

CHAPTER 103
(CORRECTED COPY)

AN ACT concerning the rights of victims of sexual violence and supplementing Title 52 of the Revised Statutes.

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

C.52:4B-60.1 Short title.

1. This act shall be known and may be cited as the “Sexual Assault Victim’s Bill of Rights.”

C.52:4B-60.2 Findings, declarations relative to the rights of victims of sexual violence.

2. The Legislature finds and declares that:

a. The enactment of the “Crime Victim’s Bill of Rights,” P.L.1985, c.249 (C.52:4B-34 et seq.) and the “New Jersey Campus Sexual Assault Victim’s Bill of Rights Act,” P.L.1994, c.160 (C.18A:61E-1 et seq.) have resulted in significant advances in the recognition and protection of the rights of crime victims and survivors once they enter the criminal justice system;

b. Nonetheless, victims of sexual violence in particular often face circumstances where they may be blamed for the crime, assumed to be fabricating the crime, or taken less seriously than their injuries warrant. These victims are sometimes discouraged from proceeding with their complaints and as a result may not be afforded the protections and rights in the criminal justice system to which they are entitled;

c. Therefore, with no diminution of the legislatively-recognized rights of crime victims, it is the public policy of this State that the criminal justice system accord victims of sexual violence the following rights:

(1) To have any allegation of sexual assault treated seriously; to be treated with dignity and compassion; and to be notified of existing medical, counseling, mental health, or other services available for victims of sexual assault, whether or not the crime is reported to law enforcement;

(2) To be free, to the extent consistent with the New Jersey or United States Constitution, from any suggestion that victims are responsible for the commission of crimes against them or any suggestion that victims were contributorily negligent or assumed the risk of being assaulted;

(3) To be free from any suggestion that victims are to report the crimes to be assured of any other guaranteed right and that victims should refrain from reporting crimes in order to avoid unwanted personal publicity;

(4) When applicable, to no-cost access to the services of a sexual assault response team comprised of: a certified forensic nurse examiner, a confidential sexual violence advocate, and a law enforcement official as provided in accordance with the Attorney General’s Standards for Providing Services to Victims of Sexual Assault, and the choice to opt into or out of any of the team’s services;

(5) To be informed of, and assisted in exercising, the right to be confidentially or anonymously tested for acquired immune deficiency syndrome (AIDS) or infection with the human immunodeficiency virus (HIV) or any other related virus identified as a probable causative agent of AIDS; and to be informed of, and assisted in exercising, any rights that may be provided by law to compel and disclose the results of testing of a sexual assault suspect for communicable diseases;

(6) To have forensic medical evidence, if collected, retained for a minimum of five years, and to receive information about the status of the evidence upon request;

- (7) To choose whether to participate in any investigation of the assault;
- (8) To reasonable efforts to provide treatment and interviews in a language in which the victim is fluent and the right to be given access to appropriate assistive devices to accommodate disabilities that the victim may have, whether temporary or long term;
- (9) To information and assistance in accessing specialized mental health services; protection from further violence; other appropriate community or governmental services, including services provided by the Victims of Crime Compensation Office; and all other assistance available to crime victims under current law;
- (10) To be apprised of the availability and process by which a court may order the taking of testimony from a victim via closed circuit television in accordance with section 1 of P.L.1985, c.126 (C.2A:84A-32.4); and
- (11) To be apprised of the availability and process by which to seek protections through a temporary or final protective order under the “Sexual Assault Survivor Protection Act of 2015,” P.L.2015, c.147 (C.2C:14-13 et seq.), if the victim believes that the victim is at risk for re-victimization or further harm by the perpetrator.

C.52:4B-60.3 Publication of notice of rights on Internet website, posting at certain locations.

3. The Attorney General, in consultation with the New Jersey Coalition Against Sexual Assault, shall publish a notice of the rights enumerated in the “Sexual Assault Victim’s Bill of Rights” pursuant to subsection c. of section 2 of this act, and shall make this notice available to the public on the Internet website of the Department of Law and Public Safety. All hospital emergency departments, police stations and other law enforcement agencies, sexual violence service organizations, and any other entity informing victims of sexual violence of their rights shall post a copy of this notice in a conspicuous location that is available to the public.

The Attorney General shall incorporate the rights and services enumerated in the “Sexual Assault Victim’s Bill of Rights” pursuant to this act and in the “Sexual Assault Survivor Protection Act of 2015,” P.L.2015, c.147 (C.2C:14-13 et seq.), in the Attorney General Standards for Providing Services to Victims of Sexual Assault to ensure the compassionate and sensitive delivery of services to all sexual violence victims.

4. This act shall take effect on the first day of the seventh month next following the date of enactment, but the Attorney General may take any anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

Approved May 10, 2019.