

ASSEMBLY, No. 2862

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

SYNOPSIS

Concerns victim's right to rape care advocate under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/7/2021)

1 AN ACT concerning rape care advocates, and supplementing chapter
2 14 of Title 2C of the New Jersey Statutes and P.L.1971, c.317
3 (C.52:4B-1 et seq.).
4

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

8 1. The Legislature finds and declares that designated rape care
9 centers and the rape care advocates who work in these centers
10 provide an essential service to victims of sexual assault. These
11 advocates provide compassion and understanding to victims as they
12 undergo difficult legal and medical proceedings.
13

14 2. As used in this act:

15 "Designated rape crisis center" means a countywide organization
16 whose purpose it is to provide counseling and advocacy services to
17 victims of sexual offenses under contract with the Division on
18 Women in the Department of Children and Families.

19 "Rape care advocate" means a person who specializes in
20 counseling victims of sexual offenses, who is employed by or
21 volunteers for a designated rape crisis center and who, at minimum,
22 satisfies the requirements of a victim counselor as defined in section
23 3 of P.L.1987, c.169 (C.2A:84A-22.14).

24 "Sexual offense" means sexual assault and aggravated sexual
25 assault as set forth in N.J.S.2C:14-2, criminal sexual contact and
26 aggravated criminal sexual contact as set forth in N.J.S.2C:14-3,
27 fourth degree lewdness as set forth in subsection b. of N.J.S.2C:14-
28 4 and endangering the welfare of a child by engaging in sexual
29 conduct which would impair or debauch the morals of the child as
30 set forth in N.J.S.2C:24-4.

31 "Victim" means a person 12 years of age or older who alleges or
32 is alleged to have suffered a personal, physical or psychological
33 injury as a result of a sexual offense.
34

35 3. a. Whenever there is an alleged sexual offense, the first
36 responding law enforcement officer shall immediately notify the
37 local designated rape crisis center. This notification shall be made
38 regardless of when an alleged sexual offense occurs. The victim
39 shall have the right to have a rape care advocate present and to
40 confer with a rape care advocate prior to and during any medical,
41 evidentiary, or physical examination of the victim.

42 b. Prior to the commencement of any medical, evidentiary, or
43 physical examination of the victim arising out of an alleged sexual
44 offense, the first responding medical provider assigned to the case
45 shall immediately notify the local designated rape crisis center.
46 This notification shall be made regardless of when an alleged sexual
47 offense occurs. The victim shall be notified orally or in writing by
48 the rape care advocate that the victim has the right to have present

1 and to confer with a rape care advocate prior to and during any
2 medical, evidentiary, or physical examination of the victim.

3
4 4. As used in this section, the terms “designated rape crisis
5 center,” “rape care advocate,” and “sexual offense” shall have the
6 same meaning as set forth under section 2 of P.L. , c. (C.)
7 (pending before the Legislature as this bill).

8 a. In a case involving a victim of an alleged sexual offense, the
9 victim shall have the right to have a rape care advocate present and
10 to confer with the rape care advocate prior to and during any
11 interview, statement, or contact with the victim by law enforcement
12 authorities, prosecuting attorneys, or defense attorneys.

13 b. Prior to the commencement of any law enforcement
14 interview, statement, or contact with the victim by any prosecuting
15 attorney pertaining to any criminal action arising out of an alleged
16 commission of a sexual offense, the law enforcement agency, or
17 prosecuting attorney shall notify the local designated rape crisis
18 center. The victim shall be notified orally or in writing by the rape
19 care advocate that the victim has the right to have a rape care
20 advocate present and to confer with the rape care advocate prior to
21 and during any interview, statement, or contact with the victim by
22 law enforcement authorities, prosecuting attorneys, or defense
23 attorneys.

24
25 5. This act shall take effect immediately.

26 27 28 STATEMENT

29
30 This bill establishes procedures to be followed by law
31 enforcement officers, prosecutors, medical providers, and rape care
32 advocates whenever there is an alleged sexual assault.

33 Under the provisions of the bill, whenever there is an alleged
34 sexual assault, the first responding law enforcement officer would
35 immediately notify a local designated rape crisis center. The victim
36 would have the right to have a rape care advocate present and to
37 confer with the rape care advocate prior to and during any medical,
38 evidentiary, or physical examination of the victim. A “designated
39 rape crisis center” is a countywide organization, under contract with
40 the Division on Women in the Department of Children and
41 Families, that provides counseling and advocacy services to victims
42 of sexual offenses.

43 Additionally, prior to the commencement of any medical,
44 evidentiary, or physical examination, the first responding medical
45 provider assigned to the case would immediately notify the local
46 designated rape crisis center. The victim would be notified orally
47 or in writing by the rape care advocate that the victim has the right
48 to have present and to confer with a rape care advocate prior to and

1 during the medical, evidentiary, or physical examination of the
2 victim.

3 As to law enforcement investigations, the victim would also have
4 the right to have a rape care advocate present and to confer with the
5 rape care advocate prior to and during any interview, statement, or
6 contact with the victim by law enforcement authorities, prosecuting
7 attorneys, or defense attorneys.

8 Prior to the commencement of any law enforcement interview,
9 statement, or contact with the victim by any prosecuting attorney
10 pertaining to any criminal action arising out of an alleged
11 commission of a sexual assault, the law enforcement agency or
12 prosecuting attorney would notify the local designated rape crisis
13 center. The victim would be notified orally or in writing by the
14 rape care advocate that the victim has the right to have a rape care
15 advocate present and to confer with the rape care advocate prior to
16 and during any such interview, statement, or contact with the victim
17 by law enforcement authorities, prosecuting attorneys, or defense
18 attorneys.