

SENATE, No. 1205

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

Establishes sexual assault victim's right to appeal prosecutor decision not to file criminal charges; directs sexual assault unit in DLPS to review appeals.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning prosecution of sexual assault cases and
2 amending P.L.2003, c.137 and P.L.2001, c.81.

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. Whenever a prosecuting authority decides against filing
10 criminal charges after investigating a sexual assault complaint, the
11 victim of the sexual assault shall have the right to appeal that
12 decision to the sexual assault unit established pursuant to section 8
13 of P.L.2001, c.81 (C.52:4B-56).

14 b. Whenever there is a prosecution for a violation of
15 **【N.J.S.A.】** N.J.S.2C:14-2, the victim of the sexual assault shall be
16 provided an opportunity to consult with the prosecuting authority
17 prior to the conclusion of any plea negotiations.

18 Nothing contained herein shall be construed to alter or limit the
19 authority or discretion of the prosecutor to enter into any plea
20 agreement which the prosecutor deems appropriate.
21 (cf: P.L.2003, c.137, s.1)

22
23 2. Section 8 of P.L.2001, c.81 (C.52:4B-56) is amended to read
24 as follows:

25 8. The Attorney General shall establish a sexual assault unit
26 within the Department of Law and Public Safety which shall
27 include a sexual assault investigator and a certified forensic sexual
28 assault nurse examiner.

29 The unit shall oversee the operation of the county sexual assault
30 nurse examiner programs, and provide assistance to counties in the
31 investigation and prosecution of sexual assaults. The unit shall
32 review all complaints received regarding a county's investigation
33 and prosecution of a sexual assault, as well as any appeal of a
34 decision by a county prosecutor not to file criminal charges
35 pursuant to subsection a. of section 1 of P.L.2003, c.137 (C.2C:14-
36 2.1), and shall provide recommendations to the Attorney General
37 regarding the county's investigation and prosecution of the case.

38 The unit also shall provide training to law enforcement officials
39 and county prosecutors, on an ongoing basis, in the investigation
40 and prosecution of sexual assault.

41 (cf: P.L.2001, c.81, s.8)

42

43 3. This act shall take effect immediately.

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.

STATEMENT

1
2
3 This bill gives victims of sexual assault the right to appeal a
4 county prosecutor's decision not to file charges in their case to the
5 sexual assault unit in the Department of Law and Public Safety.

6 Current law requires a sexual assault unit to be established
7 within the Department of Law and Public Safety. The sexual
8 assault unit is to include a sexual assault investigator and a certified
9 forensic sexual assault nurse examiner. In addition to overseeing
10 the county sexual assault nurse examiner programs, the sexual
11 assault unit is required to provide assistance to counties in the
12 investigation and prosecution of sexual assaults. The unit also is
13 required to review all complaints received regarding a county's
14 investigation and prosecution of a sexual assault and provide
15 recommendations to the Attorney General regarding the county's
16 investigation and prosecution of the case.

17 This bill specifically gives victims of sexual assault the right to
18 appeal to the sexual assault unit a county prosecutor's decision not
19 to prosecute their case. Under the bill, the sexual assault unit would
20 review the prosecutor's decision and provide recommendations to
21 the Attorney General concerning that decision.