

SENATE, No. 3073

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 22, 2020

Sponsored by:

Senator LORETTA WEINBERG

District 37 (Bergen)

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Senators Pou and Gill

SYNOPSIS

Establishes right of victims to be notified of county prosecutor's charging decision in sexual assault cases.

CURRENT VERSION OF TEXT

As introduced.



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

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1 AN ACT concerning certain rights of sexual assault victims and
2 amending P.L.2003, c.137.

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

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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. Every victim of sexual assault shall have the right to be
10 notified of the prosecuting authority's decision to file, or decline to
11 file, criminal charges pursuant to N.J.S.2C:14-2.

12 b. A prosecuting authority investigating an allegation of sexual
13 assault shall:

14 (1) advise the victim of the right to be notified of the
15 prosecuting authority's decision to file, or decline to file, criminal
16 charges in the case;

17 (2) obtain the victim's written consent to be, or not to be,
18 notified of the prosecuting authority's charging decision;

19 (3) if the victim requests to be notified, provide that notification
20 via the victim's preferred method including, but not limited to:

21 (a) an in-person meeting;

22 (b) telephone call or text message; or

23 (c) video conference.

24 c. The prosecuting authority shall obtain written
25 acknowledgement of the charging decision from a victim who has
26 requested notification pursuant to paragraph (3) of subsection b. of
27 this section prior to notifying the alleged perpetrator of the sexual
28 assault of the charging decision.

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

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

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

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38 2. This act shall take effect immediately.

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STATEMENT

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43 This bill establishes the right of sexual assault victims to be
44 notified of the county prosecutor's decision on whether to file
45 charges in the case.

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.

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1 The bill also requires county prosecutors to notify sexual assault
2 victims of this right and obtain the consent of the victim to be
3 notified or not to be notified. If the victim requests to be notified,
4 the county prosecutor is to provide the notification via an in-person
5 meeting, telephone call or text message, or video conference,
6 whichever is the victim's preferred method.
7 The bill further requires the county prosecutor to obtain the
8 victim's written acknowledgement that the victim was notified of
9 the charging decision prior to notifying the alleged perpetrator of
10 the sexual assault of the decision.