

[First Reprint]

SENATE, No. 875

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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SYNOPSIS

Establishes the “Sexual Assault Victim’s Bill of Rights.”

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 11, 2018, with amendments.



(Sponsorship Updated As Of: 3/26/2019)

1 AN ACT concerning the rights of victims of sexual violence and
2 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. This act shall be known and may be cited as the “Sexual
8 Assault Victim’s Bill of Rights.”

9

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,
14 c.160 (C.18A:61E-1 et seq.) have resulted in significant advances in
15 the 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 ¹【, more than other
18 victims, are likely to】 in particular often face circumstances where
19 they may¹ be blamed for the crime, assumed to be fabricating the
20 crime, or taken less seriously than their injuries warrant. These
21 victims are sometimes discouraged from proceeding with their
22 complaints and as a result ¹【are】 may¹ not ¹be¹ afforded the
23 protections and rights ¹【that other crime victims receive】¹ in the
24 criminal justice system ¹to which they are entitled¹;

25 c. Therefore, with no diminution of the legislatively-
26 recognized rights of crime victims, it is the public policy of this
27 State ¹【to】 that the criminal justice system¹ accord victims of sexual
28 violence the following rights:

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

34 (2) To be free¹, to the extent consistent with the New Jersey or
35 United States Constitution,¹ from any suggestion that victims are
36 responsible for the commission of crimes against them ¹【; to be free
37 from】 or¹ any suggestion that victims were contributorily negligent
38 or assumed the risk of being assaulted; ¹【to】

39 (3) To¹ be free from any suggestion that victims are to report the
40 crimes to be assured of any other guaranteed right¹【;】¹ and ¹【to be
41 free from any suggestion】¹ that victims should refrain from
42 reporting crimes in order to avoid unwanted personal publicity;

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:

¹Senate SBA committee amendments adopted June 11, 2018.

1 ¹[(3)] (4)¹ When applicable, to no-cost access to the services
2 of a sexual assault response team comprised of: a certified forensic
3 ¹[(sexual assault)]¹ nurse examiner, a ¹[(rape care)] confidential
4 sexual violence¹ advocate, and a law enforcement official as
5 provided in accordance with the Attorney General’s Standards for
6 Providing Services to Victims of Sexual Assault, and the choice to
7 opt into or out of any of the team’s services;

8 ¹[(4)] (5)¹ To be informed of, and assisted in exercising, the
9 right to be confidentially or anonymously tested for acquired
10 immune deficiency syndrome (AIDS) or infection with the human
11 immunodeficiency virus (HIV) or any other related virus identified
12 as a probable cause agent of AIDS; and to be informed of, and
13 assisted in exercising, any rights that may be provided by law to
14 compel and disclose the results of testing of a sexual assault suspect
15 for communicable diseases;

16 ¹[(5)] (6)¹ To have forensic medical evidence, if collected,
17 retained for a minimum of five years, and to receive information
18 about the status of the evidence upon request;

19 ¹[(6)] (7)¹ To choose whether to participate in any investigation
20 of the assault;

21 ¹[(7)] (8)¹ To reasonable efforts to provide treatment and
22 interviews in a language in which the victim is fluent and the right
23 to be given access to appropriate assistive devices to accommodate
24 disabilities that the victim may have, whether temporary or long
25 term;

26 ¹[(8)] (9)¹ To information and assistance in accessing
27 specialized mental health services; protection from further violence;
28 other appropriate community or governmental services, including
29 services provided by the Victims of Crime Compensation Office;
30 and all other assistance available to crime victims under current
31 law;

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

36 ¹[(9)] (11)¹ To be apprised of the availability and process by
37 which to seek protections through a temporary or final protective
38 order under the “Sexual Assault Survivor Protection Act of 2015,”
39 P.L.2015, c.147 (C.2C:14-13 et seq.), if the victim believes that the
40 victim is at risk for re-victimization or further harm by the
41 perpetrator.

42

43 3. The ¹[(Victims of Crime Compensation Office)] Attorney
44 General¹, in consultation with the ¹[(Executive Director of the)]¹
45 New Jersey Coalition Against Sexual Assault, shall publish a notice
46 of ¹[(these)] the¹ rights ¹[(and shall promulgate regulations that
47 require that these rights be posted in all] enumerated in the “Sexual

1 Assault Victim’s Bill of Rights” pursuant to subsection c. of section
2 2 of this act, and shall make this notice available to the public on
3 the Internet website of the Department of Law and Public Safety.
4 All¹ hospital emergency departments, police stations and other law
5 enforcement agencies, sexual violence service organizations, and
6 any other ¹ [appropriate place to inform] entity informing¹ victims
7 of sexual violence of their rights ¹ shall post a copy of this notice in
8 a conspicuous location that is available to the public¹.

9 The Attorney General shall incorporate the rights and services
10 enumerated in the “Sexual Assault Victim’s Bill of Rights”
11 pursuant to ¹ [P.L. , c. (C.) (pending before the
12 Legislature as this bill)] this act¹ and in the “Sexual Assault
13 Survivor Protection Act of 2015,” P.L.2015, c.147 (C.2C:14-13 et
14 seq.), in the Attorney General Standards for Providing Services to
15 Victims of Sexual Assault to ensure the compassionate and
16 sensitive delivery of services to all sexual violence victims.

17
18 4. This act shall take effect on the first day of the seventh
19 month next following the date of enactment, but the Attorney
20 General ¹ [and the Director of the Victims of Crime Compensation
21 Office]¹ may take ¹ [such] any¹ anticipatory administrative action
22 in advance thereof as shall be necessary for the implementation of
23 this act.