SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 3071

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2020

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 3071.

As amended and reported by the committee, this bill provides that a sexual assault victim is to be given the option to review an initial incident report prior to filing by a law enforcement agency. In addition, the law enforcement agency is required to provide the victim with a standardized form, prescribed by the Attorney General, wherein the victim may state whether the victim disagrees with information contained in the initial incident report. The law enforcement agency is required to review the standardized form prior to finalizing and filing the initial incident report.

Under the bill, any decision by the victim to not submit a standardized form is not to be construed as indicating the victim's approval regarding the contents of the initial incident report.

The bill provides that at the time of the initial report, the law enforcement agency is to inform the victim that the victim is entitled to a copy of the initial incident report once the initial incident report has been finalized or that the victim may waive the right to receive a copy of the initial incident report. In addition, the law enforcement agency is to provide the victim with contact information so that the victim may inquire about the status of the initial report, prior to the law enforcement agency finalizing the report. Under the bill, the law enforcement agency is to provide the victim with instructions regarding the precise date, time, and location where the victim may obtain a copy of the finalized initial incident report from the law enforcement agency or provide the victim with the option to receive the initial incident report by mail.

The bill provides that a victim may exercise the option to submit a standardized form correcting information contained within the initial incident report at any time and that the victim is to be provided, at no cost, a copy of the initial incident report and any form submitted by the victim. The bill also provides that the standardized form correcting information contained within the initial incident report is not a governmental record under the open public records act.

The bill requires a law enforcement agency to permanently retain the initial incident report and form.

Under the bill, the law enforcement agency is to establish that it has complied with the provisions of this bill by obtaining the victim's signature. The bill provides that any violation of the bill's provisions may be reported to the Office of the Attorney General.

The bill defines "initial incident report" to mean the initial victim statement provided by the victim to the law enforcement agency and is not to include any criminal investigatory records or other information deemed confidential pursuant to the Open Public Records Act.

Finally, the bill provides that each county prosecutor's office is to appoint a staff member as a liaison to victims of sexual assault to provide assistance, support, and guidance to victims of sexual assault and that a law enforcement agency is to put the victim in contact with the liaison for assistance in completing the standardized form.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) clarify that a law enforcement agency is to provide the victim a copy of the initial incident report;

2) clarify that a law enforcement agency is to provide the victim with a copy of the corrective form at no cost, any time the victim exercises the option to submit a standardized form correcting information contained in the initial incident report;

3) define "initial incident report" to mean the initial victim statement provided by the victim to the law enforcement agency and is not to include any criminal investigatory records or other information deemed confidential pursuant to the open public records act;

4) provide that the standardized form correcting information contained within the initial incident report is not a governmental record under the open public records act;

5) provide that each county prosecutors' office is to appoint a staff member as a liaison to victims of sexual assault to provide assistance, support, and guidance;

6) provide that at the time of the initial report, the law enforcement agency is to inform the victim that he or she is entitled to a copy of the initial incident report once the initial incident report has been finalized or that the victim may waive the right to receive a copy of the initial incident report;

7) provide the victim with contact information so that the victim may inquire about the status of the initial report, prior to the law enforcement agency finalizing the report;

8) provide the victim with instructions regarding the precise date, time, and location where the victim may obtain a copy of the finalized

initial incident report from the law enforcement agency or provide the victim with the option to receive the initial incident report by mail; and

9) provide that the law enforcement agency is to put the victim in contact with the liaison to victims of sexual assault for assistance in completing the standardized form.