

ASSEMBLY WOMEN AND CHILDREN COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4887

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 2021

The Assembly Women and Children Committee reports favorably and with committee amendments Assembly Bill No. 4887.

As amended and reported by the committee, this bill establishes the right of sexual assault victims to be notified of the county prosecutor's decision on whether to file charges in the case.

The bill also requires county prosecutors to notify a sexual assault victim of this right, ask whether the victim wishes to exercise this right and, if so, obtain the victim's written consent concerning whether or not to be notified of the decision. If the victim requests notification of the charging decision, the county prosecutor is to provide the notification via an in-person meeting, telephone call or text message, or video conference, whichever is the victim's preferred method.

The bill further requires the county prosecutor to make a good faith effort to obtain the victim's written acknowledgement of the request to be notified of the charging decision prior to notifying the alleged perpetrator of the sexual assault of the decision. However, the bill provides an exception to this requirement if the victim is unavailable, declines to provide the acknowledgement, or the prosecutor is unable to locate the victim after a good faith attempt to do so. If the prosecutor is unable to locate the victim, the bill requires that the prosecutor document the good faith effort taken to locate the victim and the reasons for failing to obtain the acknowledgement.

Finally, the amended bill prohibits a victim from publicly disclosing the prosecutor's charging decision until the prosecuting authority has notified the alleged perpetrator in writing. Such written notification may be made by email.

As amended, Assembly Bill No. 4887 is identical to Senate Bill No. 3073 (1R), sponsored by Senators Weinberg and Corrado, which was reported by the Senate Law and Public Safety Committee on December 10, 2020.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) require the county prosecutor to make a good faith effort to obtain the victim's written acknowledgement of the request to be notified of the charging decision prior to notifying the alleged

perpetrator of the sexual assault of the decision, unless the victim is unavailable, the victim declines to provide the acknowledgement, or the prosecutor, despite a good faith effort, was not able to locate the victim;

2) if the victim can't be located, require the prosecutor to document the good faith efforts made to locate the victim and the reasons for failing to obtain the acknowledgement; and

3) prohibit a victim from publicly disclosing the charging decision until the prosecuting authority has notified the alleged perpetrator in writing, such as by email.

As reported by the committee, Assembly Bill No.4887 is identical to Senate Bill No. 3073 (1R) which was also reported by the committee on this date.