

CHAPTER 262

AN ACT establishing a task force on the prevention of sexual violence against persons with developmental disabilities, and supplementing Title 30 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.30:1AA-20 “Task Force on the Prevention of Sexual Violence Against Persons with Developmental Disabilities.”

1. a. There is established, within the Division of Developmental Disabilities in the Department of Human Services, the “Task Force on the Prevention of Sexual Violence Against Persons with Developmental Disabilities.”

b. The task force shall consist of 19 members, as follows:

(1) The Commissioners of Human Services, Children and Families, and Health, and the State Attorney General, or their designees, who shall serve *ex officio*; and

(2) 15 public members, including:

(a) a representative of Disability Rights New Jersey;

(b) a representative of the Arc of New Jersey;

(c) a representative of the Statewide Parent Advocacy Network;

(d) a representative of the New Jersey Statewide Independent Living Council;

(e) a representative of the New Jersey Coalition Against Sexual Assault;

(f) a representative of Prevent Child Abuse-New Jersey;

(g) a representative of the New Jersey Association for the Treatment of Sexual Abusers;

(h) a representative of the New Jersey Children’s Alliance;

(i) a representative of the New Jersey Association of Pupil Services Administrators;

(j) a representative of a county office of Adult Protective Services; and

(k) five residents of this State who have demonstrated expertise or interest in issues related to the work of the task force, including at least one person with a developmental disability who is a survivor of sexual violence; and at least one parent or guardian of a person with a developmental disability.

Of the 15 public members appointed to the task force, five shall be appointed by the Governor, five shall be appointed by the President of the Senate, and five shall be appointed by the Speaker of the General Assembly.

c. Each public member of the task force shall serve for a term of three years, except that, of the members first appointed, five shall serve for a term of one year, five shall serve for a term of two years, and five shall serve for a term of three years. Each member shall serve for the term of appointment, and until their successor is appointed and qualified. A public member who has completed his or her term of membership may be reappointed to the task force, as deemed by the Governor to be appropriate. Vacancies in the task force membership shall be filled in the same manner as the original appointments were made.

d. The members of the task force shall be appointed within 60 days after the effective date of this act, and the task force shall hold its initial organizational meeting as soon as practicable, but no later than 30 days, after the appointment of a majority of its members. The Commissioner of Human Services, or a designee, shall serve as chairperson of the task force, and the task force shall meet and hold hearings at such places and times as the chairperson may designate. The chairperson may appoint a secretary who need not be a member of the task force. The task force, in its discretion, may divide its membership into subcommittees in the course of carrying out its duties. The task force may conduct business, but shall not adopt recommendations, without a quorum.

e. Members of the task force shall serve without compensation, but may be reimbursed for travel and other necessary expenses incurred in the performance of their duties, within the limits of funds appropriated or otherwise made available to the task force for its purposes.

f. The Department of Human Services shall provide professional, stenographic, and clerical staff to the task force, as may be necessary for the task force to carry out its duties. The task force shall also be entitled to call upon the services of any State, county, or municipal department, board, commission, or agency, as may be available to it for its purposes.

g. In executing its duties under this act, the task force shall consult with the New Jersey Council on Developmental Disabilities; the Office of the Ombudsman for Individuals with Intellectual or Developmental Disabilities and their Families; employees of the Department of Children and Families who work on child protection matters; employees of the Department of Human Services who work on adult protection matters; employees of the Department of Law and Public Safety, and officers of local and State police forces, who are involved in the investigation of sexual violence perpetrated against persons with developmental disabilities; prosecutors and other attorneys in the State who have experience in representing and advocating on behalf of persons with developmental disabilities, particularly those who are victims of a crime; and any other departments, agencies, associations, organizations, or individuals who are knowledgeable about, or who have experience with, the issues that are of relevance to the work of the task force.

h. The task force may solicit and receive grants or other funds that are made available for its purposes by any governmental, public, private, not-for-profit, or for-profit agency, including funds that are made available under any federal or State law, regulation, or program.

C.30:1AA-21 Purpose, duties of task force.

2. a. The purpose and duties of the task force shall be to: study and monitor the prevalence of sexual violence committed against persons with developmental disabilities in the State; create informational materials and identify available resources to help persons with developmental disabilities prevent and report instances of sexual violence, and to help the parents, guardians, and caregivers of persons with developmental disabilities, as well as medical and legal personnel, better identify, prevent, and respond to instances of sexual violence being committed against persons with developmental disabilities; and recommend the undertaking of legislative, executive, and community action that may reduce the prevalence and impact of sexual violence committed against persons with developmental disabilities in the State.

b. In effectuating its purposes and duties under this act, the task force shall:

(1) gather and review information concerning the sexual violence committed against persons with developmental disabilities throughout the State, including, but not limited to, reports and testimony from individuals, State and local agencies, community-based organizations, and other public and private organizations;

(2) review the approaches that have been used, and the programs that have been implemented, in other states to reduce instances of sexual violence committed against persons with developmental disabilities;

(3) develop and publish aggregate, de-identified, statistical data on the sexual violence being committed against persons with developmental disabilities in the State. Statistics published under this paragraph shall be made available on the website of the Department of Human Services, and, to the extent practicable, shall reflect data for the State as a whole, as

well as for each county in the State, and for each of the northern, central, and southern regions of the State. Significant changes in the data shall be highlighted; and

(4) establish broad policy and practice goals that are designed to protect persons with developmental disabilities from sexual violence, and to otherwise redress the problematic circumstances that allow for such violence to occur.

c. Recommendations adopted by the task force, pursuant to this act, shall include, but need not be limited to:

(1) recommendations for legislative or executive action;

(2) recommendations and guidelines for best practices to be utilized by facilities, community-based organizations, and medical and caregiving personnel engaged in the provision of services to persons with developmental disabilities, in order to better enable such facilities, organizations, and personnel to identify, prevent, investigate, and appropriately respond to sexual violence being committed against persons with developmental disabilities under their care;

(3) recommendations and guidelines for best practices to be utilized by attorneys, courts, and police officers engaged in the investigation or adjudication of cases involving sexual violence committed against a person with a developmental disability;

(4) recommendations and guidelines on the provision of evidence-based, age-appropriate sexual violence awareness and prevention training to persons with developmental disabilities, to the extent that such training is deemed by the task force to be appropriate. Any recommendations or guidelines developed under this paragraph shall take into account the variations in understanding and mental capacity that exist among persons with developmental disabilities;

(5) recommendations and guidelines on the provision of evidence-based sexual violence awareness, prevention, and response training and information to the parents, guardians, and fiduciaries of persons with developmental disabilities, and to the medical and caregiving professionals who provide care to persons with developmental disabilities, including, but not limited to, training and information on the warning signs of sexual violence, and the resources that are available for victims thereof; and

(6) recommendations to foster cooperation and collaboration among State agencies and community-based organizations, and between the State and local governments, as necessary to more efficiently or effectively address the sexual violence affecting persons with developmental disabilities.

C.30:1AA-22 Reports.

3. a. Within 12 months after the task force's organizational meeting, and at least biennially thereafter, the task force shall submit a written report to the Governor, and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

b. Each report shall: (1) identify the task force's findings regarding the nature and extent of sexual violence being committed against persons with developmental disabilities in the State; (2) outline the statistical data that was gathered or prepared by the task force during the reporting period; (3) describe the efforts that have been undertaken by public and private actors throughout the State to reduce the frequency or severity of sexual violence being committed against persons with developmental disabilities in the State, and indicate the known or predicted effects of such efforts; and (4) provide the task force's recommendations for legislative and other action that may be undertaken in the future to proactively address the causes and effects of sexual violence committed against persons with developmental disabilities, and to minimize the likelihood that such persons will experience sexual violence.

c. A report filed pursuant to this section shall also be publicly posted on the Internet website of the Department of Human Services.

C.30:1AA-23 “Sexual violence” defined.

4. As used in this act, “sexual violence” includes any nonconsensual sexual act that is committed against a person with a developmental disability.

5. This act shall take effect immediately.

Approved August 23, 2019.