ASSEMBLY, No. 2081



STATE OF NEW JERSEY

219th LEGISLATURE



PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

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Co-Sponsored by:

Assemblywomen McKnight, Murphy, Vainieri Huttle and Assemblyman Conaway

SYNOPSIS

Requires PANYNJ and certain commercial airport operators in State to coordinate with law enforcement for investigation and prosecution of sexual assaults; requires airlines and contractors to adopt and maintain policies regarding sexual assaults.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



An Act concerning sexual assault and supplementing Title 6, Title 27, and Title 32 of the Revised Statutes.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. a. The Legislature hereby finds and declares:

(1) For far too long, allegations of sexual assault in this State and across the nation have not been treated with a level of gravity or severity befitting the conduct of the accused.

(2) Many sexual assaults are not reported; many of the sexual assaults that are reported are not treated seriously; and a number of the sexual assaults that are prosecuted ultimately result in what the general public and this Legislature deem to be overly lenient criminal sentences for the defendants.

(3) Recent news reports have indicated that sexual assault of women occurs frequently on public transportation, including an article detailing one woman’s account of being groped on an overnight flight, reporting the sexual assault to the flight attendants, realizing that the flight attendants did not have clear or effective guidelines on how to respond to the situation, and then watching her assailant walk off the plane with no accountability for his actions.

(4) In 2017, 132.6 million passengers traveled through airports operated by the Port Authority of New York and New Jersey (Port Authority) and over 82 million riders used the Port Authority Trans-Hudson (PATH) rail system, but there are insufficient safeguards to protect persons from sexual assault on public transportation and the guidelines and requirements for reporting allegations of sexual assault are often unclear and in some instances nonexistent.

b. The Legislature therefore determines that the time has come to protect and to empower the victims of these abhorrent acts by requiring the Port Authority, and airlines, contractors, and vendors that do business with the Port Authority, to adopt, maintain, and enforce a policy for the management of reports of sexual assault.

2. The Port Authority of New York and New Jersey shall not approve or renew any contract with an airline, contractor, or vendor unless the contract contains provisions that require the airline, contractor, or vendor, as applicable, to adopt, maintain, and enforce a policy for the management of sexual assaults that are reported to an employee or subcontractor of the airline, contractor, or vendor. At a minimum, the policy shall: require that employees or subcontractors report any allegations of sexual assault to an immediate supervisor and that the immediate supervisor report the allegations to the Port Authority Police Department; provide that the allegations are reported promptly to the Port Authority Police Department to afford the Port Authority Police Department the

maximum time to act upon the report; require training of employees and subcontractors on the provisions of the policy; and contain penalties, including termination, where appropriate, for failure to comply with the policy.

3. The Port Authority of New York and New Jersey shall establish and implement a program for the management of sexual assaults that are reported to employees of the Port Authority, including sexual assaults reported to the Port Authority Police Department pursuant to section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill), for the purpose of coordinating with law enforcement agencies for the investigation and prosecution of reported sexual assaults. The program shall provide standards and guidelines for the reporting of sexual assault allegations and shall require the Port Authority to enter into a memorandum of understanding with applicable law enforcement agencies that governs the reporting requirements for and the sharing of information between and among those law enforcement agencies concerning reports of sexual assault.

4. An airport operator in the State shall not approve or renew any contract with an airline, contractor, or vendor unless the contract contains provisions that require the airline, contractor, or vendor, as applicable, to adopt, maintain, and enforce a policy for the management of sexual assaults that are reported to an employee or subcontractor of the airline, contractor, or vendor. At a minimum, the policy shall: require that employees or subcontractors report any allegations of sexual assault to an immediate supervisor and that the immediate supervisor report the allegations to the airport operator; provide that the allegations are reported promptly by the airport operator to any relevant law enforcement agency to afford the law enforcement agency the maximum time to act upon the report; require training of employees and subcontractors on the provisions of the policy; and contain penalties, including termination, where appropriate, for failure to comply with the policy.

For the purposes of this section:

“Airport operator” means a local government unit or State authority that operates an airport at which commercial flight operations occur;

“Contract” means any contract related to the operations of an airport at which commercial flight operations occur; and

“Local government unit” means a municipality, county, or other political subdivision of the State, or any agency, board, commission, utilities authority or other authority, or other entity thereof.

5. Each airport operator in the State shall establish and implement a program for the management of sexual assaults that are reported to employees of the airport operator, including sexual assaults reported to the airport operator pursuant to section 4 of P.L., c. (C. ) (pending before the Legislature as this bill), for the purpose of coordinating with law enforcement agencies for the investigation and prosecution of reported sexual assaults. The program shall provide standards and guidelines for the reporting of sexual assault allegations and shall require the airport operator to enter into a memorandum of understanding with applicable law enforcement agencies that governs the reporting requirements for and the sharing of information between and among those law enforcement agencies concerning reports of sexual assault.

For the purposes of this section:

“Airport operator” means a local government unit or State authority that operates an airport at which commercial flight operations occur; and

“Local government unit” means a municipality, county, or other political subdivision of the State, or any agency, board, commission, utilities authority or other authority, or other entity thereof.

6. The South Jersey Transportation Authority shall comply with the provisions of section 4 and section 5 of P.L. , c. (C. ) (pending before the Legislature as this bill).

7. Sections 1 through 3 of this act shall take effect upon the enactment by the state of New York of legislation having an identical effect, but if such legislation has already been enacted by the state of New York then sections 1 through 3 of this act shall take effect immediately. Sections 4 through 6 of this act shall take effect immediately.

STATEMENT

This bill prohibits the Port Authority of New York and New Jersey (Port Authority) from approving or renewing a contract with an airline, contractor, or vendor unless the contract contains provisions that require the airline, contractor, or vendor, as applicable, to adopt, maintain, and enforce a policy for the management of sexual assaults that are reported to an employee or subcontractor. The policy is required to include provisions that: require that employees or subcontractors report any allegations of sexual assault to an immediate supervisor and that the immediate supervisor report the allegations to the Port Authority Police Department; require allegations to be reported promptly to the Port Authority Police Department; require training of employees and subcontractors on the provisions of the policy; and contain penalties, including termination, where appropriate, for failure to comply with the policy.

The bill requires the Port Authority to establish and implement a program for the management of sexual assaults that are reported to employees of the Port Authority. The program is required to provide standards and guidelines for the reporting of sexual assault allegations. Under the program, the bill requires the Port Authority to enter into a memorandum of understanding with applicable law enforcement agencies that governs the reporting requirements for and the sharing of information between and among those law enforcement agencies.

The bill also prohibits certain airport operators in the State from approving or renewing a contract with an airline, contractor, or vendor unless the contract contains provisions that require the airline, contractor, or vendor, as applicable, to adopt, maintain, and enforce a policy for the management of sexual assaults that are reported to an employee or subcontractor. The bill requires the airport operator to establish and implement a program for the management of sexual assaults that are reported to employees of the airport operator. The program is required to provide standards and guidelines for the reporting of sexual assault allegations. Under the program, the bill requires an airport operator to enter into a memorandum of understanding with applicable law enforcement agencies that governs the reporting requirements for and the sharing of information between and among those law enforcement agencies.

Under the bill, Trenton-Mercer Airport is covered under the definition of “airport operator.”