ASSEMBLY, No. 2089

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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SYNOPSIS

Directs PANYNJ to coordinate with law enforcement for investigation and prosecution of sexual assaults; requires certain cruise ship operators to adopt and maintain policies regarding sexual assaults.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning sexual assaults and supplementing Title 32, Title 40, and Title 52 of the Revised Statutes.

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

1. The Port Authority of New York and New Jersey shall not approve or renew any contract with a cruise ship operator, contractor, or vendor unless the contract contains provisions that require the cruise ship operator, 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 cruise ship operator, 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.

2. 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 1 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.

3. Each local government unit in the State that contracts with a cruise ship operator concerning the provision of cruise ship services shall not approve or renew any contract with a cruise ship operator, contractor, or vendor unless the contract contains provisions that require the cruise ship operator, 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 cruise ship operator, 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 cruise ship operator; provide that the allegations are reported promptly by the cruise ship 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:

"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.

4. Each State agency that contracts with a cruise ship operator concerning the provision of cruise ship services shall not approve or renew any contract with a cruise ship operator, contractor, or vendor unless the contract contains provisions that require the cruise ship operator, 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 cruise ship operator, 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 cruise ship operator; provide that the allegations are reported promptly by the cruise ship 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:

"State agency" means any of the principal departments in the Executive Branch of the State Government, and any division, board, bureau, office, commission, or other instrumentality within or created by such department, the Legislature of the State and any office, board, bureau, or commission within or created by the Legislative Branch, and, to the extent consistent with law, any interstate agency to which New Jersey is a party and any independent State authority, commission, instrumentality, or agency.

5. Sections 1 and 2 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 and 2 shall take effect immediately. Sections 3 and 4 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 a cruise ship operator, contractor, or vendor unless the contract contains provisions that require the cruise ship operator, 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; provide that allegations are 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 local government units and State agencies that contract with a cruise ship operator from approving or renewing a contract with a cruise ship operator, contractor, or vendor unless the contract contains provisions that require the cruise ship operator, 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.