

[First Reprint]

ASSEMBLY, No. 5749

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

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District 35 (Bergen and Passaic)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

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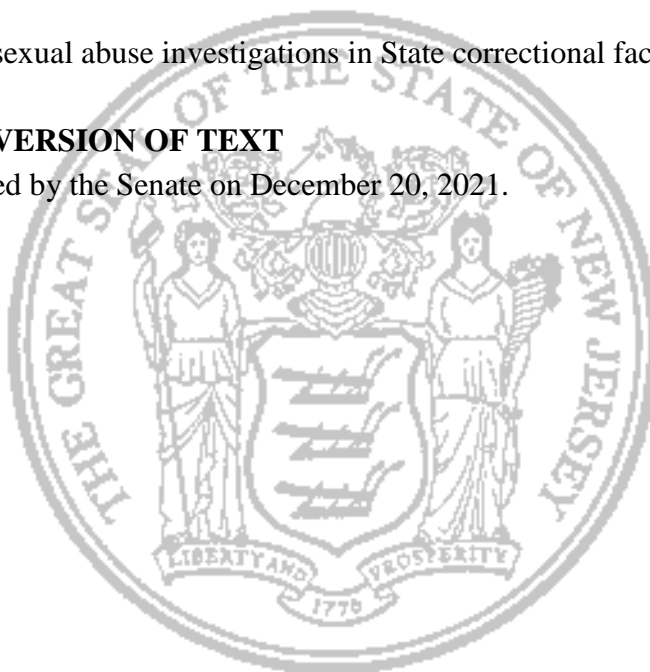
**Assemblywomen McKnight, Vainieri Huttle, Assemblyman Johnson,
Assemblywomen Tucker and Downey**

SYNOPSIS

Concerns sexual abuse investigations in State correctional facilities.

CURRENT VERSION OF TEXT

As amended by the Senate on December 20, 2021.



(Sponsorship Updated As Of: 5/20/2021)

1 AN ACT concerning sexual abuse investigations in State
2 correctional facilities and supplementing Title 30 of the Revised
3 Statutes.

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

7
8 1. a. In addition to the training required in subsection f. of
9 section 4 of P.L.2019, c.288 (C.30:1B-6.8) and sections 1 and 2 of
10 P.L.2019, c.410 (C.30:1B-6.13 et seq.), every correctional police
11 officer assigned to the Special Investigations Division in a State
12 correctional facility shall receive specialized in-service training in
13 sexual abuse investigations. This specialized training shall include,
14 but not be limited to:

- 15 (1) techniques for interviewing sexual abuse victims;
16 (2) proper use of warnings against self-incrimination pursuant to
17 federal and State case law;
18 (3) collection of sexual abuse evidence in confinement settings;
19 and
20 (4) criteria and evidence required to substantiate a case for
21 administrative action or prosecution referral.

22 b. The Department of Corrections Special Investigations
23 Division in the Edna Mahan Correctional Facility for Women shall
24 maintain and regularly update documentation that correctional
25 police officers assigned to the division have satisfactorily
26 completed the specialized training in sexual abuse investigations
27 pursuant to subsection a. of this section.

28
29 2. a. Correctional police officers assigned to the Special
30 Investigations Division in a State correctional facility shall:

- 31 (1) when assigned and continuously thereafter, disclose any
32 personal relationship with another staff member of the facility; and
33 (2) recuse themselves from participating in an investigation
34 involving any staff member of the facility with whom they have a
35 personal relationship.

36 b. After all administrative appeals are exhausted and a final
37 adjudication is made, any correctional police officer assigned to the
38 Special Investigations Division who does not comply with the
39 reporting or recusal requirements of subsection a. of this section
40 shall be liable to a penalty of not less than \$2,500 or more than
41 \$5,000. The penalty shall be collected and enforced by summary
42 proceedings pursuant to the provisions of the "Penalty Enforcement
43 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Each
44 violation of subsection a. of this section shall constitute a separate
45 offense.

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 floor amendments adopted December 20, 2021.

1 c. Notwithstanding the penalty imposed pursuant to subsection
2 b. of this section, any correctional police officer who does not
3 comply with the reporting or recusal requirements of subsection a.
4 of this section shall be subject to internal departmental disciplinary
5 action by the Department of Corrections.

6
7 3. Any employee of a State correctional facility who is
8 ¹[responsible for coordinating compliance with the provisions of
9 the federal Prison Rape Elimination Act (PREA) including, but not
10 limited to,]¹ the correctional facility's institutional ¹federal Prison
11 Rape Elimination Act (¹PREA¹)¹ compliance manager¹[,]¹ shall be
12 prohibited from serving as a sexual abuse investigator in the Special
13 Investigations Division.

14
15 4. This act shall take effect on the first day of the seventh
16 month next following enactment, but the Commissioner of
17 Corrections may take any anticipatory administrative action in
18 advance as shall be necessary for the implementation of this act.