

# 2C:7-13

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2004 **CHAPTER:** 151

**NJSA:** 2C:7-13 (Clarifies certain exception from publication on sex offender internet registry)

**BILL NO:** S1208 (Substituted for A2540)

**SPONSOR(S):** Sarlo and others

**DATE INTRODUCED:** February 24, 2004

**COMMITTEE:** **ASSEMBLY:** Judiciary

**SENATE:** Law and Public Safety and Veterans' Affairs

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** June 10, 2004

**SENATE:** May 20, 2004

**DATE OF APPROVAL:** September 14, 2004

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) Original version of bill enacted

#### S1208

[SPONSOR'S STATEMENT](#): (Begins on page 4 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### A2540

[SPONSOR'S STATEMENT](#): (Begins on page 4 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** [Yes](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 2004, CHAPTER 151, *approved September 14, 2004*

Senate, No. 1208

1 **AN ACT** concerning public access to sex offender Internet registry  
2 information about certain offenders and amending P.L.2001, c.167.

3

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

6

7 1. Section 2 of P.L.2001, c.167 (C.2C:7-13) is amended to read as  
8 follows:

9 2. a. Pursuant to the provisions of this section, the Superintendent  
10 of State Police shall develop and maintain a system for making certain  
11 information in the central registry established pursuant to subsection  
12 d. of section 4 of P.L.1994, c.133 (C.2C:7-4) publicly available by  
13 means of electronic Internet technology.

14 b. The public may, without limitation, obtain access to the Internet  
15 registry to view an individual registration record, any part of, or the  
16 entire Internet registry concerning all offenders whose risk of  
17 re-offense is high or for whom the court has ordered notification in  
18 accordance with paragraph (3) of subsection c. of section 3 of  
19 P.L.1994, c.128 (C.2C:7-8), regardless of the age of the offender.

20 c. Except as provided in subsection d. of this section, the public  
21 may, without limitation, obtain access to the Internet registry to view  
22 an individual registration record, any part of, or the entire Internet  
23 registry concerning offenders whose risk of re-offense is moderate and  
24 for whom the court has ordered notification in accordance with  
25 paragraph (2) of subsection c. of section 3 of P.L.1994, c.128  
26 (C.2C:7-8).

27 d. The individual registration record of an offender whose risk of  
28 re-offense has been determined to be moderate and for whom the court  
29 has ordered notification in accordance with paragraph (2) of  
30 subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not be  
31 made available to the public on the Internet registry if the sole sex  
32 offense committed by the offender which renders him subject to the  
33 requirements of P.L.1994, c.133 (C.2C:7-1 et seq.) is one of the  
34 following:

35 (1) An adjudication of delinquency for any sex offense as defined  
36 in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2);

37 (2) A conviction or acquittal by reason of insanity for a violation  
38 of N.J.S.2C:14-2 or N.J.S.2C:14-3 under circumstances in which the  
39 offender was related to the victim by blood or affinity to the third  
40 degree or was a foster parent, a guardian, or stood in loco parentis  
41 within the household; or

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

**Matter underlined thus is new matter.**

1 (3) A conviction or acquittal by reason of insanity for a violation  
2 of N.J.S.2C:14-2 or N.J.S.2C:14-3 in any case in which the victim  
3 assented to the commission of the offense but by reason of age was  
4 not capable of giving lawful consent.

5 For purposes of this subsection, "sole sex offense" means a single  
6 conviction, adjudication of guilty or acquittal by reason of insanity, as  
7 the case may be, for a sex offense which involved no more than one  
8 victim, no more than one occurrence or, in the case of an offense  
9 which meets the criteria of paragraph (2) of this subsection, members  
10 of no more than a single household.

11 e. Notwithstanding the provisions of paragraph d. of this  
12 subsection, the individual registration record of an offender to whom  
13 an exception enumerated in paragraph (1), (2) or (3) of subsection d.  
14 of this section applies shall be made available to the public on the  
15 Internet registry if the State establishes by clear and convincing  
16 evidence that, given the particular facts and circumstances of the  
17 offense and the characteristics and propensities of the offender, the  
18 risk to the general public posed by the offender is substantially similar  
19 to that posed by offenders whose risk of re-offense is moderate and  
20 who do not qualify under the enumerated exceptions.

21 f. The individual registration records of offenders whose risk of  
22 re-offense is low or of offenders whose risk of re-offense is moderate  
23 but for whom the court has not ordered notification in accordance with  
24 paragraph (2) of subsection c. of section 3 of P.L.1994, c.128  
25 (C.2C:7-8) shall not be available to the public on the Internet registry.

26 g. The information concerning a registered offender to be made  
27 publicly available on the Internet shall include: the offender's name and  
28 any aliases the offender has used or under which the offender may be  
29 or may have been known; any sex offense as defined in subsection b.  
30 of section 2 of P.L.1994, c.133 (C.2C:7-2) for which the offender was  
31 convicted, adjudicated delinquent or acquitted by reason of insanity,  
32 as the case may be; the date and location of disposition; a brief  
33 description of any such offense, including the victim's gender and  
34 indication of whether the victim was less than 18 years old or less than  
35 13 years old; a general description of the offender's modus operandi,  
36 if any; the determination of whether the risk of re-offense by the  
37 offender is moderate or high; the offender's age, race, sex, date of  
38 birth, height, weight, hair, eye color and any distinguishing scars or  
39 tattoos; a photograph of the offender and the date on which the  
40 photograph was entered into the registry; the make, model, color, year  
41 and license plate number of any vehicle operated by the offender; and  
42 the street address, zip code, municipality and county in which the  
43 offender resides.

44 (cf: P.L.2001, c.167, s.2)

45  
46 2. This act shall take effect immediately.

## STATEMENT

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P.L.2001, c.167 (C.2C:7-12 et seq.) established the sex offender Internet registry under Megan's Law. Under this law, the public may obtain all information concerning sex offenders whose risk of re-offense is high. The public also may obtain information concerning sex offenders whose risk of re-offense is moderate, unless the sole sex offense committed by the offender was: (1) an offense committed as a juvenile; (2) an incest offense; or (3) a statutory sex offense where the victim assented but by reason of age could not lawfully consent.

These narrow exceptions apply to sex offenders deemed to be a moderate risk of re-offense who have committed no more than a single "Megan's Law" sex offense which falls into one of the three enumerated categories. In rulings concerning these exceptions, courts have varied on the meaning of the "sole sex offense" requirement. For example, some courts have construed this term to apply to offenses which involved only a single incident or occurrence, or no more than one victim. Other courts have construed this term more broadly, considering the term to contemplate the character, rather than the number of offenses committed by a defendant, and therefore applying the exception to offenders who had one conviction which involved multiple incidents or victims but which were consolidated into separate counts of a single indictment.

This bill clarifies the legislative intent by defining "sole sex offense" as a single conviction, adjudication of guilty or acquittal by reason of insanity, as the case may be, for a sex offense which involved no more than one victim, no more than one occurrence or, in the case of the incest exception, members of no more than a single household. This clarification will help ensure that the statutory exemption from inclusion on the Internet registry is not improperly applied to repeat sex offenders who offend against more than one victim or who victimize a single individual more than once.

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Clarifies certain exception from publication on sex offender Internet registry.

**SENATE, No. 1208**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED FEBRUARY 24, 2004

**Sponsored by:**

**Senator PAUL SARLO**

**District 36 (Bergen, Essex and Passaic)**

**Senator JOHN A. GIRGENTI**

**District 35 (Bergen and Passaic)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

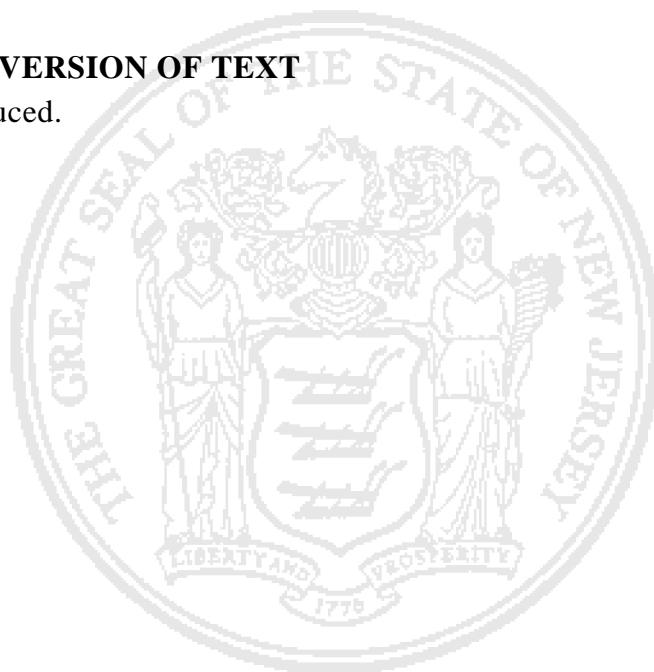
**Senator Coniglio**

**SYNOPSIS**

Clarifies certain exception from publication on sex offender Internet registry.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/11/2004)**

1 AN ACT concerning public access to sex offender Internet registry  
2 information about certain offenders and amending P.L.2001, c.167.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 2 of P.L.2001, c.167 (C.2C:7-13) is amended to read as  
8 follows:

9 2. a. Pursuant to the provisions of this section, the Superintendent  
10 of State Police shall develop and maintain a system for making certain  
11 information in the central registry established pursuant to subsection  
12 d. of section 4 of P.L.1994, c.133 (C.2C:7-4) publicly available by  
13 means of electronic Internet technology.

14 b. The public may, without limitation, obtain access to the Internet  
15 registry to view an individual registration record, any part of, or the  
16 entire Internet registry concerning all offenders whose risk of  
17 re-offense is high or for whom the court has ordered notification in  
18 accordance with paragraph (3) of subsection c. of section 3 of  
19 P.L.1994, c.128 (C.2C:7-8), regardless of the age of the offender.

20 c. Except as provided in subsection d. of this section, the public  
21 may, without limitation, obtain access to the Internet registry to view  
22 an individual registration record, any part of, or the entire Internet  
23 registry concerning offenders whose risk of re-offense is moderate and  
24 for whom the court has ordered notification in accordance with  
25 paragraph (2) of subsection c. of section 3 of P.L.1994, c.128  
26 (C.2C:7-8).

27 d. The individual registration record of an offender whose risk of  
28 re-offense has been determined to be moderate and for whom the court  
29 has ordered notification in accordance with paragraph (2) of  
30 subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not be  
31 made available to the public on the Internet registry if the sole sex  
32 offense committed by the offender which renders him subject to the  
33 requirements of P.L.1994, c.133 (C.2C:7-1 et seq.) is one of the  
34 following:

35 (1) An adjudication of delinquency for any sex offense as defined  
36 in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2);

37 (2) A conviction or acquittal by reason of insanity for a violation  
38 of N.J.S.2C:14-2 or N.J.S.2C:14-3 under circumstances in which the  
39 offender was related to the victim by blood or affinity to the third  
40 degree or was a foster parent, a guardian, or stood in loco parentis  
41 within the household; or

42 (3) A conviction or acquittal by reason of insanity for a violation  
43 of N.J.S.2C:14-2 or N.J.S.2C:14-3 in any case in which the victim

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

**Matter underlined thus is new matter.**

1 assented to the commission of the offense but by reason of age was  
2 not capable of giving lawful consent.

3 For purposes of this subsection, "sole sex offense" means a single  
4 conviction, adjudication of guilty or acquittal by reason of insanity, as  
5 the case may be, for a sex offense which involved no more than one  
6 victim, no more than one occurrence or, in the case of an offense  
7 which meets the criteria of paragraph (2) of this subsection, members  
8 of no more than a single household.

9 e. Notwithstanding the provisions of paragraph d. of this  
10 subsection, the individual registration record of an offender to whom  
11 an exception enumerated in paragraph (1), (2) or (3) of subsection d.  
12 of this section applies shall be made available to the public on the  
13 Internet registry if the State establishes by clear and convincing  
14 evidence that, given the particular facts and circumstances of the  
15 offense and the characteristics and propensities of the offender, the  
16 risk to the general public posed by the offender is substantially similar  
17 to that posed by offenders whose risk of re-offense is moderate and  
18 who do not qualify under the enumerated exceptions.

19 f. The individual registration records of offenders whose risk of  
20 re-offense is low or of offenders whose risk of re-offense is moderate  
21 but for whom the court has not ordered notification in accordance with  
22 paragraph (2) of subsection c. of section 3 of P.L.1994, c.128  
23 (C.2C:7-8) shall not be available to the public on the Internet registry.

24 g. The information concerning a registered offender to be made  
25 publicly available on the Internet shall include: the offender's name and  
26 any aliases the offender has used or under which the offender may be  
27 or may have been known; any sex offense as defined in subsection b.  
28 of section 2 of P.L.1994, c.133 (C.2C:7-2) for which the offender was  
29 convicted, adjudicated delinquent or acquitted by reason of insanity,  
30 as the case may be; the date and location of disposition; a brief  
31 description of any such offense, including the victim's gender and  
32 indication of whether the victim was less than 18 years old or less than  
33 13 years old; a general description of the offender's modus operandi,  
34 if any; the determination of whether the risk of re-offense by the  
35 offender is moderate or high; the offender's age, race, sex, date of  
36 birth, height, weight, hair, eye color and any distinguishing scars or  
37 tattoos; a photograph of the offender and the date on which the  
38 photograph was entered into the registry; the make, model, color, year  
39 and license plate number of any vehicle operated by the offender; and  
40 the street address, zip code, municipality and county in which the  
41 offender resides.

42 (cf: P.L.2001, c.167, s.2)

43

44 2. This act shall take effect immediately.



STATEMENT

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3 P.L.2001, c.167 (C.2C:7-12 et seq.) established the sex offender  
4 Internet registry under Megan's Law. Under this law, the public may  
5 obtain all information concerning sex offenders whose risk of re-  
6 offense is high. The public also may obtain information concerning sex  
7 offenders whose risk of re-offense is moderate, unless the sole sex  
8 offense committed by the offender was: (1) an offense committed as  
9 a juvenile; (2) an incest offense; or (3) a statutory sex offense where  
10 the victim assented but by reason of age could not lawfully consent.

11 These narrow exceptions apply to sex offenders deemed to be a  
12 moderate risk of re-offense who have committed no more than a single  
13 "Megan's Law" sex offense which falls into one of the three  
14 enumerated categories. In rulings concerning these exceptions, courts  
15 have varied on the meaning of the "sole sex offense" requirement. For  
16 example, some courts have construed this term to apply to offenses  
17 which involved only a single incident or occurrence, or no more than  
18 one victim. Other courts have construed this term more broadly,  
19 considering the term to contemplate the character, rather than the  
20 number of offenses committed by a defendant, and therefore applying  
21 the exception to offenders who had one conviction which involved  
22 multiple incidents or victims but which were consolidated into separate  
23 counts of a single indictment.

24 This bill clarifies the legislative intent by defining "sole sex offense"  
25 as a single conviction, adjudication of guilty or acquittal by reason of  
26 insanity, as the case may be, for a sex offense which involved no more  
27 than one victim, no more than one occurrence or, in the case of the  
28 incest exception, members of no more than a single household. This  
29 clarification will help ensure that the statutory exemption from  
30 inclusion on the Internet registry is not improperly applied to repeat  
31 sex offenders who offend against more than one victim or who  
32 victimize a single individual more than once.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE, No. 1208

# STATE OF NEW JERSEY

DATED: JUNE 3, 2004

The Assembly Judiciary Committee reports favorably Senate Bill No. 1208.

P.L.2001, c.167 (C.2C:7-12 et seq.) established the sex offender Internet registry under Megan's Law. Under this law, the public may obtain all information concerning sex offenders whose risk of re-offense is high. The public may also obtain information concerning sex offenders whose risk of re-offense is moderate, unless the sole sex offense committed by the offender was: (1) a sex offense committed as a juvenile; (2) a sexual assault offense or criminal sexual contact offense where the offender was related to the victim; or (3) a sexual assault offense or criminal sexual contact offense where the victim assented to the commission of the offense but by reason of age could not lawfully consent.

These narrow exceptions apply to sex offenders deemed to be a moderate risk of re-offense who have committed no more than a single "Megan's Law" sex offense which falls into one of the three enumerated categories. In rulings concerning these exceptions, courts have varied on the meaning of the "sole sex offense" requirement. For example, some courts have construed this term to apply to offenses which involved only a single incident or occurrence, or no more than one victim. Other courts have construed this term more broadly, considering the term to contemplate the character, rather than the number of offenses committed by a defendant, and therefore applying the exception to offenders who had one conviction which involved multiple incidents or victims but which were consolidated into separate counts of a single indictment.

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Senate Bill No. 1208 passed the Senate on May 20, 2004 by a vote of 37-0.

This bill is identical to Assembly Bill. No. 2540.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'  
AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 1208**

**STATE OF NEW JERSEY**

DATED: MAY 6, 2004

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 1208.

P.L.2001, c.167 (C.2C:7-12 et seq.) established the sex offender Internet registry under Megan's Law. Under this law, the public may obtain all information concerning sex offenders whose risk of re-offense is high. The public also may obtain information concerning sex offenders whose risk of re-offense is moderate, unless the sole sex offense committed by the offender was: (1) an offense committed as a juvenile; (2) an incest offense; or (3) a statutory sex offense where the victim assented but by reason of age could not lawfully consent.

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# ASSEMBLY, No. 2540

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## STATE OF NEW JERSEY

### 211th LEGISLATURE

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INTRODUCED MARCH 15, 2004

**Sponsored by:**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblyman Eagler**

**SYNOPSIS**

Clarifies certain exception from publication on sex offender Internet registry.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/18/2004)**

1 AN ACT concerning public access to sex offender Internet registry  
2 information about certain offenders and amending P.L.2001, c. 167.

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19 P.L.1994, c.128 (C.2C:7-8), regardless of the age of the offender.

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38 of N.J.S.2C:14-2 or N.J.S.2C:14-3 under circumstances in which the  
39 offender was related to the victim by blood or affinity to the third  
40 degree or was a foster parent, a guardian, or stood in loco parentis  
41 within the household; or

42 (3) A conviction or acquittal by reason of insanity for a violation  
43 of N.J.S.2C:14-2 or N.J.S.2C:14-3 in any case in which the victim

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

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33 13 years old; a general description of the offender's modus operandi,  
34 if any; the determination of whether the risk of re-offense by the  
35 offender is moderate or high; the offender's age, race, sex, date of  
36 birth, height, weight, hair, eye color and any distinguishing scars or  
37 tattoos; a photograph of the offender and the date on which the  
38 photograph was entered into the registry; the make, model, color, year  
39 and license plate number of any vehicle operated by the offender; and  
40 the street address, zip code, municipality and county in which the  
41 offender resides.

42 (cf: P.L.2001, c.167, s.2)

43

44 2. This act shall take effect immediately.

1 STATEMENT

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15 have varied on the meaning of the "sole sex offense" requirement. For  
16 example, some courts have construed this term to apply to offenses  
17 which involved only a single incident or occurrence, or no more than  
18 one victim. Other courts have construed this term more broadly,  
19 considering the term to contemplate the character, rather than the  
20 number of offenses committed by a defendant, and therefore applying  
21 the exception to offenders who had one conviction which involved  
22 multiple incidents or victims but which were consolidated into separate  
23 counts of a single indictment.

24 This bill clarifies the legislative intent by defining "sole sex offense"  
25 as a single conviction, adjudication of guilty or acquittal by reason of  
26 insanity, as the case may be, for a sex offense which involved no more  
27 than one victim, no more than one occurrence or, in the case of the  
28 incest exception, members of no more than a single household. This  
29 clarification will help ensure that the statutory exemption from  
30 inclusion on the Internet registry is not improperly applied to repeat  
31 sex offenders who offend against more than one victim or who  
32 victimize a single individual more than once.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2540

# STATE OF NEW JERSEY

DATED: JUNE 3, 2004

The Assembly Judiciary Committee reports favorably Assembly Bill No. 2540.

P.L.2001, c.167 (C.2C:7-12 et seq.) established the sex offender Internet registry under Megan's Law. Under this law, the public may obtain all information concerning sex offenders whose risk of re-offense is high. The public may also obtain information concerning sex offenders whose risk of re-offense is moderate, unless the sole sex offense committed by the offender was: (1) a sex offense committed as a juvenile; (2) a sexual assault offense or criminal sexual contact offense where the offender was related to the victim; or (3) a sexual assault offense or criminal sexual contact offense where the victim assented to the commission of the offense but by reason of age could not lawfully consent.

These narrow exceptions apply to sex offenders deemed to be a moderate risk of re-offense who have committed no more than a single "Megan's Law" sex offense which falls into one of the three enumerated categories. In rulings concerning these exceptions, courts have varied on the meaning of the "sole sex offense" requirement. For example, some courts have construed this term to apply to offenses which involved only a single incident or occurrence, or no more than one victim. Other courts have construed this term more broadly, considering the term to contemplate the character, rather than the number of offenses committed by a defendant, and therefore applying the exception to offenders who had one conviction which involved multiple incidents or victims but which were consolidated into separate counts of a single indictment.

This bill clarifies the legislative intent by defining "sole sex offense" as a single conviction, adjudication of guilty or acquittal by reason of insanity, as the case may be, for a sex offense which involved no more than one victim, no more than one occurrence or, in the case of those sex offenses where the offender is related to the victim, members of no more than a single household. This clarification will help ensure that the statutory exemption from inclusion on the Internet registry is not improperly applied to repeat sex offenders who offend against more than one victim or who victimize a single individual more than once.

This bill is identical to Senate Bill No. 1208.