

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 3073**

with committee amendments

## **STATE OF NEW JERSEY**

DATED: DECEMBER 11, 2020

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 3073.

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 a sexual assault case.

To implement this provision, the bill requires county prosecutors to notify sexual assault victims of the right to be informed of the charging decision, ask whether they wish 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 to be notified via written acknowledgment, 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 amended 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. There is an exception if 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. If the prosecutor is unable to locate the victim, the bill requires the prosecutor to document the good faith effort taken to locate the victim and the basis for failing to obtain the acknowledgement.

The amended bill prohibits a victim from publicly disclosing the charging decision until the prosecuting authority has notified the alleged perpetrator in writing, such as by email.

#### 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 effort taken to locate the victim and the basis 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.