

# SENATE, No. 1017

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator DECLAN J. O'SCANLON, JR.**

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**Assemblywoman MICHELE MATSIKLOUDIS**

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**Assemblywoman VERLINA REYNOLDS-JACKSON**

**District 15 (Hunterdon and Mercer)**

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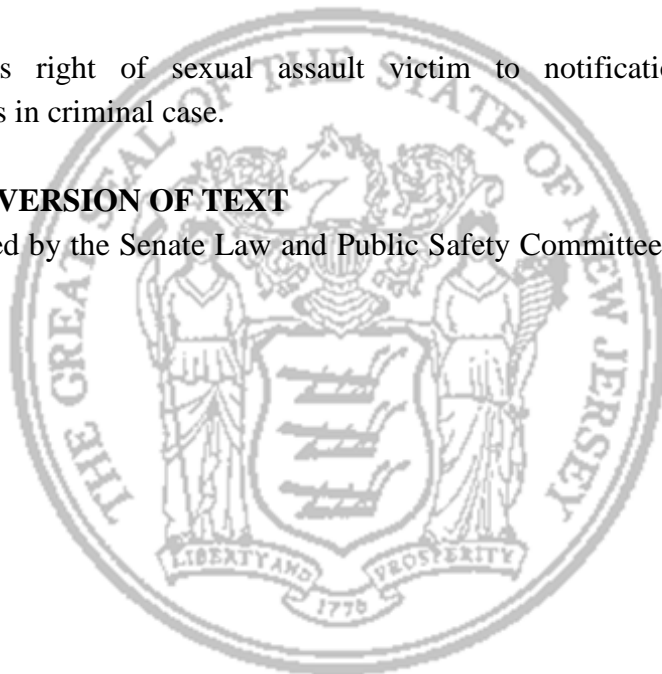
**Senators Henry, McKnight, Assemblymen Hutchison, Atkins, Rodriguez,  
Assemblywoman Flynn and Assemblyman Freiman**

**SYNOPSIS**

Establishes right of sexual assault victim to notification of certain developments in criminal case.

**CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety Committee with technical review.



**(Sponsorship Updated As Of: 6/28/2024)**

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

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

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

10 2. The Legislature finds and declares that:

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

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

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

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

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

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

42 (4) When applicable, to no-cost access to the services of a  
43 sexual assault response team comprised of: a certified forensic  
44 nurse examiner, a confidential sexual violence advocate, and a law  
45 enforcement official as provided in accordance with the Attorney

**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.

1 General's Standards for Providing Services to Victims of Sexual  
2 Assault, and the choice to opt into or out of any of the team's  
3 services;

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

12 (6) To have forensic medical evidence, if collected, retained for  
13 a minimum of five years, and to receive information about the  
14 status of the evidence upon request in accordance with section 2 of  
15 P.L. , c. (C. ) (pending before the Legislature as this bill);

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

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

22 (9) To information and assistance in accessing specialized  
23 mental health services; protection from further violence; other  
24 appropriate community or governmental services, including  
25 services provided by the Victims of Crime Compensation Office;  
26 and all other assistance available to crime victims under current  
27 law;

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

32 (11) To be apprised of the availability and process by which to  
33 seek protections through a temporary or final protective order under  
34 the "Victim's Assistance and Survivor Protection Act," P.L.2015,  
35 c.147 (C.2C:14-13 et al.), if the victim believes that the victim is at  
36 risk for re-victimization or further harm by the perpetrator.  
37 (cf: P.L.2023, c.127, s.8)

38  
39 2. (New section) a. A victim of a sexual assault offense shall  
40 have the right to be informed:

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

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

46 (3) of whether there is a match between the DNA profile of an  
47 assailant obtained in the sexual assault case and any DNA profile  
48 contained in any data bank designed or intended to be used for the

1 retention or comparison of case evidence. This paragraph shall not  
2 apply if disclosure would impede or compromise an ongoing  
3 investigation; and

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

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

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

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

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

38  
39 3. This act shall take effect on the first day of the fourth month  
40 after enactment.