

ASSEMBLY, No. 923

STATE OF NEW JERSEY

214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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District 37 (Bergen)

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Assemblyman Giblin and Assemblywoman Casagrande

SYNOPSIS

Requires notification of rape care advocate under certain circumstances by law enforcement, prosecutors and medical providers.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning rape care advocates and supplementing chapter
2 14 of Title 2C of the New Jersey Statutes and chapter 4B of Title
3 52 of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. The Legislature finds and declares that the designated rape
9 care centers and the rape care advocates who work in these centers
10 provide an essential service to victims of sexual assault. These
11 advocates provide compassion and understanding to victims as they
12 undergo difficult legal and medical proceedings.

13
14 2. As used in sections 1 through 3 of P.L. , c. (C.)(now
15 pending before the Legislature as sections 1 through 3 of this bill):

16 "Designated rape crisis center" means a county-wide
17 organization whose purpose it is to provide counseling and
18 advocacy services to victims of sexual offenses under contract with
19 the Division on Women in the Department of Community Affairs.

20 "Rape care advocate" means a person who specializes in
21 counseling victims of sexual offenses, who is employed by or
22 volunteers for a designated rape crisis center and who at minimum
23 satisfies the requirements of a victim counselor as defined in section
24 3 of P.L. 1987, c.169 (C.2A:84A-22.14).

25 "Sexual offense" means sexual assault and aggravated sexual
26 assault as set forth in N.J.S.2C:14-2, criminal sexual contact and
27 aggravated criminal sexual contact as set forth in N.J.S.2C:14-3,
28 fourth degree lewdness as set forth in subsection b. of N.J.S.2C:14-
29 4 and endangering the welfare of a child by engaging in sexual
30 conduct which would impair or debauch the morals of the child as
31 set forth in N.J.S.2C:24-4.

32 "Victim" means a person 12 years of age or older who alleges or
33 is alleged to have suffered a personal, physical or psychological
34 injury as a result of a sexual offense.

35
36 3. a. Whenever there is an alleged sexual offense, the first
37 responding law enforcement officer shall immediately notify the
38 local designated rape crisis center. This notification shall be made
39 regardless of when an alleged sexual offense occurs. The victim
40 shall have the right to have a rape care advocate present and to
41 confer with a rape care advocate prior to and during any medical,
42 evidentiary or physical examination of the victim.

43 b. Prior to the commencement of any medical, evidentiary or
44 physical examination of the victim arising out of an alleged sexual
45 offense, the first responding medical provider assigned to the case
46 shall immediately notify the local designated rape crisis center.
47 This notification shall be made regardless of when an alleged sexual
48 offense occurs. The victim shall be notified orally or in writing by

1 the rape care advocate that the victim has the right to have present
2 and to confer with a rape care advocate prior to and during any
3 medical, evidentiary or physical examination of the victim.
4

5 4. a. In a case involving a victim of an alleged sexual offense,
6 the victim shall have the right to have a rape care advocate present
7 and to confer with the rape care advocate prior to and during any
8 interview, statement or contact with the victim by law enforcement
9 authorities, prosecuting attorneys, or defense attorneys.

10 b. Prior to the commencement of any law enforcement
11 interview, statement or contact with the victim by any prosecuting
12 attorney pertaining to any criminal action arising out of an alleged
13 commission of a sexual offense, the law enforcement agency or
14 prosecuting attorney shall notify the local designated rape crisis
15 center. The victim shall be notified orally or in writing by the rape
16 care advocate that the victim has the right to have a rape care
17 advocate present and to confer with the rape care advocate prior to
18 and during any interview, statement or contact with the victim by
19 law enforcement authorities, prosecuting attorneys, or defense
20 attorneys.

21

22 5. This act shall take effect immediately.

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STATEMENT

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27 This bill establishes procedures to be followed by law
28 enforcement officers, medical providers and rape care advocates
29 whenever there is an alleged sexual assault.

30 Under the provisions of the bill, the local designated rape crisis
31 center is to be immediately notified by the first responding law
32 enforcement officer whenever there is an alleged sexual offense.
33 This notification is required to be made regardless of when an
34 alleged sexual offense occurs. The bill also requires that prior to the
35 commencement of any medical, evidentiary or physical exam the
36 first responding medical provider is to immediately notify the local
37 designated rape crisis center. The bill also requires the victim to be
38 notified, orally or in writing, by the rape care advocate that she has
39 the right to have present and to confer with a rape care advocate
40 prior to and during any medical, evidentiary or physical
41 examination of the victim.

42 In addition, the bill provides that prior to the commencement of
43 any law enforcement interview, statement or contact with the
44 victim by any prosecuting attorney, the law enforcement agency or
45 prosecuting attorney is required to notify the local designated rape
46 crisis center. The rape care advocate is required to notify the
47 victim, orally or in writing, that the victim has the right to have a
48 rape care advocate present and to confer with the rape care

1 advocate prior to and during any interview, statement or contact
2 with the victim by law enforcement authorities, prosecuting
3 attorneys, or defense attorneys.

4 The bill defines a "rape care advocate" as a person who
5 specializes in counseling victims of sexual offenses, who is
6 employed by or volunteers for a designated rape crisis center and
7 who at minimum satisfies the requirement of a victim counselor as
8 defined in N.J.S.2A:84A-22.14. A victim counselor is required to
9 have 40 hours of training and be under the control of a direct
10 services supervisor of a center which counsels victims. The bill
11 also defines a "designated rape crisis center" as a county-wide
12 organization, under contract with the Division on Women in the
13 Department of Community Affairs, whose purpose is to provide
14 counseling and advocacy services to victims of sexual offenses.
15 "Sexual offense" is defined as a sexual assault and aggravated
16 sexual assault pursuant to N.J.S.2C:14-2, criminal sexual contact
17 and aggravated criminal sexual contact pursuant to N.J.S.2C:14-3,
18 fourth degree lewdness pursuant to subsection b. of N.J.S.2C:14-4
19 and endangering the welfare of a child by engaging in sexual
20 conduct which would impair or debauch the morals of the child
21 pursuant to N.J.S.2C:24-4. A "victim" is defined as a person 12
22 years of age or older who alleges or is alleged to have suffered a
23 personal, physical or psychological injury as a result of a sexual
24 offense.

25 This bill is based on recent amendments to California's sexual
26 assault and victim support statutes.