

# SENATE, No. 3071

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 22, 2020

**Sponsored by:**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Co-Sponsored by:**

**Senators Pou and Gill**

**SYNOPSIS**

Requires law enforcement provide victim of sexual assault with police report; provides victim with option to review police report and submit corrective form.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/10/2020)**

1 AN ACT concerning the protocols for sexual assault cases and  
2 amending P.L.2003, c.137.

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.2003, c.137 (C.2C:14-2.1) is amended to read  
8 as follows:

9 1. a. Notwithstanding any law, rule, or regulation to the contrary,  
10 any victim reporting a violation of N.J.S.2C:14-2 shall be provided  
11 with the option to review the police report concerning that violation  
12 prior to filing by the law enforcement agency. In addition, the law  
13 enforcement agency shall provide the victim with a standardized form  
14 prescribed by the Attorney General wherein the victim may state  
15 whether the victim disagrees with information contained in the police  
16 report. The law enforcement agency shall review the standardized  
17 form prior to finalizing and filing the police report. The victim's  
18 decision to not submit a standardized form shall not be construed as  
19 indicating the victim's approval regarding the contents of the police  
20 report. The victim shall be provided, at no cost, with a copy of the  
21 police report and any form submitted by the victim.

22 At any time, a victim may exercise the option to submit a  
23 standardized form correcting information contained within the police  
24 report.

25 The law enforcement agency shall establish that it has complied  
26 with the provisions of this subsection by obtaining a signature from the  
27 victim. A violation of this subsection may be reported to the Office of  
28 the Attorney General.

29 The police report and form shall be permanently retained by the law  
30 enforcement agency.

31 b. Whenever there is a prosecution for a violation of  
32 **[N.J.S.A.2C:14-2]** N.J.S.2C:14-2, the victim of the sexual assault  
33 shall be provided an opportunity to consult with the prosecuting  
34 authority prior to the conclusion of any plea negotiations.

35 Nothing contained herein shall be construed to alter or limit the  
36 authority or discretion of the prosecutor to enter into any plea  
37 agreement which the prosecutor deems appropriate.

38 (cf: P.L.2003, c.137, s.1)

39

40 2. This act shall take effect immediately.

41

42

43 STATEMENT

44

45 This bill provides that a sexual assault victim is to be given the

**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.

**S3071 WEINBERG, RUIZ**

1 option to review a police report prior to filing by the law enforcement  
2 agency. In addition, the law enforcement agency is required to  
3 provide the victim with a standardized form, prescribed by the  
4 Attorney General, wherein the victim may state whether the victim  
5 disagrees with information contained in the police report. The law  
6 enforcement agency is required to review the standardized form prior  
7 to finalizing and filing the police report.

8 Under the bill, any decision by the victim to not submit a  
9 standardized form is not to be construed as indicating the victim's  
10 approval regarding the contents of the police report.

11 The bill provides that a victim may exercise the option to submit a  
12 standardized form correcting information contained within the police  
13 report at any time and that the victim is to be provided, at no cost, a  
14 copy of the police report and any form submitted by the victim.

15 The bill requires a law enforcement agency to permanently retain  
16 the police report and form.

17 Finally, the bill provides that the law enforcement agency is to  
18 establish that it has complied with the provisions of this bill by  
19 obtaining the victim's signature and that any violation of the bill's  
20 provisions may be reported to the Office of the Attorney General.