

ASSEMBLY PUBLIC SAFETY AND PREPAREDNESS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3753

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 3, 2024

The Assembly Public Safety and Preparedness Committee reports favorably and with committee amendments Assembly Bill No. 3753.

As amended and reported by the committee, this bill to be known as the “Sexual Assault Evidence Submission Act,” would require municipal, county, State, and federal law enforcement agencies to submit to the appropriate forensic laboratory evidence collected in the investigation of a sexual assault case within 10 business days. The bill requires this evidence, often referred to as a “rape kit,” to be analyzed by the lab within six months of when it is received if sufficient staffing and resources are available.

Under the amended bill, law enforcement agencies are required to provide written notice to the Superintendent of State Police upon discovering a violation. The bill provides that a law enforcement officer or employee of a law enforcement agency may be liable to a civil penalty of \$1,000 for an initial violation, \$2,500 for a second violation, and \$5,000 for any subsequent violations, if failure to comply occurred despite the law enforcement officer or employee’s reasonable efforts.

In addition, the bill provides that law enforcement agencies are required within 45 days of the bill’s effective date to provide to the superintendent, in writing, the number of sexual assault cases in the agency’s custody that have not been previously submitted to a laboratory for analysis. The superintendent and the agency are then required to make appropriate arrangements to ensure the submission of any evidence that was or is currently tied to a criminal investigation within 180 days. Within 120 days of the effective date of the bill, the superintendent is required to submit to the Governor, Attorney General, President of the Senate, and Speaker of the General Assembly a plan for analyzing these submitted cases. The plan is to include a timeline for completing the analysis of the rape kits and a summary of the inventory received, as well as requests for funding and resources necessary to meet the established timeline.

A rape kit submitted for analysis as required under the bill is to include a signed certification as follows: "This evidence is being submitted by (name of investigating law enforcement agency) in connection with a prior or current criminal investigation."

Guidelines issued by the Attorney General currently govern the handling of rape kits in this State. Under these guidelines, rape kit evidence is held for five years within which time a victim can decide whether to release the evidence to law enforcement. The victim is informed of the county policy regarding time frames for the storage and possible destruction of evidence.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) provide that a law enforcement agency is to provide written notice to the Superintendent of State police upon the discovery of a violation of section 3 of the amended bill;

(2) provide that a law enforcement officer or employee of any law enforcement agency is liable to certain civil penalties for a violation of section 3 of the amended bill; and

(3) provide an exception of liability for any law enforcement officer or employee who fails to comply with section 3 of the amended bill, if the failure to comply occurred despite the law enforcement officer or employee's reasonable efforts.