

ASSEMBLY, No. 4316

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 25, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Establishes telephone hotline and secure web portal for reporting incidents of inappropriate sexual conduct by persons in certain positions of authority or trust.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/25/2020)

1 **AN ACT** concerning the establishment of a telephone hotline and
2 secure web portal for reporting incidents of inappropriate sexual
3 conduct by persons in certain positions of authority or trust and
4 supplementing P.L.1985, c.404 (C.52:4B-39 et seq.).

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

8
9 1. a. The Attorney General shall, through the Office of Victim-
10 Witness Advocacy in the Division of Criminal Justice in the
11 Department of Law and Public Safety, establish and maintain a toll-
12 free telephone hotline service and secure web portal through which
13 persons may report incidents of sexual harassment, sexual violence,
14 or other inappropriate conduct of a sexual nature that are perpetrated
15 by any of the following individuals:

16 (1) a sexual assault nurse examiner, certified pursuant to section
17 5 of P.L.2001, c.81 (C.52:4B-53);

18 (2) a judge of the Law Division or the Appellate Division of the
19 Superior Court, the New Jersey Supreme Court, or the Office of
20 Administrative Law;

21 (3) a person serving in any State or local elective public office;

22 (4) a law enforcement officer, which shall include any person
23 employed as a permanent full-time member of any State, county or
24 municipal law enforcement agency, department, or division of those
25 governments who is statutorily empowered to act for the detection,
26 investigation, arrest, conviction, detention, or rehabilitation of
27 persons violating the criminal laws of this State or of the United
28 States and statutorily required to successfully complete a training
29 course approved by the Police Training Commission pursuant to
30 P.L.1961, c.56 (C.52:17B-66 et seq.), or certified by the commission
31 as being substantially equivalent to an approved course. “Law
32 enforcement officer” shall also include any special law enforcement
33 officer as described under section 4 of P.L.1985, c.439 (C.40A:14-
34 146.11);

35 (5) a person serving as a municipal prosecutor pursuant to section
36 4 of P.L.1999, c.349 (C.2B:25-4), as a county prosecutor, first
37 assistant prosecutor, or assistant prosecutor as defined under
38 N.J.S.2A:158-1 et seq., or as a temporary prosecutor appointed
39 pursuant to N.J.S.2A:158-9; or

40 (6) a physician licensed pursuant to Title 45 of the Revised
41 Statutes who is qualified by specialty or experience to make a
42 professional diagnosis and prognosis regarding a patient’s illness,
43 disease, or condition, or any physician assistant who meets the
44 qualifications under P.L.1991, c.378 (C.45:9-27.10 et seq.) and holds
45 a current, valid license issued pursuant to section 4 of P.L.1991,
46 c.378 (C.45:9-27.13).

47 The secure web portal may be established by way of an electronic
48 mail account, if necessary.

1 b. The hotline service and web portal shall include among its
2 staff persons who speak English and Spanish.

3 Staff members shall be trained by any appropriate person, agency,
4 or organization so appointed by the Attorney General and, to the
5 greatest extent possible, shall include at least one person with
6 expertise or education in the area of sexual violence prevention,
7 victim assistance, or providing essential services, including
8 counseling services, to survivors of sexual violence.

9 Staff members shall provide to each person utilizing the hotline or
10 web portal an explanation of the general protocol in processing each
11 call or electronic submission, an estimation of the length of time after
12 which the person should expect to receive a response if one is
13 required, and a referral concerning available resources as
14 appropriate.

15 c. To ensure the integrity of the telephone hotline, the Attorney
16 General shall, to the greatest extent consistent with this section and
17 any other applicable law, provide for the confidentiality of the names
18 of those reporting conduct and any referrals for counseling or other
19 professional assistance; provided, however, that the Attorney
20 General may, by rule and regulation, establish a protocol and
21 guidelines for referral to any appropriate authority or agency, or to
22 persons acting in a supervisory capacity over the accused.

23 d. The rules and regulations established pursuant to this section
24 shall be effective immediately upon filing with the Office of
25 Administrative Law for a period not to exceed 18 months, and may,
26 thereafter, be amended, adopted or readopted in accordance with the
27 provisions of the “Administrative Procedure Act,” P.L.1968, c.410
28 (C.52:14B-1 et seq.).

29

30 2. This act shall take effect immediately.

31

32

33

STATEMENT

34

35 This bill establishes a telephone hotline and secure web portal for
36 reporting incidents of inappropriate sexual conduct by persons in
37 certain positions of authority or trust.

38 The bill directs the Attorney General, through the Office of
39 Victim-Witness Advocacy, to establish and maintain a toll-free
40 telephone hotline service and secure web portal through which
41 incidents of sexual harassment, sexual violence, or other
42 inappropriate conduct of a sexual nature committed by certain
43 individuals may be reported. Those individuals include:

44 (1) a sexual assault nurse examiner;

45 (2) a judge of the Superior Court, Supreme Court, or Office of
46 Administrative Law;

47 (3) a person serving in any State or local elective public office;

48 (4) a law enforcement officer;

- 1 (5) a municipal, county, first assistant, or assistant prosecutor; or
- 2 (6) a physician or physician assistant.

3 The secure web portal may be established by way of an electronic
4 mail account, if necessary.

5 The bill requires that the staff operating the hotline or portal is to
6 include at least one person with expertise or education in the area of
7 sexual violence prevention, victim assistance, or providing essential
8 services, including counseling services, to survivors of sexual
9 violence. Staff members are to provide to each person utilizing the
10 hotline or web portal an explanation of the general protocol in
11 processing each call or electronic submission, an estimation of the
12 length of time after which the person should expect to receive a
13 response if one is required, and a referral concerning available
14 resources as appropriate.

15 The bill mandates that the Attorney General, to the greatest extent
16 possible, provide for the confidentiality of the names of those
17 reporting conduct and any referrals for counseling or other
18 professional assistance, except that the Attorney General may
19 establish a protocol and guidelines for referral to any appropriate
20 authority or agency, or to persons acting in a supervisory capacity
21 over the accused.