevalence of sexual **'[abuse occurring]**
11 **violence committed'** against persons with developmental
12 disabilities in the State; create informational materials and identify
13 available resources to **'[assist] help'** persons with developmental
14 disabilities prevent and report instances of sexual **'[abuse]**
15 **violence'**, and to **'[assist] help'** the parents, guardians, and
16 caregivers of persons with developmental disabilities, as well as
17 medical and legal personnel, **'[to]'** better identify, prevent, and
18 respond to instances of sexual **'[abuse occurring in the**
19 **developmentally disabled community] violence being committed**
20 **against persons with developmental disabilities'**; and recommend
21 the undertaking of legislative, executive, and community action that
22 may reduce the prevalence and impact of sexual **'[abuse] violence**
23 **committed'** against persons with developmental disabilities in the
24 State.

25 b. In effectuating its purposes and duties under this act, the task
26 force shall:

27 (1) gather and review information concerning the sexual
28 **'[abuse of] violence committed against'** persons with
29 developmental disabilities throughout the State, including, but not
30 limited to, reports and testimony from individuals, State and local
31 agencies, community-based organizations, and other public and
32 private organizations;

33 (2) review the approaches that have been used, and the programs
34 that have been implemented, in other states to reduce instances of
35 sexual **'[abuse] violence committed'** against persons with
36 developmental disabilities;

37 (3) develop and publish aggregate, de-identified, statistical data
38 on the sexual **'[abuse of] violence being committed against'**
39 persons with developmental disabilities **'[that is occurring]'** in the
40 State. Statistics published under this paragraph shall be made
41 available on the website of the Department of Human Services, and,
42 to the extent practicable, shall reflect data for the State as a whole,
43 as well as for each county in the State, and for each of the northern,
44 central, and southern regions of the State. Significant changes in the
45 data shall be highlighted; and

46 (4) establish broad policy and practice goals that are designed to
47 protect persons with developmental disabilities from sexual

1 ¹**['abuse]** violence¹, and to otherwise redress the problematic
2 circumstances that allow for such ¹**['abuse]** violence¹ to occur.

3 c. Recommendations adopted by the task force, pursuant to this
4 act, shall include, but need not be limited to:

5 (1) recommendations for legislative or executive action;

6 (2) recommendations and guidelines for best practices to be
7 utilized by facilities, community-based organizations, and medical
8 and caregiving personnel engaged in the provision of services to
9 persons with developmental disabilities, in order to better enable
10 such facilities, organizations, and personnel to identify, prevent,
11 investigate, and appropriately respond to ¹**['instances of]**¹ sexual
12 ¹**['abuse that are]** violence being¹ committed against persons with
13 developmental disabilities under their care;

14 (3) recommendations and guidelines for best practices to be
15 utilized by attorneys, courts, and police officers engaged in the
16 investigation or adjudication of cases involving ¹**['the]**¹ sexual
17 ¹**['abuse of]** violence committed against¹ a person with a
18 developmental disability;

19 (4) recommendations and guidelines on the provision of
20 evidence-based, age-appropriate sexual ¹**['abuse]** violence¹
21 awareness and prevention training to persons with developmental
22 disabilities, to the extent that such training is deemed by the task
23 force to be appropriate. Any recommendations or guidelines
24 developed under this paragraph shall take into account the
25 variations in understanding and mental capacity that exist ¹**['in the**
26 developmentally disabled population**]** among persons with
27 developmental disabilities¹;

28 (5) recommendations and guidelines on the provision of
29 evidence-based sexual ¹**['abuse]** violence¹ awareness, prevention,
30 and response training and information to the parents, guardians, and
31 fiduciaries of persons with developmental disabilities, and to the
32 medical and caregiving professionals who provide care to persons
33 with developmental disabilities, including, but not limited to,
34 training and information on the warning signs of sexual ¹**['abuse]**
35 violence¹, and ¹**['on]**¹ the resources that are available for ¹**['sexual**
36 abuse**']**¹ victims ¹thereof¹; and

37 (6) recommendations to foster cooperation and collaboration
38 among State agencies and community-based organizations, and
39 between the State and local governments, ¹**['in addressing matters**
40 of**]** as necessary to more efficiently or effectively address the¹
41 sexual ¹**['abuse]** violence¹ affecting persons with developmental
42 disabilities.

43

44 3. a. Within 12 months after the task force's organizational
45 meeting, and at least biennially thereafter, the task force shall
46 submit a written report to the Governor, and, pursuant to section 2
47 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

1 b. Each report shall: (1) identify the task force's findings
2 regarding the nature and extent of sexual ¹**[abuse occurring]**
3 violence being committed¹ against persons with developmental
4 disabilities in the State; (2) outline the statistical data that was
5 gathered or prepared by the task force during the reporting period;
6 (3) describe the efforts that have been undertaken by public and
7 private actors throughout the State to reduce ¹**[instances]** the
8 frequency or severity¹ of sexual ¹**[abuse among the State's**
9 **developmentally disabled population]** violence being committed
10 against persons with developmental disabilities in the State¹, and
11 indicate the known or predicted effects of such efforts; and (4)
12 provide the task force's recommendations for legislative and other
13 action that may be undertaken in the future to proactively address
14 the causes and effects of sexual ¹**[abuse on]** violence committed
15 against¹ persons with developmental disabilities, and to minimize
16 the likelihood that such persons will experience sexual ¹**[abuse]**
17 violence¹.

18 c. A report filed pursuant to this section shall also be publicly
19 posted on the Internet website of the Department of Human
20 Services.

21

22 4. As used in this act, "sexual ¹**[abuse]** violence¹" includes
23 any nonconsensual sexual act that is committed against a person
24 with a developmental disability.

25

26 5. This act shall take effect immediately.