

[First Reprint]

SENATE, No. 3071

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 22, 2020

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Law and Public Safety Committee on December 10, 2020, with amendments.

(Sponsorship Updated As Of: 3/1/2021)

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
8 read as follows:

9 1. a. Notwithstanding any law, rule, or regulation to the
10 contrary, any victim reporting a violation of N.J.S.2C:14-2 shall be
11 provided with the option to review the ¹["police report"] initial
12 incident report¹ concerning that violation prior to filing by the law
13 enforcement agency. In addition, the law enforcement agency shall
14 provide the victim with a standardized form prescribed by the
15 Attorney General wherein the victim may state whether the victim
16 disagrees with information contained in the ¹["police report"] initial
17 incident report¹ . ¹The law enforcement agency shall provide to the
18 victim contact information for a liaison to victims of sexual assault,
19 as set forth in subsection b. of this section, for assistance in
20 completing the standardized form.¹ The law enforcement agency
21 shall review the standardized form prior to finalizing and filing the
22 ¹["police report"] initial incident report¹. The victim's decision to
23 not submit a standardized form shall not be construed as indicating
24 the victim's approval regarding the contents of the ¹["police report"]
25 initial incident report¹. ¹At the time of the initial report, the law
26 enforcement agency shall inform the victim that the victim is
27 entitled to a copy of the initial incident report once the initial
28 incident report has been finalized or that the victim may waive the
29 right to receive a copy of the initial incident report. The law
30 enforcement agency shall provide the victim with contact
31 information so that the victim may inquire about the status of the
32 initial incident report, prior to the law enforcement agency
33 finalizing the report. The law enforcement agency shall provide the
34 victim with instructions regarding the precise date, time, and
35 location where the victim may obtain a copy of the finalized initial
36 incident report from the law enforcement agency or provide the
37 victim with the option to receive the initial incident report by mail.¹
38 The victim shall be provided, at no cost, with a copy of the ¹["police
39 report"] initial incident report¹ and any form submitted by the
40 victim.

41 At any time, a victim may exercise the option to submit a
42 standardized form correcting information contained within the
43 ¹["police report"] initial incident report, at which time the law
44 enforcement agency also shall provide the victim with a copy of 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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted December 10, 2020.

1 standardized form submitted by the victim at no cost. The
2 standardized form correcting information contained within the
3 initial incident report shall not be a governmental record under
4 P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open
5 public records act¹.

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

10 The¹ **["police report"]** initial incident report¹ and form shall be
11 permanently retained by the law enforcement agency.

12 b.¹ Each county prosecutor's office shall appoint a staff
13 member who will serve as a liaison to victims of sexual assault.
14 The liaison shall have expertise in the rights of sexual assault
15 victims and in the handling of sexual assault cases. The liaison
16 shall provide assistance, support, and guidance to victims of sexual
17 assault including, but not limited to, completing the standardized
18 form contesting the information contained in the initial incident
19 report.

20 c.¹ Whenever there is a prosecution for a violation of
21 **["N.J.S.A.2C:14-2"]** N.J.S.2C:14-2, the victim of the sexual assault
22 shall be provided an opportunity to consult with the prosecuting
23 authority prior to the conclusion of any plea negotiations.

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

27 ¹d. For purposes of this section "initial incident report" shall
28 mean the initial victim statement provided by the victim to the law
29 enforcement agency and shall not include any criminal investigatory
30 records or other information deemed confidential pursuant to
31 P.L.1963, c.73 (C.47:1A-1 et seq.).¹

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33 2. This act shall take effect immediately.