

[First Reprint]

## **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:**

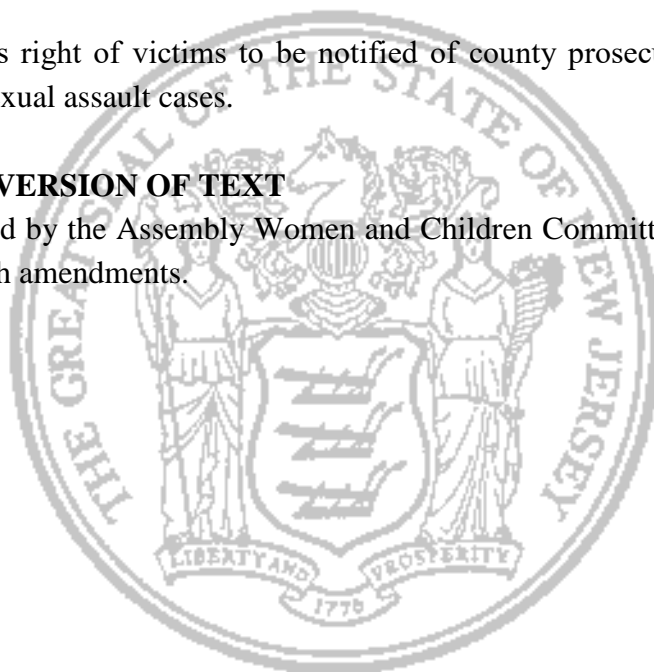
**Assemblywoman McKnight, Assemblymen Johnson, Zwicker,  
Assemblywoman Speight, Assemblymen Benson, Holley, Assemblywomen  
Downey, N.Munoz, Swain, Schepisi, Assemblymen Houghtaling,  
Scharfenberger, McKeon, Tully and Assemblywoman Reynolds-Jackson**

### **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 Assembly Women and Children Committee on February 23, 2021, 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  
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) <sup>1</sup>ask the victim whether the victim would like to exercise this  
18 right, and, if so, <sup>1</sup>obtain the victim's written consent to be, or not to  
19 be, 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 <sup>1</sup>make a good faith effort to<sup>1</sup>  
26 obtain written acknowledgement of the charging decision from a  
27 victim who has requested notification pursuant to <sup>1</sup>paragraphs (2)  
28 and (3) of<sup>1</sup> subsection b. of this section prior to notifying the  
29 alleged perpetrator of the sexual assault of the charging decision <sup>1</sup>,  
30 unless the 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  
34 to obtain the acknowledgement<sup>1</sup>.

35 d. <sup>1</sup>A victim shall not publicly disclose the charging decision  
36 until the prosecuting authority has provided written notification of  
37 the decision to the alleged perpetrator. Written notification may be  
38 made via email.

39 e.<sup>1</sup> 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  
41 shall be provided an opportunity to consult with the prosecuting  
42 authority 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

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:

<sup>1</sup>Assembly AWC committee amendments adopted February 23, 2021.

1 agreement which the prosecutor deems appropriate.  
2 (cf: P.L.2003, c.137, s.1)

3

4 2. This act shall take effect immediately.