

# ASSEMBLY, No. 4887

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 26, 2020

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblywoman BRITNEE N. TIMBERLAKE**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Assemblywoman McKnight, Assemblymen Johnson, Zwicker and  
Assemblywoman Speight**

**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: 11/5/2020)**

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.

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.