

CHAPTER 63
(CORRECTED COPY)

AN ACT concerning certain rights of sexual assault victims and amending P.L.2003, c.137.

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

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

C.2C:14-2.1 Protocols for sexual assault cases.

1. a. Notwithstanding any law, rule, or regulation to the contrary, any victim reporting a violation of N.J.S.2C:14-2 shall be provided with the option to review the initial incident report concerning that violation prior to filing by the law enforcement agency. In addition, the law enforcement agency shall 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 shall provide to the victim contact information for a liaison to victims of sexual assault, as set forth in subsection b. of this section, for assistance in completing the standardized form. The law enforcement agency shall review the standardized form prior to finalizing and filing the initial incident report. The victim's decision to not submit a standardized form shall not be construed as indicating the victim's approval regarding the contents of the initial incident report. At the time of the initial report, the law enforcement agency shall 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. The law enforcement agency shall provide the victim with contact information so that the victim may inquire about the status of the initial incident report, prior to the law enforcement agency finalizing the report. The law enforcement agency shall 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 victim shall be provided, at no cost, with a copy of the initial incident report and any form submitted by the victim.

At any time, a victim may exercise the option to submit a standardized form correcting information contained within the initial incident report, at which time the law enforcement agency also shall provide the victim with a copy of the standardized form submitted by the victim at no cost. The standardized form correcting information contained within the initial incident report shall not be a governmental record under P.L.1963, c.73 (C.47:1A-1 et seq.), known commonly as the open public records act.

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

The initial incident report and form shall be permanently retained by the law enforcement agency.

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

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

d. Every victim of sexual assault shall have the right to be notified of the prosecuting authority’s decision to file, or decline to file, criminal charges pursuant to N.J.S.2C:14-2.

e. A prosecuting authority investigating an allegation of sexual assault shall:

(1) advise the victim of the right to be notified of the prosecuting authority’s decision to file, or decline to file, criminal charges in the case;

(2) ask the victim whether the victim would like to exercise this right, and, if so, obtain the victim’s written consent to be, or not to be, notified of the prosecuting authority’s charging decision;

(3) if the victim requests to be notified, provide that notification via the victim’s preferred method including, but not limited to:

(a) an in-person meeting;

(b) telephone call or text message; or

(c) video conference.

f. The prosecuting authority shall make a good faith effort to obtain written acknowledgement of the charging decision from a victim who has requested notification pursuant to paragraphs (2) and (3) of subsection e. of this section prior to notifying the alleged perpetrator of the sexual assault of the charging decision, unless the victim is unavailable; the victim declines to provide the acknowledgement; or the prosecutor is unable to locate the victim following a good faith effort to do so, in which case the prosecutor shall document the good faith effort made and the basis for failure to obtain the acknowledgement.

g. A victim shall not publicly disclose the charging decision until the prosecuting authority has provided written notification of the decision to the alleged perpetrator. Written notification may be made via email.

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

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

2. This act shall take effect immediately.

Approved April 19, 2021.