

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 1288**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 18, 2026

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1288.

As amended, this bill makes changes to the “Sexual Violence Restorative Justice Pilot Program.”

Under current law, the Attorney General is required to establish a three-year “Sexual Violence Restorative Justice Pilot Program” to implement a restorative justice program for survivors of sexual violence.

In addition, current law requires the Attorney General to implement this pilot program by entering into an agreement with two organizations: one to design the program, and provide technical assistance, and one to conduct the program. The organizations are required to be compensated. Further, current law requires that the pilot program be established in one northern, one central, and one southern county in this State, as determined by the Attorney General.

This bill requires the Attorney General to establish a pilot program and clarifies that the program may continue to operate so long as funding is made available. Under the provisions of this bill, the Attorney General is to utilize the Division of Violence Intervention and Victim Assistance to design the program and is to enter into an agreement to conduct the program with an organization meeting certain criteria as set forth under the bill. The organization is to be selected under the request for proposal process, in accordance with current law. The bill removes the requirement that the organizations be compensated.

The bill further requires the pilot program to provide program services to survivors located throughout the State.

The bill also provides that any written or oral communication, submission, or action undertaken during or in preparation for a sexual violence restorative justice program interaction, or as a follow-up to that interaction, or the fact that the interaction has been planned or convened is confidential and privileged and is not accessible to the public pursuant to the “Open Public Records Act.” The communication, submission, or action is not to be referred to, used, or admitted in any civil, criminal, family court, or

administrative proceeding, unless the privilege is waived during the proceeding or in writing by the party protected by the privilege. The bill provides that privileged information is not subject to discovery or disclosure in any judicial or extrajudicial proceeding.

Further, under the bill, any waiver of the privilege, in accordance with the bill's provisions, is limited to the participation and communication of the party who waived the privilege.

The bill also provides that if, in any civil, criminal, family court, or administrative proceeding, there is a challenge to a claim that a sexual violence restorative justice program interaction is privileged pursuant to the bill's provisions, the judge is to conduct a hearing in camera to determine whether the interaction is privileged. In conducting the in camera review, the judge may review the communication or information solely for the limited purpose of determining whether the privilege applies.

Finally, the bill provides that the privilege set forth under the bill's provisions does not apply if: 1) disclosure is necessary to prevent death, serious bodily injury, or the commission of a crime; 2) disclosure is necessary to comply with another law; or 3) a judicial, quasi-judicial, or administrative body requires a report on a restorative justice program interaction. However, the judicial, quasi-judicial, or administrative report is to be limited to the fact that an interaction has taken place, an opinion regarding the success of the interaction, and whether further restorative justice program interactions are expected.

This bill was prefiled for introduction in the 2026-2027 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) clarify that the pilot program may continue so long as funding is provided for the program;
- 2) clarify judicial review of potentially privileged information; and
- 3) make other technical changes.