Statewide Sexual Assault Nurse Examiner Program

This Act directs the attorney general to establish a Statewide Sexual Assault Nurse Examiner program (SSANE) in the state department of law and public safety. The SSANE program would provide for a more timely and accurate collection of forensic evidence for use in prosecuting suspected rapists and ensure more compassionate treatment of sexual assault victims.

The law provides that the county prosecutor in each county shall appoint an employee of the prosecutor’s office who is a certified forensic sexual assault nurse examiner, or designate a certified forensic sexual assault nurse examiner who is an employee of a licensed health care facility or a county rape care program designated by the division on women in the state department of community affairs, to serve as a program coordinator to administer the SSANE program in the county. This requirement will be effective upon the implementation of the certification process for a forensic sexual assault nurse examiner that is established in the legislation.

The legislation provides that the program coordinator shall:
• Administer the county program in accordance with the protocols for the provision of services to victims of sexual assault developed by the attorney general;
• Perform or designate licensed physicians or certified forensic sexual assault nurse examiners to perform forensic sexual assault examinations;
• Develop and implement standardized guidelines for the performance of forensic sexual assault examinations;
• Develop and implement a standardized education and training program for members of the county Sexual Assault Response Team established in the substitute;
• Establish, in cooperation with licensed health care facilities, private waiting rooms and areas designated solely for forensic sexual assault examinations and the provision of rape care services in licensed health care facilities participating in the SSANE program;
• Develop, in cooperation with licensed health care facilities, protocols for the collection of forensic evidence;
• Provide appropriate services to the victims of sexual assault, including the opportunity to tend to personal hygiene needs, obtain fresh clothing and speak to a rape care advocate prior to or during a medical procedure or police investigation, as appropriate. The bill defines “rape care advocate” to mean a victim counselor who specializes in the provision of rape care services;
• Collaborate with law enforcement officials and the designated county rape care program; and
• Participate in regular meetings of the Sexual Assault Nurse Examiner Program Coordinating Council.

The law requires the state attorney general, in consultation with the state board of nursing, to establish a certification process for forensic sexual assault nurse examiners. An applicant for certification as a forensic sexual assault nurse examiner shall be a state licensed, registered professional nurse who has a minimum of two years’ nursing experience, certification verifying the completion of a forensic sexual assault nurse examiner training program approved by the attorney general, and the ability to demonstrate clinical competence in performing a forensic sexual assault examination. The attorney general shall certify an applicant who meets the requirements of the certification process as a certified forensic sexual assault nurse examiner and, in consultation with the state board of nursing, oversee the administration and development of a curriculum, instructor qualifications and regulations necessary to implement the certification process.

The Act establishes a Sexual Assault Response Team in the prosecutor’s office of each county. The response team would be comprised of a certified forensic sexual assault nurse examiner, a rape care advocate and a law enforcement official. The response team would respond to a report of sexual assault at the request of a victim and provide treatment, counseling, legal and forensic medical services. Each member of a response team is to complete an education and training program developed by the county SANE program.
coordinator. A county that does not establish a response team would be required to enter into a collaborative agreement with another county to share the services of that county’s response team.

The bill requires the attorney general to establish the Sexual Assault Nurse Examiner Program Coordinating Council comprised of the attorney general, the director of the division on women, the chief of the office of victim-witness advocacy, and the executive director of the New Jersey Coalition Against Sexual Assault, or their designees, one representative from the County Prosecutor’s Association and the state board of nursing, and the program coordinators from each county. The coordinating council would review the effectiveness of the services that the state provides to sexual assault victims and make recommendations to the attorney general for any needed changes in the provision of victim services.

The law directs the attorney general to establish a sexual assault unit within the department of law and public safety, which would be comprised of at least one deputy attorney general who is knowledgeable about sexual assault investigations and prosecutions, a sexual assault investigator, and a certified forensic sexual assault nurse examiner. The unit is to oversee the operation of the county sexual assault nurse examiner programs, and provide assistance to counties in the investigation and prosecution of sexual assaults. The unit would review all complaints received regarding a county’s investigation and prosecution of a sexual assault and shall provide recommendations to the attorney general regarding the county’s investigation and prosecution of the case. The unit also shall provide training to law enforcement officials and county prosecutors, on an ongoing basis, in the investigation and prosecution of sexual assault.

The attorney general is to oversee the SSANE program through the sexual assault unit and in consultation with the coordinating council.

The Act provides civil and criminal immunity to forensic sexual assault nurse examiners, licensed physicians and licensed health care facilities in which a forensic sexual assault examination is performed, when acting in response to a request from a law enforcement agency or a program coordinator to perform an examination pursuant to the provisions of the bill.

Submitted as:
New Jersey
Chapter 81 of 2001

Suggested Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act may be cited as “An Act Establishing a Statewide Sexual Assault Nurse Examiner Program.”

Section 2. [Definitions.] As used in this Act:

“Act of violence” means the commission or attempt to commit any of the offenses set forth in [insert citation.]

“Confidential communication” means any information exchanged between a victim and a victim counselor in private or in the presence of a third party who is necessary to facilitate communication or further the counseling process and which is disclosed in the course of the counselor’s treatment of the victim for any emotional or psychological condition resulting from an act of violence. It includes any advice, report or working paper given or made in the course of the consultation and all information received by the victim counselor in the course of that relationship.

“Victim” means a person who consults a counselor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused by an act of violence.

“Victim counseling center” means any office, institution, or center offering assistance to victims and their families through crisis intervention, medical and legal accompaniment and follow-up counseling.
“Victim counselor” means a person engaged in any office, institution or center defined as a victim counseling center by this Act, who has undergone [forty (40)] hours of training and is under the control of a direct services supervisor of the center and who has a primary function of rendering advice, counseling or assisting victims of acts of violence. “Victim counselor” includes a rape care advocate as defined in [insert citation.

Section 3. [Legislative Findings.] The [Legislature] finds and declares that a Statewide Sexual Assault Nurse Examiner program would be successful in ensuring more timely and accurate collection of forensic evidence for use in prosecuting suspected rapists and in creating a compassionate way to treat sexual assault victims.

Section 4. [Statewide Sexual Assault Nurse Examiner Program.]

(a) The [Attorney General] shall establish a Statewide Sexual Assault Nurse Examiner program in the [Department of Law and Public Safety]. Upon implementation of the certification process for a forensic sexual assault nurse examiner pursuant to section 6 of this Act, the county prosecutor in each county shall appoint or designate a certified forensic sexual assault nurse examiner to serve as program coordinator for the program in the county in accordance with the provisions of this section.

(b) The county prosecutor may appoint an employee of the prosecutor’s office who is a certified forensic sexual assault nurse examiner to serve as program coordinator to administer the program in that county.

(c) In a county where the county prosecutor does not appoint an employee of his office to serve as program coordinator, the county prosecutor shall designate a certified forensic sexual assault nurse examiner who is an employee of a licensed health care facility or a county rape care program that is designated by the [Division on Women] in the [Department of Community Affairs] to serve as the program coordinator. A person designated as a program coordinator pursuant to this subsection shall not be deemed an employee of the county prosecutor’s office.

Section 5. [Duties of Program Coordinator; “Rape Care Advocate” Defined.]

(a) The [Program Coordinator] shall:

(1) Coordinate the county Sexual Assault Nurse Examiner program in accordance with standard protocols for the provision of information and services to victims of sexual assault developed by the Attorney General pursuant to [insert citation];

(2) Perform forensic sexual assault examinations on victims of sexual assault in accordance with the standards developed by the [Attorney General] and appropriate medical and nursing standards of care;

(3) Designate one or more licensed physicians or certified forensic sexual assault nurse examiners to perform forensic sexual assault examinations on victims of sexual assault in accordance with the standards developed by the Attorney General and appropriate medical and nursing standards of care;

(4) Develop and implement standardized guidelines for forensic sexual assault examinations performed by designated physicians or certified forensic sexual assault nurse examiners in the county;

(5) Develop and implement a standardized education and training program to provide instruction to members of the county Sexual Assault Response Team established pursuant to section 7 of this Act which shall include, but not be limited to, instruction in the following areas:

(i) the importance of a coordinated, multi-disciplinary response to a report of sexual assault;

(ii) the policies and procedures which govern the responsibilities of each team member;

(iii) the psychological effects of sexual assault and rape trauma syndrome on the victim and the victim’s family and friends;

(iv) the collection, handling and documentation of forensic evidence; and
(v) confidentiality issues associated with the treatment of a victim of sexual assault and the investigation of a report of sexual assault;

(6) Establish, in cooperation with licensed health care facilities, private waiting rooms and areas designated for forensic sexual assault examinations and the provision of rape care services in the licensed health care facilities participating in the program;

(7) Develop, in cooperation with licensed health care facilities, protocols for the storage of forensic evidence;

(8) Provide appropriate services to victims of sexual assault, including the opportunity to tend to personal hygiene needs, obtain fresh clothing and speak with a rape care advocate prior to and during any medical procedure or law enforcement investigation, unless the victim requires immediate medical attention, as appropriate;

(9) Collaborate with law enforcement officials and the county rape care program to ensure that the needs of victims of sexual assault are met in a compassionate manner; and

(10) Participate in regular meetings of the Sexual Assault Nurse Examiner Program Coordinating Council established pursuant to section 8 of this Act.

(b) As used in this section and section 7 of this Act, “rape care advocate” means a victim counselor, as defined pursuant to [insert citation], who specializes in the provision of rape care services.

Section 6. [Certification Process for Forensic Sexual Assault Nurse Examiners: Qualifications.]

(a) The [Attorney General] and the state Board of Nursing shall jointly establish a certification process for a forensic sexual assault nurse examiner.

(1) An applicant for certification as a forensic sexual assault nurse examiner shall be a registered professional nurse licensed in the state and in good standing with the state Board of Nursing, and shall have the following qualifications:

(i) A minimum of [two (2)] years of current nursing experience as defined by regulation of the [Attorney General] pursuant to section 14 of this Act;

(ii) Certification verifying the completion of a forensic sexual assault nurse examiner training program that meets requirements established by the [Attorney General] and the state Board of Nursing; and

(iii) Demonstrates clinical competence in performing a forensic sexual assault examination.

(b) The [Attorney General] and the state Board of Nursing shall certify an applicant who meets the requirements of subsection a. of this section as a certified forensic sexual assault nurse examiner.

Section 7. [Sexual Assault Response Team in Each County.]

(a) The county prosecutor’s office in each county shall establish a Sexual Assault Response Team or shall enter into a collaborative agreement with another county to share the services of that county’s response team. The response team shall be comprised of: a certified forensic sexual assault nurse examiner, a rape care advocate from the county program established, or designated by the [Division on Women] in the [Department of Community Affairs], as provided under [insert citation], and a law enforcement official. The response team shall:

(1) respond to a report of sexual assault at the request of a victim of sexual assault pursuant to guidelines established by the [Attorney General] pursuant to section 14 of this Act; and

(2) provide treatment, counseling, legal and forensic medical services to a victim of sexual assault in accordance with the standard protocols developed by the [Attorney General] pursuant to [insert citation].

(b) Each member of the response team shall complete the standardized education and training program developed by the program coordinator pursuant to subsection e. of section 5 of this Act.

Section 8. [Sexual Assault Nurse Examiner Program Coordinating Council.]
(a) The [Attorney General] shall establish a [Sexual Assault Nurse Examiner Program Coordinating Council] comprised of: the [Attorney General], the [Director of the Division on Women], the [Chief of the Office of Victim-Witness Advocacy], the Executive Director of the State Coalition Against Sexual Assault, and the Executive Director of the state Board of Nursing or respective designees; a representative from the County Prosecutor’s Association; and the program coordinators appointed or designated pursuant to section 5 of this Act.

(b) The [Attorney General], through the sexual assault unit established pursuant to [insert citation], and in consultation with the coordinating council, shall oversee the Statewide Sexual Assault Nurse Examiner program and identify and obtain any state and federal funding available to supplement the funds appropriated to operate the program.

(c) The coordinating council shall review the effectiveness of the services provided by the state to victims of sexual assault and make recommendations to the [Attorney General] for any needed changes in the standards, regulations or state policy concerning the provision of victim services.

Section 9. [Sexual Assault Unit within Department of Law and Public Safety:] The [Attorney General] shall establish a sexual assault unit within the [Department of Law and Public Safety] which shall include a sexual assault investigator and a certified forensic sexual assault nurse examiner. The unit shall oversee the operation of the county sexual assault nurse examiner programs, and provide assistance to counties in the investigation and prosecution of sexual assaults. The unit shall review all complaints received regarding a county’s investigation and prosecution of a sexual assault and shall provide recommendations to the [Attorney General] regarding the county’s investigation and prosecution of the case. The unit also shall provide training to law enforcement officials and county prosecutors, on an ongoing basis, in the investigation and prosecution of sexual assault.

Section 10. [Immunity from Liability for Authorized Forensic Sexual Assault Examinations.]

(a) A designated certified forensic sexual assault nurse examiner and a designated licensed physician shall be immune from civil and criminal liability in the performance of the nurse examiner’s or physician’s duties when acting in response to a request from a law enforcement agency or a program coordinator to perform a forensic sexual assault examination pursuant to the provisions of this Act, if the skills and care exercised by the forensic sexual assault nurse examiner or the licensed physician during the examination are those ordinarily exercised by others in the nursing and medical profession, respectively.

(b) A licensed health care facility in which a forensic sexual assault examination is performed pursuant to this Act shall be immune from civil and criminal liability in the performance of the examination when acting in response to a request from a law enforcement agency or a program coordinator if the care exercised by the licensed health care facility during the examination is that ordinarily exercised by a licensed health care facility.

Section 11. [Continuation of Existing Program.] Notwithstanding the provisions of this Act to the contrary, a county forensic sexual assault nurse examiner program in existence on the effective date of this Act may continue to operate in accordance with the standard protocols for the provision of information and services to victims of sexual assault developed by the [Attorney General] pursuant to [insert citation], until the implementation of the certification process for a forensic sexual assault nurse examiner pursuant to section 4 of this Act.

Section 12. [Additional Penalty for Sex Offense for Deposit in Sexual Assault Nurse Examiner Program Fund.]

(a) In addition to any fine, fee, assessment or penalty authorized under [insert citation], a person convicted of a sex offense, as defined in [insert citation], shall be assessed a penalty of [eight hundred (800)] dollars for each such offense.
(b) All penalties provided for in this section, collected as provided for the collection of fines and restitutions in [insert citation], shall be forwarded to the [Department of the Treasury] to be deposited in the “Statewide Sexual Assault Nurse Examiner Program Fund” established pursuant to section 13 of this Act.

Section 13. [Statewide Sexual Assault Nurse Examiner Program Fund.] There is hereby established the “Statewide Sexual Assault Nurse Examiner Program Fund” as a nonlapsing, revolving [fund]. This [fund] shall be administered by the [Attorney General], and all money deposited therein pursuant to section 12 of this Act shall be used in accordance with guidelines established by the [Attorney General] for the operational expenses of the sexual assault nurse examiner program in each county. This fund shall be used in coordination with and in supplementation of any available federal funding under the “Victims of Crime Act of 1984,” 42 U.S.C. s.10601 et seq., or any other grant funding for this purpose.

Section 14. [Rules and Regulations.] The [Attorney General], pursuant to [insert citation], shall adopt rules and regulations to effectuate the purposes of this Act. The [Attorney General] shall also establish guidelines governing a county Sexual Assault Response Team’s response to a report of sexual assault pursuant to the provisions of this Act.

Section 15. [Severability.] [Insert severability clause.]

Section 16. [Repealer.] [Insert repealer clause.]

Section 17. [Effective Date.] [Insert effective date.]