

[First Reprint]

ASSEMBLY, No. 4885

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED OCTOBER 26, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

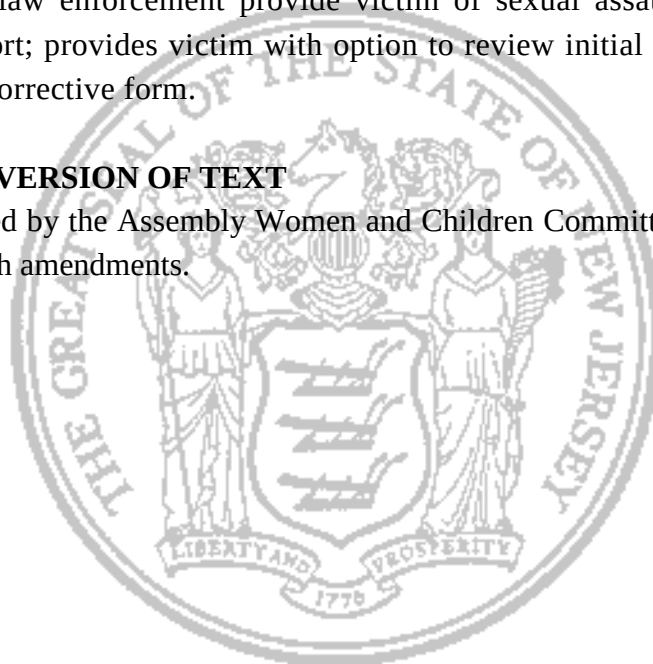
Assemblymen Zwicker, Verrelli, Johnson, Benson, Assemblywoman McKnight, Assemblyman Holley, Assemblywomen N.Munoz, Jasey, Swain, Schepisi, Assemblymen McKeon, Tully and Assemblywoman Timberlake

SYNOPSIS

Requires law enforcement provide victim of sexual assault with initial incident report; provides victim with option to review initial incident report and submit corrective form.

CURRENT VERSION OF TEXT

As reported by the Assembly Women and Children Committee on February 23, 2021, with amendments.



(Sponsorship Updated As Of: 3/1/2021)

1 AN ACT concerning the protocols for sexual assault cases and
2 amending P.L.2003, c.137.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 1 of P.L.2003, c.137 (C.2C:14-2.1) is amended to
8 read as follows:

9 1. a. Notwithstanding any law, rule, or regulation to the
10 contrary, any victim reporting a violation of N.J.S.2C:14-2 shall be
11 provided with the option to review the ¹["police report"] initial
12 incident report¹ concerning that violation prior to filing by the law
13 enforcement agency. In addition, the law enforcement agency shall
14 provide the victim with a standardized form prescribed by the
15 Attorney General wherein the victim may state whether the victim
16 disagrees with information contained in the ¹["police report"] initial
17 incident report. The law enforcement agency shall provide to the
18 victim contact information for a liaison to victims of sexual assault,
19 as set forth in subsection b. of this section, for assistance in
20 completing the standardized form.¹ The law enforcement agency
21 shall review the standardized form prior to finalizing and filing the
22 ¹["police report"] initial incident report¹. The victim's decision to
23 not submit a standardized form shall not be construed as indicating
24 the victim's approval regarding the contents of the ¹["police report"]
25 initial incident report. At the time of the initial report, the law
26 enforcement agency shall inform the victim that the victim is
27 entitled to a copy of the initial incident report once the initial
28 incident report has been finalized or that the victim may waive the
29 right to receive a copy of the initial incident report. The law
30 enforcement agency shall provide the victim with contact
31 information so that the victim may inquire about the status of the
32 initial incident report, prior to law enforcement agency finalizing
33 the report. The law enforcement agency shall provide the victim
34 with instructions regarding the precise date, time, and location
35 where the victim may obtain a copy of the finalized initial incident
36 report from the law enforcement agency or provide the victim with
37 the option to receive the initial incident report by mail.¹ The victim
38 shall be provided, at no cost, with a copy of the ¹["police report"]
39 initial incident report¹ and any form submitted by the victim.

40 At any time, a victim may exercise the option to submit a
41 standardized form correcting information contained within the
42 ¹["police report"] initial incident report, at which time the law
43 enforcement agency also shall provide the victim with a copy of the
44 standardized form submitted by the victim at no cost. The

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AWC committee amendments adopted February 23, 2021.

1 standardized form correcting information contained within the
2 initial incident report shall not be a governmental record under
3 P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open
4 public records act¹.

5 The law enforcement agency shall establish that it has complied
6 with the provisions of this subsection by obtaining a signature from
7 the victim. A violation of this subsection may be reported to the
8 Office of the Attorney General.

9 The ¹‘[police report] initial incident report’ and form shall be
10 permanently retained by the law enforcement agency.

11 b. ¹Each county prosecutor’s office shall appoint a staff
12 member who will serve as a liaison to victims of sexual assault.
13 The liaison shall have expertise in the rights of sexual assault
14 victims and in the handling of sexual assault cases. The liaison
15 shall provide assistance, support, and guidance to victims of sexual
16 assault including, but not limited to, completing the standardized
17 form contesting the information contained in the initial incident
18 report.

19 c.¹ Whenever there is a prosecution for a violation of
20 【N.J.S.A.2C:14-2】 N.J.S.2C:14-2, the victim of the sexual assault
21 shall be provided an opportunity to consult with the prosecuting
22 authority prior to the conclusion of any plea negotiations.

23 Nothing contained herein shall be construed to alter or limit the
24 authority or discretion of the prosecutor to enter into any plea
25 agreement which the prosecutor deems appropriate.

26 ¹d. For purposes of this section “initial incident report” shall
27 mean the initial victim statement provided by the victim to the law
28 enforcement agency and shall not include any criminal investigatory
29 records or other information deemed confidential pursuant to
30 P.L.1963, c.73 (C.47:1A-1 et seq.).¹

31 (cf: P.L.2003, c.137, s.1)

32
33 2. This act shall take effect immediately.