

CHAPTER 59

AN ACT concerning the rights of victims of sexual assault and amending and supplementing P.L.2019, c.103 (C.52:4B-60.1 et seq.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 2 of P.L.2019, c.103 (C.52:4B-60.2) is amended to read as follows:

C.52:4B-60.2 Findings, declarations relative to the rights of victims of sexual violence.

2. The Legislature finds and declares that:

- a. The enactment of the “Crime Victim’s Bill of Rights,” P.L.1985, c.249 (C.52:4B-34 et seq.) and the “New Jersey Campus Sexual Assault Victim’s Bill of Rights Act,” P.L.1994, c.160 (C.18A:61E-1 et seq.) have resulted in significant advances in the recognition and protection of the rights of crime victims and survivors once they enter the criminal justice system;

- b. Nonetheless, victims of sexual violence in particular often face circumstances where they may be blamed for the crime, assumed to be fabricating the crime, or taken less seriously than their injuries warrant. These victims are sometimes discouraged from proceeding with their complaints and as a result may not be afforded the protections and rights in the criminal justice system to which they are entitled;

- c. Therefore, with no diminution of the legislatively-recognized rights of crime victims, it is the public policy of this State that the criminal justice system accord victims of sexual violence the following rights:

- (1) To have any allegation of sexual assault treated seriously; to be treated with dignity and compassion; and to be notified of existing medical, counseling, mental health, or other services available for victims of sexual assault, whether or not the crime is reported to law enforcement;

- (2) To be free, to the extent consistent with the New Jersey or United States Constitution, from any suggestion that victims are responsible for the commission of crimes against them or any suggestion that victims were contributorily negligent or assumed the risk of being assaulted;

- (3) To be free from any suggestion that victims are to report the crimes to be assured of any other guaranteed right and that victims should refrain from reporting crimes in order to avoid unwanted personal publicity;

- (4) When applicable, to no-cost access to the services of a sexual assault response team comprised of: a certified forensic nurse examiner, a confidential sexual violence advocate, and a law enforcement official as provided in accordance with the Attorney General’s Standards for Providing Services to Victims of Sexual Assault, and the choice to opt into or out of any of the team’s services;

- (5) To be informed of, and assisted in exercising, the right to be confidentially or anonymously tested for acquired immune deficiency syndrome (AIDS) or infection with the human immunodeficiency virus (HIV) or any other related virus identified as a probable causative agent of AIDS; and to be informed of, and assisted in exercising, any rights that may be provided by law to compel and disclose the results of testing of a sexual assault suspect for communicable diseases;

- (6) To have forensic medical evidence, if collected, retained for a minimum of five years, and to receive information about the status of the evidence upon request in accordance with section 2 of P.L.2024, c.59 (C.52:4B-60.2a);

- (7) To choose whether to participate in any investigation of the assault;

- (8) To reasonable efforts to provide treatment and interviews in a language in which the victim is fluent and the right to be given access to appropriate assistive devices to accommodate disabilities that the victim may have, whether temporary or long term;

- (9) To information and assistance in accessing specialized mental health services; protection from further violence; other appropriate community or governmental services, including

services provided by the Victims of Crime Compensation Office; and all other assistance available to crime victims under current law;

(10) To be apprised of the availability and process by which a court may order the taking of testimony from a victim via closed circuit television in accordance with section 1 of P.L.1985, c.126 (C.2A:84A-32.4); and

(11) To be apprised of the availability and process by which to seek protections through a temporary or final protective order under the “Victim’s Assistance and Survivor Protection Act,” P.L.2015, c.147 (C.2C:14-13 et al.), if the victim believes that the victim is at risk for re-victimization or further harm by the perpetrator.

C.52:4B-60.2a Sexual assault victim, right to be informed, certain details.

2. a. A victim of a sexual assault offense shall have the right to be informed:

(1) of whether a DNA profile of an assailant was obtained from the processing of forensic medical evidence in a sexual assault case;

(2) of whether a DNA profile of an assailant has been entered into any data bank designed or intended to be used for the retention or comparison of case evidence;

(3) of whether there is a match between the DNA profile of an assailant obtained in the sexual assault case and any DNA profile contained in any data bank designed or intended to be used for the retention or comparison of case evidence. This paragraph shall not apply if disclosure would impede or compromise an ongoing investigation; and

(4) when sexual assault evidence is submitted to a forensic laboratory, when the evidence is compared against any data bank, and of the results of the comparison. This paragraph shall not apply if disclosure would impede or compromise an ongoing investigation.

b. Upon the request of a victim of a sexual assault offense, the law enforcement agency with the primary responsibility for investigating that sexual assault case shall inform the victim of the status of the processing of all evidence collected in that case. The law enforcement agency may require that the victim's request made pursuant to this subsection be in writing.

The law enforcement agency may respond to a victim's request under this section with a written communication or by electronic mail, if an electronic mail address is available. A law enforcement agency is not required by this subsection to communicate with the victim regarding the status of the processing of crime scene evidence unless the victim has made a specific request to do so.

A sexual assault victim may designate another person of the victim’s choosing to receive information requested by the sexual assault victim or any notice required under this act.

c. The law enforcement agency with the primary responsibility for investigating a sexual assault case shall provide information to a victim pursuant to this section in a timely manner and, upon request of the victim, advise the victim of any significant changes in the information of which the law enforcement agency is aware. To receive notice under this section, the victim shall inform the law enforcement agency of the name, address, telephone number, and electronic mail address of the person to whom the information should be provided, and of any changes to the information. A person accused or convicted of a crime against the victim shall not have standing to object to any failure to comply with this section. The failure to inform a sexual assault victim with notice or information pursuant to this section shall not be the basis for setting aside the conviction or sentence.

3. This act shall take effect on the first day of the fourth month after enactment.

Approved September 3, 2024.