

ASSEMBLY, No. 3683

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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District 7 (Burlington)

SYNOPSIS

Establishes right of sexual assault victim to notification of certain developments in criminal case.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

1 **AN ACT** concerning the rights of victims of sexual assault and
2 supplementing Title 52 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. This act shall be known and may be cited as the "Sexual
8 Assault Victims' Rights Act."

9

10 2. As used in this act:

11 "Law enforcement agency" means a department, division,
12 bureau, commission, board, or other authority of the State or of any
13 political subdivision thereof which has by statute or ordinance the
14 responsibility of detecting and enforcing the general criminal laws
15 of this State.

16 "Sexual assault case" means a criminal investigation or criminal
17 prosecution to which any of the following applies:

18 a. The victim of a sexual assault offense reports the assault to a
19 law enforcement agency;

20 b. There is physical evidence that a sexual assault offense was
21 committed against any person, which shall include photographic
22 evidence; or

23 c. There is eyewitness evidence that a sexual assault offense
24 was committed against any person.

25 "Sexual assault offense" means a violation or attempted violation
26 of N.J.S.2C:14-2.

27 "Victim" means any person subjected to a sexual assault offense
28 and, for the purposes of communicating and receiving notices under
29 P.L. , c. (C.) (pending before the Legislature as this bill),
30 the victim's designated appointee.

31

32 3. a. Upon the request of a victim of a sexual assault offense,
33 the law enforcement agency with the primary responsibility for
34 investigating that sexual assault case shall inform the victim of the
35 status of the processing of all evidence collected in that case. The
36 law enforcement agency may require that the victim's request made
37 pursuant to this subsection be in writing.

38 b. The law enforcement agency may respond to a victim's
39 request under this section with a written communication or by
40 electronic mail, if an electronic mail address is available. A law
41 enforcement agency is not required by this subsection to
42 communicate with the victim regarding the status of the processing
43 of crime scene evidence unless the victim has made a specific
44 request to do so.

45 c. A sexual assault victim may designate another person of the
46 victim's choosing to receive information requested by the sexual
47 assault victim or any notice required under this act.

1 (1) a DNA profile of an assailant was obtained from the
2 processing of evidence in the sexual assault case;

3 (2) a DNA profile of an assailant has been entered into any data
4 bank designed or intended to be used for the retention or
5 comparison of case evidence;

6 (3) there is a match between the DNA profile of an assailant
7 obtained in the sexual assault case and any DNA profile contained
8 in any data bank designed or intended to be used for the retention or
9 comparison of case evidence; and

10 (4) sexual assault evidence is submitted to a forensic laboratory,
11 if that evidence is compared against any data bank, and the results
12 of the comparison.

13 Under the bill, upon a victim's request, the law enforcement
14 agency with the primary responsibility for investigating a sexual
15 assault case is required to inform the victim of the status of the
16 processing of all evidence collected in that case. The bill authorizes
17 the victim to designate another person of the victim's choosing to
18 receive information requested by the sexual assault victim or any
19 notice required by the bill. The victim is responsible for keeping
20 the law enforcement agency informed of the name, address,
21 telephone number, and electronic mail address of the person to
22 whom the information should be provided, and of any changes in
23 this information.