

SENATE, No. 3967

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 16, 2021

Sponsored by:

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

Co-Sponsored by:

Senator Cryan

SYNOPSIS

Creates sexual assault prevention and response program and coordinator in DMVA.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/30/2021)

1 **AN ACT** creating a sexual assault prevention and response program
2 and response coordinator in the Department of Military and
3 Veterans Affairs, and supplementing Title 38A of the New
4 Jersey Statutes.

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

8
9 1. a. The Adjutant General of the Department of Military and
10 Veterans Affairs shall establish a sexual assault prevention and
11 response program and shall appoint a sexual assault response
12 coordinator. The program and coordinator shall be in, but not of,
13 the department and shall exercise the authority granted under this
14 section independently from the chain of command within the
15 department.

16 The program shall apply to alleged sexual assaults committed by
17 a service member against another service member, regardless of
18 whether or not either person was on or off duty at the time of the
19 alleged assault.

20 The coordinator shall provide victim advocacy services,
21 including ensuring that victims of sexual assault receive appropriate
22 responsive care and understand the available reporting options. The
23 coordinator shall notify the person who is a victim of sexual assault
24 of their eligibility for compensation from the Victims of Crime
25 Compensation Office established pursuant to P.L.2007, c.95
26 (C.52:4B-3.2 et al.).

27 b. The program shall permit the victim of a sexual assault as
28 that offense is defined in Title 2C of the New Jersey Statues to file
29 a complaint with the coordinator alleging that a service member
30 who is a member of the United States Armed Forces, or a Reserve
31 component thereof, including the New Jersey National Guard,
32 committed the offense. A complaint may be filed if the alleged
33 offense took place while the accused was a service member and
34 subsequently retired or was discharged from service prior to the
35 filing of the complaint.

36 The program shall permit a victim of sexual harassment to:

37 (1) file a confidential complaint of sexual harassment with the
38 coordinator alleging that a service member committed the offense;

39 (2) participate in the United States Department of Defense Catch
40 a Serial Offender Program;

41 (3) receive notice if the accused is subsequently accused of an
42 offense of sexual assault by a service member or any other person;
43 and

44 (4) convert a confidential complaint to a formal complaint at
45 any time.

46 c. Upon the filing of a complaint with the coordinator and with
47 the consent of the victim, the coordinator shall refer the case or
48 allegation of sexual assault as defined in Title 2C of the New Jersey

1 Statutes to the Office of the Attorney General for investigation.
2 The Attorney General shall designate an employee of the
3 Department of Law and Public Safety to investigate the case or
4 allegation.

5 If the investigation demonstrates a reasonable suspicion that the
6 offense was committed by a service member, the investigator shall
7 refer the matter to the prosecutor with the appropriate jurisdiction.

8 d. (1) Notwithstanding any provision of law to the contrary,
9 the coordinator may file an application with the consent of a person
10 who is a victim for a protective order under Title 2C of the New
11 Jersey Statutes on behalf of the victim of a sexual assault alleged to
12 have been committed by a service member.

13 (2) In addition to the person having standing to file the
14 application under paragraph (1) of this subsection, the coordinator
15 may file an application with the consent of a person who is a victim
16 for a military protective order under the Uniform Code of Military
17 Justice on behalf of the victim of a sexual assault alleged to have
18 been committed by a service member.

19 e. For the purposes of this act, P.L. , c. (pending before the
20 Legislature as this bill), a protective order issued to a person
21 because the person was a reported victim of a sexual assault, as
22 defined in Title 2C of the New Jersey Statues, constitutes
23 reasonable grounds to believe that the applicant of the protective
24 order is the victim of a sexual assault.

25 f. The Adjutant General or the coordinator shall annually
26 submit a report to the Governor and the Legislature pursuant to
27 section 2 of P.L.1991, c.164 (C.52:14-19.1) on the activities of the
28 program and the activities of the department relating to sexual
29 assault.

30 The report shall include:

31 (1) the policies and procedures implemented by the coordinator
32 and the Adjutant General in response to incidents of sexual assault;

33 (2) an assessment of the implementation and effectiveness of the
34 program and the policies and procedures on the prevention and
35 oversight of and response to sexual assaults within the department,
36 including an assessment of the department's efforts to execute the
37 priorities of the United States Department of Defense Sexual
38 Assault Prevention and Response Office and the department's
39 sexual assault prevention program;

40 (3) an analysis of the number of sexual assaults involving
41 members of the New Jersey National Guard;

42 (4) deficiencies in the department's sexual assault prevention
43 training; and

44 (5) the department's plans for preventing and responding to
45 sexual assault, including plans relating to: advocacy for sexual
46 assault victims; health care provider and medical response; mental
47 health and counseling response; investigative and legal services;
48 and chaplain response.

1 g. The information provided in the report required pursuant to
2 subsection f. of this section for restricted cases, as determined by
3 the coordinator, is limited to aggregated statistical data to protect
4 victim privacy and for unrestricted cases, as determined by the
5 coordinator, is limited to aggregated statistical data that at a
6 minimum includes:

7 (1) statistics relating to the types of offenses investigated under
8 this act;

9 (2) statistics relating to victims and accused persons;

10 (3) status of investigations under this act, P.L. , c. (pending
11 before the Legislature as this bill);

12 (4) status of prosecutions under this act, P.L. , c. (pending
13 before the Legislature as this bill); and

14 (5) status of administrative actions taken by the Department of
15 Military and Veterans Affairs.

16 h. If any subsection, clause, sentence, paragraph, or part of this
17 act or the application thereof to any person or circumstance, shall,
18 for any reason, be adjudged by a court of competent jurisdiction to
19 be invalid, such judgment shall not affect, impair, or invalidate the
20 remainder of this act.

21

22 2. This act shall take effect on the first day of the ninth month
23 next following enactment, except the Department of Military and
24 Veterans Affairs and the Department of Law and Public Safety may
25 take any anticipatory administrative action in advance as shall be
26 necessary for the implementation of this act.

27

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29 STATEMENT

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31 This bill establishes in the Department of Military and Veterans
32 Affairs a sexual assault prevention and response program.

33 The Adjutant General of the Department of Military and
34 Veterans Affairs will appoint an individual to serve as the sexual
35 assault prevention coordinator. The coordinator will provide victim
36 advocacy services, including ensuring that victims of sexual assault
37 receive appropriate responsive care, understand available reporting
38 options, and are notified of eligibility for compensation from the
39 Victims of Crime Compensation Office. The coordinator may also
40 file an application with the consent of the victim for a protective
41 order on behalf of the victim. The protective order may be filed at
42 the State level and with the military authorities.

43 The program will permit a victim of sexual harassment to:

44 (1) file a confidential complaint of sexual harassment with the
45 coordinator alleging that a service member committed the offense;

46 (2) participate in the United States Department of Defense Catch
47 a Serial Offender Program;

1 (3) receive notice if the accused service member is subsequently
2 accused of an offense of sexual assault by a service member or
3 another person; and

4 (4) convert a confidential complaint to a formal complaint at
5 any time.

6 An annual report will be submitted to the Legislature and the
7 Governor on the activities of the program and the activities of the
8 Department of Military and Veterans Affairs relating to the
9 prevention of sexual assault. The report will include: (1) the
10 policies and procedures implemented by the coordinator and the
11 Adjutant General in response to incidents of sexual assault; (2) an
12 assessment of the implementation and effectiveness of the program
13 and the policies and procedures on the prevention and oversight of
14 and response to sexual assaults; (3) an analysis of the number of
15 sexual assaults involving members of the New Jersey National
16 Guard; (4) deficiencies in the department's sexual assault prevention
17 training; and (5) the department's plans for preventing and
18 responding to sexual assault.

19 The program will apply to alleged sexual assaults committed by
20 a service member against another service member, regardless of
21 whether or not either person was on or off duty at the time of the
22 alleged assault. A complaint may be filed if the alleged offense
23 took place while the accused was a service member and retires or is
24 discharged from service prior to the filing of the complaint. Under
25 the bill, "service member" means a member of the United States
26 Armed Forces, or a Reserve component thereof, including the New
27 Jersey National Guard.