

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)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Co-Sponsored by:

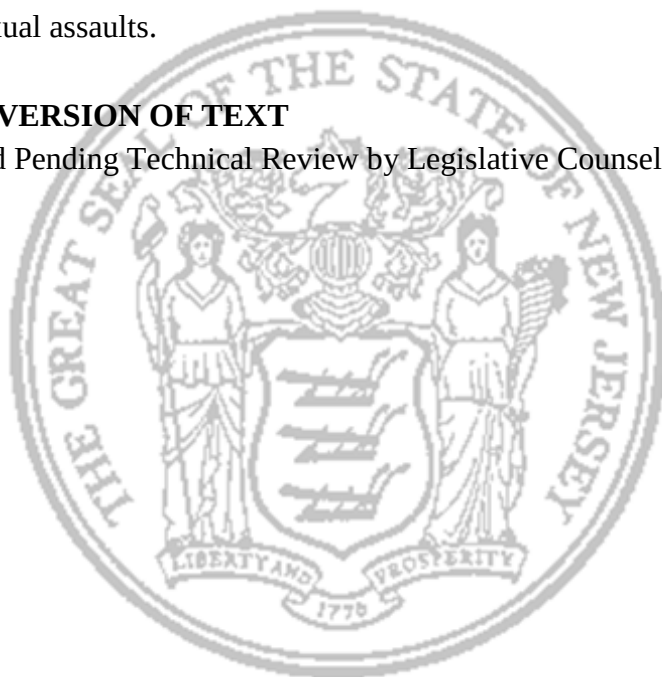
**Assemblywomen McKnight, Murphy, Vainieri Huttle and Assemblyman
Conaway**

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.



1 **AN ACT** concerning sexual assault and supplementing Title 6, Title
2 27, and Title 32 of the Revised Statutes.

3

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

6

7 1. a. The Legislature hereby finds and declares:

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

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

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

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

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

35

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

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

5
6 3. The Port Authority of New York and New Jersey shall
7 establish and implement a program for the management of sexual
8 assaults that are reported to employees of the Port Authority,
9 including sexual assaults reported to the Port Authority Police
10 Department pursuant to section 2 of P.L. , c. (C.) (pending
11 before the Legislature as this bill), for the purpose of coordinating
12 with law enforcement agencies for the investigation and prosecution
13 of reported sexual assaults. The program shall provide standards
14 and guidelines for the reporting of sexual assault allegations and
15 shall require the Port Authority to enter into a memorandum of
16 understanding with applicable law enforcement agencies that
17 governs the reporting requirements for and the sharing of
18 information between and among those law enforcement agencies
19 concerning reports of sexual assault.

20
21 4. An airport operator in the State shall not approve or renew any
22 contract with an airline, contractor, or vendor unless the contract
23 contains provisions that require the airline, contractor, or vendor, as
24 applicable, to adopt, maintain, and enforce a policy for the
25 management of sexual assaults that are reported to an employee or
26 subcontractor of the airline, contractor, or vendor. At a minimum, the
27 policy shall: require that employees or subcontractors report any
28 allegations of sexual assault to an immediate supervisor and that the
29 immediate supervisor report the allegations to the airport operator;
30 provide that the allegations are reported promptly by the airport
31 operator to any relevant law enforcement agency to afford the law
32 enforcement agency the maximum time to act upon the report; require
33 training of employees and subcontractors on the provisions of the
34 policy; and contain penalties, including termination, where
35 appropriate, for failure to comply with the policy.

36 For the purposes of this section:

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

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

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

45
46 5. Each airport operator in the State shall establish and implement
47 a program for the management of sexual assaults that are reported to
48 employees of the airport operator, including sexual assaults reported to

1 the airport operator pursuant to section 4 of P.L., c. (C.)
2 (pending before the Legislature as this bill), for the purpose of
3 coordinating with law enforcement agencies for the investigation and
4 prosecution of reported sexual assaults. The program shall provide
5 standards and guidelines for the reporting of sexual assault allegations
6 and shall require the airport operator to enter into a memorandum of
7 understanding with applicable law enforcement agencies that governs
8 the reporting requirements for and the sharing of information between
9 and among those law enforcement agencies concerning reports of
10 sexual assault.

11 For the purposes of this section:

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

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

18

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

22

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

29

30

31 STATEMENT

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

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

10 The bill also prohibits certain airport operators in the State from
11 approving or renewing a contract with an airline, contractor, or
12 vendor unless the contract contains provisions that require the
13 airline, contractor, or vendor, as applicable, to adopt, maintain, and
14 enforce a policy for the management of sexual assaults that are
15 reported to an employee or subcontractor. The bill requires the
16 airport operator to establish and implement a program for the
17 management of sexual assaults that are reported to employees of the
18 airport operator. The program is required to provide standards and
19 guidelines for the reporting of sexual assault allegations. Under the
20 program, the bill requires an airport operator to enter into a
21 memorandum of understanding with applicable law enforcement
22 agencies that governs the reporting requirements for and the sharing
23 of information between and among those law enforcement agencies.
24 Under the bill, Trenton-Mercer Airport is covered under the
25 definition of “airport operator.”