

ASSEMBLY, No. 3048

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

SYNOPSIS

Requires employers to report certain allegations of sexual assault.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning sexual assaults occurring at places of
2 employment, and supplementing Title 52 of the Revised Statutes.

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

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7 1. a. Notwithstanding the provisions of any law or regulation
8 to the contrary, in the event that an employer receives a report of an
9 alleged sexual assault made by a consumer or employee against
10 another consumer or employee, the employer shall, within 24 hours
11 of receiving the report, notify the local law enforcement agency or
12 the county prosecutor, in the jurisdiction in which the alleged
13 sexual assault occurred, of the allegation. In the case of an
14 employer notifying a local law enforcement agency as required by
15 this subsection, the local law enforcement agency shall notify the
16 county prosecutor for purposes of providing services under section
17 2 of this act.

18 b. In addition to any other penalty provided by law, an
19 employer which fails to notify the local law enforcement agency or
20 the county prosecutor of an alleged sexual assault as required
21 pursuant to subsection a. of this section shall be subjected to a civil
22 penalty of \$10,000.

23 c. The civil penalty prescribed pursuant to subsection b. of this
24 section shall be collected and enforced by summary proceedings
25 pursuant to the provisions of the “Penalty Enforcement Law of
26 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.).

27 d. Nothing in this section shall be construed to preclude, or in
28 any way restrict, an employer from responding to and investigating
29 an allegation of sexual assault for the purpose of imposing
30 disciplinary action on the alleged perpetrator of the assault.
31 Nothing in this section shall interfere with the discretion of a local
32 law enforcement agency or a county prosecutor to allocate
33 resources for investigations of crimes.

34 e. As used in this section:

35 “Consumer” means a natural person.

36 “Employer” means any person, corporation, partnership,
37 individual proprietorship, joint venture, firm, company, or other
38 similar legal entity who engages the services of an employee and
39 who pays the employee’s wages, salary, or other compensation, and
40 any person, agent, representative, or designee of the employer,
41 exercising supervision of employees on an employer’s behalf, in
42 this State.

43
44 2. a. In the event that a county prosecutor receives a report
45 from an employer or local law enforcement agency concerning an
46 alleged sexual assault pursuant to section 1 of this act, upon the
47 request of the accuser the county prosecutor shall immediately
48 appoint an advocate through the Sexual Assault Response Team

1 established pursuant to section 6 of P.L.2001, c.81 (C.52:4B-54) for
2 the duration of the employer's investigation of the allegation of
3 sexual assault.

4 b. The advocate shall notify the sexual assault victim of the
5 existing available services, including but not limited to, medical
6 treatment, counseling, legal options, forensic medical services, and
7 mental health services for victims of sexual assault.

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9 3. This act shall take effect immediately.

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STATEMENT

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14 This bill requires employers to report certain allegations of
15 sexual assault to a local law enforcement agency or county
16 prosecutor.

17 Under the bill, an employer that receives a report of an alleged
18 sexual assault made by a consumer or employee against another
19 consumer or employee, must, within 24 hours of receiving the
20 report, notify the local law enforcement agency or the county
21 prosecutor, in the jurisdiction in which the alleged sexual assault
22 occurred, of the allegation. An employer that fails to notify the
23 local law enforcement agency or the county prosecutor of an alleged
24 sexual assault will be subject to a civil penalty of \$10,000.

25 In the event that a country prosecutor receives notification of an
26 allegation of sexual assault pursuant to the provisions of the bill,
27 upon the request of the accuser the county prosecutor is required to
28 immediately appoint an advocate through the Sexual Assault
29 Response Team for the duration of the employer's investigation of
30 the allegation of sexual assault. The advocate will notify the sexual
31 assault victim of the existing available services, including, but not
32 limited to, medical treatment, counseling, legal options, forensic
33 medical services, and mental health services for victims of sexual
34 assault.