

[First Reprint]

SENATE, No. 3073

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 22, 2020

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SYNOPSIS

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

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 certain rights of sexual assault victims 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. 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 prosecuting
15 authority's decision to file, or decline to file, criminal charges in the
16 case;

17 (2) ask the victim whether the victim would like to exercise this
18 right, and, if so, obtain the victim's written consent to be, or not to be,
19 notified of the prosecuting authority's charging decision;

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

22 (a) an in-person meeting;

23 (b) telephone call or text message; or

24 (c) video conference.

25 c. The prosecuting authority shall make a good faith effort to
26 obtain written acknowledgement of the charging decision from a
27 victim who has requested notification pursuant to paragraphs (2) and
28 (3) of subsection b. of this section prior to notifying the alleged
29 perpetrator of the sexual assault of the charging decision, unless the
30 victim is unavailable; the victim declines to provide the
31 acknowledgement; or the prosecutor is unable to locate the victim
32 following a good faith effort to do so, in which case the prosecutor
33 shall document the good faith effort made and the basis for failure to
34 obtain the acknowledgement.

35 d. A victim shall not publicly disclose the charging decision until
36 the prosecuting authority has provided written notification of the
37 decision to the alleged perpetrator. Written notification may be made
38 via email.

39 e. ¹ Whenever there is a prosecution for a violation of
40 [N.J.S.A.2C:14-2] N.J.S.2C:14-2, the victim of the sexual assault shall
41 be provided an opportunity to consult with the prosecuting authority
42 prior to the conclusion of any plea negotiations.

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

46 (cf: P.L.2003, c.137, s.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:

¹Senate SLP committee amendments adopted December 10, 2020.

S3073 [1R] WEINBERG, CORRADO

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- 1 2. This act shall take effect immediately.