

# SENATE, No. 950

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 4, 2010

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As introduced.



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 Revised 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. )  
15 (now pending before the Legislature as sections 1 through 3 of this  
16 bill):

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

21 "Rape care advocate" means a person who specializes in  
22 counseling victims of sexual offenses, who is employed by or  
23 volunteers for a designated rape crisis center and who, at minimum,  
24 satisfies the requirements of a victim counselor as defined in section  
25 3 of P.L.1987, c.169 (C.2A:84A-22.14).

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

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

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

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

1 offense occurs. The victim shall be notified orally or in writing by  
2 the rape care advocate that the victim has the right to have present  
3 and to confer with a rape care advocate prior to and during any  
4 medical, evidentiary or physical examination of the victim.

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

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

22  
23 5. This act shall take effect immediately.  
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25

26 STATEMENT  
27

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

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

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

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

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

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