

R.S. 2A:164-5,6

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August 22, 1972

LEGISLATIVE HISTORY OF R.S. 2A:164-5,6
(Specialized treatment; disposition of sex offenders)

L. 1950, Chapter 207 - S193

March 6 - Introduced by Cafiero.

March 13 - Passed Senate.

April 10 - Passed Assembly, amended.

April 14 - Assembly amendment passed in Senate.

June 8 - Approved, Chapter 207.

Amended during passage but the two sections here in question were not amended.

The statement reads:

This bill is prepared by the Commission on the Habitual Sex Offender and incorporates recommendations of the Commission made following exhaustive study of the problem of the sex offender in New Jersey.

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Amended by:

L. 1956, Chapter 37 - A130

January 23 - Introduced by Vervaet.

April 9 - Passed Assembly.

May 14 - Passed Senate.

May 16 - Approved, Chapter 37.

Not amended during passage.

Statement (copy enclosed).

L. 1958, Chapter 161 - A290

March 3 - Introduced by Vervaet and Franklin.

June 9 - Passed Assembly.

December 8 - Passed Seante.

January 12 - Approved, Chapter 161

Not amended during passage.

Statement (copy enclosed).

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L. 1967, Chapter 274 - A362
January 23 - Introduced by Tanzman & others.
May 1 - Passed Assembly.
May 8 - Passed Senate.
January 11 - Approved, Chapter 274.
Not amended during passage.
Statement (copy enclosed).

Hearings and reports:

974.90 N.J. Commission on the Habitual Sex Offender.
S518 The habitual sex offender ...
1950

974.90 N.J. Commission on the Habitual Sex Offender.
S518 The habitual sex offender ...
1950b

974.90 N.J. Dept. of Institutions and Agencies. Division
S518 of Statistics and Research.
1950c Psychiatric characteristics of sex offenders...

974.90 Vuocolo, Alfred B
S518 The repetitive sex offender ...
1969a

J364.6 Vuocolo, Alfred B
V994 The administration of the New Jersey sex
offender program.

CHAPTER 37 LAWS OF N. J. 1956

APPROVED 5/16/56

ASSEMBLY, No. 130

(Revised Statutes, section 2A:164-5.)

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1956

By Mr. VERVAET

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning persons convicted of certain sex offenses, and amending
section 2A:164-5 of the New Jersey Statutes.

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

1 1. Section 2A:164-5 of the New Jersey Statutes is amended to read as
2 follows:

3 2A:164-5. If it shall appear from said report that it has been determined
4 through clinical findings that the offender's conduct was characterized by
5 a. A pattern of repetitive, compulsive behavior; and, *except in convic-*
6 *tions for open lewdness or indecent exposure.*

7 b. Either violence; or

8 c. An age disparity from which it shall appear that the victim was
9 under the age of 15 years and the offender is an adult aggressor; it shall be
10 the duty of the court, upon recommendation of the Diagnostic Center, to
11 submit the offender to a program of specialized treatment for his mental
12 and physical aberrations.

1 2. This act shall take effect immediately.

1956, A-130

STATEMENT

Experience at the Diagnostic Center indicates that a great number of cases on conviction for open lewdness or indecent exposure involve victims over the age of 15 years, having reference to subsection (c), N. J. S. 2A:164-5. It further appears that many of these offenders display a type of mental illness which appears to be in the category of cases that might improve on treatment but because of the limitation as to the age of the victim in N. J. S. 2A:164-5 (c), it is impossible to confine these offenders for treatment and they must be sent to penal institutions on strictly punitive sentences. The requirement that "violence" be present would also prevent treatment of these cases for only on very rare occasions are these situations attended with "violence."

It is believed that the age limitation and requirement of "violence" in the present law was inserted to deal in the main with the other sex offenses enumerated in N. J. S. 2A:164-3, such as rape, carnal abuse, sodomy, et cetera.

Many of these persons now confined on penal sentences for open lewdness and indecent exposure who demonstrate potential possibility of recovery and rehabilitation could be treated under this amendment designed to remove the age limitation and violence on the victim.

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1958

By Assemblyman VERVAET

Referred to Committee on Judiciary

AN ACT concerning persons convicted of certain sex offenses, and amending section 2A:164-5 of the New Jersey Statutes.

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

1 1. Section 2A:164-5 of the New Jersey Statutes is amended to read as
2 follows:

3 2A:164-5. If it shall appear from said report that it has been deter-
4 mined through clinical findings that the offender's conduct was character-
5 ized by *a pattern of repetitive, compulsive behavior; and, except in convic-*
6 *tions for open lewdness or indecent exposure, if either violence was utilized*
7 *in the commission of the offense; or the victim was under the age of 15*
8 *years;*

9 [a. A pattern of repetitive, compulsive behavior; and, except in con-
10 victions for open lewdness or indecent exposure.

11 b. Either violence; or

12 c. An age disparity from which it shall appear that the victim was
13 under the age of 15 years and the offender is an adult aggressor;] it shall
14 be the duty of the court, upon recommendation of the Diagnostic Center, to
15 submit the offender to a program of specialized treatment for his mental
16 and physical aberrations.

1 2. This act shall take effect immediately.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

STATEMENT

The Supreme Court of New Jersey in a recent decision in State vs. Wingler, 25 N. J. 161, had occasion to examine N. J. S. 2A:164-5, the subject of this amendment, and reached the conclusion that the term "adult aggressor" means an individual who has attained the age of 21 years. Since juvenile offenders under the age of 16 must be handled in juvenile court for all offenses and are deemed incapable of committing crime the Sex Offender Law does not apply to them. The decision thus finds that the Sex Offender Law as presently written does not apply to the category of offenders [other than juveniles] between the age of 16 and 21 unless "violence" attends the crime.

Experience indicates that there are a considerable number of offenders beyond the age of 16 and who have not yet reached 21 who commit crimes without "violence" that demonstrate mental abnormality requiring special treatment under the Sex Offender Law. This amendment is designed to include this age group of 16 to 21 within the statute, because no logical reason exists for their exclusion. If enacted this bill would make the Sex Offender Law applicable to all age groups in New Jersey.

CHAPTER 274 LAWS OF N. J. 1967

APPROVED 1-11-68

ASSEMBLY, No. 362

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1967

By Assemblymen TANZMAN, BRIGIANI and DOREN

Referred to Committee on Revision and Amendment of Laws

AN ACT concerning the disposition of persons convicted of certain enumerated sex crimes and providing for sentence, incarceration and treatment, and amending sections 2A:164-3 and 2A:164-5 of the New Jersey Statutes.

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

1 1. Section 2A:164-3 of the New Jersey Statutes is amended to read as
2 follows:

3 2A:164-3. Whenever a person is convicted of the offense of rape, carnal
4 abuse, sodomy, *incest*, *private lewdness*, open lewdness, indecent exposure or
5 impairing the morals of a minor, or of an attempt to commit any of the afore-
6 mentioned offenses, or assault with intent to commit rape, carnal abuse or
7 sodomy, the judge shall order the commitment of such person to the Diag-
8 nostic Center for a period not to exceed 60 days. While confined in the said
9 Diagnostic Center, such person shall be given a complete physical and mental
10 examination. The order of commitment shall contain a determination of the
11 person's legal settlement in accordance with subdivision D of article 3 of
12 chapter 4 of Title 30 of the Revised Statutes.

1 2. Section 2A:164-5 of the New Jersey Statutes is amended to read as
2 follows:

3 2A:164-5. If it shall appear from said report that it has been deter-
4 mined through clinical findings that the offender's conduct was character-
5 ized by a pattern of repetitive, compulsive behavior; and, except in convic-
6 tions for *private lewdness*, open lewdness or indecent exposure, if either
7 violence was utilized in the commission of the offense; or the victim was
8 under the age of 15 years; it shall be the duty of the court, upon recommen-
9 dation of the Diagnostic Center, to submit the offender to a program of spe-
10 cialized treatment for his mental and physical aberrations.

1 3. This act shall take effect 30 days after date of enactment.

STATEMENT

The purpose of this bill is to include the sex crimes of "incest" and "private lewdness" within the category of those offenses which shall require examination of the individual at the Diagnostic Center, after conviction, and may further require specialized handling if it appears that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior, or either violence or age disparity in certain situations.

The amendment is requested because experience at the Diagnostic Center indicates that many convictions of "incest" and "private lewdness" are accompanied by clinical findings that the offender is motivated by compulsive behavior and it is desirable in these situations that a thorough examination be made of such offender to determine whether he should be classified as a person requiring specialized treatment for a mental condition.

The State Board of Control of Institutions and Agencies approves the bill.

R.S. 2A:164-8

March 27, 1972

LEGISLATIVE HISTORY OF R.S. 2A:164-8
(Release under parole supervision; rules and regulations)

L. 1950, chapter 207, p. 455, § 6, R.S. 2:192-1.18,
S193 (Cafiero)

March 6 - Introduced.
March 13 - Passed Senate.
April 10 - Passed Assembly, amended.
April 14 - Passed Senate.
June 8 - Approved, Chapter 207.
(Bill and amendments enclosed).

Statement

This bill is prepared by the Commission on the Habitual Sex Offender and incorporates recommendations of the Commission made following exhaustive study of the problem of the sex offender in New Jersey.

L. 1951, Chapter 44, p. 161 § 2; R.S. 2:192-1.18
S108 (Cafiero)

Passed, not amended.
(Bill and statement enclosed).

R.S. 2A:164-8 - Taken unchanged from old Title 2.

974.90 N.J. Commission on the Habitual Sex Offender
S518 Report, 1950. (██████████).
1950b

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SENATE, No. 193

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. CAFIERO

Referred to Committee on Institutions and Agencies

AN Act concerning the disposition of persons convicted of certain enumerated sex crimes and providing for sentence, incarceration and treatment, repealing chapter twenty of the laws of one thousand nine hundred and forty-nine, and supplementing chapter one hundred ninety-two of Title 2 of the Revised Statutes.

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

1 1. Whenever a person is convicted of the offense of rape, carnal abuse,
2 sodomy or impairing the morals of a minor or of an attempt to commit
3 any of the aforementioned offenses, the judge shall order the commitment of
4 such person to the Diagnostic Center for a period not to exceed sixty days.
5 While confined in the said Diagnostic Center, such person shall be given a
6 complete physical and mental examination.

1 2. Upon completion of the physical and mental examination of such per-
2 son, but in no event later than sixty days after the date of the order of
3 commitment, a written report of the results thereof shall be sent to the court.

1 3. If it shall appear from said report that it has been determined
2 through clinical findings that the offender's conduct was characterized by

3 (a) a pattern of repetitive, compulsive behavior; and

4 (b) either violence; or

5 (c) an age disparity from which it shall appear that the victim was
6 under the age of fifteen years and the offender is an adult aggressor; it
7 shall be the duty of the court, upon recommendation of the Diagnostic
8 Center, to submit the offender to a program of specialized treatment for his
9 mental and physical aberrations.

1 4. The disposition to be made by the court of such person, upon written
2 report and recommendation of the Diagnostic Center, shall include one or
3 more of the following measures:

4 (a) The court may place such person on probation with the require-
5 ment, as a condition of said probation, that he receive out-patient psychiatric
6 treatment in the manner to be prescribed in each individual case.

7 (b) Such person may be committed to an institution to be designated by
8 the Commissioner of Institutions and Agencies for treatment and upon re-
9 lease shall be subject to parole supervision.

10 In the event that the court shall order a commitment of the person as
11 provided in this section, such order of commitment shall not specify a mini-
12 mum period of detention, but in no event shall the person be confined or sub-
13 ject to parole supervision for a period of time greater than that provided
14 by law for the crime of which such person was convicted.

1 5. The Commissioner of the Department of Institutions and Agencies,
2 upon commitment of such person, shall thereupon arrange for his treatment
3 in one of the institutions under the jurisdiction of the department which, in
4 the judgment of the commissioner, is best suited to care for the needs of
5 such person. The commissioner, in his discretion, is hereby authorized and
6 empowered to arrange for the transfer of such person to or from any in-
7 stitution within the jurisdiction of the department for the purpose of pro-
8 viding for the needs and requirements of such person according to the in-
9 dividual circumstances of the case.

1 6. Any person committed to confinement, as provided for in section
2 four hereof, may be released under parole supervision when it shall appear
3 to the satisfaction of the commissioner, after recommendation by a special
4 classification review board appointed by the State Board of Control of In-

5 institutions and Agencies, that such person is capable of making an acceptable
6 social adjustment in the community. It shall be the duty of the chief execu-
7 tive officer of any institution wherein such a person is confined to report in
8 writing at least semiannually to the commissioner concerning the physical
9 and mental condition of such person with a recommendation as to his con-
10 tinued confinement or consideration for release on parole by said special
11 committee. The State Board of Control of Institutions and Agencies is
12 hereby authorized and empowered to promulgate rules and regulations for
13 the parole, revocation thereof for cause, and the proper supervision on
14 parole of said persons when released from confinement.

1 7. If it shall appear from the report of such examination made of such
2 person that the offender's conduct was not characterized by a pattern of
3 repetitive, compulsive behavior and neither violence nor age disparity was
4 indicated, as provided for in section three hereof, the court shall impose
5 sentence on such person in the manner provided by law.

1 8. No statute relating to remission of sentence by way of commutation
2 time for good behavior and for work performed shall apply to any such
3 person committed pursuant to section four hereof, but provision may be
4 made for monetary compensation in amount to be prescribed by the State
5 Board of Control of Institutions and Agencies, in lieu of remission of
6 sentence for work performed.

1 9. The commissioner shall determine and fix the per capita cost of exam-
2 ining and maintaining any person committed to the Diagnostic Center and
3 shall notify each county treasurer monthly of the number of persons com-
4 mitted from the several counties, and upon certification by the commissioner
5 of the amount due, the board of chosen freeholders of the county shall make
6 provision for payment of one-half of the cost thereof to the Diagnostic
7 Center, the remaining one-half to be borne by the State.

1 10. Except as otherwise provided herein, the provisions of Title 30,
2 Revised Statutes, and the rules and regulations promulgated by the State
3 Board of Control pursuant thereto regarding supervision of persons re-

4 leased on parole and revocation of parole shall apply to any such person
5 released on parole as provided herein.

1 11. Any person, believing himself to be suffering from a physical or
2 mental condition which may result in sexual trends dangerous to the welfare
3 of the public, may make application, upon forms to be prescribed by the De-
4 partment of Institutions and Agencies, for voluntary admission to the
5 Diagnostic Center for the purpose of receiving diagnosis therein. When
6 such application is approved and such person is admitted, he shall be given a
7 complete physical and mental examination. If it shall appear, as a result of
8 such examination, that such person does in fact suffer from a physical or
9 mental condition which may result in sexual trends of the type that might
10 prove dangerous to the welfare of the general public, this fact shall be cer-
11 tified to such person and to the Commissioner of Institutions and Agen-
12 cies. If such person thereupon indicates a desire to receive treatment for
13 such condition, he may make application for voluntary admission to an in-
14 stitution to be designated by the commissioner and upon approval of such
15 application he may be received in the designated institution and shall there
16 receive the treatment indicated by the circumstances in the individual case.
17 If such person is possessed of sufficient financial ability to defray all or a
18 portion of the cost of his care and treatment, he shall be required so to do.
19 If such person shall desire to leave such institution and discontinue the treat-
20 ments being received by him, he shall be required to give five days' notice,
21 in writing, to the chief executive officer of the institution of his intention to
22 leave.

1 12. "An act concerning the sentencing of persons convicted of certain
2 crime and providing for the place of their incarceration, and supplementing
3 chapter one hundred ninety-two of Title 2 of the Revised Statutes," ap-
4 proved April eleventh, one thousand nine hundred and forty-nine, is re-
5 pealed.

1 13. This act shall take effect immediately.

SENATE, No. 193

STATE OF NEW JERSEY

INTRODUCED MARCH 6, 1950

By Mr. CAFIERO

Referred to Committee on Institutions and Agencies

AN ACT concerning the disposition of persons convicted of certain enumerated sex crimes and providing for sentence, incarceration and treatment, repealing chapter twenty of the laws of one thousand nine hundred and forty-nine, and supplementing chapter one hundred ninety-two of Title 2 of the Revised Statutes.

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

1 1. Whenever a person is convicted of the offense of rape, carnal abuse,
2 sodomy or impairing the morals of a minor or of an attempt to commit
3 any of the aforementioned offenses, the judge shall order the commitment of
4 such person to the Diagnostic Center for a period not to exceed sixty days.
5 While confined in the said Diagnostic Center, such person shall be given a
6 complete physical and mental examination.

1 2. Upon completion of the physical and mental examination of such per-
2 son, but in no event later than sixty days after the date of the order of
3 commitment, a written report of the results thereof shall be sent to the court.

1 3. If it shall appear from said report that it has been determined
2 through clinical findings that the offender's conduct was characterized by

3 (a) a pattern of repetitive, compulsive behavior; and

4 (b) either violence; or

5 (c) an age disparity from which it shall appear that the victim was
6 under the age of fifteen years and the offender is an adult aggressor; it
7 shall be the duty of the court, upon recommendation of the Diagnostic
8 Center, to submit the offender to a program of specialized treatment for his
9 mental and physical aberrations.

1 4. The disposition to be made by the court of such person, upon written
2 report and recommendation of the Diagnostic Center, shall include one or
3 more of the following measures:

4 (a) The court may place such person on probation with the require-
5 ment, as a condition of said probation, that he receive out-patient psychiatric
6 treatment in the manner to be prescribed in each individual case.

7 (b) Such person may be committed to an institution to be designated by
8 the Commissioner of Institutions and Agencies for treatment and upon re-
9 lease shall be subject to parole supervision.

10 In the event that the court shall order a commitment of the person as
11 provided in this section, such order of commitment shall not specify a mini-
12 mum period of detention, but in no event shall the person be confined or sub-
13 ject to parole supervision for a period of time greater than that provided
14 by law for the crime of which such person was convicted.

1 5. The Commissioner of the Department of Institutions and Agencies,
2 upon commitment of such person, shall thereupon arrange for his treatment
3 in one of the institutions under the jurisdiction of the department which, in
4 the judgment of the commissioner, is best suited to care for the needs of
5 such person. The commissioner, in his discretion, is hereby authorized and
6 empowered to arrange for the transfer of such person to or from any in-
7 stitution within the jurisdiction of the department for the purpose of pro-
8 viding for the needs and requirements of such person according to the in-
9 dividual circumstances of the case.

1 6. Any person committed to confinement, as provided for in section
2 four hereof, may be released under parole supervision when it shall appear
3 to the satisfaction of the commissioner, after recommendation by a special
4 classification review board appointed by the State Board of Control of In-

5 stitutions and Agencies, that such person is capable of making an acceptable
6 social adjustment in the community. It shall be the duty of the chief execu-
7 tive officer of any institution wherein such a person is confined to report in
8 writing at least semiannually to the commissioner concerning the physical
9 and mental condition of such person with a recommendation as to his con-
10 tinued confinement or consideration for release on parole by said special
11 committee. The State Board of Control of Institutions and Agencies is
12 hereby authorized and empowered to promulgate rules and regulations for
13 the parole, revocation thereof for cause, and the proper supervision on
14 parole of said persons when released from confinement.

1 7. If it shall appear from the report of such examination made of such
2 person that the offender's conduct was not characterized by a pattern of
3 repetitive, compulsive behavior and neither violence nor age disparity was
4 indicated, as provided for in section three hereof, the court shall impose
5 sentence on such person in the manner provided by law.

1 8. No statute relating to remission of sentence by way of commutation
2 time for good behavior and for work performed shall apply to any such
3 person committed pursuant to section four hereof, but provision may be
4 made for monetary compensation in amount to be prescribed by the State
5 Board of Control of Institutions and Agencies, in lieu of remission of
6 sentence for work performed.

1 9. The commissioner shall determine and fix the per capita cost of exam-
2 ining and maintaining any person committed to the Diagnostic Center and
3 shall notify each county treasurer monthly of the number of persons com-
4 mitted from the several counties, and upon certification by the commissioner
5 of the amount due, the board of chosen freeholders of the county shall make
6 provision for payment thereof to the Diagnostic Center.

1 10. Except as otherwise provided herein, the provisions of Title 30,
2 Revised Statutes, and the rules and regulations promulgated by the State
3 Board of Control pursuant thereto regarding supervision of persons re-
4 leased on parole and revocation of parole shall apply to any such person
5 released on parole as provided herein.

1 11. Any person, believing himself to be suffering from a physical or
2 mental condition which may result in sexual trends dangerous to the welfare
3 of the public, may make application, upon forms to be prescribed by the De-
4 partment of Institutions and Agencies, for voluntary admission to the
5 Diagnostic Center for the purpose of receiving diagnosis therein. When
6 such application is approved and such person is admitted, he shall be given a
7 complete physical and mental examination. If it shall appear, as a result of
8 such examination, that such person does in fact suffer from a physical or
9 mental condition which may result in sexual trends of the type that might
10 prove dangerous to the welfare of the general public, this fact shall be cer-
11 tified to such person and to the Commissioner of Institutions and Agen-
12 cies. If such person thereupon indicates a desire to receive treatment for
13 such condition, he may make application for voluntary admission to an in-
14 stitution to be designated by the commissioner and upon approval of such
15 application he may be received in the designated institution and shall there
16 receive the treatment indicated by the circumstances in the individual case.
17 If such person is possessed of sufficient financial ability to defray all or a
18 portion of the cost of his care and treatment, he shall be required so to do.
19 If such person shall desire to leave such institution and discontinue the treat-
20 ments being received by him, he shall be required to give five days' notice,
21 in writing, to the chief executive officer of the institution of his intention to
22 leave.

1 12. "An act concerning the sentencing of persons convicted of certain
2 crime and providing for the place of their incarceration, and supplementing
3 chapter one hundred ninety-two of Title 2 of the Revised Statutes," ap-
4 proved April eleventh, one thousand nine hundred and forty-nine, is re-
5 pealed.

1 13. This act shall take effect immediately.

STATEMENT

This bill is prepared by the Commission on the Habitual Sex Offender and incorporates recommendations of the commission made following exhaustive study of the problem of the sex offender in New Jersey.

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ASSEMBLY AMENDMENTS TO
SENATE, No. 193

STATE OF NEW JERSEY

ADOPTED MARCH 27, 1950

Amend page 3, paragraph 9, line 6, after the word "payment" add "of one-half of the cost".

Amend page 3, paragraph 9, line 6, after the word "center" add "the remaining one-half to be borne by the State."

SENATE, No. 108

(P. L. 1950, chap. 207.)

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 12, 1951

By Mr. CAFIERO

Referred to Committee on Institutions and Agencies

AN ACT to amend "An act concerning the disposition of persons convicted of certain enumerated sex crimes and providing for sentence, incarceration and treatment, repealing chapter twenty of the laws of one thousand nine hundred and forty-nine, and supplementing chapter one hundred ninety-two of Title 2 of the Revised Statutes," approved June eighth, one thousand nine hundred and fifty (P. L. 1950, c. 207).

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

1 1. Section one of the act of which this act is amendatory is amended to
2 read as follows:

3 1. Whenever a person is convicted of the offense of rape, carnal abuse,
4 sodomy, open lewdness, indecent exposure or impairing the morals of a minor
5 or of an attempt to commit any of the aforementioned offenses, the judge
6 shall order the commitment of such person to the Diagnostic Center for a
7 period not to exceed sixty days. While confined in the said Diagnostic Center,
8 such person shall be given a complete physical and mental examination.

1 2. Section six of the act of which this act is amendatory is amended to
2 read as follows:

3 6. Any person committed to confinement, as provided for in section four
4 hereof, may be released under parole supervision when it shall appear to the
5 satisfaction of the [commissioner] State Parole Board, after recommenda-

6 tion by a special classification review board appointed by the State Board
7 of Control of Institutions and Agencies, that such person is capable of mak-
8 ing an acceptable social adjustment in the community. It shall be the duty of
9 the chief executive officer of any institution wherein such a person is confined
10 to report in writing at least semiannually to the commissioner concerning the
11 physical and mental condition of such person with a recommendation as to
12 his continued confinement or consideration for release on parole [by
13 said special committee]. The State Board of Control of Institutions and
14 Agencies is hereby authorized and empowered to promulgate rules and regu-
15 lations for the parole, revocation thereof for cause, and the proper super-
16 vision on parole of said persons when released from confinement.

1 3. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to make certain amendments to the Sex Offender Law which are indicated as necessary after considerable experience in the field of examining and diagnosing sex offenders.

It has been found that a great number of cases of open lewdness and indecent exposure involve minor children. Under the present wording of the law this crime is not included within the category of those sex offenses which require mandatory examination of the prisoner after conviction. It is, therefore, deemed advisable to add this sex offense by proper amendment and place those individuals within the purview of the act.

Experience further indicates that the Commissioner of the Department of Institutions and Agencies, never having exercised parole authority in the past, should not now be required to do so with respect to the release of sex offenders. It seems more desirable to have this function carried on by the State Parole Board, which is duly constituted by law to give consideration to the release of persons on parole.