



**A3539**

<b>INTRODUCED BILL:</b> (Includes sponsor(s) statement)	Yes	
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<b>TECHNICAL REVIEW:</b>	No	
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b>	Yes Children, Families & Food Security Judiciary
	<b>SENATE:</b>	No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No
<b>VETO MESSAGE:</b>	No
<b>GOVERNOR'S PRESS RELEASE ON SIGNING:</b>	Yes

**FOLLOWING WERE PRINTED:**

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<b>REPORTS:</b>	No
<b>HEARINGS:</b>	No
<b>NEWSPAPER ARTICLES:</b>	No

CL/MM

P.L. 2024, CHAPTER 92, *approved November 18, 2024*  
Senate, No. 2652

1 AN ACT concerning certain criminal offenses involving sexual  
2 exploitation or abuse of children and amending various parts of  
3 the statutory law.

4

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

7

8 1. Section 1 of P.L.1992, c.7 (C.2A:30B-1) is amended to read  
9 as follows:

10 1. The Legislature finds and declares that:

11 a. **【Child】** Trade in child sexual abuse or exploitation material,  
12 often referred to as child pornography, is a lucrative business which  
13 sexually exploits children and preys on their vulnerability.

14 b. While criminal laws exist to penalize those who sexually  
15 exploit children, these laws are sometimes insufficient to protect  
16 and indemnify the victim and prevent the perpetrators from  
17 accumulating large profits from the making and distribution of  
18 "kiddie porn."

19 c. This act is designed to give the victims of trade in child  
20 **【pornography】** sexual abuse or exploitation material a civil action  
21 against those persons who sexually abuse or exploit them for profit  
22 directly or indirectly which can be brought through a parent or  
23 guardian or child advocacy organization or by the victim upon  
24 reaching the age of majority. Any director, officer, servant,  
25 employee or other person authorized to act on behalf of a  
26 corporation may be personally liable if found liable individually or  
27 jointly with the corporation under the provisions of this act.

28 d. The act will allow victims to recover three times the  
29 financial gains made by those who exploit them and will authorize  
30 injunctive relief to halt the making and distribution of films and  
31 other materials.

32 (cf: P.L.1992, c.7, s.1)

33

34 2. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read  
35 as follows:

36 2. a. (1) A person who has been convicted, adjudicated  
37 delinquent or found not guilty by reason of insanity for commission  
38 of a sex offense as defined in subsection b. of this section shall  
39 register as provided in subsections c. and d. of this section.

40 (2) A person who in another jurisdiction is required to register  
41 as a sex offender and (a) is enrolled on a full-time or part-time basis

**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 in any public or private educational institution in this State,  
2 including any secondary school, trade or professional institution,  
3 institution of higher education or other post-secondary school, or  
4 (b) is employed or carries on a vocation in this State, on either a  
5 full-time or a part-time basis, with or without compensation, for  
6 more than 14 consecutive days or for an aggregate period exceeding  
7 30 days in a calendar year, shall register in this State as provided in  
8 subsections c. and d. of this section.

9 (3) A person who fails to register as required under this act shall  
10 be guilty of a crime of the third degree.

11 b. For the purposes of this act a sex offense shall include the  
12 following:

13 (1) Aggravated sexual assault, sexual assault, aggravated  
14 criminal sexual contact, kidnapping pursuant to paragraph (2) of  
15 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these  
16 crimes if the court found that the offender's conduct was  
17 characterized by a pattern of repetitive, compulsive behavior,  
18 regardless of the date of the commission of the offense or the date  
19 of conviction;

20 (2) A conviction, adjudication of delinquency, or acquittal by  
21 reason of insanity for aggravated sexual assault; sexual assault;  
22 aggravated criminal sexual contact; kidnapping pursuant to  
23 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the  
24 welfare of a child by engaging in sexual conduct which would  
25 impair or debauch the morals of the child pursuant to subsection a.  
26 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to  
27 paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or  
28 (ii) of subparagraph (b) of paragraph (5) of subsection b. of  
29 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,  
30 c.291 (C.2C:13-6); criminal sexual contact pursuant to N.J.S.2C:14-  
31 3b. if the victim is a minor; kidnapping pursuant to N.J.S.2C:13-1,  
32 criminal restraint pursuant to N.J.S.2C:13-2, or false imprisonment  
33 pursuant to N.J.S.2C:13-3 if the victim is a minor and the offender  
34 is not the parent of the victim; knowingly promoting prostitution of  
35 a child pursuant to paragraph (3) or paragraph (4) of subsection b.  
36 of N.J.S.2C:34-1; leader of a **[child pornography]** network to share  
37 child sexual abuse or exploitation material pursuant to section 8 of  
38 P.L.2017, c.141 (C.2C:24-4.1); or an attempt to commit any of  
39 these enumerated offenses if the conviction, adjudication of  
40 delinquency or acquittal by reason of insanity is entered on or after  
41 the effective date of this act or the offender is serving a sentence of  
42 incarceration, probation, parole or other form of community  
43 supervision as a result of the offense or is confined following  
44 acquittal by reason of insanity or as a result of civil commitment on  
45 the effective date of this act;

46 (3) A conviction, adjudication of delinquency, or acquittal by  
47 reason of insanity for an offense similar to any offense enumerated

1 in paragraph (2) or a sentence on the basis of criteria similar to the  
2 criteria set forth in paragraph (1) of this subsection entered or  
3 imposed under the laws of the United States, this State, or another  
4 state.

5 (4) Notwithstanding the provisions of paragraph (1), (2), or (3)  
6 of this subsection, a sex offense shall not include an adjudication of  
7 delinquency for endangering the welfare of a child pursuant to  
8 paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that  
9 the actor demonstrates that:

10 (a) the facts of the case are limited to the creation, exhibition or  
11 distribution of a photograph depicting nudity or portraying a child  
12 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,  
13 through the use of an electronic communications device, an  
14 interactive wireless communications device, or a computer;

15 (b) the creator and subject of the photograph are juveniles or  
16 were juveniles at the time of its making; and

17 (c) the subject of the photograph whose nudity is depicted or  
18 who is portrayed in a sexually suggestive manner, as the case may  
19 be, knowingly consented to the making of the photograph.

20 c. A person required to register under the provisions of this act  
21 shall do so on forms to be provided by the designated registering  
22 agency as follows:

23 (1) A person who is required to register and who is under  
24 supervision in the community on probation, parole, furlough, work  
25 release, or a similar program, shall register at the time the person is  
26 placed under supervision or no later than 120 days after the  
27 effective date of this act, whichever is later, in accordance with  
28 procedures established by the Department of Corrections, the  
29 Department of Human Services, the Juvenile Justice Commission  
30 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)  
31 or the Administrative Office of the Courts, whichever is responsible  
32 for supervision;

33 (2) A person confined in a correctional or juvenile facility or  
34 involuntarily committed who is required to register shall register  
35 prior to release in accordance with procedures established by the  
36 Department of Corrections, the Department of Human Services or  
37 the Juvenile Justice Commission and, within 48 hours of release,  
38 shall also register with the chief law enforcement officer of the  
39 municipality in which the person resides or, if the municipality does  
40 not have a local police force, the Superintendent of State Police;

41 (3) A person moving to or returning to this State from another  
42 jurisdiction shall register with the chief law enforcement officer of  
43 the municipality in which the person will reside or, if the  
44 municipality does not have a local police force, the Superintendent  
45 of State Police within 120 days of the effective date of this act or 10  
46 days of first residing in or returning to a municipality in this State,  
47 whichever is later;

1 (4) A person required to register on the basis of a conviction  
2 prior to the effective date who is not confined or under supervision  
3 on the effective date of this act shall register within 120 days of the  
4 effective date of this act with the chief law enforcement officer of  
5 the municipality in which the person will reside or, if the  
6 municipality does not have a local police force, the Superintendent  
7 of State Police;

8 (5) A person who in another jurisdiction is required to register  
9 as a sex offender and who is enrolled on a full-time or part-time  
10 basis in any public or private educational institution in this State,  
11 including any secondary school, trade or professional institution,  
12 institution of higher education or other post-secondary school shall,  
13 within ten days of commencing attendance at such educational  
14 institution, register with the chief law enforcement officer of the  
15 municipality in which the educational institution is located or, if the  
16 municipality does not have a local police force, the Superintendent  
17 of State Police;

18 (6) A person who in another jurisdiction is required to register  
19 as a sex offender and who is employed or carries on a vocation in  
20 this State, on either a full-time or a part-time basis, with or without  
21 compensation, for more than 14 consecutive days or for an  
22 aggregate period exceeding 30 days in a calendar year, shall, within  
23 ten days after commencing such employment or vocation, register  
24 with the chief law enforcement officer of the municipality in which  
25 the employer is located or where the vocation is carried on, as the  
26 case may be, or, if the municipality does not have a local police  
27 force, the Superintendent of State Police;

28 (7) In addition to any other registration requirements set forth in  
29 this section, a person required to register under this act who is  
30 enrolled at, employed by or carries on a vocation at an institution of  
31 higher education or other post-secondary school in this State shall,  
32 within 10 days after commencing such attendance, employment or  
33 vocation, register with the law enforcement unit of the educational  
34 institution, if the institution has such a unit.

35 d. (1) Upon a change of address, a person shall notify the law  
36 enforcement agency with which the person is registered and shall  
37 re-register with the appropriate law enforcement agency no less  
38 than 10 days before **[he]** the person intends to first reside at **[his]**  
39 the new address. Upon a change of employment or school  
40 enrollment status, a person shall notify the appropriate law  
41 enforcement agency no later than five days after any such change.  
42 A person who fails to notify the appropriate law enforcement  
43 agency of a change of address or status in accordance with this  
44 subsection is guilty of a crime of the third degree.

45 (2) A person required to register under this act shall provide the  
46 appropriate law enforcement agency with information as to whether  
47 the person has routine access to or use of a computer or any other

1 device with Internet capability. A person who fails to notify the  
2 appropriate law enforcement agency of such information or of a  
3 change in the person's access to or use of a computer or other  
4 device with Internet capability or who provides false information  
5 concerning the person's access to or use of a computer or any other  
6 device with Internet capability is guilty of a crime of the third  
7 degree.

8 e. A person required to register under paragraph (1) of  
9 subsection b. of this section or under paragraph (3) of subsection b.  
10 due to a sentence imposed on the basis of criteria similar to the  
11 criteria set forth in paragraph (1) of subsection b. shall verify **[his]**  
12 the person's address with the appropriate law enforcement agency  
13 every 90 days in a manner prescribed by the Attorney General. A  
14 person required to register under paragraph (2) of subsection b. of  
15 this section or under paragraph (3) of subsection b. on the basis of a  
16 conviction for an offense similar to an offense enumerated in  
17 paragraph (2) of subsection b. shall verify **[his]** the person's  
18 address annually in a manner prescribed by the Attorney General.  
19 In addition to address information, the person shall provide as part  
20 of the verification process any additional information the Attorney  
21 General may require. One year after the effective date of this act,  
22 the Attorney General shall review, evaluate and, if warranted,  
23 modify pursuant to the "Administrative Procedure Act," P.L.1968,  
24 c.410 (C.52:14B-1 et seq.) the verification requirement. Any  
25 person who knowingly provides false information concerning **[his]**  
26 the person's place of residence or who fails to verify **[his]** the  
27 person's address with the appropriate law enforcement agency or  
28 other entity, as prescribed by the Attorney General in accordance  
29 with this subsection, is guilty of a crime of the third degree.

30 f. Except as provided in subsection g. of this section, a person  
31 required to register under this act may make application to the  
32 Superior Court of this State to terminate the obligation upon proof  
33 that the person has not committed an offense within 15 years  
34 following conviction or release from a correctional facility for any  
35 term of imprisonment imposed, whichever is later, and is not likely  
36 to pose a threat to the safety of others.

37 g. A person required to register under this section who has  
38 been convicted of, adjudicated delinquent, or acquitted by reason of  
39 insanity for more than one sex offense as defined in subsection b. of  
40 this section or who has been convicted of, adjudicated delinquent,  
41 or acquitted by reason of insanity for aggravated sexual assault  
42 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault  
43 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not  
44 eligible under subsection f. of this section to make application to  
45 the Superior Court of this State to terminate the registration  
46 obligation.

47 (cf: P.L.2017, c.141, s.3)

1 3. N.J.S.2C:24-4 is amended to read as follows:

2 2C:24-4. Endangering Welfare of Children.

3 a. (1) Any person having a legal duty for the care of a child or  
4 who has assumed responsibility for the care of a child who engages  
5 in sexual conduct which would impair or debauch the morals of the  
6 child is guilty of a crime of the second degree. Any other person  
7 who engages in conduct or who causes harm as described in this  
8 paragraph to a child is guilty of a crime of the third degree.

9 (2) Any person having a legal duty for the care of a child or who  
10 has assumed responsibility for the care of a child who causes the  
11 child harm that would make the child an abused or neglected child  
12 as defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L.1974, c.119  
13 (C.9:6-8.21) is guilty of a crime of the second degree. Any other  
14 person who engages in conduct or who causes harm as described in  
15 this paragraph to a child is guilty of a crime of the third degree.

16 b. (1) As used in this subsection:

17 "Child" means any person under 18 years of age.

18 "Distribute" means to sell, or to manufacture, give, provide, lend,  
19 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,  
20 display, share, advertise, offer, or make available via the Internet or  
21 by any other means, whether for pecuniary gain or not. The term  
22 also includes an agreement or attempt to distribute.

23 "File-sharing program" means a computer program, application,  
24 software or operating system that allows the user of a computer on  
25 which such program, application, software or operating system is  
26 installed to designate files as available for searching by and copying  
27 to one or more other computers, to transmit such designated files  
28 directly to one or more other computers, and to request the  
29 transmission of such designated files directly from one or more  
30 other computers. The term "file-sharing program" includes but is  
31 not limited to a computer program, application or software that  
32 enables a computer user to participate in a peer-to-peer network.

33 "Internet" means the international computer network of both  
34 federal and non-federal interoperable packet switched data  
35 networks.

36 "Item depicting the sexual exploitation or abuse of a child" or  
37 "child sexual abuse or exploitation material" or "CSAEM" means a  
38 photograph, film, video, an electronic, electromagnetic or digital  
39 recording, an image stored or maintained in a computer program or  
40 file or in a portion of a file, or any other reproduction or  
41 reconstruction which :

42 (a) depicts a child engaging in a prohibited sexual act or in the  
43 simulation of such an act; or

44 (b) portrays a child in a sexually suggestive manner.

45 "Peer-to-peer network" means a connection of computer systems  
46 through which files are shared directly between the systems on a  
47 network without the need of a central server.

1 "Portray a child in a sexually suggestive manner" means:

2 (a) to depict a child's less than completely and opaquely covered  
3 intimate parts, as defined in N.J.S.2C:14-1, in a manner that, by  
4 means of the posing, composition, format, or animated sensual  
5 details, emits sensuality with sufficient impact to concentrate  
6 prurient interest on the child; or

7 (b) to depict any form of contact with a child's intimate parts, as  
8 defined in N.J.S.2C:14-1, in a manner that, by means of the posing,  
9 composition, format, or animated sensual details, emits sensuality  
10 with sufficient impact to concentrate prurient interest on the child;  
11 or

12 (c) to otherwise depict a child for the purpose of sexual  
13 stimulation or gratification of any person who may view the  
14 depiction where the depiction does not have serious literary, artistic,  
15 political, or scientific value.

16 "Prohibited sexual act" means

17 (a) Sexual intercourse; or

18 (b) Anal intercourse; or

19 (c) Masturbation; or

20 (d) Bestiality; or

21 (e) Sadism; or

22 (f) Masochism; or

23 (g) Fellatio; or

24 (h) Cunnilingus; or

25 (i) Nudity, if depicted for the purpose of sexual stimulation or  
26 gratification of any person who may view such depiction; or

27 (j) Any act of sexual penetration or sexual contact as defined in  
28 N.J.S.2C:14-1.

29 "Reproduction" means, but is not limited to, computer generated  
30 images.

31 (2) (Deleted by amendment, P.L.2001, c.291).

32 (3) A person commits a crime of the first degree if **【he】** the  
33 person causes or permits a child to engage in a prohibited sexual act  
34 or in the simulation of such an act or to be portrayed in a sexually  
35 suggestive manner if the person knows, has reason to know or  
36 intends that the prohibited act or portrayal may be photographed,  
37 filmed, reproduced, or reconstructed in any manner, including on  
38 the Internet, or may be part of an exhibition or performance.

39 (4) A person commits a crime of the second degree if **【he】** the  
40 person photographs or films a child in a prohibited sexual act or in  
41 the simulation of such an act or for portrayal in a sexually  
42 suggestive manner or who uses any device, including a computer, to  
43 reproduce or reconstruct the image of a child in a prohibited sexual  
44 act or in the simulation of such an act or for portrayal in a sexually  
45 suggestive manner.

46 (5) (a) A person commits a crime if, by any means, including but  
47 not limited to the Internet, **【he】** the person:

1 (i) knowingly distributes an item depicting the sexual  
2 exploitation or abuse of a child;

3 (ii) knowingly possesses an item depicting the sexual  
4 exploitation or abuse of a child with the intent to distribute that  
5 item; or

6 (iii) knowingly stores or maintains an item depicting the sexual  
7 exploitation or abuse of a child using a file-sharing program which  
8 is designated as available for searching by or copying to one or  
9 more other computers.

10 In a prosecution under sub-subparagraph (iii) of this  
11 subparagraph, the State shall not be required to offer proof that an  
12 item depicting the sexual exploitation or abuse of a child had  
13 actually been searched, copied, transmitted or viewed by another  
14 user of the file-sharing program, or by any other person, and it shall  
15 be no defense that the defendant did not intend to distribute the item  
16 to another user of the file-sharing program or to any other person.  
17 Nor shall the State be required to prove that the defendant was  
18 aware that the item depicting the sexual exploitation or abuse of a  
19 child was available for searching or copying to one or more other  
20 computers, and the defendant shall be strictly liable for failing to  
21 designate the item as not available for searching or copying by one  
22 or more other computers.

23 A violation of this subparagraph that involves 1,000 or more  
24 items depicting the sexual exploitation or abuse of a child is a crime  
25 of the first degree; otherwise it is a crime of the second degree.

26 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-  
27 6, a person whose offense under this subparagraph involved at least  
28 25 but less than 1,000 items depicting the sexual exploitation or  
29 abuse of a child shall be sentenced to a mandatory minimum term of  
30 imprisonment, which shall be fixed at, or between, one-third and  
31 one-half of the sentence imposed by the court or five years,  
32 whichever is greater, during which the defendant shall be ineligible  
33 for parole.

34 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-  
35 6, a person whose offense under this subparagraph involved 1,000  
36 or more items depicting the sexual exploitation or abuse of a child  
37 shall be sentenced to a mandatory minimum term of imprisonment,  
38 which shall be fixed at, or between, one-third and one-half of the  
39 sentence imposed by the court or 10 years, whichever is greater,  
40 during which the defendant shall be ineligible for parole.

41 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-  
42 6, a person convicted of a second or subsequent offense under this  
43 subparagraph shall be sentenced to an extended term of  
44 imprisonment as set forth in N.J.S.2C:43-7. For the purposes of this  
45 subparagraph, an offense is considered a second or subsequent  
46 offense if the actor has at any time been convicted pursuant to  
47 paragraph (3), (4), or (5) of this subsection, or under any similar

1 statute of the United States, this State, or any other state for an  
2 offense that is substantially equivalent to paragraph (3), (4), or (5)  
3 of this subsection.

4 For purposes of this subparagraph, the term "possess" includes  
5 receiving, viewing, or having under one's control, through any  
6 means, including the Internet.

7 (b) (i) A person commits a crime of the first degree if **【he】** the  
8 person knowingly possesses, knowingly views, or knowingly has  
9 under **【his】** the person's control, through any means, including the  
10 Internet, 100,000 or more items depicting the sexual exploitation or  
11 abuse of a child.

12 (ii) A person commits a crime of the second degree if **【he】** the  
13 person knowingly possesses, knowingly views, or knowingly has  
14 under **【his】** the person's control, through any means, including the  
15 Internet, at least 1,000 but less than 100,000 items depicting the  
16 sexual exploitation or abuse of a child.

17 (iii) A person commits a crime of the third degree if **【he】** the  
18 person knowingly possesses, knowingly views, or knowingly has  
19 under **【his】** the person's control, through any means, including the  
20 Internet, less than 1,000 items depicting the sexual exploitation or  
21 abuse of a child.

22 Notwithstanding the provisions of subsection e. of N.J.S.2C:44-  
23 1, in any instance where a person was convicted of an offense under  
24 this subparagraph that involved 100 or more items depicting the  
25 sexual exploitation or abuse of a child, the court shall impose a  
26 sentence of imprisonment unless, having regard to the character and  
27 condition of the defendant, it is of the opinion that imprisonment  
28 would be a serious injustice which overrides the need to deter such  
29 conduct by others.

30 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-  
31 6, a person convicted of a second or subsequent offense under this  
32 subparagraph shall be sentenced to an extended term of  
33 imprisonment as set forth in N.J.S.2C:43-7. For the purposes of this  
34 subparagraph, an offense is considered a second or subsequent  
35 offense if the actor has at any time been convicted pursuant to  
36 paragraph (3), (4), or (5) of this subsection, or under any similar  
37 statute of the United States, this State, or any other state for an  
38 offense that is substantially equivalent to paragraph (3), (4), or (5)  
39 of this subsection.

40 Nothing in this subparagraph shall be construed to preclude or  
41 limit any prosecution or conviction for the offense set forth in  
42 subparagraph (a) of this paragraph.

43 (6) For purposes of this subsection, a person who is depicted as  
44 or presents the appearance of being under the age of 18 in any  
45 photograph, film, videotape, computer program or file, video game,  
46 or any other reproduction or reconstruction shall be rebuttably  
47 presumed to be under the age of 18. If the child who is depicted as

1 engaging in, or who is caused to engage in, a prohibited sexual act  
2 or simulation of a prohibited sexual act or portrayed in a sexually  
3 suggestive manner is under the age of 18, the actor shall be strictly  
4 liable and it shall not be a defense that the actor did not know that  
5 the child was under the age of 18, nor shall it be a defense that the  
6 actor believed that the child was 18 years of age or older, even if  
7 such a mistaken belief was reasonable.

8 (7) For aggregation purposes, each depiction of the sexual  
9 exploitation or abuse of a child shall be considered a separate item,  
10 provided that each depiction that is in the form of a photograph,  
11 picture, image, or visual depiction of a similar nature shall be  
12 considered to be one item and each depiction that is in the form of a  
13 film, video, video-clip, movie, or visual depiction of a similar  
14 nature shall be considered to be 10 separate items, and each  
15 individual act of distribution of an item depicting the sexual  
16 exploitation or abuse of a child shall be considered a separate item.  
17 For purposes of determining the number of items depicting the  
18 sexual exploitation or abuse of a child for purposes of sentencing  
19 pursuant to subparagraph (a) of paragraph (5) of this subsection, the  
20 court shall aggregate all items involved, whether the act or acts  
21 constituting the violation occurred at the same time or at different  
22 times and, with respect to distribution, whether the act or acts of  
23 distribution were to the same person or several persons or occurred  
24 at different times, provided that each individual act was committed  
25 within the applicable statute of limitations. For purposes of  
26 determining the number of items depicting the sexual exploitation  
27 or abuse of a child for purposes of sentencing pursuant to  
28 subparagraph (b) of paragraph (5) of this subsection, the court shall  
29 aggregate all items involved, whether the possession of such items  
30 occurred at the same time or at different times, provided that each  
31 individual act was committed within the applicable statute of  
32 limitations.

33 (cf: P.L.2017, c141, s.1)

34

35 4. Section 8 of P.L.2017, c.141 (C.2C:24-4.1) is amended to  
36 read as follows:

37 8. a. A person is a leader of a **【child pornography】** network to  
38 share child sexual abuse or exploitation material if **【he】** the person  
39 knowingly conspires with others as an organizer, moderator,  
40 administrator, programmer, recruiter, or facilitator to engage in a  
41 scheme or course of conduct to establish or maintain an  
42 interconnected network through which files containing one or more  
43 items depicting the sexual exploitation or abuse of a child are in any  
44 way made available to or accessible among an organized group of  
45 users or participants.

46 b. Leader of a **【child pornography】** network to share child  
47 sexual abuse or exploitation material is a crime of the first degree if

1 the offense involves 100,000 or more items depicting the sexual  
2 exploitation or abuse of a child; a crime of the second degree if the  
3 offense involves at least 1,000 but less than 100,000 items depicting  
4 the sexual exploitation or abuse of a child; and a crime of the third  
5 degree if the offense involves less than 1,000 items depicting the  
6 sexual exploitation or abuse of a child.

7 c. For aggregation purposes, each item depicting the sexual  
8 exploitation or abuse of a child made available or accessible  
9 through a distribution network shall be considered a separate item,  
10 provided that each item that is in the form of a photograph, picture,  
11 image, or visual depiction of a similar nature shall be considered to  
12 be one item and each depiction that is in the form of a film, video,  
13 video-clip, movie, or visual depiction of a similar nature shall be  
14 considered to be 10 separate items.

15 d. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction  
16 of leader of a **【child pornography】** network to share child sexual  
17 abuse or exploitation material shall not merge with the conviction  
18 for any offense which is the object of the conspiracy, nor shall the  
19 other conviction merge with a conviction under this section.  
20 Nothing contained in this section shall be construed in any way to  
21 preclude or limit the prosecution or conviction of any person for  
22 conspiracy under the provisions of N.J.S.2C:5-2, or any prosecution  
23 or conviction for endangering the welfare of children under the  
24 provisions of N.J.S.2C:24-4 or any other provision of law.

25 e. As used in this section:

26 "Interconnected network" means a set of computer nodes,  
27 including but not limited to personal computers, mobile devices,  
28 and physical or virtual servers that are linked together to facilitate  
29 the transmission of data between users.

30 "Item depicting the sexual exploitation or abuse of a child" shall  
31 have the same meaning as provided in subsection b. of N.J.S.2C:24-  
32 4.

33 (cf: P.L.2017, c.141, s.8)

34

35 5. Section 1 of P.L.2009, c.143 (2C:43-3.8) is amended to read  
36 as follows:

37 1. a. In addition to any disposition authorized by this Title, the  
38 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any  
39 other statute indicating the dispositions that can be ordered for an  
40 adjudication of delinquency, every person convicted of or  
41 adjudicated delinquent for a violation of paragraph (3), (4), or (5) of  
42 subsection b. of N.J.S.2C:24-4; section 8 of P.L.2017, c.141  
43 (C.2C:24-4.1); N.J.S.2C:34-3; or an offense involving computer  
44 criminal activity in violation of any provision of chapter 20 of this  
45 title shall be assessed for each such offense a penalty fixed at:

46 (a) \$2,000 in the case of a crime of the first degree;

47 (b) \$1,000 in the case of a crime of the second degree;

- 1 (c) \$750 in the case of a crime of the third degree;  
2 (d) \$500 in the case of a crime of the fourth degree;  
3 (e) \$250 in the case of a disorderly persons or petty disorderly  
4 persons offense.

5 b. All penalties provided for in this section shall be collected as  
6 provided for collection of fines and restitutions in section 3 of  
7 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the  
8 Department of the Treasury as provided in subsection c. of this  
9 section.

10 c. All moneys collected pursuant to this section shall be  
11 forwarded to the Department of the Treasury to be deposited in a  
12 nonlapsing revolving fund to be known as the "Computer Crime  
13 Prevention Fund." Moneys in the fund shall be appropriated by the  
14 Legislature to the Department of Law and Public Safety on an  
15 annual basis for the purposes of investigating and prosecuting  
16 computer-related crime, and funding continuing educational  
17 programs on high technology crimes and the 24-hour toll-free  
18 computer crime hotline telephone service established pursuant to  
19 section 3 of P.L.1998, c.134 (C.52:17B-193) and publicizing  
20 thereof, as well as other programs designed to enhance public  
21 awareness of computer-related crime, including but not limited to  
22 use of the Internet to facilitate sexual predatory acts, cyber-stalking  
23 and cyberbullying, online distribution or possession of child  
24 **【pornography】** sexual abuse or exploitation material, threats of  
25 violence in schools or other institutions, Internet fraud, and  
26 unauthorized intrusions into computer systems.

27 d. There is created in the Department of the Treasury a non-  
28 lapsing fund entitled the "Computer Crime Prevention Fund." The  
29 fund shall be the depository for assessments collected pursuant to  
30 subsection a. of this section, to be appropriated and used in  
31 accordance with the purposes set forth in subsection c. of this  
32 section.

33 (cf: P.L.2017, c.141, s.4)

34

35 6. Section 2 of P.L.1994, c.130 (C.2C:43-6.4) is amended to  
36 read as follows:

37 2. a. Notwithstanding any provision of law to the contrary, a  
38 judge imposing sentence on a person who has been convicted of  
39 aggravated sexual assault, sexual assault, aggravated criminal  
40 sexual contact, kidnapping pursuant to paragraph (2) of subsection  
41 c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging  
42 in sexual conduct which would impair or debauch the morals of the  
43 child pursuant to subsection a. of N.J.S.2C:24-4, endangering the  
44 welfare of a child pursuant to paragraph (3) or sub-subparagraph (i)  
45 or (ii) of subparagraph (b) of paragraph (5) of subsection b. of  
46 N.J.S.2C:24-4, luring, violating a condition of a special sentence of  
47 community supervision for life pursuant to subsection d. of this

1 section, or an attempt to commit any of these offenses shall include,  
2 in addition to any sentence authorized by this Code, a special  
3 sentence of parole supervision for life. Notwithstanding any  
4 provision of law to the contrary, a court imposing sentence on a  
5 person who has been convicted of endangering the welfare of a  
6 child pursuant to paragraph (4) or subparagraph (a) or sub-  
7 subparagraph (iii) of subparagraph (b) of paragraph (5) of  
8 subsection b. of N.J.S.2C:24-4, leader of a **【child pornography】**  
9 network to share child sexual abuse or exploitation material  
10 pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1), or an  
11 attempt to commit either of these offenses shall include, upon  
12 motion of the prosecutor, a special sentence of parole supervision  
13 for life in addition to any sentence authorized by Title 2C of the  
14 New Jersey Statutes, unless the court finds on the record that the  
15 special sentence is not needed to protect the community or deter the  
16 defendant from future criminal activity.

17 b. The special sentence of parole supervision for life required  
18 by this section shall commence immediately upon the defendant's  
19 release from incarceration. If the defendant is serving a sentence of  
20 incarceration for another offense at the time **【he】** the defendant  
21 completes the custodial portion of the sentence imposed on the  
22 present offense, the special sentence of parole supervision for life  
23 shall not commence until the defendant is actually released from  
24 incarceration for the other offense. Persons serving a special  
25 sentence of parole supervision for life shall remain in the legal  
26 custody of the Commissioner of Corrections, shall be supervised by  
27 the Division of Parole of the State Parole Board, shall be subject to  
28 the provisions and conditions set forth in subsection c. of section 3  
29 of P.L.1997, c.117 (C.30:4-123.51b) and sections 15 through 19 and  
30 21 of P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and  
31 30:4-123.65), and shall be subject to conditions appropriate to  
32 protect the public and foster rehabilitation. Such conditions may  
33 include the requirement that the person comply with the conditions  
34 set forth in subsection f. of this section concerning use of a  
35 computer or other device with access to the Internet or the  
36 conditions set forth in subsection g. of this section concerning the  
37 operation as defined in section 1 of P.L.2017, c.315 (C.2C:40-27) of  
38 an unmanned aircraft system as defined in section 1 of P.L.2017,  
39 c.315 (C.2C:40-27). If the defendant violates a condition of a  
40 special sentence of parole supervision for life, the defendant shall  
41 be subject to the provisions of sections 16 through 19 and 21 of  
42 P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and 30:4-  
43 123.65), and for the purpose of calculating the limitation on time  
44 served pursuant to section 21 of P.L.1979, c.441 (C.30:4-123.65)  
45 the custodial term imposed upon the defendant related to the special  
46 sentence of parole supervision for life shall be deemed to be a term  
47 of life imprisonment. When the court suspends the imposition of

1 sentence on a defendant who has been convicted of any offense  
2 enumerated in subsection a. of this section, the court may not  
3 suspend imposition of the special sentence of parole supervision for  
4 life, which shall commence immediately, with the Division of  
5 Parole of the State Parole Board maintaining supervision over that  
6 defendant, including the defendant's compliance with any  
7 conditions imposed by the court pursuant to N.J.S.2C:45-1, in  
8 accordance with the provisions of this subsection. Nothing  
9 contained in this subsection shall prevent the court from at any time  
10 proceeding under the provisions of N.J.S.2C:45-1 through  
11 N.J.S.2C:45-4 against any such defendant for a violation of any  
12 conditions imposed by the court when it suspended imposition of  
13 sentence, or prevent the Division of Parole from proceeding under  
14 the provisions of sections 16 through 19 and 21 of P.L.1979, c.441  
15 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) against any  
16 such defendant for a violation of any conditions of the special  
17 sentence of parole supervision for life, including the conditions  
18 imposed by the court pursuant to N.J.S.2C:45-1. In any such  
19 proceeding by the Division of Parole, the provisions of subsection  
20 c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b) authorizing  
21 revocation and return to prison shall be applicable to such a  
22 defendant, notwithstanding that the defendant may not have been  
23 sentenced to or served any portion of a custodial term for  
24 conviction of an offense enumerated in subsection a. of this section.

25 c. A person sentenced to a term of parole supervision for life  
26 may petition the Superior Court for release from that parole  
27 supervision. The judge may grant a petition for release from a  
28 special sentence of parole supervision for life only upon proof by  
29 clear and convincing evidence that the person has not committed a  
30 crime for 15 years since the last conviction or release from  
31 incarceration, whichever is later, and that the person is not likely to  
32 pose a threat to the safety of others if released from parole  
33 supervision. Notwithstanding the provisions of section 22 of  
34 P.L.1979, c.441 (C.30:4-123.66), a person sentenced to a term of  
35 parole supervision for life may be released from that parole  
36 supervision term only by court order as provided in this subsection.

37 d. A person who violates a condition of a special sentence of  
38 community supervision for life or parole supervision for life  
39 imposed pursuant to this section without good cause is guilty of a  
40 crime of the third degree. Notwithstanding any other law to the  
41 contrary, a person sentenced pursuant to this subsection shall be  
42 sentenced to a term of imprisonment, unless the court is clearly  
43 convinced that the interests of justice so far outweigh the need to  
44 deter this conduct and the interest in public safety that a sentence to  
45 imprisonment would be a manifest injustice. Nothing in this  
46 subsection shall preclude subjecting a person who violates any  
47 condition of a special sentence of parole supervision for life to the

1 provisions of sections 16 through 19 and 21 of P.L.1979, c.441  
2 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) pursuant to  
3 the provisions of subsection c. of section 3 of P.L.1997, c.117  
4 (C.30:4-123.51b).

5 e. A person who, while serving a special sentence of parole  
6 supervision for life imposed pursuant to this section, commits a  
7 violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5,  
8 subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, section 1 of  
9 P.L.1993, c.291 (C.2C:13-6), N.J.S.2C:14-2, N.J.S.2C:14-3,  
10 N.J.S.2C:24-4, section 8 of P.L.2017, c.141 (C.2C:24-4.1),  
11 N.J.S.2C:18-2 when the offense is a crime of the second degree, or  
12 subsection a. of N.J.S.2C:39-4 shall be sentenced to an extended  
13 term of imprisonment as set forth in N.J.S.2C:43-7, which term  
14 shall, notwithstanding the provisions of N.J.S.2C:43-7 or any other  
15 law, be served in its entirety prior to the person's resumption of the  
16 term of parole supervision for life.

17 f. The special sentence of parole supervision for life required  
18 by this section may include any of the following Internet access  
19 conditions:

20 (1) Prohibit the person from accessing or using a computer or  
21 any other device with Internet capability without the prior written  
22 approval of the court except the person may use a computer or any  
23 other device with Internet capability in connection with that  
24 person's employment or search for employment with the prior  
25 approval of the person's parole officer;

26 (2) Require the person to submit to periodic unannounced  
27 examinations of the person's computer or any other device with  
28 Internet capability by a parole officer, law enforcement officer or  
29 assigned computer or information technology specialist, including  
30 the retrieval and copying of all data from the computer or device  
31 and any internal or external peripherals and removal of such  
32 information, equipment or device to conduct a more thorough  
33 inspection;

34 (3) Require the person to submit to the installation on the  
35 person's computer or device with Internet capability, at the person's  
36 expense, one or more hardware or software systems to monitor the  
37 Internet use;

38 (4) Require the person to submit to any other appropriate  
39 restrictions concerning the person's use or access of a computer or  
40 any other device with Internet capability; and

41 (5) Require the person to disclose all passwords used by the  
42 person to access any data, information, image, program, signal or  
43 file on the person's computer or any other device with Internet  
44 capability.

45 g. The special sentence of parole supervision for life required  
46 by this section may include reasonable conditions prohibiting or  
47 restricting the person's operation of an unmanned aircraft system in

1 order to reduce the likelihood of a recurrence of criminal or  
2 delinquent behavior.

3 (cf: P.L.2017, c.333, s.1)

4

5 7. Section 3 of P.L.2003, c.301 (C.2C:44-6.3) is amended to  
6 read as follows:

7 3. a. In any case in which a person has been convicted of a  
8 crime enumerated in subsection b. of this section and:

9 (1) the victim of the crime was either a person under the age of  
10 18 at the time of the commission of the crime, or a person defined  
11 in paragraph (9) of subsection b. of this section; and

12 (2) the person convicted of the crime resides in a household  
13 with other minor children or is a parent of a minor child,  
14 the court, based on an interview with the defendant, shall make a  
15 referral to the Division of Child Protection and Permanency in the  
16 Department of Children and Families and provide the division with  
17 the name and address of the person convicted of the crime,  
18 information on the person's criminal history, and the name and  
19 address of each child referred to in paragraph (2) of this subsection.

20 b. For purposes of this section, "crime" includes any of the  
21 following:

22 (1) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
23 to N.J.S.2C:11-4;

24 (2) simple assault or aggravated assault pursuant to  
25 N.J.S.2C:12-1;

26 (3) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

27 (4) terrorist threats pursuant to N.J.S.2C:12-3;

28 (5) kidnapping and related offenses including criminal restraint;  
29 false imprisonment; interference with custody; criminal coercion; or  
30 enticing a child into a motor vehicle, structure, or isolated area  
31 pursuant to N.J.S.2C:13-1 through 2C:13-6;

32 (6) sexual assault, criminal sexual contact, or lewdness pursuant  
33 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

34 (7) arson pursuant to N.J.S.2C:17-1, or causing or risking  
35 widespread injury or damage which would constitute a crime of the  
36 second degree pursuant to N.J.S.2C:17-2;

37 (8) a crime against a child, including endangering the welfare of  
38 a child and any crime involving child [pornography] sexual abuse  
39 or exploitation material pursuant to N.J.S.2C:24-4; or child abuse,  
40 neglect, or abandonment pursuant to R.S.9:6-3;

41 (9) endangering the welfare of an incompetent person pursuant  
42 to N.J.S.2C:24-7 or endangering the welfare of an elderly or  
43 disabled person pursuant to N.J.S.2C:24-8;

44 (10) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
45 et seq.); or

1 (11) an attempt or conspiracy to commit an offense listed in  
2 paragraphs (1) through (10) of this subsection.

3 (cf: P.L.2012, c.16, s.11)

4

5 8. N.J.S.2C:47-1 is amended to read as follows:

6 2C:47-1. Referral to Adult Diagnostic and Treatment Center;  
7 Commitment; Examination.

8 Whenever a person is convicted of the offense of aggravated  
9 sexual assault, sexual assault, aggravated criminal sexual contact,  
10 kidnapping pursuant to paragraph (2) of subsection c. of  
11 N.J.S.2C:13-1, endangering the welfare of a child by engaging in  
12 sexual conduct which would impair or debauch the morals of the  
13 child pursuant to subsection a. of N.J.S.2C:24-4, endangering the  
14 welfare of a child pursuant to paragraph (4) or (5) of subsection b.  
15 of N.J.S.2C:24-4, leader of a **【child pornography】** network to share  
16 child sexual abuse or exploitation material pursuant to section 8 of  
17 P.L.2017, c.141 (C.2C:24-4.1), or an attempt to commit any such  
18 crime, the judge shall order the Department of Corrections to  
19 complete a psychological examination of the offender, except the  
20 judge shall not require a psychological examination if the offender  
21 is to be sentenced to a term of life imprisonment without eligibility  
22 for parole. The examination shall include a determination of  
23 whether the offender's conduct was characterized by a pattern of  
24 repetitive, compulsive behavior and, if it was, a further  
25 determination of the offender's amenability to sex offender  
26 treatment and willingness to participate in such treatment. The  
27 court's order shall contain a determination of the offender's legal  
28 settlement in accordance with subdivision D of article 3 of chapter  
29 4 of Title 30 of the Revised Statutes.

30 (cf: P.L.2017, c.141, s.6)

31

32 9. N.J.S.2C:52-2 is amended to read as follows:

33 2C:52-2. Indictable Offenses.

34 a. In all cases, except as herein provided, a person may present  
35 an expungement application to the Superior Court pursuant to this  
36 section if:

37 the person has been convicted of one crime under the laws of this  
38 State, and does not otherwise have any subsequent conviction for  
39 another crime, whether within this State or any other jurisdiction.  
40 Subject to the provision of subsection e. of N.J.S.2C:52-14  
41 requiring denial of an expungement petition when a person has had  
42 a previous criminal conviction expunged, a prior conviction for  
43 another crime shall not bar presenting an application seeking  
44 expungement relief for the criminal conviction that is the subject of  
45 the application; or

46 the person has been convicted of one crime and no more than  
47 three disorderly persons or petty disorderly persons offenses under

1 the laws of this State, and does not otherwise have any subsequent  
2 conviction for another crime, or any subsequent conviction for  
3 another disorderly persons or petty disorderly persons offense such  
4 that the total number of convictions for disorderly persons and petty  
5 disorderly persons offenses would exceed three, whether any such  
6 crime or offense conviction was within this State or any other  
7 jurisdiction. Subject to the provision of subsection e. of  
8 N.J.S.2C:52-14 requiring denial of an expungement petition when a  
9 person has had a previous criminal conviction expunged, a prior  
10 conviction for another crime, disorderly persons offense, or petty  
11 disorderly persons offense shall not bar presenting an application  
12 seeking expungement relief for the one criminal conviction and no  
13 more than three convictions for disorderly persons or petty  
14 disorderly persons offenses that are the subject of the application;  
15 or

16 the person has been convicted of multiple crimes or a  
17 combination of one or more crimes and one or more disorderly  
18 persons or petty disorderly persons offenses under the laws of this  
19 State, all of which are listed in a single judgment of conviction, and  
20 does not otherwise have any subsequent conviction for another  
21 crime or offense in addition to those convictions included in the  
22 expungement application, whether any such conviction was within  
23 this State or any other jurisdiction. Subject to the provision of  
24 subsection e. of N.J.S.2C:52-14 requiring denial of an expungement  
25 petition when a person has had a previous criminal conviction  
26 expunged, a prior conviction for another crime, disorderly persons  
27 offense, or petty disorderly persons offense that is not listed in a  
28 single judgment of conviction shall not bar presenting an  
29 application seeking expungement relief for the convictions listed in  
30 a single judgment of conviction that are the subject of the  
31 application; or

32 the person has been convicted of multiple crimes or a  
33 combination of one or more crimes and one or more disorderly  
34 persons or petty disorderly persons offenses under the laws of this  
35 State, which crimes or combination of crimes and offenses were  
36 interdependent or closely related in circumstances and were  
37 committed as part of a sequence of events that took place within a  
38 comparatively short period of time, regardless of the date of  
39 conviction or sentencing for each individual crime or offense, and  
40 the person does not otherwise have any subsequent conviction for  
41 another crime or offense in addition to those convictions included in  
42 the expungement application, whether any such conviction was  
43 within this State or any other jurisdiction. Subject to the provision  
44 of subsection e. of N.J.S.2C:52-14 requiring denial of an  
45 expungement petition when a person has had a previous criminal  
46 conviction expunged, a prior conviction for another crime,  
47 disorderly persons offense, or petty disorderly persons offense that

1 was not interdependent or closely related in circumstances and was  
2 not committed within a comparatively short period of time as  
3 described above shall not bar presenting an application seeking  
4 expungement relief for the convictions of crimes or crimes and  
5 offenses that were interdependent or closely related and committed  
6 within a comparatively short period of time, and that are the subject  
7 of the application.

8 For purposes of determining eligibility to present an  
9 expungement application to the Superior Court pursuant to this  
10 section, a conviction for unlawful distribution of, or possessing or  
11 having under control with intent to distribute, marijuana or hashish  
12 in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a  
13 lesser amount of marijuana or hashish in violation of paragraph (12)  
14 of subsection b. of that section, or a violation of either of those  
15 paragraphs and a violation of subsection a. of section 1 of P.L.1987,  
16 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327  
17 (C.2C:35-7.1), for distributing, or possessing or having under  
18 control with intent to distribute, on or within 1,000 feet of any  
19 school property, or on or within 500 feet of the real property  
20 comprising a public housing facility, public park, or public  
21 building, or for obtaining or possessing marijuana or hashish in  
22 violation of paragraph (3) of subsection a. of N.J.S.2C:35-10, or for  
23 an equivalent crime in another jurisdiction, regardless of when the  
24 conviction occurred, shall not be considered a conviction of a crime  
25 within this State or any other jurisdiction but shall instead be  
26 considered a conviction of a disorderly persons offense within this  
27 State or an equivalent category of offense within the other  
28 jurisdiction, and a conviction for obtaining, possessing, using, being  
29 under the influence of, or failing to make lawful disposition of  
30 marijuana or hashish in violation of paragraph (4) of subsection a.,  
31 or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation  
32 involving marijuana or hashish as described herein and using or  
33 possessing with intent to use drug paraphernalia with that marijuana  
34 or hashish in violation of N.J.S.2C:36-2, or for an equivalent crime  
35 or offense in another jurisdiction, regardless of when the conviction  
36 occurred, shall not be considered a conviction within this State or  
37 any other jurisdiction.

38 The person, if eligible, may present the expungement application  
39 after the expiration of a period of five years from the date of **[his]**  
40 the person's most recent conviction, payment of any court-ordered  
41 financial assessment, satisfactory completion of probation or parole,  
42 or release from incarceration, whichever is later. The term "court-  
43 ordered financial assessment" as used herein and throughout this  
44 section means and includes any fine, fee, penalty, restitution, and  
45 other form of financial assessment imposed by the court as part of  
46 the sentence for the conviction or convictions that are the subject of  
47 the application, for which payment of restitution takes precedence

1 in accordance with chapter 46 of Title 2C of the New Jersey  
2 Statutes. The person shall submit the expungement application to  
3 the Superior Court in the county in which the most recent  
4 conviction for a crime was adjudged, which includes a duly verified  
5 petition as provided in N.J.S.2C:52-7 praying that the conviction, or  
6 convictions if applicable, and all records and information pertaining  
7 thereto be expunged. The petition appended to an application shall  
8 comply with the requirements set forth in N.J.S.2C:52-1 et seq.

9 Notwithstanding the provisions concerning the five-year time  
10 requirement, if, at the time of application, a court-ordered financial  
11 assessment subject to collection under the comprehensive  
12 enforcement program established pursuant to P.L.1995, c.9  
13 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than  
14 willful noncompliance, but the time requirement of five years is  
15 otherwise satisfied, the person may submit the expungement  
16 application and the court may grant an expungement; provided,  
17 however, that if expungement is granted the court shall enter a civil  
18 judgment for the unpaid portion of the court-ordered financial  
19 assessment in the name of the Treasurer, State of New Jersey and  
20 transfer collections and disbursement responsibility to the State  
21 Treasurer for the outstanding amount in accordance with section 8  
22 of P.L.2017, c.244 (C.2C:52-23.1). The Treasurer may specify, and  
23 the Administrative Office of the Courts shall collaborate with, the  
24 technical and informational standards required to effectuate the  
25 transfer of the collection and disbursement responsibilities.  
26 Notwithstanding any provision in this law or any other law to the  
27 contrary, the court shall have sole discretion to amend the  
28 judgment.

29 Additionally, an application may be filed and presented, and the  
30 court may grant an expungement pursuant to this section, although  
31 less than five years have expired in accordance with the time  
32 requirements when the court finds:

33 (1) the court-ordered financial assessment is satisfied but less  
34 than five years have expired from the date of satisfaction, and the  
35 time requirement of five years is otherwise satisfied, and the court  
36 finds that the person substantially complied with any payment plan  
37 ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to  
38 compelling circumstances affecting **his** the person's ability to  
39 satisfy the assessment; or

40 (2) at least four but less than five years have expired from the  
41 date of the most recent conviction, payment of any court-ordered  
42 financial assessment, satisfactory completion of probation or parole,  
43 or release from incarceration, whichever is later; and

44 the person has not been otherwise convicted of a crime,  
45 disorderly persons offense, or petty disorderly persons offense since  
46 the time of the most recent conviction; and the court finds in its  
47 discretion that compelling circumstances exist to grant the

1 expungement. The prosecutor may object pursuant to section 11 of  
2 P.L.2019, c.269 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14,  
3 or N.J.S.2C:52-24.

4 In determining whether compelling circumstances exist for the  
5 purposes of paragraph (1) of this subsection, a court may consider  
6 the amount of any court-ordered financial assessment imposed, the  
7 person's age at the time of the offense or offenses, the person's  
8 financial condition and other relevant circumstances regarding the  
9 person's ability to pay.

10 b. Records of conviction pursuant to statutes repealed by this  
11 Code for the crimes of murder, manslaughter, treason, anarchy,  
12 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,  
13 robbery, embracery, or a conspiracy or any attempt to commit any  
14 of the foregoing, or aiding, assisting or concealing persons accused  
15 of the foregoing crimes, shall not be expunged.

16 Records of conviction for the following crimes specified in the  
17 New Jersey Code of Criminal Justice shall not be subject to  
18 expungement: N.J.S.2C:11-1 et seq. (Criminal Homicide), except  
19 death by auto as specified in N.J.S.2C:11-5 and strict liability  
20 vehicular homicide as specified in section 1 of P.L.2017, c.165  
21 (C.2C:11-5.3); N.J.S.2C:13-1 (Kidnapping); section 1 of P.L.1993,  
22 c.291 (C.2C:13-6) (Luring or Enticing); section 1 of P.L.2005, c.77  
23 (C.2C:13-8) (Human Trafficking); N.J.S.2C:14-2 (Sexual Assault or  
24 Aggravated Sexual Assault); subsection a. of N.J.S.2C:14-3  
25 (Aggravated Criminal Sexual Contact); if the victim is a minor,  
26 subsection b. of N.J.S.2C:14-3 (Criminal Sexual Contact); if the  
27 victim is a minor and the offender is not the parent of the victim,  
28 N.J.S.2C:13-2 (Criminal Restraint) or N.J.S.2C:13-3 (False  
29 Imprisonment); N.J.S.2C:15-1 (Robbery); N.J.S.2C:17-1 (Arson  
30 and Related Offenses); subsection a. of N.J.S.2C:24-4 (Endangering  
31 the welfare of a child by engaging in sexual conduct which would  
32 impair or debauch the morals of the child, or causing the child other  
33 harm); paragraph (4) of subsection b. of N.J.S.2C:24-4  
34 (Photographing or filming a child in a prohibited sexual act or for  
35 portrayal in a sexually suggestive manner); paragraph (3) of  
36 subsection b. of N.J.S.2C:24-4 (Causing or permitting a child to  
37 engage in a prohibited sexual act or the simulation of an act, or to  
38 be portrayed in a sexually suggestive manner); subparagraph (a) of  
39 paragraph (5) of subsection b. of N.J.S.2C:24-4 (Distributing,  
40 possessing with intent to distribute or using a file-sharing program  
41 to store items depicting the sexual exploitation or abuse of a child);  
42 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4  
43 (Possessing or viewing items depicting the sexual exploitation or  
44 abuse of a child); section 8 of P.L.2017, c.141 (C.2C:24-4.1)  
45 (Leader of a **【child pornography】** network to share child sexual  
46 abuse or exploitation material); N.J.S.2C:28-1 (Perjury);  
47 N.J.S.2C:28-2 (False Swearing); paragraph (4) of subsection b. of

1 N.J.S.2C:34-1 (Knowingly promoting the prostitution of the actor's  
2 child); section 2 of P.L.2002, c.26 (C.2C:38-2) (Terrorism);  
3 subsection a. of section 3 of P.L.2002, c.26 (C.2C:38-3) (Producing  
4 or Possessing Chemical Weapons, Biological Agents or Nuclear or  
5 Radiological Devices); and conspiracies or attempts to commit such  
6 crimes.

7 Records of conviction for any crime committed by a person  
8 holding any public office, position or employment, elective or  
9 appointive, under the government of this State or any agency or  
10 political subdivision thereof and any conspiracy or attempt to  
11 commit such a crime shall not be subject to expungement if the  
12 crime involved or touched such office, position or employment.

13 c. In the case of conviction for the sale or distribution of a  
14 controlled dangerous substance or possession thereof with intent to  
15 sell, expungement shall be denied except where the crimes involve:

16 (1) Marijuana, where the total quantity sold, distributed or  
17 possessed with intent to sell was less than one ounce;

18 (2) Hashish, where the total quantity sold, distributed or  
19 possessed with intent to sell was less than five grams; or

20 (3) Any controlled dangerous substance provided that the  
21 conviction is of the third or fourth degree, where the court finds that  
22 compelling circumstances exist to grant the expungement. The  
23 prosecutor may object pursuant to section 11 of P.L.2019, c.269  
24 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

25 d. In the case of a State licensed physician or podiatrist  
26 convicted of an offense involving drugs or alcohol or pursuant to  
27 section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the  
28 petitioner shall notify the State Board of Medical Examiners upon  
29 filing an application for expungement and provide the board with a  
30 copy thereof. The petitioner shall also provide to the court a  
31 certification attesting that the requirements of this subsection were  
32 satisfied. Failure to satisfy the requirements of this subsection shall  
33 be grounds for denial of the expungement application and, if  
34 applicable, administrative discipline by the board.

35 (cf: P.L.2019, c.269, s.2)

36

37 10. Section 4 of P.L.2008, c.114 (C.9:3-40.5) is amended to read  
38 as follows;

39 4. Except as provided in subsection d. of this section, a current  
40 staff member, or an applicant for employment, shall be disqualified  
41 from employment at an approved agency if the criminal history  
42 record background check of the staff member or applicant reveals a  
43 record of conviction for any of the following crimes and offenses:

44 a. In New Jersey, any crime or disorderly persons offense as  
45 follows:

- 1 (1) a crime against a child, including endangering the welfare of  
2 a child and any crime involving child [pornography] sexual abuse  
3 or exploitation material pursuant to N.J.S.2C:24-4;
- 4 (2) abuse, abandonment or neglect of a child pursuant to  
5 R.S.9:6-3;
- 6 (3) endangering the welfare of an incompetent person pursuant  
7 to N.J.S.2C:24-7;
- 8 (4) sexual assault, criminal sexual contact or lewdness pursuant  
9 to N.J.S.2C:14-2 through N.J.S.2C:14-4;
- 10 (5) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
11 to N.J.S.2C:11-4;
- 12 (6) stalking pursuant to section 1 of P.L.1992, c.209 (C.2C:12-  
13 10);
- 14 (7) kidnapping and related offenses including criminal restraint,  
15 false imprisonment, interference with custody, criminal coercion, or  
16 enticing a child into a motor vehicle, structure or isolated area  
17 pursuant to N.J.S.2C:13-1 through N.J.S.2C:13-5 and section 1 of  
18 P.L.1993, c.291 (C.2C:13-6);
- 19 (8) arson pursuant to N.J.S.2C:17-1, or causing or risking  
20 widespread injury or damage, which would constitute a crime of the  
21 second degree pursuant to N.J.S.2C:17-2;
- 22 (9) aggravated assault, which would constitute a crime of the  
23 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;
- 24 (10) robbery, which would constitute a crime of the first degree  
25 pursuant to N.J.S.2C:15-1;
- 26 (11) burglary, which would constitute a crime of the second  
27 degree pursuant to N.J.S.2C:18-2;
- 28 (12) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
29 et al.);
- 30 (13) terroristic threats pursuant to N.J.S.2C:12-3; or
- 31 (14) an attempt or conspiracy to commit any of the crimes or  
32 offenses listed in paragraphs (1) through (13) of this subsection.
- 33 b. In any other state or jurisdiction, of conduct which, if  
34 committed in New Jersey, would constitute any of the crimes or  
35 disorderly persons offenses described in subsection a. of this  
36 section.
- 37 c. Notwithstanding the provisions of this section to the  
38 contrary, a staff member shall not be disqualified from employment  
39 at an approved agency under this act on the basis of any conviction  
40 disclosed by a criminal history record background check performed  
41 pursuant to this act without an opportunity to challenge the  
42 accuracy of the disqualifying criminal history record pursuant to the  
43 provisions of section 7 of P.L.2003, c.186 (C.53:1-20.9d).
- 44 d. If a staff member is convicted of a crime specified in  
45 subsection a. of this section, the staff member shall be terminated  
46 from employment at the agency, except that the department may

1 approve the staff member's employment at the agency if all of the  
2 following conditions are met:

3 (1) the department determines that the crime does not relate  
4 adversely to the position the staff member is employed in pursuant  
5 to the provisions of P.L.1968, c.282 (C.2A:168A-1 et seq.);

6 (2) the conviction is not related to a crime committed against a  
7 child, as specified in subsection a. of this section;

8 (3) the agency documents that the staff member's employment at  
9 the agency does not create a risk to the safety or well-being of  
10 children due to the nature and requirements of the position; as  
11 necessary, the agency shall identify restrictions regarding the staff  
12 member's contact with, care, or supervision of children;

13 (4) the agency documents that the staff member is uniquely  
14 qualified for the position due to specific skills, qualifications,  
15 characteristics or prior employment experiences; and

16 (5) the department determines that the staff member has  
17 affirmatively demonstrated rehabilitation, pursuant to the factors  
18 specified in subsection b. of section 5 of this act.

19 (cf: P.L.2008, c.114, s.4.)

20

21 11. Section 1 of P.L.2018, c.80 (C.18A:35-4.32) is amended to  
22 read as follows:

23 1. The Legislature finds and declares that:

24 a. The teenage practice of "sexting," sending a sexually explicit  
25 text message, is a nationwide issue for students, parents, school  
26 administrators, and law enforcement officials.

27 b. What many teens do not realize is that, by law, a sexual  
28 image of any person under the age of 18 is child **【pornography】**  
29 sexual abuse or exploitation material. Prosecutors in several states  
30 have charged teenagers who have engaged in this behavior with  
31 criminal offenses, including distribution of child **【pornography】**  
32 sexual abuse or exploitation material.

33 c. Pursuant to a law which became effective in April, 2012, the  
34 New Jersey Legislature provided for a diversionary program for  
35 juveniles who are criminally charged for "sexting" or posting sexual  
36 images and permits them to participate in a remedial education or  
37 counseling program as an alternative to criminal prosecution.

38 d. Beyond the legal consequences of this behavior, however,  
39 sexting also has significant non-legal consequences including, but  
40 not limited to, the effect on relationships, loss of educational and  
41 employment opportunities, and being barred or removed from  
42 school programs and extracurricular activities.

43 e. Because of the unique characteristics of cyberspace and the  
44 Internet, a single sext has the potential to cause long-term and  
45 possibly unforeseen consequences, and result in severe  
46 embarrassment, ridicule, cyber-bullying, and lasting mental and  
47 emotional trauma.

1 f. It is imperative that students understand at a young age the  
2 severity of sending sexually explicit text messages and the impact  
3 that these actions have on the students themselves, their victims,  
4 and the community and that they receive instruction on how and  
5 why to refrain from this very dangerous behavior.

6 (cf: P.L.2018, c.80, s.1)

7  
8 12. Section 1 of P.L.1985, c.396 (C.30:4C-26.8) is amended to  
9 read as follows:

10 1. a. A person, in addition to meeting other requirements as may  
11 be established by the Department of Children and Families, shall  
12 become a resource family parent or eligible to adopt a child only  
13 upon the completion of an investigation to ascertain if there is a  
14 State or federal record of criminal history for the prospective  
15 adoptive or resource family parent or any other adult residing in the  
16 prospective parent's home. The investigation shall be conducted by  
17 the Division of State Police in the Department of Law and Public  
18 Safety and shall include an examination of its own files and the  
19 obtaining of a similar examination by federal authorities.

20 b. If the prospective resource family parent or any adult  
21 residing in the prospective parent's home has a record of criminal  
22 history, the Department of Children and Families shall review the  
23 record with respect to the type and date of the criminal offense and  
24 make a determination as to the suitability of the person to become a  
25 resource family parent or the suitability of placing a child in that  
26 person's home, as the case may be.

27 c. For the purposes of this section, a conviction for one of the  
28 offenses enumerated in subsection d. or e. of this section has  
29 occurred if the person has been convicted under the laws of this  
30 State or any other state or jurisdiction for an offense that is  
31 substantially equivalent to the offenses enumerated in these  
32 subsections.

33 d. A person shall be disqualified from being a resource family  
34 parent or shall not be eligible to adopt a child if that person or any  
35 adult residing in that person's household ever committed a crime  
36 which resulted in a conviction for:

37 (1) a crime against a child, including endangering the welfare of  
38 a child and any crime involving child [pornography] sexual abuse  
39 or exploitation material pursuant to N.J.S.2C:24-4; or child abuse,  
40 neglect, or abandonment pursuant to R.S.9:6-3;

41 (2) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
42 to N.J.S.2C:11-4;

43 (3) aggravated assault which would constitute a crime of the  
44 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

45 (4) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

46 (5) kidnapping and related offenses including criminal restraint;  
47 false imprisonment; interference with custody; criminal coercion; or

- 1 enticing a child into a motor vehicle, structure, or isolated area  
2 pursuant to N.J.S.2C:13-1 through 2C:13-6;
- 3 (6) sexual assault, criminal sexual contact, or lewdness pursuant  
4 to N.J.S.2C:14-2 through N.J.S.2C:14-4;
- 5 (7) robbery which would constitute a crime of the first degree  
6 pursuant to N.J.S.2C:15-1;
- 7 (8) burglary which would constitute a crime of the second  
8 degree pursuant to N.J.S.2C:18-2;
- 9 (9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
10 et seq.);
- 11 (10) endangering the welfare of an incompetent person pursuant  
12 to N.J.S.2C:24-7 or endangering the welfare of an elderly or  
13 disabled person pursuant to N.J.S.2C:24-8;
- 14 (11) terrorist threats pursuant to N.J.S.2C:12-3;
- 15 (12) arson pursuant to N.J.S.2C:17-1, or causing or risking  
16 widespread injury or damage which would constitute a crime of the  
17 second degree pursuant to N.J.S.2C:17-2; or
- 18 (13) an attempt or conspiracy to commit an offense listed in  
19 paragraphs (1) through (12) of this subsection.
- 20 e. A person shall be disqualified from being a resource family  
21 parent if that person or any adult residing in that person's household  
22 was convicted of one of the following crimes and the date of release  
23 from confinement occurred during the preceding five years:
- 24 (1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;
- 25 (2) aggravated assault which would constitute a crime of the  
26 fourth degree pursuant to subsection b. of N.J.S.2C:12-1;
- 27 (3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1  
28 et seq.);
- 29 (4) robbery which would constitute a crime of the second degree  
30 pursuant to N.J.S.2C:15-1;
- 31 (5) burglary which would constitute a crime of the third degree  
32 pursuant to N.J.S.2C:18-2; or
- 33 (6) an attempt or conspiracy to commit an offense listed in  
34 paragraphs (1) through (5) of this subsection.
- 35 For the purposes of this subsection, the "date of release from  
36 confinement" means the date of termination of court-ordered  
37 supervision through probation, parole, or residence in a correctional  
38 facility, whichever date occurs last.
- 39 For purposes of this section, "resource family parent" means any  
40 person with whom a child in the care, custody, or guardianship of  
41 the Department of Children and Families is placed by the  
42 department, or with its approval, for care and shall include any  
43 person with whom a child is placed by the Division of Child  
44 Protection and Permanency for the purpose of adoption until the  
45 adoption is finalized.
- 46 (cf: P.L.2012, c.16, s.84)

1       13. Section 4 of P.L.2003, c.186 (C.30:4C-27.19) is amended to  
2 read as follows:

3       4. Except as provided in subsection d. of this section, a current  
4 staff member or an applicant for employment shall be permanently  
5 disqualified from employment at or administering a facility if the  
6 criminal history record background check of the staff member or  
7 applicant reveals a record of conviction for any of the following  
8 crimes and offenses:

9       a. In New Jersey, any crime or disorderly persons offense as  
10 follows:

11       (1) a crime against a child, including endangering the welfare of  
12 a child and any crime involving child [pornography] sexual abuse  
13 or exploitation material pursuant to N.J.S.2C:24-4; child  
14 molestation as set forth in N.J.S.2C:14-1 et seq.;

15       (2) abuse, abandonment or neglect of a child pursuant to  
16 R.S.9:6-3;

17       (3) endangering the welfare of an incompetent person pursuant  
18 to N.J.S.2C:24-7;

19       (4) sexual assault, criminal sexual contact or lewdness pursuant  
20 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

21       (5) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
22 to N.J.S.2C:11-4;

23       (6) stalking pursuant to section 1 of P.L.1992, c.209 (C.2C:12-  
24 10);

25       (7) kidnaping and related offenses including criminal restraint,  
26 false imprisonment, interference with custody, criminal coercion, or  
27 enticing a child into a motor vehicle, structure or isolated area  
28 pursuant to N.J.S.2C:13-1 through N.J.S.2C:13-5 and section 1 of  
29 P.L.1993, c.291 (C.2C:13-6);

30       (8) arson pursuant to N.J.S.2C:17-1, or causing or risking  
31 widespread injury or damage, which would constitute a crime of the  
32 second degree pursuant to N.J.S.2C:17-2;

33       (9) aggravated assault, which would constitute a crime of the  
34 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

35       (10) robbery, which would constitute a crime of the first degree  
36 pursuant to N.J.S.2C:15-1;

37       (11) burglary, which would constitute a crime of the second  
38 degree pursuant to N.J.S.2C:18-2;

39       (12) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
40 et seq.);

41       (13) terroristic threats pursuant to N.J.S.2C:12-3; or

42       (14) an attempt or conspiracy to commit any of the crimes or  
43 offenses listed in paragraphs (1) through (13) of this subsection.

44       b. In any other state or jurisdiction, of conduct which, if  
45 committed in New Jersey, would constitute any of the crimes or  
46 disorderly persons offenses described in subsection a. of this  
47 section.

1 c. Notwithstanding the provisions of this section to the  
2 contrary, an individual shall not be disqualified from employment at  
3 or administering a facility under this act on the basis of any  
4 conviction disclosed by a criminal history record background check  
5 performed pursuant to this act without an opportunity to challenge  
6 the accuracy of the disqualifying criminal history record pursuant to  
7 the provisions of section 7 of this act.

8 d. If a staff member of a facility is convicted of a crime  
9 specified in subsection a. of this section, the staff member shall be  
10 terminated from employment at or administering a facility, except  
11 that the department may approve the individual's employment at, or  
12 administration of, the facility if all of the following conditions are  
13 met:

14 (1) the department determines that the crime does not relate  
15 adversely to the position the individual is employed in pursuant to  
16 the provisions of P.L.1968, c.282 (C.2A:168A-1 et seq.);

17 (2) the conviction is not related to a crime committed against a  
18 child, as specified in subsection a. of this section;

19 (3) the facility documents that the individual's employment or  
20 administration of the facility does not create a risk to the safety or  
21 well-being of children due to the nature and requirements of the  
22 position; as necessary, the facility shall identify restrictions  
23 regarding the individual's contact with, care or supervision of  
24 children;

25 (4) the facility documents that the individual is uniquely  
26 qualified for the position due to specific skills, qualifications,  
27 characteristics or prior employment experiences; and

28 (5) the department determines that the individual has  
29 affirmatively demonstrated rehabilitation, pursuant to the factors  
30 specified in subsection b. of section 5 of this act.

31 (cf: P.L.2003, c.186, s.4)

32  
33 14. Section 5 of P.L.2000, c.77 (C.30:5B-6.14) is amended to  
34 read as follows:

35 5. a. A current staff member and an individual seeking  
36 employment shall be permanently disqualified from employment at,  
37 or ownership or sponsorship of, a child care center if the staff  
38 member or individual:

39 (1) refuses to consent to, or cooperate in, the securing of a  
40 criminal history record background check;

41 (2) knowingly makes a materially false statement in connection  
42 with a criminal history record background check;

43 (3) is registered, or is required to be registered, on a State sex  
44 offender registry or repository, or in the National Sex Offender  
45 Registry established under the "Adam Walsh Child Protection and  
46 Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or

- 1 (4) is found by a criminal history record background check to  
2 have a record of conviction for any of the following crimes and  
3 offenses:
- 4 (a) a crime against a child, including endangering the welfare of  
5 a child and any crime involving child [pornography] sexual abuse  
6 or exploitation material pursuant to N.J.S.2C:24-4, and child  
7 molestation as set forth in N.J.S. 2C:14-1 et seq.;
- 8 (b) abuse, abandonment , or neglect of a child pursuant to  
9 R.S.9:6-3;
- 10 (c) endangering the welfare of an incompetent person pursuant  
11 to N.J.S.2C:24-7;
- 12 (d) sexual assault, criminal sexual contact , or lewdness  
13 pursuant to N.J.S.2C:14-2 through N.J.S.2C:14-4;
- 14 (e) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
15 to N.J.S.2C:11-4;
- 16 (f) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);
- 17 (g) kidnapping and related offenses including criminal restraint;  
18 false imprisonment; interference with custody; criminal coercion; or  
19 enticing a child into a motor vehicle, structure , or isolated area  
20 pursuant to N.J.S.2C:13-1 through C.2C:13-6;
- 21 (h) arson pursuant to N.J.S.2C:17-1, or causing or risking  
22 widespread injury or damage which would constitute a crime of the  
23 second degree pursuant to N.J.S.2C:17-2;
- 24 (i) terroristic threats pursuant to N.J.S.2C:12-3;
- 25 (j) aggravated assault, which would constitute a crime of the  
26 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;
- 27 (k) robbery, which would constitute a crime of the first degree  
28 pursuant to N.J.S.2C:15-1;
- 29 (l) burglary, which would constitute a crime of the second  
30 degree pursuant to N.J.S.2C:18-2;
- 31 (m) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
32 et seq.);
- 33 (n) any drug related offense committed within the preceding  
34 five-year period; or
- 35 (o) an attempt or conspiracy to commit any of the crimes or  
36 offenses listed in subparagraphs (a) through (n) of this subsection.
- 37 b. For the purposes of this section, a person shall be deemed to  
38 have a disqualifying record of conviction if the person has been  
39 convicted in New Jersey of any of the crimes listed in subsection a.  
40 of this section, or if the person has been convicted in any other state  
41 or jurisdiction, of conduct which, if committed in New Jersey,  
42 would constitute any of the crimes or disorderly persons offenses  
43 described in that subsection.
- 44 c. Notwithstanding the provisions of this section to the  
45 contrary, an individual shall not be disqualified from employment  
46 or ownership or sponsorship under P.L.2000, c.77 (C.30:5B-6.10 et  
47 al.) on the basis of any conviction disclosed by a criminal history

1 record background check performed pursuant to P.L.2000, c.77  
2 (C.30:5B-6.10 et al.) without an opportunity to challenge the  
3 accuracy of the disqualifying criminal history record pursuant to the  
4 provisions of section 8 of P.L.2000, c.77 (C.53:1-20.9b).  
5 (cf: P.L.2017, c.89, s.6)

6

7 15. Section 3 of P.L.2017, c.89 (C.30:5B-25.7) is amended to  
8 read as follows:

9 3. a. The department shall not issue a certificate or renewal of  
10 registration to a prospective or current family day care provider,  
11 and shall revoke the existing registration held by a current family  
12 day care provider, as the case may be, if the provider, or any other  
13 relevant person listed in subsection a. of section 2 of P.L.2017, c.89  
14 (C.30:5B-25.6):

15 (1) refuses to consent to, or cooperate in, the securing of a  
16 criminal history record background check;

17 (2) knowingly makes a materially false statement in connection  
18 with a criminal history record background check;

19 (3) is registered, or is required to be registered, on a State sex  
20 offender registry or repository, or on the National Sex Offender  
21 Registry established under the "Adam Walsh Child Protection and  
22 Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or

23 (4) is found by a criminal history record background check to  
24 have a record of conviction for any of the following crimes and  
25 offenses:

26 (a) a crime against a child, including endangering the welfare of  
27 a child and any crime involving child [pornography] sexual abuse  
28 or exploitation material pursuant to N.J.S.2C:24-4, and child  
29 molestation as set forth in N.J.S.2C:14-1 et seq.;

30 (b) abuse, abandonment or neglect of a child pursuant to  
31 R.S.9:6-3;

32 (c) endangering the welfare of an incompetent person pursuant  
33 to N.J.S.2C:24-7;

34 (d) sexual assault, criminal sexual contact or lewdness pursuant  
35 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

36 (e) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
37 to N.J.S.2C:11-4;

38 (f) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

39 (g) kidnapping and related offenses including criminal restraint;  
40 false imprisonment; interference with custody; criminal coercion; or  
41 enticing a child into a motor vehicle, structure, or isolated area  
42 pursuant to N.J.S.2C:13-1 through C.2C:13-6;

43 (h) arson pursuant to N.J.S.2C:17-1, or causing or risking  
44 widespread injury or damage, which would constitute a crime of the  
45 second degree pursuant to N.J.S.2C:17-2;

46 (i) terroristic threats pursuant to N.J.S.2C:12-3;

- 1 (j) aggravated assault, which would constitute a crime of the  
2 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;
- 3 (k) robbery, which would constitute a crime of the first degree  
4 pursuant to N.J.S.2C:15-1;
- 5 (l) burglary, which would constitute a crime of the second  
6 degree pursuant to N.J.S.2C:18-2;
- 7 (m) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
8 et seq.);
- 9 (n) any drug related offense committed within the preceding  
10 five-year period; or
- 11 (o) an attempt or conspiracy to commit any of the crimes or  
12 offenses listed in paragraphs (a) through (n) of this subsection.
- 13 b. For the purposes of this section, a person shall be deemed to  
14 have a disqualifying record of conviction if the person has been  
15 convicted in New Jersey of any of the crimes listed in subsection a.  
16 of this section, or if the person has been convicted in any other state  
17 or jurisdiction, of conduct which, if committed in New Jersey,  
18 would constitute any of the crimes or disorderly persons offenses  
19 described in that subsection.
- 20 c. Notwithstanding the provisions of this section to the  
21 contrary, a prospective or current provider's application for a  
22 certificate or renewal of registration shall not be denied under this  
23 act on the basis of any conviction disclosed by a criminal history  
24 record background check performed pursuant to this act without an  
25 opportunity to challenge the accuracy of the disqualifying criminal  
26 history record pursuant to subsection c. of section 5 of P.L.2017,  
27 c.89 (C.30:5B-25.9).  
28 (cf: P.L.2017, c.89, s.3)  
29
- 30 16. Section 3 of P.L.1998, c.134 (C.52:17B-193) is amended to  
31 read as follows:
- 32 3. a. The department shall establish and maintain information  
33 available through the internet. The information shall include but  
34 not be limited to guidelines and recommendations on computer  
35 ethics, proper methods for reporting high technology crimes, safe  
36 computing practices for children and their families, and methods to  
37 filter, screen or block the receipt of objectionable material on  
38 interactive computer services.
- 39 b. The department shall design a continuing educational  
40 program to inform law enforcement, educational, civic and business  
41 groups on the emerging issues of high technology crimes including  
42 those perpetrated through the use of interactive computer services.  
43 This continuing educational program shall be made available by the  
44 department through the internet.
- 45 c. The department, in conjunction with the Statewide Computer  
46 Crime Task Force, shall establish and maintain a 24-hour toll-free  
47 hotline telephone service. The department shall take appropriate

1 steps to publicize the hotline. The hotline shall receive and respond  
2 to inquiries or complaints from members of the public reporting  
3 computer crime, including but not limited to online distribution or  
4 possession of child [pornography] sexual abuse or exploitation  
5 material; cyber-stalking; threats of violence in schools or other  
6 institutions; internet fraud, and unauthorized intrusions into  
7 computer systems.

8 (cf: P.L.2001, c.334, s.1)

9

10 17. This act shall take effect immediately.

11

12

### 13 STATEMENT

14

15 This bill updates terminology in statutory law pertaining to the  
16 sexual exploitation or abuse of children. Current state law prohibits  
17 the creation, manufacture, distribution, sale or viewing of child  
18 pornography. Among child protection advocates, however, terms  
19 such as “child sexual abuse material” and “child sexual exploitation  
20 material” have come into wider use, replacing the general  
21 description of “child pornography” because these terms more  
22 accurately reflect the suffering of the children who are victims of  
23 these crimes. When used in the context of depictions of children,  
24 the term “pornography” may be understood to legitimize or  
25 trivialize the sexual abuse or exploitation of those children. In  
26 addition, the term “pornography” carries with it the implication that  
27 the acts are performed with the consent of the child, and represent  
28 legitimate sexual material.

29

30 This bill replaces the term child pornography with the term  
31 “trade in child sexual abuse or exploitation material” in Title 2A.  
32 In Title 2C, the definition of “item depicting the sexual exploitation  
33 or abuse of a child” is amended to include “child sexual abuse or  
34 exploitation material” and the acronym “CSAEM.”

34

35 The bill replaces the term child pornography with “network to  
36 share child sexual abuse or exploitation material” in various  
37 sections of Title 2C concerning the definition, degrees of crime,  
38 examination referrals, registration of sex offenders, and special  
39 sentencing for parole supervision for life for a leader of a network  
40 distributing depictions of child sexual abuse or exploitation.

40

41 The bill further clarifies that online distribution or possession of  
42 sexual abuse or exploitation material is to be included in the  
43 schedule of penalties pertaining to offenses involving computer  
44 criminal activity in Title 2C.

44

45 In Title 9, the term pornography is replaced with “any crime  
46 involving child sexual abuse or exploitation material” concerning  
47 disqualification of employment pursuant to N.J.S.9:3-40.5.

1 In Title 18A, the word pornography is replaced with the term  
2 “child sexual abuse or exploitation material” with regard to the  
3 practice of “sexting,” or sending sexually explicit messages  
4 pursuant to N.J.S.18A:35-4.32.

5 This bill replaces the term pornography in various parts of Title  
6 30 with “any crime involving child sexual abuse or exploitation  
7 material” in the statutes concerning revocation of a day care  
8 center’s registration, criteria for permanent disqualification from  
9 employment, disqualification from adopting a child or being a  
10 resource family parent, and disqualification of employment at, or  
11 ownership or sponsorship of, a child day care center.

12 In Title 52, the term pornography is replaced with “online  
13 distribution or possession of child sexual abuse or exploitation  
14 material” in the statutes concerning the Department of Law and  
15 Public Safety’s efforts to receive and respond to inquiries or  
16 complaints from members of the public reporting computer crimes  
17 pursuant to N.J.S.52:17B-193.

18 This bill also updates the terminology used in current law to  
19 replace outdated references to certain crimes that involve the sexual  
20 exploitation or abuse of children. According to the sponsor, the  
21 changes made in this bill are not intended, nor should they be  
22 construed, to have any substantive impact on the applicability of the  
23 affected provisions; the changes are intended to render the  
24 terminology consistent with the rest of the current statutory scheme  
25 and the broader international trend. The bill also corrects technical  
26 inconsistencies in the statutes.

27

28

29

30

31 Revises statutory terms pertaining to sexual exploitation or abuse  
32 of children.

## CHAPTER 92

**AN ACT** concerning certain criminal offenses involving sexual exploitation or abuse of children and amending various parts of the statutory law.

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

1. Section 1 of P.L.1992, c.7 (C.2A:30B-1) is amended to read as follows:

C.2A:30B-1 Findings, declarations.

1. The Legislature finds and declares that:
  - a. Trade in child sexual abuse or exploitation material, often referred to as child pornography, is a lucrative business which sexually exploits children and preys on their vulnerability.
  - b. While criminal laws exist to penalize those who sexually exploit children, these laws are sometimes insufficient to protect and indemnify the victim and prevent the perpetrators from accumulating large profits from the making and distribution of "kiddie porn."
  - c. This act is designed to give the victims of trade in child sexual abuse or exploitation material a civil action against those persons who sexually abuse or exploit them for profit directly or indirectly which can be brought through a parent or guardian or child advocacy organization or by the victim upon reaching the age of majority. Any director, officer, servant, employee, or other person authorized to act on behalf of a corporation may be personally liable if found liable individually or jointly with the corporation under the provisions of this act.
  - d. The act will allow victims to recover three times the financial gains made by those who exploit them and will authorize injunctive relief to halt the making and distribution of films and other materials.

2. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read as follows:

C.2C:7-2 Registration of sex offenders; definition; requirements.

2. a. (1) A person who has been convicted, adjudicated delinquent, or found not guilty by reason of insanity for commission of a sex offense as defined in subsection b. of this section shall register as provided in subsections c. and d. of this section.

(2) A person who in another jurisdiction is required to register as a sex offender and (a) is enrolled on a full-time or part-time basis in any public or private educational institution in this State, including any secondary school, trade or professional institution, institution of higher education, or other post-secondary school, or (b) is employed or carries on a vocation in this State, on either a full-time or a part-time basis, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year, shall register in this State as provided in subsections c. and d. of this section.

(3) A person who fails to register as required under this act shall be guilty of a crime of the third degree.

- b. For the purposes of this act a sex offense shall include the following:

(1) Aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1, or an attempt to commit any of these crimes if the court found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior, regardless of the date of the commission of the offense or the date of conviction;

(2) A conviction, adjudication of delinquency, or acquittal by reason of insanity for aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child

by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or (ii) of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact pursuant to subsection b. of N.J.S.2C:14-3 if the victim is a minor; kidnapping pursuant to N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; leader of a network to share child sexual abuse or exploitation material pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1); or an attempt to commit any of these enumerated offenses if the conviction, adjudication of delinquency, or acquittal by reason of insanity is entered on or after the effective date of this act or the offender is serving a sentence of incarceration, probation, parole, or other form of community supervision as a result of the offense or is confined following acquittal by reason of insanity or as a result of civil commitment on the effective date of this act;

(3) A conviction, adjudication of delinquency, or acquittal by reason of insanity for an offense similar to any offense enumerated in paragraph (2) or a sentence on the basis of criteria similar to the criteria set forth in paragraph (1) of this subsection entered or imposed under the laws of the United States, this State, or another state.

(4) Notwithstanding the provisions of paragraph (1), (2), or (3) of this subsection, a sex offense shall not include an adjudication of delinquency for endangering the welfare of a child pursuant to paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that the actor demonstrates that:

(a) the facts of the case are limited to the creation, exhibition, or distribution of a photograph depicting nudity or portraying a child in a sexually suggestive manner, as defined in N.J.S.2C:24-4, through the use of an electronic communications device, an interactive wireless communications device, or a computer;

(b) the creator and subject of the photograph are juveniles or were juveniles at the time of its making; and

(c) the subject of the photograph whose nudity is depicted or who is portrayed in a sexually suggestive manner, as the case may be, knowingly consented to the making of the photograph.

c. A person required to register under the provisions of this act shall do so on forms to be provided by the designated registering agency as follows:

(1) A person who is required to register and who is under supervision in the community on probation, parole, furlough, work release, or a similar program shall register at the time the person is placed under supervision or no later than 120 days after the effective date of this act, whichever is later, in accordance with procedures established by the Department of Corrections, the Department of Human Services, the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), or the Administrative Office of the Courts, whichever is responsible for supervision;

(2) A person confined in a correctional or juvenile facility or involuntarily committed who is required to register shall register prior to release in accordance with procedures established by the Department of Corrections, the Department of Human Services, or the Juvenile Justice Commission and, within 48 hours of release, shall also register with the chief law enforcement officer of the municipality in which the person resides or, if the municipality does not have a local police force, the Superintendent of State Police;

(3) A person moving to or returning to this State from another jurisdiction shall register with the chief law enforcement officer of the municipality in which the person will reside or,

if the municipality does not have a local police force, the Superintendent of State Police within 120 days of the effective date of this act or 10 days of first residing in or returning to a municipality in this State, whichever is later;

(4) A person required to register on the basis of a conviction prior to the effective date who is not confined or under supervision on the effective date of this act shall register within 120 days of the effective date of this act with the chief law enforcement officer of the municipality in which the person will reside or, if the municipality does not have a local police force, the Superintendent of State Police;

(5) A person who in another jurisdiction is required to register as a sex offender and who is enrolled on a full-time or part-time basis in any public or private educational institution in this State, including any secondary school, trade or professional institution, institution of higher education, or other post-secondary school shall, within ten days of commencing attendance at such educational institution, register with the chief law enforcement officer of the municipality in which the educational institution is located or, if the municipality does not have a local police force, the Superintendent of State Police;

(6) A person who in another jurisdiction is required to register as a sex offender and who is employed or carries on a vocation in this State, on either a full-time or a part-time basis, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year, shall, within ten days after commencing such employment or vocation, register with the chief law enforcement officer of the municipality in which the employer is located or where the vocation is carried on, as the case may be, or, if the municipality does not have a local police force, the Superintendent of State Police;

(7) In addition to any other registration requirements set forth in this section, a person required to register under this act who is enrolled at, employed by, or carries on a vocation at an institution of higher education or other post-secondary school in this State shall, within 10 days after commencing such attendance, employment, or vocation, register with the law enforcement unit of the educational institution, if the institution has such a unit.

d. (1) Upon a change of address, a person shall notify the law enforcement agency with which the person is registered and shall re-register with the appropriate law enforcement agency no less than 10 days before the person intends to first reside at the new address. Upon a change of employment or school enrollment status, a person shall notify the appropriate law enforcement agency no later than five days after any such change. A person who fails to notify the appropriate law enforcement agency of a change of address or status in accordance with this subsection is guilty of a crime of the third degree.

(2) A person required to register under this act shall provide the appropriate law enforcement agency with information as to whether the person has routine access to or use of a computer or any other device with Internet capability. A person who fails to notify the appropriate law enforcement agency of such information or of a change in the person's access to or use of a computer or other device with Internet capability or who provides false information concerning the person's access to or use of a computer or any other device with Internet capability is guilty of a crime of the third degree.

e. A person required to register under paragraph (1) of subsection b. of this section or under paragraph (3) of subsection b. due to a sentence imposed on the basis of criteria similar to the criteria set forth in paragraph (1) of subsection b. shall verify the person's address with the appropriate law enforcement agency every 90 days in a manner prescribed by the Attorney General. A person required to register under paragraph (2) of subsection b. of this section or under paragraph (3) of subsection b. on the basis of a conviction for an offense similar to an offense enumerated in paragraph (2) of subsection b. shall verify the person's address annually

in a manner prescribed by the Attorney General. In addition to address information, the person shall provide as part of the verification process any additional information the Attorney General may require. One year after the effective date of this act, the Attorney General shall review, evaluate, and, if warranted, modify pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement. Any person who knowingly provides false information concerning the person's place of residence or who fails to verify the person's address with the appropriate law enforcement agency or other entity, as prescribed by the Attorney General in accordance with this subsection, is guilty of a crime of the third degree.

f. Except as provided in subsection g. of this section, a person required to register under this act may make application to the Superior Court of this State to terminate the obligation upon proof that the person has not committed an offense within 15 years following conviction or release from a correctional facility for any term of imprisonment imposed, whichever is later, and is not likely to pose a threat to the safety of others.

g. A person required to register under this section who has been convicted of, adjudicated delinquent, or acquitted by reason of insanity for more than one sex offense as defined in subsection b. of this section or who has been convicted of, adjudicated delinquent, or acquitted by reason of insanity for aggravated sexual assault pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not eligible under subsection f. of this section to make application to the Superior Court of this State to terminate the registration obligation.

3. N.J.S.2C:24-4 is amended to read as follows:

Endangering welfare of children.

2C:24-4. Endangering Welfare of Children.

a. (1) Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child who engages in sexual conduct which would impair or debauch the morals of the child is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this paragraph to a child is guilty of a crime of the third degree.

(2) Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child who causes the child harm that would make the child an abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L.1974, c.119 (C.9:6-8.21) is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this paragraph to a child is guilty of a crime of the third degree.

b. (1) As used in this subsection:

"Child" means any person under 18 years of age.

"Distribute" means to sell, or to manufacture, give, provide, lend, trade, mail, deliver, publish, circulate, disseminate, present, exhibit, display, share, advertise, offer, or make available via the Internet or by any other means, whether for pecuniary gain or not. The term also includes an agreement or attempt to distribute.

"File-sharing program" means a computer program, application, software, or operating system that allows the user of a computer on which such program, application, software, or operating system is installed to designate files as available for searching by and copying to one or more other computers, to transmit such designated files directly to one or more other computers, and to request the transmission of such designated files directly from one or more other computers. The term "file-sharing program" includes but is not limited to a computer program, application, or software that enables a computer user to participate in a peer-to-peer network.

"Internet" means the international computer network of both federal and non-federal interoperable packet switched data networks.

"Item depicting the sexual exploitation or abuse of a child" or "child sexual abuse or exploitation material" or "CSAEM" means a photograph, film, video, an electronic, electromagnetic, or digital recording, an image stored or maintained in a computer program or file or in a portion of a file, or any other reproduction or reconstruction which:

- (a) depicts a child engaging in a prohibited sexual act or in the simulation of such an act; or
- (b) portrays a child in a sexually suggestive manner.

"Peer-to-peer network" means a connection of computer systems through which files are shared directly between the systems on a network without the need of a central server.

"Portray a child in a sexually suggestive manner" means:

(a) to depict a child's less than completely and opaquely covered intimate parts, as defined in N.J.S.2C:14-1, in a manner that, by means of the posing, composition, format, or animated sensual details, emits sensuality with sufficient impact to concentrate prurient interest on the child; or

(b) to depict any form of contact with a child's intimate parts, as defined in N.J.S.2C:14-1, in a manner that, by means of the posing, composition, format, or animated sensual details, emits sensuality with sufficient impact to concentrate prurient interest on the child; or

(c) to otherwise depict a child for the purpose of sexual stimulation or gratification of any person who may view the depiction where the depiction does not have serious literary, artistic, political, or scientific value.

"Prohibited sexual act" means

- (a) Sexual intercourse; or
- (b) Anal intercourse; or
- (c) Masturbation; or
- (d) Bestiality; or
- (e) Sadism; or
- (f) Masochism; or
- (g) Fellatio; or
- (h) Cunnilingus; or
- (i) Nudity, if depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction; or
- (j) Any act of sexual penetration or sexual contact as defined in N.J.S.2C:14-1.

"Reproduction" means, but is not limited to, computer generated images.

(2) (Deleted by amendment, P.L.2001, c.291)

(3) A person commits a crime of the first degree if the person causes or permits a child to engage in a prohibited sexual act or in the simulation of such an act or to be portrayed in a sexually suggestive manner if the person knows, has reason to know, or intends that the prohibited act or portrayal may be photographed, filmed, reproduced, or reconstructed in any manner, including on the Internet, or may be part of an exhibition or performance.

(4) A person commits a crime of the second degree if the person photographs or films a child in a prohibited sexual act or in the simulation of such an act or for portrayal in a sexually suggestive manner or who uses any device, including a computer, to reproduce or reconstruct the image of a child in a prohibited sexual act or in the simulation of such an act or for portrayal in a sexually suggestive manner.

(5) (a) A person commits a crime if, by any means, including, but not limited to, the Internet, the person:

- (i) knowingly distributes an item depicting the sexual exploitation or abuse of a child;

(ii) knowingly possesses an item depicting the sexual exploitation or abuse of a child with the intent to distribute that item; or

(iii) knowingly stores or maintains an item depicting the sexual exploitation or abuse of a child using a file-sharing program which is designated as available for searching by or copying to one or more other computers.

In a prosecution under sub-subparagraph (iii) of this subparagraph, the State shall not be required to offer proof that an item depicting the sexual exploitation or abuse of a child had actually been searched, copied, transmitted, or viewed by another user of the file-sharing program, or by any other person, and it shall be no defense that the defendant did not intend to distribute the item to another user of the file-sharing program or to any other person. Nor shall the State be required to prove that the defendant was aware that the item depicting the sexual exploitation or abuse of a child was available for searching or copying to one or more other computers, and the defendant shall be strictly liable for failing to designate the item as not available for searching or copying by one or more other computers.

A violation of this subparagraph that involves 1,000 or more items depicting the sexual exploitation or abuse of a child is a crime of the first degree; otherwise it is a crime of the second degree.

Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, a person whose offense under this subparagraph involved at least 25 but less than 1,000 items depicting the sexual exploitation or abuse of a child shall be sentenced to a mandatory minimum term of imprisonment, which shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or five years, whichever is greater, during which the defendant shall be ineligible for parole.

Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, a person whose offense under this subparagraph involved 1,000 or more items depicting the sexual exploitation or abuse of a child shall be sentenced to a mandatory minimum term of imprisonment, which shall be fixed at, or between, one-third and one-half of the sentence imposed by the court or 10 years, whichever is greater, during which the defendant shall be ineligible for parole.

Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, a person convicted of a second or subsequent offense under this subparagraph shall be sentenced to an extended term of imprisonment as set forth in N.J.S.2C:43-7. For the purposes of this subparagraph, an offense is considered a second or subsequent offense if the actor has at any time been convicted pursuant to paragraph (3), (4), or (5) of this subsection, or under any similar statute of the United States, this State, or any other state for an offense that is substantially equivalent to paragraph (3), (4), or (5) of this subsection.

For purposes of this subparagraph, the term "possess" includes receiving, viewing, or having under one's control, through any means, including the Internet.

(b) (i) A person commits a crime of the first degree if the person knowingly possesses, knowingly views, or knowingly has under the person's control, through any means, including the Internet, 100,000 or more items depicting the sexual exploitation or abuse of a child.

(ii) A person commits a crime of the second degree if the person knowingly possesses, knowingly views, or knowingly has under the person's control, through any means, including the Internet, at least 1,000 but less than 100,000 items depicting the sexual exploitation or abuse of a child.

(iii) A person commits a crime of the third degree if the person knowingly possesses, knowingly views, or knowingly has under the person's control, through any means, including the Internet, less than 1,000 items depicting the sexual exploitation or abuse of a child.

Notwithstanding the provisions of subsection e. of N.J.S.2C:44-1, in any instance where a person was convicted of an offense under this subparagraph that involved 100 or more items depicting the sexual exploitation or abuse of a child, the court shall impose a sentence of imprisonment unless, having regard to the character and condition of the defendant, it is of the opinion that imprisonment would be a serious injustice which overrides the need to deter such conduct by others.

Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6, a person convicted of a second or subsequent offense under this subparagraph shall be sentenced to an extended term of imprisonment as set forth in N.J.S.2C:43-7. For the purposes of this subparagraph, an offense is considered a second or subsequent offense if the actor has at any time been convicted pursuant to paragraph (3), (4), or (5) of this subsection, or under any similar statute of the United States, this State, or any other state for an offense that is substantially equivalent to paragraph (3), (4), or (5) of this subsection.

Nothing in this subparagraph shall be construed to preclude or limit any prosecution or conviction for the offense set forth in subparagraph (a) of this paragraph.

(6) For purposes of this subsection, a person who is depicted as or presents the appearance of being under the age of 18 in any photograph, film, videotape, computer program or file, video game, or any other reproduction or reconstruction shall be rebuttably presumed to be under the age of 18. If the child who is depicted as engaging in, or who is caused to engage in, a prohibited sexual act or simulation of a prohibited sexual act or portrayed in a sexually suggestive manner is under the age of 18, the actor shall be strictly liable and it shall not be a defense that the actor did not know that the child was under the age of 18, nor shall it be a defense that the actor believed that the child was 18 years of age or older, even if such a mistaken belief was reasonable.

(7) For aggregation purposes, each depiction of the sexual exploitation or abuse of a child shall be considered a separate item, provided that each depiction that is in the form of a photograph, picture, image, or visual depiction of a similar nature shall be considered to be one item and each depiction that is in the form of a film, video, video-clip, movie, or visual depiction of a similar nature shall be considered to be 10 separate items, and each individual act of distribution of an item depicting the sexual exploitation or abuse of a child shall be considered a separate item. For purposes of determining the number of items depicting the sexual exploitation or abuse of a child for purposes of sentencing pursuant to subparagraph (a) of paragraph (5) of this subsection, the court shall aggregate all items involved, whether the act or acts constituting the violation occurred at the same time or at different times and, with respect to distribution, whether the act or acts of distribution were to the same person or several persons or occurred at different times, provided that each individual act was committed within the applicable statute of limitations. For purposes of determining the number of items depicting the sexual exploitation or abuse of a child for purposes of sentencing pursuant to subparagraph (b) of paragraph (5) of this subsection, the court shall aggregate all items involved, whether the possession of such items occurred at the same time or at different times, provided that each individual act was committed within the applicable statute of limitations.

4. Section 8 of P.L.2017, c.141 (C.2C:24-4.1) is amended to read as follows:

C.2C:24-4.1 Leader of child pornography network; degree of crime; definitions.

8. a. A person is a leader of a network to share child sexual abuse or exploitation material if the person knowingly conspires with others as an organizer, moderator, administrator, programmer, recruiter, or facilitator to engage in a scheme or course of conduct to establish or

maintain an interconnected network through which files containing one or more items depicting the sexual exploitation or abuse of a child are in any way made available to or accessible among an organized group of users or participants.

b. Leader of a network to share child sexual abuse or exploitation material is a crime of the first degree if the offense involves 100,000 or more items depicting the sexual exploitation or abuse of a child, a crime of the second degree if the offense involves at least 1,000 but less than 100,000 items depicting the sexual exploitation or abuse of a child, and a crime of the third degree if the offense involves less than 1,000 items depicting the sexual exploitation or abuse of a child.

c. For aggregation purposes, each item depicting the sexual exploitation or abuse of a child made available or accessible through a distribution network shall be considered a separate item, provided that each item that is in the form of a photograph, picture, image, or visual depiction of a similar nature shall be considered to be one item and each depiction that is in the form of a film, video, video-clip, movie, or visual depiction of a similar nature shall be considered to be 10 separate items.

d. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of leader of a network to share child sexual abuse or exploitation material shall not merge with the conviction for any offense which is the object of the conspiracy, nor shall the other conviction merge with a conviction under this section. Nothing contained in this section shall be construed in any way to preclude or limit the prosecution or conviction of any person for conspiracy under the provisions of N.J.S.2C:5-2, or any prosecution or conviction for endangering the welfare of children under the provisions of N.J.S.2C:24-4 or any other provision of law.

e. As used in this section:

"Interconnected network" means a set of computer nodes, including, but not limited to, personal computers, mobile devices, and physical or virtual servers that are linked together to facilitate the transmission of data between users.

"Item depicting the sexual exploitation or abuse of a child" shall have the same meaning as provided in subsection b. of N.J.S.2C:24-4.

5. Section 1 of P.L.2009, c.143 (C.2C:43-3.8) is amended to read as follows:

C.2C:43-3.8 Offenses involving computer criminal activities; penalties; "Computer Crime Prevention Fund."

1. a. In addition to any disposition authorized by this Title, the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other statute indicating the dispositions that can be ordered for an adjudication of delinquency, every person convicted of or adjudicated delinquent for a violation of paragraph (3), (4), or (5) of subsection b. of N.J.S.2C:24-4; section 8 of P.L.2017, c.141 (C.2C:24-4.1); N.J.S.2C:34-3; or an offense involving computer criminal activity in violation of any provision of chapter 20 of this title shall be assessed for each such offense a penalty fixed at:

- (a) \$2,000 in the case of a crime of the first degree;
- (b) \$1,000 in the case of a crime of the second degree;
- (c) \$750 in the case of a crime of the third degree;
- (d) \$500 in the case of a crime of the fourth degree;
- (e) \$250 in the case of a disorderly persons or petty disorderly persons offense.

b. All penalties provided for in this section shall be collected as provided for collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the Department of the Treasury as provided in subsection c. of this section.

c. All moneys collected pursuant to this section shall be forwarded to the Department of the Treasury to be deposited in a nonlapsing revolving fund to be known as the "Computer Crime Prevention Fund." Moneys in the fund shall be appropriated by the Legislature to the Department of Law and Public Safety on an annual basis for the purposes of investigating and prosecuting computer-related crime and funding continuing educational programs on high technology crimes and the 24-hour toll-free computer crime hotline telephone service established pursuant to section 3 of P.L.1998, c.134 (C.52:17B-193) and publicizing thereof, as well as other programs designed to enhance public awareness of computer-related crime, including, but not limited to, use of the Internet to facilitate sexual predatory acts, cyberstalking and cyberbullying, online distribution or possession of child sexual abuse or exploitation material, threats of violence in schools or other institutions, Internet fraud, and unauthorized intrusions into computer systems.

d. There is created in the Department of the Treasury a non-lapsing fund entitled the "Computer Crime Prevention Fund." The fund shall be the depository for assessments collected pursuant to subsection a. of this section to be appropriated and used in accordance with the purposes set forth in subsection c. of this section.

6. Section 2 of P.L.1994, c.130 (C.2C:43-6.4) is amended to read as follows:

C.2C:43-6.4 Special sentence of parole supervision for life.

2. a. Notwithstanding any provision of law to the contrary, a judge imposing sentence on a person who has been convicted of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4, endangering the welfare of a child pursuant to paragraph (3) or sub-subparagraph (i) or (ii) of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4, luring, violating a condition of a special sentence of community supervision for life pursuant to subsection d. of this section, or an attempt to commit any of these offenses shall include, in addition to any sentence authorized by this Code, a special sentence of parole supervision for life. Notwithstanding any provision of law to the contrary, a court imposing sentence on a person who has been convicted of endangering the welfare of a child pursuant to paragraph (4) or subparagraph (a) or sub-subparagraph (iii) of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4, leader of a network to share child sexual abuse or exploitation material pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1), or an attempt to commit either of these offenses shall include, upon motion of the prosecutor, a special sentence of parole supervision for life in addition to any sentence authorized by Title 2C of the New Jersey Statutes unless the court finds on the record that the special sentence is not needed to protect the community or deter the defendant from future criminal activity.

b. The special sentence of parole supervision for life required by this section shall commence immediately upon the defendant's release from incarceration. If the defendant is serving a sentence of incarceration for another offense at the time the defendant completes the custodial portion of the sentence imposed on the present offense, the special sentence of parole supervision for life shall not commence until the defendant is actually released from incarceration for the other offense. Persons serving a special sentence of parole supervision for life shall remain in the legal custody of the Commissioner of Corrections, shall be supervised by the Division of Parole of the State Parole Board, shall be subject to the provisions and conditions set forth in subsection c. of section 3 of P.L.1997, c.117 (C.30:4-

123.51b) and sections 15 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and C.30:4-123.65), and shall be subject to conditions appropriate to protect the public and foster rehabilitation. Such conditions may include the requirement that the person comply with the conditions set forth in subsection f. of this section concerning use of a computer or other device with access to the Internet or the conditions set forth in subsection g. of this section concerning the operation as defined in section 1 of P.L.2017, c.315 (C.2C:40-27) of an unmanned aircraft system as defined in section 1 of P.L.2017, c.315 (C.2C:40-27). If the defendant violates a condition of a special sentence of parole supervision for life, the defendant shall be subject to the provisions of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65), and for the purpose of calculating the limitation on time served pursuant to section 21 of P.L.1979, c.441 (C.30:4-123.65) the custodial term imposed upon the defendant related to the special sentence of parole supervision for life shall be deemed to be a term of life imprisonment. When the court suspends the imposition of sentence on a defendant who has been convicted of any offense enumerated in subsection a. of this section, the court may not suspend imposition of the special sentence of parole supervision for life, which shall commence immediately, with the Division of Parole of the State Parole Board maintaining supervision over that defendant, including the defendant's compliance with any conditions imposed by the court pursuant to N.J.S.2C:45-1, in accordance with the provisions of this subsection. Nothing contained in this subsection shall prevent the court from at any time proceeding under the provisions of N.J.S.2C:45-1 through 2C:45-4 against any such defendant for a violation of any conditions imposed by the court when it suspended imposition of sentence, or prevent the Division of Parole from proceeding under the provisions of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) against any such defendant for a violation of any conditions of the special sentence of parole supervision for life, including the conditions imposed by the court pursuant to N.J.S.2C:45-1. In any such proceeding by the Division of Parole, the provisions of subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b) authorizing revocation and return to prison shall be applicable to such a defendant, notwithstanding that the defendant may not have been sentenced to or served any portion of a custodial term for conviction of an offense enumerated in subsection a. of this section.

c. A person sentenced to a term of parole supervision for life may petition the Superior Court for release from that parole supervision. The judge may grant a petition for release from a special sentence of parole supervision for life only upon proof by clear and convincing evidence that the person has not committed a crime for 15 years since the last conviction or release from incarceration, whichever is later, and that the person is not likely to pose a threat to the safety of others if released from parole supervision. Notwithstanding the provisions of section 22 of P.L.1979, c.441 (C.30:4-123.66), a person sentenced to a term of parole supervision for life may be released from that parole supervision term only by court order as provided in this subsection.

d. A person who violates a condition of a special sentence of community supervision for life or parole supervision for life imposed pursuant to this section without good cause is guilty of a crime of the third degree. Notwithstanding any other law to the contrary, a person sentenced pursuant to this subsection shall be sentenced to a term of imprisonment unless the court is clearly convinced that the interests of justice so far outweigh the need to deter this conduct and the interest in public safety that a sentence to imprisonment would be a manifest injustice. Nothing in this subsection shall preclude subjecting a person who violates any condition of a special sentence of parole supervision for life to the provisions of sections 16

through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) pursuant to the provisions of subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b).

e. A person who, while serving a special sentence of parole supervision for life imposed pursuant to this section, commits a violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5, subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, section 1 of P.L.1993, c.291 (C.2C:13-6), N.J.S.2C:14-2, N.J.S.2C:14-3, N.J.S.2C:24-4, section 8 of P.L.2017, c.141 (C.2C:24-4.1), N.J.S.2C:18-2 when the offense is a crime of the second degree, or subsection a. of N.J.S.2C:39-4 shall be sentenced to an extended term of imprisonment as set forth in N.J.S.2C:43-7, which term shall, notwithstanding the provisions of N.J.S.2C:43-7 or any other law, be served in its entirety prior to the person's resumption of the term of parole supervision for life.

f. The special sentence of parole supervision for life required by this section may include any of the following Internet access conditions:

(1) Prohibit the person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court except the person may use a computer or any other device with Internet capability in connection with that person's employment or search for employment with the prior approval of the person's parole officer;

(2) Require the person to submit to periodic unannounced examinations of the person's computer or any other device with Internet capability by a parole officer, law enforcement officer, or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;

(3) Require the person to submit to the installation on the person's computer or device with Internet capability, at the person's expense, one or more hardware or software systems to monitor the Internet use;

(4) Require the person to submit to any other appropriate restrictions concerning the person's use or access of a computer or any other device with Internet capability; and

(5) Require the person to disclose all passwords used by the person to access any data, information, image, program, signal or file on the person's computer, or any other device with Internet capability.

g. The special sentence of parole supervision for life required by this section may include reasonable conditions prohibiting or restricting the person's operation of an unmanned aircraft system in order to reduce the likelihood of a recurrence of criminal or delinquent behavior.

7. Section 3 of P.L.2003, c.301 (C.2C:44-6.3) is amended to read as follows:

C.2C:44-6.3 Report of persons convicted of certain crimes residing with minor children.

3. a. In any case in which a person has been convicted of a crime enumerated in subsection b. of this section and:

(1) the victim of the crime was either a person under the age of 18 at the time of the commission of the crime or a person defined in paragraph (9) of subsection b. of this section; and

(2) the person convicted of the crime resides in a household with other minor children or is a parent of a minor child,

the court, based on an interview with the defendant, shall make a referral to the Division of Child Protection and Permanency in the Department of Children and Families and provide the division with the name and address of the person convicted of the crime, information on the person's criminal history, and the name and address of each child referred to in paragraph (2) of this subsection.

b. For purposes of this section, "crime" includes any of the following:

- (1) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant to N.J.S.2C:11-4;
- (2) simple assault or aggravated assault pursuant to N.J.S.2C:12-1;
- (3) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);
- (4) terrorist threats pursuant to N.J.S.2C:12-3;
- (5) kidnapping and related offenses including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure, or isolated area pursuant to N.J.S.2C:13-1 through 2C:13-6;
- (6) sexual assault, criminal sexual contact, or lewdness pursuant to N.J.S.2C:14-2 through N.J.S.2C:14-4;
- (7) arson pursuant to N.J.S.2C:17-1, or causing or risking widespread injury or damage, which would constitute a crime of the second degree pursuant to N.J.S.2C:17-2;
- (8) a crime against a child, including endangering the welfare of a child and any crime involving child sexual abuse or exploitation material pursuant to N.J.S.2C:24-4, or child abuse, neglect, or abandonment pursuant to R.S.9:6-3;
- (9) endangering the welfare of an incompetent person pursuant to N.J.S.2C:24-7 or endangering the welfare of an elderly or disabled person pursuant to N.J.S.2C:24-8;
- (10) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.); or
- (11) an attempt or conspiracy to commit an offense listed in paragraphs (1) through (10) of this subsection.

8. N.J.S.2C:47-1 is amended to read as follows:

Referral to adult diagnostic and treatment center; commitment; examination.

2C:47-1. Referral to Adult Diagnostic and Treatment Center; Commitment; Examination.

Whenever a person is convicted of the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4, endangering the welfare of a child pursuant to paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, leader of a network to share child sexual abuse or exploitation material pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1), or an attempt to commit any such crime, the judge shall order the Department of Corrections to complete a psychological examination of the offender, except the judge shall not require a psychological examination if the offender is to be sentenced to a term of life imprisonment without eligibility for parole. The examination shall include a determination of whether the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and, if it was, a further determination of the offender's amenability to sex offender treatment and willingness to participate in such treatment. The court's order shall contain a determination of the offender's legal settlement in accordance with subdivision D of article 3 of chapter 4 of Title 30 of the Revised Statutes.

9. N.J.S.2C:52-2 is amended to read as follows:

Indictable offenses.

2C:52-2. Indictable Offenses.

a. In all cases, except as herein provided, a person may present an expungement application to the Superior Court pursuant to this section if:

the person has been convicted of one crime under the laws of this State, and does not otherwise have any subsequent conviction for another crime, whether within this State or any

other jurisdiction. Subject to the provision of subsection e. of N.J.S.2C:52-14 requiring denial of an expungement petition when a person has had a previous criminal conviction expunged, a prior conviction for another crime shall not bar presenting an application seeking expungement relief for the criminal conviction that is the subject of the application; or

the person has been convicted of one crime and no more than three disorderly persons or petty disorderly persons offenses under the laws of this State, and does not otherwise have any subsequent conviction for another crime, or any subsequent conviction for another disorderly persons or petty disorderly persons offense such that the total number of convictions for disorderly persons and petty disorderly persons offenses would exceed three, whether any such crime or offense conviction was within this State or any other jurisdiction. Subject to the provision of subsection e. of N.J.S.2C:52-14 requiring denial of an expungement petition when a person has had a previous criminal conviction expunged, a prior conviction for another crime, disorderly persons offense, or petty disorderly persons offense shall not bar presenting an application seeking expungement relief for the one criminal conviction and no more than three convictions for disorderly persons or petty disorderly persons offenses that are the subject of the application; or

the person has been convicted of multiple crimes or a combination of one or more crimes and one or more disorderly persons or petty disorderly persons offenses under the laws of this State, all of which are listed in a single judgment of conviction, and does not otherwise have any subsequent conviction for another crime or offense in addition to those convictions included in the expungement application, whether any such conviction was within this State or any other jurisdiction. Subject to the provision of subsection e. of N.J.S.2C:52-14 requiring denial of an expungement petition when a person has had a previous criminal conviction expunged, a prior conviction for another crime, disorderly persons offense, or petty disorderly persons offense that is not listed in a single judgment of conviction shall not bar presenting an application seeking expungement relief for the convictions listed in a single judgment of conviction that are the subject of the application; or

the person has been convicted of multiple crimes or a combination of one or more crimes and one or more disorderly persons or petty disorderly persons offenses under the laws of this State, which crimes or combination of crimes and offenses were interdependent or closely related in circumstances and were committed as part of a sequence of events that took place within a comparatively short period of time, regardless of the date of conviction or sentencing for each individual crime or offense, and the person does not otherwise have any subsequent conviction for another crime or offense in addition to those convictions included in the expungement application, whether any such conviction was within this State or any other jurisdiction. Subject to the provision of subsection e. of N.J.S.2C:52-14 requiring denial of an expungement petition when a person has had a previous criminal conviction expunged, a prior conviction for another crime, disorderly persons offense, or petty disorderly persons offense that was not interdependent or closely related in circumstances and was not committed within a comparatively short period of time as described above shall not bar presenting an application seeking expungement relief for the convictions of crimes or crimes and offenses that were interdependent or closely related and committed within a comparatively short period of time, and that are the subject of the application.

For purposes of determining eligibility to present an expungement application to the Superior Court pursuant to this section, a conviction for unlawful distribution of, or possessing or having under control with intent to distribute, marijuana or hashish in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or hashish in violation of paragraph (12) of subsection b. of that section, or a violation of either of those paragraphs

and a violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1), for distributing, or possessing or having under control with intent to distribute, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building, or for obtaining or possessing marijuana or hashish in violation of paragraph (3) of subsection a. of N.J.S.2C:35-10, or for an equivalent crime in another jurisdiction, regardless of when the conviction occurred, shall not be considered a conviction of a crime within this State or any other jurisdiction but shall instead be considered a conviction of a disorderly persons offense within this State or an equivalent category of offense within the other jurisdiction, and a conviction for obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (4) of subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation involving marijuana or hashish as described herein and using or possessing with intent to use drug paraphernalia with that marijuana or hashish in violation of N.J.S.2C:36-2, or for an equivalent crime or offense in another jurisdiction, regardless of when the conviction occurred, shall not be considered a conviction within this State or any other jurisdiction.

The person, if eligible, may present the expungement application after the expiration of a period of five years from the date of the person's most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later. The term "court-ordered financial assessment" as used herein and throughout this section means and includes any fine, fee, penalty, restitution, and other form of financial assessment imposed by the court as part of the sentence for the conviction or convictions that are the subject of the application, for which payment of restitution takes precedence in accordance with chapter 46 of Title 2C of the New Jersey Statutes. The person shall submit the expungement application to the Superior Court in the county in which the person resides or a county in which one or more of the person's convictions were adjudged, which includes a duly verified petition as provided in N.J.S.2C:52-7 praying that the conviction, or convictions if applicable, and all records and information pertaining thereto be expunged. The petition appended to an application shall comply with the requirements set forth in N.J.S.2C:52-1 et seq.

Notwithstanding the provisions concerning the five-year time requirement, if, at the time of application, a court-ordered financial assessment subject to collection under the comprehensive enforcement program established pursuant to P.L.1995, c.9 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than willful noncompliance, but the time requirement of five years is otherwise satisfied, the person may submit the expungement application and the court may grant an expungement; provided, however, that if expungement is granted the court shall enter a civil judgment for the unpaid portion of the court-ordered financial assessment in the name of the Treasurer, State of New Jersey and transfer collections and disbursement responsibility to the State Treasurer for the outstanding amount in accordance with section 8 of P.L.2017, c.244 (C.2C:52-23.1). The Treasurer may specify, and the Administrative Office of the Courts shall collaborate with, the technical and informational standards required to effectuate the transfer of the collection and disbursement responsibilities. Notwithstanding any provision in this law or any other law to the contrary, the court shall have sole discretion to amend the judgment.

Additionally, an application may be filed and presented, and the court may grant an expungement pursuant to this section, although less than five years have expired in accordance with the time requirements when the court finds:

(1) the court-ordered financial assessment is satisfied but less than five years have expired from the date of satisfaction, the time requirement of five years is otherwise satisfied, and the court finds that the person substantially complied with any payment plan ordered pursuant to N.J.S.2C:46-1 et seq. or could not do so due to compelling circumstances affecting the person's ability to satisfy the assessment; or

(2) at least four but less than five years have expired from the date of the most recent conviction, payment of any court-ordered financial assessment, satisfactory completion of probation or parole, or release from incarceration, whichever is later; and

the person has not been otherwise convicted of a crime, disorderly persons offense, or petty disorderly persons offense since the time of the most recent conviction; and the court finds in its discretion that compelling circumstances exist to grant the expungement. The prosecutor may object pursuant to section 11 of P.L.2019, c.269 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

In determining whether compelling circumstances exist for the purposes of paragraph (1) of this subsection, a court may consider any relevant information provided by the person submitting the application and the prosecutor, including the amount of any court-ordered financial assessment imposed, the person's age at the time of the offense or offenses, the person's financial condition, and other relevant circumstances regarding the person's ability to pay. However, regarding a determination of compelling circumstances pursuant to paragraph (1) of this subsection or a determination of compelling circumstances pursuant to any other part of this section, the person shall not be required to provide transcripts of plea or sentencing proceedings or be required to provide any presentence reports with the application or any other filing.

b. Records of conviction pursuant to statutes repealed by this Code for the crimes of murder, manslaughter, treason, anarchy, kidnapping, rape, forcible sodomy, arson, perjury, false swearing, robbery, embracery, a conspiracy or any attempt to commit any of the foregoing, or aiding, assisting, or concealing persons accused of the foregoing crimes, shall not be expunged.

Records of conviction for the following crimes specified in the New Jersey Code of Criminal Justice shall not be subject to expungement: N.J.S.2C:11-1 et seq. (Criminal Homicide), except death by auto as specified in N.J.S.2C:11-5 and strict liability vehicular homicide as specified in section 1 of P.L.2017, c.165 (C.2C:11-5.3); N.J.S.2C:13-1 (Kidnapping); section 1 of P.L.1993, c.291 (C.2C:13-6) (Luring or Enticing); section 1 of P.L.2005, c.77 (C.2C:13-8) (Human Trafficking); N.J.S.2C:14-2 (Sexual Assault or Aggravated Sexual Assault); subsection a. of N.J.S.2C:14-3 (Aggravated Criminal Sexual Contact); if the victim is a minor, subsection b. of N.J.S.2C:14-3 (Criminal Sexual Contact); if the victim is a minor and the offender is not the parent of the victim, N.J.S.2C:13-2 (Criminal Restraint) or N.J.S.2C:13-3 (False Imprisonment); N.J.S.2C:15-1 (Robbery); N.J.S.2C:17-1 (Arson and Related Offenses); subsection a. of N.J.S.2C:24-4 (Endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child, or causing the child other harm); paragraph (4) of subsection b. of N.J.S.2C:24-4 (Photographing or filming a child in a prohibited sexual act or for portrayal in a sexually suggestive manner); paragraph (3) of subsection b. of N.J.S.2C:24-4 (Causing or permitting a child to engage in a prohibited sexual act or the simulation of an act, or to be portrayed in a sexually suggestive manner); subparagraph (a) of paragraph (5) of subsection b. of N.J.S.2C:24-4 (Distributing, possessing with intent to distribute or using a file-sharing program to store items depicting the sexual exploitation or abuse of a child); subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4 (Possessing or viewing items depicting the

sexual exploitation or abuse of a child); section 8 of P.L.2017, c.141 (C.2C:24-4.1) (Leader of a network to share child sexual abuse or exploitation material); N.J.S.2C:28-1 (Perjury); N.J.S.2C:28-2 (False Swearing); paragraph (4) of subsection b. of N.J.S.2C:34-1 (Knowingly promoting the prostitution of the actor's child); section 2 of P.L.2002, c.26 (C.2C:38-2) (Terrorism); subsection a. of section 3 of P.L.2002, c.26 (C.2C:38-3) (Producing or Possessing Chemical Weapons, Biological Agents or Nuclear or Radiological Devices); and conspiracies or attempts to commit such crimes.

Records of conviction for any crime committed by a person holding any public office, position, or employment, elective or appointive, under the government of this State or any agency or political subdivision thereof and any conspiracy or attempt to commit such a crime shall not be subject to expungement if the crime involved or touched such office, position, or employment.

c. In the case of conviction for the sale or distribution of a controlled dangerous substance or possession thereof with intent to sell, expungement shall be denied except where the crimes involve:

(1) Marijuana, where the total quantity sold, distributed, or possessed with intent to sell was less than one ounce;

(2) Hashish, where the total quantity sold, distributed, or possessed with intent to sell was less than five grams; or

(3) Any controlled dangerous substance provided that the conviction is of the third or fourth degree, where the court finds that compelling circumstances exist to grant the expungement. The prosecutor may object pursuant to section 11 of P.L.2019, c.269 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

d. In the case of a State licensed physician or podiatrist convicted of an offense involving drugs or alcohol or pursuant to section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the petitioner shall notify the State Board of Medical Examiners upon filing an application for expungement and provide the board with a copy thereof. The petitioner shall also provide to the court a certification attesting that the requirements of this subsection were satisfied. Failure to satisfy the requirements of this subsection shall be grounds for denial of the expungement application and, if applicable, administrative discipline by the board.

10. Section 4 of P.L.2008, c.114 (C.9:3-40.5) is amended to read as follows:

C.9:3-40.5 Disqualification of staff member for employment.

4. Except as provided in subsection d. of this section, a current staff member or an applicant for employment shall be disqualified from employment at an approved agency if the criminal history record background check of the staff member or applicant reveals a record of conviction for any of the following crimes and offenses:

a. In New Jersey, any crime or disorderly persons offense as follows:

(1) a crime against a child, including endangering the welfare of a child and any crime involving child sexual abuse or exploitation material pursuant to N.J.S.2C:24-4;

(2) abuse, abandonment, or neglect of a child pursuant to R.S.9:6-3;

(3) endangering the welfare of an incompetent person pursuant to N.J.S.2C:24-7;

(4) sexual assault, criminal sexual contact, or lewdness pursuant to N.J.S.2C:14-2 through 2C:14-4;

(5) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant to N.J.S.2C:11-4;

(6) stalking pursuant to section 1 of P.L.1992, c.209 (C.2C:12-10);

(7) kidnapping and related offenses including criminal restraint, false imprisonment, interference with custody, criminal coercion, or enticing a child into a motor vehicle, structure, or isolated area pursuant to N.J.S.2C:13-1 through 2C:13-5 and section 1 of P.L.1993, c.291 (C.2C:13-6);

(8) arson pursuant to N.J.S.2C:17-1 or causing or risking widespread injury or damage, which would constitute a crime of the second degree pursuant to N.J.S.2C:17-2;

(9) aggravated assault, which would constitute a crime of the second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

(10) robbery, which would constitute a crime of the first degree pursuant to N.J.S.2C:15-1;

(11) burglary, which would constitute a crime of the second degree pursuant to N.J.S.2C:18-2;

(12) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et al.);

(13) terroristic threats pursuant to N.J.S.2C:12-3; or

(14) an attempt or conspiracy to commit any of the crimes or offenses listed in paragraphs (1) through (13) of this subsection.

b. In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in subsection a. of this section.

c. Notwithstanding the provisions of this section to the contrary, a staff member shall not be disqualified from employment at an approved agency under this act on the basis of any conviction disclosed by a criminal history record background check performed pursuant to this act without an opportunity to challenge the accuracy of the disqualifying criminal history record pursuant to the provisions of section 7 of P.L.2003, c.186 (C.53:1-20.9d).

d. If a staff member is convicted of a crime specified in subsection a. of this section, the staff member shall be terminated from employment at the agency, except that the department may approve the staff member's employment at the agency if all of the following conditions are met:

(1) the department determines that the crime does not relate adversely to the position the staff member is employed in pursuant to the provisions of P.L.1968, c.282 (C.2A:168A-1 et seq.);

(2) the conviction is not related to a crime committed against a child, as specified in subsection a. of this section;

(3) the agency documents that the staff member's employment at the agency does not create a risk to the safety or well-being of children due to the nature and requirements of the position; as necessary, the agency shall identify restrictions regarding the staff member's contact with, care, or supervision of children;

(4) the agency documents that the staff member is uniquely qualified for the position due to specific skills, qualifications, characteristics, or prior employment experiences; and

(5) the department determines that the staff member has affirmatively demonstrated rehabilitation, pursuant to the factors specified in subsection b. of section 5 of this act.

11. Section 1 of P.L.2018, c.80 (C.18A:35-4.32) is amended to read as follows:

C.18A:35-4.32 Findings, declarations relative to "sexting."

1. The Legislature finds and declares that:

a. The teenage practice of "sexting," sending a sexually explicit text message, is a nationwide issue for students, parents, school administrators, and law enforcement officials.

b. What many teens do not realize is that, by law, a sexual image of any person under the age of 18 is child sexual abuse or exploitation material. Prosecutors in several states have charged teenagers who have engaged in this behavior with criminal offenses, including distribution of child sexual abuse or exploitation material.

c. Pursuant to a law which became effective in April, 2012, the New Jersey Legislature provided for a diversionary program for juveniles who are criminally charged for "sexting" or posting sexual images and permits them to participate in a remedial education or counseling program as an alternative to criminal prosecution.

d. Beyond the legal consequences of this behavior, however, sexting also has significant non-legal consequences including, but not limited to, the effect on relationships, loss of educational and employment opportunities, and being barred or removed from school programs and extracurricular activities.

e. Because of the unique characteristics of cyberspace and the Internet, a single sext has the potential to cause long-term and possibly unforeseen consequences and result in severe embarrassment, ridicule, cyber-bullying, and lasting mental and emotional trauma.

f. It is imperative that students understand at a young age the severity of sending sexually explicit text messages and the impact that these actions have on the students themselves, their victims, and the community and that they receive instruction on how and why to refrain from this very dangerous behavior.

12. Section 1 of P.L.1985, c.396 (C.30:4C-26.8) is amended to read as follows:

C.30:4C-26.8 Adoptive, resource family parent, investigation.

1. a. A person, in addition to meeting other requirements as may be established by the Department of Children and Families, shall become a resource family parent or eligible to adopt a child only upon the completion of an investigation to ascertain if there is a State or federal record of criminal history for the prospective adoptive or resource family parent or any other adult residing in the prospective parent's home. The investigation shall be conducted by the Division of State Police in the Department of Law and Public Safety and shall include an examination of its own files and the obtaining of a similar examination by federal authorities.

b. If the prospective resource family parent or any adult residing in the prospective parent's home has a record of criminal history, the Department of Children and Families shall review the record with respect to the type and date of the criminal offense and make a determination as to the suitability of the person to become a resource family parent or the suitability of placing a child in that person's home, as the case may be.

c. For the purposes of this section, a conviction for one of the offenses enumerated in subsection d. or e. of this section has occurred if the person has been convicted under the laws of this State or any other state or jurisdiction for an offense that is substantially equivalent to the offenses enumerated in these subsections.

d. A person shall be disqualified from being a resource family parent or shall not be eligible to adopt a child if that person or any adult residing in that person's household ever committed a crime which resulted in a conviction for:

(1) a crime against a child, including endangering the welfare of a child and any crime involving child sexual abuse or exploitation material pursuant to N.J.S.2C:24-4 or child abuse, neglect, or abandonment pursuant to R.S.9:6-3;

(2) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant to N.J.S.2C:11-4;

(3) aggravated assault which would constitute a crime of the second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

(4) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

(5) kidnapping and related offenses including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure, or isolated area pursuant to N.J.S.2C:13-1 through 2C:13-6;

(6) sexual assault, criminal sexual contact, or lewdness pursuant to N.J.S.2C:14-2 through N.J.S.2C:14-4;

(7) robbery which would constitute a crime of the first degree pursuant to N.J.S.2C:15-1;

(8) burglary which would constitute a crime of the second degree pursuant to N.J.S.2C:18-2;

(9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.);

(10) endangering the welfare of an incompetent person pursuant to N.J.S.2C:24-7 or endangering the welfare of an elderly or disabled person pursuant to N.J.S.2C:24-8;

(11) terrorist threats pursuant to N.J.S.2C:12-3;

(12) arson pursuant to N.J.S.2C:17-1 or causing or risking widespread injury or damage, which would constitute a crime of the second degree pursuant to N.J.S.2C:17-2; or

(13) an attempt or conspiracy to commit an offense listed in paragraphs (1) through (12) of this subsection.

e. A person shall be disqualified from being a resource family parent if that person or any adult residing in that person's household was convicted of one of the following crimes and the date of release from confinement occurred during the preceding five years:

(1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;

(2) aggravated assault which would constitute a crime of the fourth degree pursuant to subsection b. of N.J.S.2C:12-1;

(3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1 et seq.);

(4) robbery which would constitute a crime of the second degree pursuant to N.J.S.2C:15-1;

(5) burglary which would constitute a crime of the third degree pursuant to N.J.S.2C:18-2; or

(6) an attempt or conspiracy to commit an offense listed in paragraphs (1) through (5) of this subsection.

For the purposes of this subsection, the "date of release from confinement" means the date of termination of court-ordered supervision through probation, parole, or residence in a correctional facility, whichever date occurs last.

For purposes of this section, "resource family parent" means any person with whom a child in the care, custody, or guardianship of the Department of Children and Families is placed by the department, or with its approval, for care and shall include any person with whom a child is placed by the Division of Child Protection and Permanency for the purpose of adoption until the adoption is finalized.

13. Section 4 of P.L.2003, c.186 (C.30:4C-27.19) is amended to read as follows:

C.30:4C-27.19 Criteria for permanent disqualification.

4. Except as provided in subsection d. of this section, a current staff member or an applicant for employment shall be permanently disqualified from employment at or administering a facility if the criminal history record background check of the staff member or applicant reveals a record of conviction for any of the following crimes and offenses:

a. In New Jersey, any crime or disorderly persons offense as follows:

(1) a crime against a child, including endangering the welfare of a child and any crime involving child sexual abuse or exploitation material pursuant to N.J.S.2C:24-4, and child molestation as set forth in N.J.S.2C:14-1 et seq.;

(2) abuse, abandonment, or neglect of a child pursuant to R.S.9:6-3;

(3) endangering the welfare of an incompetent person pursuant to N.J.S.2C:24-7;

(4) sexual assault, criminal sexual contact, or lewdness pursuant to N.J.S.2C:14-2 through N.J.S.2C:14-4;

- (5) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant to N.J.S.2C:11-4;
- (6) stalking pursuant to section 1 of P.L.1992, c.209 (C.2C:12-10);
- (7) kidnaping and related offenses including criminal restraint, false imprisonment, interference with custody, criminal coercion, or enticing a child into a motor vehicle, structure, or isolated area pursuant to N.J.S.2C:13-1 through 2C:13-5 and section 1 of P.L.1993, c.291 (C.2C:13-6);
- (8) arson pursuant to N.J.S.2C:17-1 or causing or risking widespread injury or damage, which would constitute a crime of the second degree pursuant to N.J.S.2C:17-2;
- (9) aggravated assault, which would constitute a crime of the second or third degree pursuant to subsection b. of N.J.S.2C:12-1;
- (10) robbery, which would constitute a crime of the first degree pursuant to N.J.S.2C:15-1;
- (11) burglary, which would constitute a crime of the second degree pursuant to N.J.S.2C:18-2;
- (12) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.);
- (13) terroristic threats pursuant to N.J.S.2C:12-3; or
- (14) an attempt or conspiracy to commit any of the crimes or offenses listed in paragraphs (1) through (13) of this subsection.

b. In any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in subsection a. of this section.

c. Notwithstanding the provisions of this section to the contrary, an individual shall not be disqualified from employment at or administering a facility under this act on the basis of any conviction disclosed by a criminal history record background check performed pursuant to this act without an opportunity to challenge the accuracy of the disqualifying criminal history record pursuant to the provisions of section 7 of this act.

d. If a staff member of a facility is convicted of a crime specified in subsection a. of this section, the staff member shall be terminated from employment at or administering a facility, except that the department may approve the individual's employment at, or administration of, the facility if all of the following conditions are met:

(1) the department determines that the crime does not relate adversely to the position the individual is employed in pursuant to the provisions of P.L.1968, c.282 (C.2A:168A-1 et seq.);

(2) the conviction is not related to a crime committed against a child, as specified in subsection a. of this section;

(3) the facility documents that the individual's employment or administration of the facility does not create a risk to the safety or well-being of children due to the nature and requirements of the position; as necessary, the facility shall identify restrictions regarding the individual's contact with, care or supervision of children;

(4) the facility documents that the individual is uniquely qualified for the position due to specific skills, qualifications, characteristics, or prior employment experiences; and

(5) the department determines that the individual has affirmatively demonstrated rehabilitation, pursuant to the factors specified in subsection b. of section 5 of this act.

14. Section 5 of P.L.2000, c.77 (C.30:5B-6.14) is amended to read as follows:

C.30:5B-6.14 Record of conviction for certain offenses, disqualification from employment; challenge.

5. a. A current staff member and an individual seeking employment shall be permanently disqualified from employment at, or ownership or sponsorship of, a child care center if the staff member or individual:

(1) refuses to consent to, or cooperate in, the securing of a criminal history record background check;

(2) knowingly makes a materially false statement in connection with a criminal history record background check;

(3) is registered, or is required to be registered, on a State sex offender registry or repository or in the National Sex Offender Registry established under the "Adam Walsh Child Protection and Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or

(4) is found by a criminal history record background check to have a record of conviction for any of the following crimes and offenses:

(a) a crime against a child, including endangering the welfare of a child and any crime involving child sexual abuse or exploitation material pursuant to N.J.S.2C:24-4, and child molestation as set forth in N.J.S. 2C:14-1 et seq.;

(b) abuse, abandonment, or neglect of a child pursuant to R.S.9:6-3;

(c) endangering the welfare of an incompetent person pursuant to N.J.S.2C:24-7;

(d) sexual assault, criminal sexual contact, or lewdness pursuant to N.J.S.2C:14-2 through N.J.S.2C:14-4;

(e) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant to N.J.S.2C:11-4;

(f) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

(g) kidnapping and related offenses including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure, or isolated area pursuant to N.J.S.2C:13-1 through C.2C:13-6;

(h) arson pursuant to N.J.S.2C:17-1, or causing or risking widespread injury or damage, which would constitute a crime of the second degree pursuant to N.J.S.2C:17-2;

(i) terroristic threats pursuant to N.J.S.2C:12-3;

(j) aggravated assault, which would constitute a crime of the second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

(k) robbery, which would constitute a crime of the first degree pursuant to N.J.S.2C:15-1;

(l) burglary, which would constitute a crime of the second degree pursuant to N.J.S.2C:18-2;

(m) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.);

(n) any drug related offense committed within the preceding five-year period; or

(o) an attempt or conspiracy to commit any of the crimes or offenses listed in subparagraphs (a) through (n) of this subsection.

b. For the purposes of this section, a person shall be deemed to have a disqualifying record of conviction if the person has been convicted in New Jersey of any of the crimes listed in subsection a. of this section or if the person has been convicted in any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in that subsection.

c. Notwithstanding the provisions of this section to the contrary, an individual shall not be disqualified from employment, ownership, or sponsorship under P.L.2000, c.77 (C.30:5B-6.10 et al.) on the basis of any conviction disclosed by a criminal history record background check performed pursuant to P.L.2000, c.77 (C.30:5B-6.10 et al.) without an opportunity to challenge the accuracy of the disqualifying criminal history record pursuant to the provisions of section 8 of P.L.2000, c.77 (C.53:1-20.9b).

15. Section 3 of P.L.2017, c.89 (C.30:5B-25.7) is amended to read as follows:

C.30:5B-25.7 Denial, revocation of registration.

3. a. The department shall not issue a certificate or renewal of registration to a prospective or current family day care provider and shall revoke the existing registration held by a current family day care provider, as the case may be, if the provider, or any other relevant person listed in subsection a. of section 2 of P.L.2017, c.89 (C.30:5B-25.6):

(1) refuses to consent to, or cooperate in, the securing of a criminal history record background check;

(2) knowingly makes a materially false statement in connection with a criminal history record background check;

(3) is registered, or is required to be registered, on a State sex offender registry or repository or on the National Sex Offender Registry established under the "Adam Walsh Child Protection and Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or

(4) is found by a criminal history record background check to have a record of conviction for any of the following crimes and offenses:

(a) a crime against a child, including endangering the welfare of a child and any crime involving child sexual abuse or exploitation material pursuant to N.J.S.2C:24-4 and child molestation as set forth in N.J.S.2C:14-1 et seq.;

(b) abuse, abandonment, or neglect of a child pursuant to R.S.9:6-3;

(c) endangering the welfare of an incompetent person pursuant to N.J.S.2C:24-7;

(d) sexual assault, criminal sexual contact, or lewdness pursuant to N.J.S.2C:14-2 through N.J.S.2C:14-4;

(e) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant to N.J.S.2C:11-4;

(f) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

(g) kidnapping and related offenses, including criminal restraint; false imprisonment; interference with custody; criminal coercion; or enticing a child into a motor vehicle, structure, or isolated area pursuant to N.J.S.2C:13-1 through C.2C:13-6;

(h) arson pursuant to N.J.S.2C:17-1 or causing or risking widespread injury or damage, which would constitute a crime of the second degree pursuant to N.J.S.2C:17-2;

(i) terroristic threats pursuant to N.J.S.2C:12-3;

(j) aggravated assault, which would constitute a crime of the second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

(k) robbery, which would constitute a crime of the first degree pursuant to N.J.S.2C:15-1;

(l) burglary, which would constitute a crime of the second degree pursuant to N.J.S.2C:18-2;

(m) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.);

(n) any drug related offense committed within the preceding five-year period; or

(o) an attempt or conspiracy to commit any of the crimes or offenses listed in paragraphs (a) through (n) of this subsection.

b. For the purposes of this section, a person shall be deemed to have a disqualifying record of conviction if the person has been convicted in New Jersey of any of the crimes listed in subsection a. of this section or if the person has been convicted in any other state or jurisdiction, of conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in that subsection.

c. Notwithstanding the provisions of this section to the contrary, a prospective or current provider's application for a certificate or renewal of registration shall not be denied under this act on the basis of any conviction disclosed by a criminal history record background check performed pursuant to this act without an opportunity to challenge the accuracy of the disqualifying criminal history record pursuant to subsection c. of section 5 of P.L.2017, c.89 (C.30:5B-25.9).

16. Section 3 of P.L.1998, c.134 (C.52:17B-193) is amended to read as follows:

C.52:17B-193 Establishment, maintenance of information via the Internet, continuing educational program; hotline telephone service.

3. a. The department shall establish and maintain information available through the Internet. The information shall include, but not be limited to, guidelines and recommendations on computer ethics, proper methods for reporting high technology crimes, safe computing practices for children and their families, and methods to filter, screen, or block the receipt of objectionable material on interactive computer services.

b. The department shall design a continuing educational program to inform law enforcement, educational, civic, and business groups on the emerging issues of high technology crimes, including those perpetrated through the use of interactive computer services. This continuing educational program shall be made available by the department through the Internet.

c. The department, in conjunction with the Statewide Computer Crime Task Force, shall establish and maintain a 24-hour toll-free hotline telephone service. The department shall take appropriate steps to publicize the hotline. The hotline shall receive and respond to inquiries or complaints from members of the public reporting computer crime, including, but not limited to, online distribution or possession of child sexual abuse or exploitation material, cyberstalking, threats of violence in schools or other institutions, Internet fraud, and unauthorized intrusions into computer systems.

17. This act shall take effect immediately.

Approved November 18, 2024.

**SENATE, No. 2652**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED FEBRUARY 12, 2024

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator ANGELA V. MCKNIGHT**

**District 31 (Hudson)**

**Assemblywoman ELLEN J. PARK**

**District 37 (Bergen)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Co-Sponsored by:**

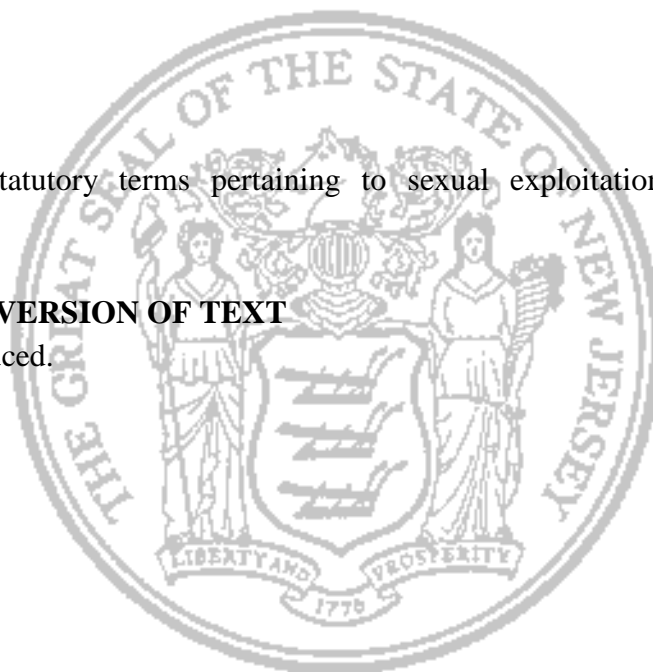
**Senator Ruiz, Assemblywomen Flynn, Haider, Assemblyman Auth, Assemblywomen Matsikoudis, Reynolds-Jackson, Assemblyman Kanitra, Assemblywomen Dunn, Hall, Carter, Peterpaul, Donlon, Assemblyman Sampson, Assemblywomen Speight, McCann Stamato, Lampitt, Ramirez and Sumter**

**SYNOPSIS**

Revises statutory terms pertaining to sexual exploitation or abuse of children.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/24/2024)**

1 AN ACT concerning certain criminal offenses involving sexual  
2 exploitation or abuse of children and amending various parts of  
3 the statutory law.

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

7  
8 1. Section 1 of P.L.1992, c.7 (C.2A:30B-1) is amended to read  
9 as follows:

10 1. The Legislature finds and declares that:

11 a. **【Child】** Trade in child sexual abuse or exploitation material,  
12 often referred to as child pornography, is a lucrative business which  
13 sexually exploits children and preys on their vulnerability.

14 b. While criminal laws exist to penalize those who sexually  
15 exploit children, these laws are sometimes insufficient to protect  
16 and indemnify the victim and prevent the perpetrators from  
17 accumulating large profits from the making and distribution of  
18 "kiddie porn."

19 c. This act is designed to give the victims of trade in child  
20 **【pornography】** sexual abuse or exploitation material a civil action  
21 against those persons who sexually abuse or exploit them for profit  
22 directly or indirectly which can be brought through a parent or  
23 guardian or child advocacy organization or by the victim upon  
24 reaching the age of majority. Any director, officer, servant,  
25 employee or other person authorized to act on behalf of a  
26 corporation may be personally liable if found liable individually or  
27 jointly with the corporation under the provisions of this act.

28 d. The act will allow victims to recover three times the  
29 financial gains made by those who exploit them and will authorize  
30 injunctive relief to halt the making and distribution of films and  
31 other materials.

32 (cf: P.L.1992, c.7, s.1)

33  
34 2. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read  
35 as follows:

36 2. a. (1) A person who has been convicted, adjudicated  
37 delinquent or found not guilty by reason of insanity for commission  
38 of a sex offense as defined in subsection b. of this section shall  
39 register as provided in subsections c. and d. of this section.

40 (2) A person who in another jurisdiction is required to register  
41 as a sex offender and (a) is enrolled on a full-time or part-time basis  
42 in any public or private educational institution in this State,  
43 including any secondary school, trade or professional institution,  
44 institution of higher education or other post-secondary school, or  
45 (b) is employed or carries on a vocation in this State, on either a

**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 full-time or a part-time basis, with or without compensation, for  
2 more than 14 consecutive days or for an aggregate period exceeding  
3 30 days in a calendar year, shall register in this State as provided in  
4 subsections c. and d. of this section.

5 (3) A person who fails to register as required under this act shall  
6 be guilty of a crime of the third degree.

7 b. For the purposes of this act a sex offense shall include the  
8 following:

9 (1) Aggravated sexual assault, sexual assault, aggravated  
10 criminal sexual contact, kidnapping pursuant to paragraph (2) of  
11 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these  
12 crimes if the court found that the offender's conduct was  
13 characterized by a pattern of repetitive, compulsive behavior,  
14 regardless of the date of the commission of the offense or the date  
15 of conviction;

16 (2) A conviction, adjudication of delinquency, or acquittal by  
17 reason of insanity for aggravated sexual assault; sexual assault;  
18 aggravated criminal sexual contact; kidnapping pursuant to  
19 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the  
20 welfare of a child by engaging in sexual conduct which would  
21 impair or debauch the morals of the child pursuant to subsection a.  
22 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to  
23 paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or  
24 (ii) of subparagraph (b) of paragraph (5) of subsection b. of  
25 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,  
26 c.291 (C.2C:13-6); criminal sexual contact pursuant to N.J.S.2C:14-  
27 3b. if the victim is a minor; kidnapping pursuant to N.J.S.2C:13-1,  
28 criminal restraint pursuant to N.J.S.2C:13-2, or false imprisonment  
29 pursuant to N.J.S.2C:13-3 if the victim is a minor and the offender  
30 is not the parent of the victim; knowingly promoting prostitution of  
31 a child pursuant to paragraph (3) or paragraph (4) of subsection b.  
32 of N.J.S.2C:34-1; leader of a **【child pornography】** network to share  
33 child sexual abuse or exploitation material pursuant to section 8 of  
34 P.L.2017, c.141 (C.2C:24-4.1); or an attempt to commit any of  
35 these enumerated offenses if the conviction, adjudication of  
36 delinquency or acquittal by reason of insanity is entered on or after  
37 the effective date of this act or the offender is serving a sentence of  
38 incarceration, probation, parole or other form of community  
39 supervision as a result of the offense or is confined following  
40 acquittal by reason of insanity or as a result of civil commitment on  
41 the effective date of this act;

42 (3) A conviction, adjudication of delinquency, or acquittal by  
43 reason of insanity for an offense similar to any offense enumerated  
44 in paragraph (2) or a sentence on the basis of criteria similar to the  
45 criteria set forth in paragraph (1) of this subsection entered or  
46 imposed under the laws of the United States, this State, or another  
47 state.

1 (4) Notwithstanding the provisions of paragraph (1), (2), or (3)  
2 of this subsection, a sex offense shall not include an adjudication of  
3 delinquency for endangering the welfare of a child pursuant to  
4 paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that  
5 the actor demonstrates that:

6 (a) the facts of the case are limited to the creation, exhibition or  
7 distribution of a photograph depicting nudity or portraying a child  
8 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,  
9 through the use of an electronic communications device, an  
10 interactive wireless communications device, or a computer;

11 (b) the creator and subject of the photograph are juveniles or  
12 were juveniles at the time of its making; and

13 (c) the subject of the photograph whose nudity is depicted or  
14 who is portrayed in a sexually suggestive manner, as the case may  
15 be, knowingly consented to the making of the photograph.

16 c. A person required to register under the provisions of this act  
17 shall do so on forms to be provided by the designated registering  
18 agency as follows:

19 (1) A person who is required to register and who is under  
20 supervision in the community on probation, parole, furlough, work  
21 release, or a similar program, shall register at the time the person is  
22 placed under supervision or no later than 120 days after the  
23 effective date of this act, whichever is later, in accordance with  
24 procedures established by the Department of Corrections, the  
25 Department of Human Services, the Juvenile Justice Commission  
26 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)  
27 or the Administrative Office of the Courts, whichever is responsible  
28 for supervision;

29 (2) A person confined in a correctional or juvenile facility or  
30 involuntarily committed who is required to register shall register  
31 prior to release in accordance with procedures established by the  
32 Department of Corrections, the Department of Human Services or  
33 the Juvenile Justice Commission and, within 48 hours of release,  
34 shall also register with the chief law enforcement officer of the  
35 municipality in which the person resides or, if the municipality does  
36 not have a local police force, the Superintendent of State Police;

37 (3) A person moving to or returning to this State from another  
38 jurisdiction shall register with the chief law enforcement officer of  
39 the municipality in which the person will reside or, if the  
40 municipality does not have a local police force, the Superintendent  
41 of State Police within 120 days of the effective date of this act or 10  
42 days of first residing in or returning to a municipality in this State,  
43 whichever is later;

44 (4) A person required to register on the basis of a conviction  
45 prior to the effective date who is not confined or under supervision  
46 on the effective date of this act shall register within 120 days of the  
47 effective date of this act with the chief law enforcement officer of  
48 the municipality in which the person will reside or, if the

1 municipality does not have a local police force, the Superintendent  
2 of State Police;

3 (5) A person who in another jurisdiction is required to register  
4 as a sex offender and who is enrolled on a full-time or part-time  
5 basis in any public or private educational institution in this State,  
6 including any secondary school, trade or professional institution,  
7 institution of higher education or other post-secondary school shall,  
8 within ten days of commencing attendance at such educational  
9 institution, register with the chief law enforcement officer of the  
10 municipality in which the educational institution is located or, if the  
11 municipality does not have a local police force, the Superintendent  
12 of State Police;

13 (6) A person who in another jurisdiction is required to register  
14 as a sex offender and who is employed or carries on a vocation in  
15 this State, on either a full-time or a part-time basis, with or without  
16 compensation, for more than 14 consecutive days or for an  
17 aggregate period exceeding 30 days in a calendar year, shall, within  
18 ten days after commencing such employment or vocation, register  
19 with the chief law enforcement officer of the municipality in which  
20 the employer is located or where the vocation is carried on, as the  
21 case may be, or, if the municipality does not have a local police  
22 force, the Superintendent of State Police;

23 (7) In addition to any other registration requirements set forth in  
24 this section, a person required to register under this act who is  
25 enrolled at, employed by or carries on a vocation at an institution of  
26 higher education or other post-secondary school in this State shall,  
27 within 10 days after commencing such attendance, employment or  
28 vocation, register with the law enforcement unit of the educational  
29 institution, if the institution has such a unit.

30 d. (1) Upon a change of address, a person shall notify the law  
31 enforcement agency with which the person is registered and shall  
32 re-register with the appropriate law enforcement agency no less  
33 than 10 days before **[he]** the person intends to first reside at **[his]**  
34 the new address. Upon a change of employment or school  
35 enrollment status, a person shall notify the appropriate law  
36 enforcement agency no later than five days after any such change.  
37 A person who fails to notify the appropriate law enforcement  
38 agency of a change of address or status in accordance with this  
39 subsection is guilty of a crime of the third degree.

40 (2) A person required to register under this act shall provide the  
41 appropriate law enforcement agency with information as to whether  
42 the person has routine access to or use of a computer or any other  
43 device with Internet capability. A person who fails to notify the  
44 appropriate law enforcement agency of such information or of a  
45 change in the person's access to or use of a computer or other  
46 device with Internet capability or who provides false information  
47 concerning the person's access to or use of a computer or any other

1 device with Internet capability is guilty of a crime of the third  
2 degree.

3 e. A person required to register under paragraph (1) of  
4 subsection b. of this section or under paragraph (3) of subsection b.  
5 due to a sentence imposed on the basis of criteria similar to the  
6 criteria set forth in paragraph (1) of subsection b. shall verify **[his]**  
7 the person's address with the appropriate law enforcement agency  
8 every 90 days in a manner prescribed by the Attorney General. A  
9 person required to register under paragraph (2) of subsection b. of  
10 this section or under paragraph (3) of subsection b. on the basis of a  
11 conviction for an offense similar to an offense enumerated in  
12 paragraph (2) of subsection b. shall verify **[his]** the person's  
13 address annually in a manner prescribed by the Attorney General.  
14 In addition to address information, the person shall provide as part  
15 of the verification process any additional information the Attorney  
16 General may require. One year after the effective date of this act,  
17 the Attorney General shall review, evaluate and, if warranted,  
18 modify pursuant to the "Administrative Procedure Act," P.L.1968,  
19 c.410 (C.52:14B-1 et seq.) the verification requirement. Any  
20 person who knowingly provides false information concerning **[his]**  
21 the person's place of residence or who fails to verify **[his]** the  
22 person's address with the appropriate law enforcement agency or  
23 other entity, as prescribed by the Attorney General in accordance  
24 with this subsection, is guilty of a crime of the third degree.

25 f. Except as provided in subsection g. of this section, a person  
26 required to register under this act may make application to the  
27 Superior Court of this State to terminate the obligation upon proof  
28 that the person has not committed an offense within 15 years  
29 following conviction or release from a correctional facility for any  
30 term of imprisonment imposed, whichever is later, and is not likely  
31 to pose a threat to the safety of others.

32 g. A person required to register under this section who has  
33 been convicted of, adjudicated delinquent, or acquitted by reason of  
34 insanity for more than one sex offense as defined in subsection b. of  
35 this section or who has been convicted of, adjudicated delinquent,  
36 or acquitted by reason of insanity for aggravated sexual assault  
37 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault  
38 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not  
39 eligible under subsection f. of this section to make application to  
40 the Superior Court of this State to terminate the registration  
41 obligation.

42 (cf: P.L.2017, c.141, s.3)

43

44 3. N.J.S.2C:24-4 is amended to read as follows:

45 2C:24-4. Endangering Welfare of Children.

46 a. (1) Any person having a legal duty for the care of a child or who  
47 has assumed responsibility for the care of a child who engages in  
48 sexual conduct which would impair or debauch the morals of the

1 child is guilty of a crime of the second degree. Any other person  
2 who engages in conduct or who causes harm as described in this  
3 paragraph to a child is guilty of a crime of the third degree.

4 (2) Any person having a legal duty for the care of a child or who  
5 has assumed responsibility for the care of a child who causes the  
6 child harm that would make the child an abused or neglected child  
7 as defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L.1974, c.119  
8 (C.9:6-8.21) is guilty of a crime of the second degree. Any other  
9 person who engages in conduct or who causes harm as described in  
10 this paragraph to a child is guilty of a crime of the third degree.

11 b. (1) As used in this subsection:

12 "Child" means any person under 18 years of age.

13 "Distribute" means to sell, or to manufacture, give, provide, lend,  
14 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,  
15 display, share, advertise, offer, or make available via the Internet or  
16 by any other means, whether for pecuniary gain or not. The term  
17 also includes an agreement or attempt to distribute.

18 "File-sharing program" means a computer program, application,  
19 software or operating system that allows the user of a computer on  
20 which such program, application, software or operating system is  
21 installed to designate files as available for searching by and copying  
22 to one or more other computers, to transmit such designated files  
23 directly to one or more other computers, and to request the  
24 transmission of such designated files directly from one or more  
25 other computers. The term "file-sharing program" includes but is  
26 not limited to a computer program, application or software that  
27 enables a computer user to participate in a peer-to-peer network.

28 "Internet" means the international computer network of both  
29 federal and non-federal interoperable packet switched data  
30 networks.

31 "Item depicting the sexual exploitation or abuse of a child" or  
32 "child sexual abuse or exploitation material" or "CSAEM" means a  
33 photograph, film, video, an electronic, electromagnetic or digital  
34 recording, an image stored or maintained in a computer program or  
35 file or in a portion of a file, or any other reproduction or  
36 reconstruction which :

37 (a) depicts a child engaging in a prohibited sexual act or in the  
38 simulation of such an act; or

39 (b) portrays a child in a sexually suggestive manner.

40 "Peer-to-peer network" means a connection of computer systems  
41 through which files are shared directly between the systems on a  
42 network without the need of a central server.

43 "Portray a child in a sexually suggestive manner" means:

44 (a) to depict a child's less than completely and opaquely covered  
45 intimate parts, as defined in N.J.S.2C:14-1, in a manner that, by  
46 means of the posing, composition, format, or animated sensual  
47 details, emits sensuality with sufficient impact to concentrate  
48 prurient interest on the child; or

1 (b) to depict any form of contact with a child's intimate parts, as  
2 defined in N.J.S.2C:14-1, in a manner that, by means of the posing,  
3 composition, format, or animated sensual details, emits sensuality  
4 with sufficient impact to concentrate prurient interest on the child;  
5 or

6 (c) to otherwise depict a child for the purpose of sexual  
7 stimulation or gratification of any person who may view the  
8 depiction where the depiction does not have serious literary, artistic,  
9 political, or scientific value.

10 "Prohibited sexual act" means

11 (a) Sexual intercourse; or

12 (b) Anal intercourse; or

13 (c) Masturbation; or

14 (d) Bestiality; or

15 (e) Sadism; or

16 (f) Masochism; or

17 (g) Fellatio; or

18 (h) Cunnilingus; or

19 (i) Nudity, if depicted for the purpose of sexual stimulation or  
20 gratification of any person who may view such depiction; or

21 (j) Any act of sexual penetration or sexual contact as defined in  
22 N.J.S.2C:14-1.

23 "Reproduction" means, but is not limited to, computer generated  
24 images.

25 (2) (Deleted by amendment, P.L.2001, c.291).

26 (3) A person commits a crime of the first degree if **【he】** the  
27 person causes or permits a child to engage in a prohibited sexual act  
28 or in the simulation of such an act or to be portrayed in a sexually  
29 suggestive manner if the person knows, has reason to know or  
30 intends that the prohibited act or portrayal may be photographed,  
31 filmed, reproduced, or reconstructed in any manner, including on  
32 the Internet, or may be part of an exhibition or performance.

33 (4) A person commits a crime of the second degree if **【he】** the  
34 person photographs or films a child in a prohibited sexual act or in  
35 the simulation of such an act or for portrayal in a sexually  
36 suggestive manner or who uses any device, including a computer, to  
37 reproduce or reconstruct the image of a child in a prohibited sexual  
38 act or in the simulation of such an act or for portrayal in a sexually  
39 suggestive manner.

40 (5) (a) A person commits a crime if, by any means, including but  
41 not limited to the Internet, **【he】** the person:

42 (i) knowingly distributes an item depicting the sexual  
43 exploitation or abuse of a child;

44 (ii) knowingly possesses an item depicting the sexual  
45 exploitation or abuse of a child with the intent to distribute that  
46 item; or

47 (iii) knowingly stores or maintains an item depicting the sexual  
48 exploitation or abuse of a child using a file-sharing program which

1 is designated as available for searching by or copying to one or  
2 more other computers.

3 In a prosecution under sub-subparagraph (iii) of this  
4 subparagraph, the State shall not be required to offer proof that an  
5 item depicting the sexual exploitation or abuse of a child had  
6 actually been searched, copied, transmitted or viewed by another  
7 user of the file-sharing program, or by any other person, and it shall  
8 be no defense that the defendant did not intend to distribute the item  
9 to another user of the file-sharing program or to any other person.  
10 Nor shall the State be required to prove that the defendant was  
11 aware that the item depicting the sexual exploitation or abuse of a  
12 child was available for searching or copying to one or more other  
13 computers, and the defendant shall be strictly liable for failing to  
14 designate the item as not available for searching or copying by one  
15 or more other computers.

16 A violation of this subparagraph that involves 1,000 or more  
17 items depicting the sexual exploitation or abuse of a child is a crime  
18 of the first degree; otherwise it is a crime of the second degree.

19 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-  
20 6, a person whose offense under this subparagraph involved at least  
21 25 but less than 1,000 items depicting the sexual exploitation or  
22 abuse of a child shall be sentenced to a mandatory minimum term of  
23 imprisonment, which shall be fixed at, or between, one-third and  
24 one-half of the sentence imposed by the court or five years,  
25 whichever is greater, during which the defendant shall be ineligible  
26 for parole.

27 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-  
28 6, a person whose offense under this subparagraph involved 1,000  
29 or more items depicting the sexual exploitation or abuse of a child  
30 shall be sentenced to a mandatory minimum term of imprisonment,  
31 which shall be fixed at, or between, one-third and one-half of the  
32 sentence imposed by the court or 10 years, whichever is greater,  
33 during which the defendant shall be ineligible for parole.

34 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-  
35 6, a person convicted of a second or subsequent offense under this  
36 subparagraph shall be sentenced to an extended term of  
37 imprisonment as set forth in N.J.S.2C:43-7. For the purposes of this  
38 subparagraph, an offense is considered a second or subsequent  
39 offense if the actor has at any time been convicted pursuant to  
40 paragraph (3), (4), or (5) of this subsection, or under any similar  
41 statute of the United States, this State, or any other state for an  
42 offense that is substantially equivalent to paragraph (3), (4), or (5)  
43 of this subsection.

44 For purposes of this subparagraph, the term "possess" includes  
45 receiving, viewing, or having under one's control, through any  
46 means, including the Internet.

47 (b) (i) A person commits a crime of the first degree if **[he]** the  
48 person knowingly possesses, knowingly views, or knowingly has

1 under **【his】** the person's control, through any means, including the  
2 Internet, 100,000 or more items depicting the sexual exploitation or  
3 abuse of a child.

4 (ii) A person commits a crime of the second degree if **【he】** the  
5 person knowingly possesses, knowingly views, or knowingly has  
6 under **【his】** the person's control, through any means, including the  
7 Internet, at least 1,000 but less than 100,000 items depicting the  
8 sexual exploitation or abuse of a child.

9 (iii) A person commits a crime of the third degree if **【he】** the  
10 person knowingly possesses, knowingly views, or knowingly has  
11 under **【his】** the person's control, through any means, including the  
12 Internet, less than 1,000 items depicting the sexual exploitation or  
13 abuse of a child.

14 Notwithstanding the provisions of subsection e. of N.J.S.2C:44-  
15 1, in any instance where a person was convicted of an offense under  
16 this subparagraph that involved 100 or more items depicting the  
17 sexual exploitation or abuse of a child, the court shall impose a  
18 sentence of imprisonment unless, having regard to the character and  
19 condition of the defendant, it is of the opinion that imprisonment  
20 would be a serious injustice which overrides the need to deter such  
21 conduct by others.

22 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-  
23 6, a person convicted of a second or subsequent offense under this  
24 subparagraph shall be sentenced to an extended term of  
25 imprisonment as set forth in N.J.S.2C:43-7. For the purposes of this  
26 subparagraph, an offense is considered a second or subsequent  
27 offense if the actor has at any time been convicted pursuant to  
28 paragraph (3), (4), or (5) of this subsection, or under any similar  
29 statute of the United States, this State, or any other state for an  
30 offense that is substantially equivalent to paragraph (3), (4), or (5)  
31 of this subsection.

32 Nothing in this subparagraph shall be construed to preclude or  
33 limit any prosecution or conviction for the offense set forth in  
34 subparagraph (a) of this paragraph.

35 (6) For purposes of this subsection, a person who is depicted as  
36 or presents the appearance of being under the age of 18 in any  
37 photograph, film, videotape, computer program or file, video game,  
38 or any other reproduction or reconstruction shall be rebuttably  
39 presumed to be under the age of 18. If the child who is depicted as  
40 engaging in, or who is caused to engage in, a prohibited sexual act  
41 or simulation of a prohibited sexual act or portrayed in a sexually  
42 suggestive manner is under the age of 18, the actor shall be strictly  
43 liable and it shall not be a defense that the actor did not know that  
44 the child was under the age of 18, nor shall it be a defense that the  
45 actor believed that the child was 18 years of age or older, even if  
46 such a mistaken belief was reasonable.

47 (7) For aggregation purposes, each depiction of the sexual  
48 exploitation or abuse of a child shall be considered a separate item,

1 provided that each depiction that is in the form of a photograph,  
2 picture, image, or visual depiction of a similar nature shall be  
3 considered to be one item and each depiction that is in the form of a  
4 film, video, video-clip, movie, or visual depiction of a similar  
5 nature shall be considered to be 10 separate items, and each  
6 individual act of distribution of an item depicting the sexual  
7 exploitation or abuse of a child shall be considered a separate item.  
8 For purposes of determining the number of items depicting the  
9 sexual exploitation or abuse of a child for purposes of sentencing  
10 pursuant to subparagraph (a) of paragraph (5) of this subsection, the  
11 court shall aggregate all items involved, whether the act or acts  
12 constituting the violation occurred at the same time or at different  
13 times and, with respect to distribution, whether the act or acts of  
14 distribution were to the same person or several persons or occurred  
15 at different times, provided that each individual act was committed  
16 within the applicable statute of limitations. For purposes of  
17 determining the number of items depicting the sexual exploitation  
18 or abuse of a child for purposes of sentencing pursuant to  
19 subparagraph (b) of paragraph (5) of this subsection, the court shall  
20 aggregate all items involved, whether the possession of such items  
21 occurred at the same time or at different times, provided that each  
22 individual act was committed within the applicable statute of  
23 limitations.

24 (cf: P.L.2017, c141, s.1)

25

26 4. Section 8 of P.L.2017, c.141 (C.2C:24-4.1) is amended to  
27 read as follows:

28 8. a. A person is a leader of a **【child pornography】** network to  
29 share child sexual abuse or exploitation material if **【he】** the person  
30 knowingly conspires with others as an organizer, moderator,  
31 administrator, programmer, recruiter, or facilitator to engage in a  
32 scheme or course of conduct to establish or maintain an  
33 interconnected network through which files containing one or more  
34 items depicting the sexual exploitation or abuse of a child are in any  
35 way made available to or accessible among an organized group of  
36 users or participants.

37 b. Leader of a **【child pornography】** network to share child  
38 sexual abuse or exploitation material is a crime of the first degree if  
39 the offense involves 100,000 or more items depicting the sexual  
40 exploitation or abuse of a child; a crime of the second degree if the  
41 offense involves at least 1,000 but less than 100,000 items depicting  
42 the sexual exploitation or abuse of a child; and a crime of the third  
43 degree if the offense involves less than 1,000 items depicting the  
44 sexual exploitation or abuse of a child.

45 c. For aggregation purposes, each item depicting the sexual  
46 exploitation or abuse of a child made available or accessible  
47 through a distribution network shall be considered a separate item,  
48 provided that each item that is in the form of a photograph, picture,

1 image, or visual depiction of a similar nature shall be considered to  
2 be one item and each depiction that is in the form of a film, video,  
3 video-clip, movie, or visual depiction of a similar nature shall be  
4 considered to be 10 separate items.

5 d. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction  
6 of leader of a **【child pornography】** network to share child sexual  
7 abuse or exploitation material shall not merge with the conviction  
8 for any offense which is the object of the conspiracy, nor shall the  
9 other conviction merge with a conviction under this section.  
10 Nothing contained in this section shall be construed in any way to  
11 preclude or limit the prosecution or conviction of any person for  
12 conspiracy under the provisions of N.J.S.2C:5-2, or any prosecution  
13 or conviction for endangering the welfare of children under the  
14 provisions of N.J.S.2C:24-4 or any other provision of law.

15 e. As used in this section:

16 "Interconnected network" means a set of computer nodes,  
17 including but not limited to personal computers, mobile devices,  
18 and physical or virtual servers that are linked together to facilitate  
19 the transmission of data between users.

20 "Item depicting the sexual exploitation or abuse of a child" shall  
21 have the same meaning as provided in subsection b. of N.J.S.2C:24-  
22 4.

23 (cf. P.L.2017, c.141, s.8)

24  
25 5. Section 1 of P.L.2009, c.143 (2C:43-3.8) is amended to read  
26 as follows:

27 1. a. In addition to any disposition authorized by this Title, the  
28 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any  
29 other statute indicating the dispositions that can be ordered for an  
30 adjudication of delinquency, every person convicted of or  
31 adjudicated delinquent for a violation of paragraph (3), (4), or (5) of  
32 subsection b. of N.J.S.2C:24-4; section 8 of P.L.2017, c.141  
33 (C.2C:24-4.1); N.J.S.2C:34-3; or an offense involving computer  
34 criminal activity in violation of any provision of chapter 20 of this  
35 title shall be assessed for each such offense a penalty fixed at:

- 36 (a) \$2,000 in the case of a crime of the first degree;  
37 (b) \$1,000 in the case of a crime of the second degree;  
38 (c) \$750 in the case of a crime of the third degree;  
39 (d) \$500 in the case of a crime of the fourth degree;  
40 (e) \$250 in the case of a disorderly persons or petty disorderly  
41 persons offense.

42 b. All penalties provided for in this section shall be collected as  
43 provided for collection of fines and restitutions in section 3 of  
44 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the  
45 Department of the Treasury as provided in subsection c. of this  
46 section.

47 c. All moneys collected pursuant to this section shall be  
48 forwarded to the Department of the Treasury to be deposited in a

1 nonlapsing revolving fund to be known as the "Computer Crime  
2 Prevention Fund." Moneys in the fund shall be appropriated by the  
3 Legislature to the Department of Law and Public Safety on an  
4 annual basis for the purposes of investigating and prosecuting  
5 computer-related crime, and funding continuing educational  
6 programs on high technology crimes and the 24-hour toll-free  
7 computer crime hotline telephone service established pursuant to  
8 section 3 of P.L.1998, c.134 (C.52:17B-193) and publicizing  
9 thereof, as well as other programs designed to enhance public  
10 awareness of computer-related crime, including but not limited to  
11 use of the Internet to facilitate sexual predatory acts, cyber-stalking  
12 and cyberbullying, online distribution or possession of child  
13 **【pornography】** sexual abuse or exploitation material, threats of  
14 violence in schools or other institutions, Internet fraud, and  
15 unauthorized intrusions into computer systems.

16 d. There is created in the Department of the Treasury a non-  
17 lapsing fund entitled the "Computer Crime Prevention Fund." The  
18 fund shall be the depository for assessments collected pursuant to  
19 subsection a. of this section, to be appropriated and used in  
20 accordance with the purposes set forth in subsection c. of this  
21 section.

22 (cf: P.L.2017, c.141, s.4)

23

24 6. Section 2 of P.L.1994, c.130 (C.2C:43-6.4) is amended to  
25 read as follows:

26 2. a. Notwithstanding any provision of law to the contrary, a  
27 judge imposing sentence on a person who has been convicted of  
28 aggravated sexual assault, sexual assault, aggravated criminal  
29 sexual contact, kidnapping pursuant to paragraph (2) of subsection  
30 c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging  
31 in sexual conduct which would impair or debauch the morals of the  
32 child pursuant to subsection a. of N.J.S.2C:24-4, endangering the  
33 welfare of a child pursuant to paragraph (3) or sub-subparagraph (i)  
34 or (ii) of subparagraph (b) of paragraph (5) of subsection b. of  
35 N.J.S.2C:24-4, luring, violating a condition of a special sentence of  
36 community supervision for life pursuant to subsection d. of this  
37 section, or an attempt to commit any of these offenses shall include,  
38 in addition to any sentence authorized by this Code, a special  
39 sentence of parole supervision for life. Notwithstanding any  
40 provision of law to the contrary, a court imposing sentence on a  
41 person who has been convicted of endangering the welfare of a  
42 child pursuant to paragraph (4) or subparagraph (a) or sub-  
43 subparagraph (iii) of subparagraph (b) of paragraph (5) of  
44 subsection b. of N.J.S.2C:24-4, leader of a **【child pornography】**  
45 network to share child sexual abuse or exploitation material  
46 pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1), or an  
47 attempt to commit either of these offenses shall include, upon  
48 motion of the prosecutor, a special sentence of parole supervision

1 for life in addition to any sentence authorized by Title 2C of the  
2 New Jersey Statutes, unless the court finds on the record that the  
3 special sentence is not needed to protect the community or deter the  
4 defendant from future criminal activity.

5 b. The special sentence of parole supervision for life required  
6 by this section shall commence immediately upon the defendant's  
7 release from incarceration. If the defendant is serving a sentence of  
8 incarceration for another offense at the time ~~he~~ the defendant  
9 completes the custodial portion of the sentence imposed on the  
10 present offense, the special sentence of parole supervision for life  
11 shall not commence until the defendant is actually released from  
12 incarceration for the other offense. Persons serving a special  
13 sentence of parole supervision for life shall remain in the legal  
14 custody of the Commissioner of Corrections, shall be supervised by  
15 the Division of Parole of the State Parole Board, shall be subject to  
16 the provisions and conditions set forth in subsection c. of section 3  
17 of P.L.1997, c.117 (C.30:4-123.51b) and sections 15 through 19 and  
18 21 of P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and  
19 30:4-123.65), and shall be subject to conditions appropriate to  
20 protect the public and foster rehabilitation. Such conditions may  
21 include the requirement that the person comply with the conditions  
22 set forth in subsection f. of this section concerning use of a  
23 computer or other device with access to the Internet or the  
24 conditions set forth in subsection g. of this section concerning the  
25 operation as defined in section 1 of P.L.2017, c.315 (C.2C:40-27) of  
26 an unmanned aircraft system as defined in section 1 of P.L.2017,  
27 c.315 (C.2C:40-27). If the defendant violates a condition of a  
28 special sentence of parole supervision for life, the defendant shall  
29 be subject to the provisions of sections 16 through 19 and 21 of  
30 P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and 30:4-  
31 123.65), and for the purpose of calculating the limitation on time  
32 served pursuant to section 21 of P.L.1979, c.441 (C.30:4-123.65)  
33 the custodial term imposed upon the defendant related to the special  
34 sentence of parole supervision for life shall be deemed to be a term  
35 of life imprisonment. When the court suspends the imposition of  
36 sentence on a defendant who has been convicted of any offense  
37 enumerated in subsection a. of this section, the court may not  
38 suspend imposition of the special sentence of parole supervision for  
39 life, which shall commence immediately, with the Division of  
40 Parole of the State Parole Board maintaining supervision over that  
41 defendant, including the defendant's compliance with any  
42 conditions imposed by the court pursuant to N.J.S.2C:45-1, in  
43 accordance with the provisions of this subsection. Nothing  
44 contained in this subsection shall prevent the court from at any time  
45 proceeding under the provisions of N.J.S.2C:45-1 through  
46 N.J.S.2C:45-4 against any such defendant for a violation of any  
47 conditions imposed by the court when it suspended imposition of  
48 sentence, or prevent the Division of Parole from proceeding under

1 the provisions of sections 16 through 19 and 21 of P.L.1979, c.441  
2 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) against any  
3 such defendant for a violation of any conditions of the special  
4 sentence of parole supervision for life, including the conditions  
5 imposed by the court pursuant to N.J.S.2C:45-1. In any such  
6 proceeding by the Division of Parole, the provisions of subsection  
7 c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b) authorizing  
8 revocation and return to prison shall be applicable to such a  
9 defendant, notwithstanding that the defendant may not have been  
10 sentenced to or served any portion of a custodial term for  
11 conviction of an offense enumerated in subsection a. of this section.

12 c. A person sentenced to a term of parole supervision for life  
13 may petition the Superior Court for release from that parole  
14 supervision. The judge may grant a petition for release from a  
15 special sentence of parole supervision for life only upon proof by  
16 clear and convincing evidence that the person has not committed a  
17 crime for 15 years since the last conviction or release from  
18 incarceration, whichever is later, and that the person is not likely to  
19 pose a threat to the safety of others if released from parole  
20 supervision. Notwithstanding the provisions of section 22 of  
21 P.L.1979, c.441 (C.30:4-123.66), a person sentenced to a term of  
22 parole supervision for life may be released from that parole  
23 supervision term only by court order as provided in this subsection.

24 d. A person who violates a condition of a special sentence of  
25 community supervision for life or parole supervision for life  
26 imposed pursuant to this section without good cause is guilty of a  
27 crime of the third degree. Notwithstanding any other law to the  
28 contrary, a person sentenced pursuant to this subsection shall be  
29 sentenced to a term of imprisonment, unless the court is clearly  
30 convinced that the interests of justice so far outweigh the need to  
31 deter this conduct and the interest in public safety that a sentence to  
32 imprisonment would be a manifest injustice. Nothing in this  
33 subsection shall preclude subjecting a person who violates any  
34 condition of a special sentence of parole supervision for life to the  
35 provisions of sections 16 through 19 and 21 of P.L.1979, c.441  
36 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) pursuant to  
37 the provisions of subsection c. of section 3 of P.L.1997, c.117  
38 (C.30:4-123.51b).

39 e. A person who, while serving a special sentence of parole  
40 supervision for life imposed pursuant to this section, commits a  
41 violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5,  
42 subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, section 1 of  
43 P.L.1993, c.291 (C.2C:13-6), N.J.S.2C:14-2, N.J.S.2C:14-3,  
44 N.J.S.2C:24-4, section 8 of P.L.2017, c.141 (C.2C:24-4.1),  
45 N.J.S.2C:18-2 when the offense is a crime of the second degree, or  
46 subsection a. of N.J.S.2C:39-4 shall be sentenced to an extended  
47 term of imprisonment as set forth in N.J.S.2C:43-7, which term  
48 shall, notwithstanding the provisions of N.J.S.2C:43-7 or any other

1 law, be served in its entirety prior to the person's resumption of the  
2 term of parole supervision for life.

3 f. The special sentence of parole supervision for life required  
4 by this section may include any of the following Internet access  
5 conditions:

6 (1) Prohibit the person from accessing or using a computer or  
7 any other device with Internet capability without the prior written  
8 approval of the court except the person may use a computer or any  
9 other device with Internet capability in connection with that  
10 person's employment or search for employment with the prior  
11 approval of the person's parole officer;

12 (2) Require the person to submit to periodic unannounced  
13 examinations of the person's computer or any other device with  
14 Internet capability by a parole officer, law enforcement officer or  
15 assigned computer or information technology specialist, including  
16 the retrieval and copying of all data from the computer or device  
17 and any internal or external peripherals and removal of such  
18 information, equipment or device to conduct a more thorough  
19 inspection;

20 (3) Require the person to submit to the installation on the  
21 person's computer or device with Internet capability, at the person's  
22 expense, one or more hardware or software systems to monitor the  
23 Internet use;

24 (4) Require the person to submit to any other appropriate  
25 restrictions concerning the person's use or access of a computer or  
26 any other device with Internet capability; and

27 (5) Require the person to disclose all passwords used by the  
28 person to access any data, information, image, program, signal or  
29 file on the person's computer or any other device with Internet  
30 capability.

31 g. The special sentence of parole supervision for life required  
32 by this section may include reasonable conditions prohibiting or  
33 restricting the person's operation of an unmanned aircraft system in  
34 order to reduce the likelihood of a recurrence of criminal or  
35 delinquent behavior.

36 (cf: P.L.2017, c.333, s.1)

37

38 7. Section 3 of P.L.2003, c.301 (C.2C:44-6.3) is amended to  
39 read as follows:

40 3. a. In any case in which a person has been convicted of a  
41 crime enumerated in subsection b. of this section and:

42 (1) the victim of the crime was either a person under the age of  
43 18 at the time of the commission of the crime, or a person defined  
44 in paragraph (9) of subsection b. of this section; and

45 (2) the person convicted of the crime resides in a household  
46 with other minor children or is a parent of a minor child,

47 the court, based on an interview with the defendant, shall make a  
48 referral to the Division of Child Protection and Permanency in the

1 Department of Children and Families and provide the division with  
2 the name and address of the person convicted of the crime,  
3 information on the person's criminal history, and the name and  
4 address of each child referred to in paragraph (2) of this subsection.

5 b. For purposes of this section, "crime" includes any of the  
6 following:

7 (1) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
8 to N.J.S.2C:11-4;

9 (2) simple assault or aggravated assault pursuant to  
10 N.J.S.2C:12-1;

11 (3) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

12 (4) terrorist threats pursuant to N.J.S.2C:12-3;

13 (5) kidnapping and related offenses including criminal restraint;  
14 false imprisonment; interference with custody; criminal coercion; or  
15 enticing a child into a motor vehicle, structure, or isolated area  
16 pursuant to N.J.S.2C:13-1 through 2C:13-6;

17 (6) sexual assault, criminal sexual contact, or lewdness pursuant  
18 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

19 (7) arson pursuant to N.J.S.2C:17-1, or causing or risking  
20 widespread injury or damage which would constitute a crime of the  
21 second degree pursuant to N.J.S.2C:17-2;

22 (8) a crime against a child, including endangering the welfare of  
23 a child and any crime involving child [pornography] sexual abuse  
24 or exploitation material pursuant to N.J.S.2C:24-4; or child abuse,  
25 neglect, or abandonment pursuant to R.S.9:6-3;

26 (9) endangering the welfare of an incompetent person pursuant  
27 to N.J.S.2C:24-7 or endangering the welfare of an elderly or  
28 disabled person pursuant to N.J.S.2C:24-8;

29 (10) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
30 et seq.); or

31 (11) an attempt or conspiracy to commit an offense listed in  
32 paragraphs (1) through (10) of this subsection.

33 (cf. P.L.2012, c.16, s.11)

34

35 8. N.J.S.2C:47-1 is amended to read as follows:

36 2C:47-1. Referral to Adult Diagnostic and Treatment Center;  
37 Commitment; Examination.

38 Whenever a person is convicted of the offense of aggravated  
39 sexual assault, sexual assault, aggravated criminal sexual contact,  
40 kidnapping pursuant to paragraph (2) of subsection c. of  
41 N.J.S.2C:13-1, endangering the welfare of a child by engaging in  
42 sexual conduct which would impair or debauch the morals of the  
43 child pursuant to subsection a. of N.J.S.2C:24-4, endangering the  
44 welfare of a child pursuant to paragraph (4) or (5) of subsection b.  
45 of N.J.S.2C:24-4, leader of a [child pornography] network to share  
46 child sexual abuse or exploitation material pursuant to section 8 of  
47 P.L.2017, c.141 (C.2C:24-4.1), or an attempt to commit any such  
48 crime, the judge shall order the Department of Corrections to

1 complete a psychological examination of the offender, except the  
2 judge shall not require a psychological examination if the offender  
3 is to be sentenced to a term of life imprisonment without eligibility  
4 for parole. The examination shall include a determination of  
5 whether the offender's conduct was characterized by a pattern of  
6 repetitive, compulsive behavior and, if it was, a further  
7 determination of the offender's amenability to sex offender  
8 treatment and willingness to participate in such treatment. The  
9 court's order shall contain a determination of the offender's legal  
10 settlement in accordance with subdivision D of article 3 of chapter  
11 4 of Title 30 of the Revised Statutes.

12 (cf: P.L.2017, c.141, s.6)

13

14 9. N.J.S.2C:52-2 is amended to read as follows:

15 2C:52-2. Indictable Offenses.

16 a. In all cases, except as herein provided, a person may present  
17 an expungement application to the Superior Court pursuant to this  
18 section if:

19 the person has been convicted of one crime under the laws of this  
20 State, and does not otherwise have any subsequent conviction for  
21 another crime, whether within this State or any other jurisdiction.  
22 Subject to the provision of subsection e. of N.J.S.2C:52-14  
23 requiring denial of an expungement petition when a person has had  
24 a previous criminal conviction expunged, a prior conviction for  
25 another crime shall not bar presenting an application seeking  
26 expungement relief for the criminal conviction that is the subject of  
27 the application; or

28 the person has been convicted of one crime and no more than  
29 three disorderly persons or petty disorderly persons offenses under  
30 the laws of this State, and does not otherwise have any subsequent  
31 conviction for another crime, or any subsequent conviction for  
32 another disorderly persons or petty disorderly persons offense such  
33 that the total number of convictions for disorderly persons and petty  
34 disorderly persons offenses would exceed three, whether any such  
35 crime or offense conviction was within this State or any other  
36 jurisdiction. Subject to the provision of subsection e. of  
37 N.J.S.2C:52-14 requiring denial of an expungement petition when a  
38 person has had a previous criminal conviction expunged, a prior  
39 conviction for another crime, disorderly persons offense, or petty  
40 disorderly persons offense shall not bar presenting an application  
41 seeking expungement relief for the one criminal conviction and no  
42 more than three convictions for disorderly persons or petty  
43 disorderly persons offenses that are the subject of the application;  
44 or

45 the person has been convicted of multiple crimes or a  
46 combination of one or more crimes and one or more disorderly  
47 persons or petty disorderly persons offenses under the laws of this  
48 State, all of which are listed in a single judgment of conviction, and

1 does not otherwise have any subsequent conviction for another  
2 crime or offense in addition to those convictions included in the  
3 expungement application, whether any such conviction was within  
4 this State or any other jurisdiction. Subject to the provision of  
5 subsection e. of N.J.S.2C:52-14 requiring denial of an expungement  
6 petition when a person has had a previous criminal conviction  
7 expunged, a prior conviction for another crime, disorderly persons  
8 offense, or petty disorderly persons offense that is not listed in a  
9 single judgment of conviction shall not bar presenting an  
10 application seeking expungement relief for the convictions listed in  
11 a single judgment of conviction that are the subject of the  
12 application; or

13 the person has been convicted of multiple crimes or a  
14 combination of one or more crimes and one or more disorderly  
15 persons or petty disorderly persons offenses under the laws of this  
16 State, which crimes or combination of crimes and offenses were  
17 interdependent or closely related in circumstances and were  
18 committed as part of a sequence of events that took place within a  
19 comparatively short period of time, regardless of the date of  
20 conviction or sentencing for each individual crime or offense, and  
21 the person does not otherwise have any subsequent conviction for  
22 another crime or offense in addition to those convictions included in  
23 the expungement application, whether any such conviction was  
24 within this State or any other jurisdiction. Subject to the provision  
25 of subsection e. of N.J.S.2C:52-14 requiring denial of an  
26 expungement petition when a person has had a previous criminal  
27 conviction expunged, a prior conviction for another crime,  
28 disorderly persons offense, or petty disorderly persons offense that  
29 was not interdependent or closely related in circumstances and was  
30 not committed within a comparatively short period of time as  
31 described above shall not bar presenting an application seeking  
32 expungement relief for the convictions of crimes or crimes and  
33 offenses that were interdependent or closely related and committed  
34 within a comparatively short period of time, and that are the subject  
35 of the application.

36 For purposes of determining eligibility to present an  
37 expungement application to the Superior Court pursuant to this  
38 section, a conviction for unlawful distribution of, or possessing or  
39 having under control with intent to distribute, marijuana or hashish  
40 in violation of paragraph (11) of subsection b. of N.J.S.2C:35-5, or a  
41 lesser amount of marijuana or hashish in violation of paragraph (12)  
42 of subsection b. of that section, or a violation of either of those  
43 paragraphs and a violation of subsection a. of section 1 of P.L.1987,  
44 c.101 (C.2C:35-7) or subsection a. of section 1 of P.L.1997, c.327  
45 (C.2C:35-7.1), for distributing, or possessing or having under  
46 control with intent to distribute, on or within 1,000 feet of any  
47 school property, or on or within 500 feet of the real property  
48 comprising a public housing facility, public park, or public

1 building, or for obtaining or possessing marijuana or hashish in  
2 violation of paragraph (3) of subsection a. of N.J.S.2C:35-10, or for  
3 an equivalent crime in another jurisdiction, regardless of when the  
4 conviction occurred, shall not be considered a conviction of a crime  
5 within this State or any other jurisdiction but shall instead be  
6 considered a conviction of a disorderly persons offense within this  
7 State or an equivalent category of offense within the other  
8 jurisdiction, and a conviction for obtaining, possessing, using, being  
9 under the influence of, or failing to make lawful disposition of  
10 marijuana or hashish in violation of paragraph (4) of subsection a.,  
11 or subsection b., or subsection c. of N.J.S.2C:35-10, or a violation  
12 involving marijuana or hashish as described herein and using or  
13 possessing with intent to use drug paraphernalia with that marijuana  
14 or hashish in violation of N.J.S.2C:36-2, or for an equivalent crime  
15 or offense in another jurisdiction, regardless of when the conviction  
16 occurred, shall not be considered a conviction within this State or  
17 any other jurisdiction.

18 The person, if eligible, may present the expungement application  
19 after the expiration of a period of five years from the date of **[his]**  
20 the person's most recent conviction, payment of any court-ordered  
21 financial assessment, satisfactory completion of probation or parole,  
22 or release from incarceration, whichever is later. The term "court-  
23 ordered financial assessment" as used herein and throughout this  
24 section means and includes any fine, fee, penalty, restitution, and  
25 other form of financial assessment imposed by the court as part of  
26 the sentence for the conviction or convictions that are the subject of  
27 the application, for which payment of restitution takes precedence  
28 in accordance with chapter 46 of Title 2C of the New Jersey  
29 Statutes. The person shall submit the expungement application to  
30 the Superior Court in the county in which the most recent  
31 conviction for a crime was adjudged, which includes a duly verified  
32 petition as provided in N.J.S.2C:52-7 praying that the conviction, or  
33 convictions if applicable, and all records and information pertaining  
34 thereto be expunged. The petition appended to an application shall  
35 comply with the requirements set forth in N.J.S.2C:52-1 et seq.

36 Notwithstanding the provisions concerning the five-year time  
37 requirement, if, at the time of application, a court-ordered financial  
38 assessment subject to collection under the comprehensive  
39 enforcement program established pursuant to P.L.1995, c.9  
40 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than  
41 willful noncompliance, but the time requirement of five years is  
42 otherwise satisfied, the person may submit the expungement  
43 application and the court may grant an expungement; provided,  
44 however, that if expungement is granted the court shall enter a civil  
45 judgment for the unpaid portion of the court-ordered financial  
46 assessment in the name of the Treasurer, State of New Jersey and  
47 transfer collections and disbursement responsibility to the State  
48 Treasurer for the outstanding amount in accordance with section 8

1 of P.L.2017, c.244 (C.2C:52-23.1). The Treasurer may specify, and  
2 the Administrative Office of the Courts shall collaborate with, the  
3 technical and informational standards required to effectuate the  
4 transfer of the collection and disbursement responsibilities.  
5 Notwithstanding any provision in this law or any other law to the  
6 contrary, the court shall have sole discretion to amend the  
7 judgment.

8 Additionally, an application may be filed and presented, and the  
9 court may grant an expungement pursuant to this section, although  
10 less than five years have expired in accordance with the time  
11 requirements when the court finds:

12 (1) the court-ordered financial assessment is satisfied but less  
13 than five years have expired from the date of satisfaction, and the  
14 time requirement of five years is otherwise satisfied, and the court  
15 finds that the person substantially complied with any payment plan  
16 ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to  
17 compelling circumstances affecting **his** the person's ability to  
18 satisfy the assessment; or

19 (2) at least four but less than five years have expired from the  
20 date of the most recent conviction, payment of any court-ordered  
21 financial assessment, satisfactory completion of probation or parole,  
22 or release from incarceration, whichever is later; and

23 the person has not been otherwise convicted of a crime,  
24 disorderly persons offense, or petty disorderly persons offense since  
25 the time of the most recent conviction; and the court finds in its  
26 discretion that compelling circumstances exist to grant the  
27 expungement. The prosecutor may object pursuant to section 11 of  
28 P.L.2019, c.269 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14,  
29 or N.J.S.2C:52-24.

30 In determining whether compelling circumstances exist for the  
31 purposes of paragraph (1) of this subsection, a court may consider  
32 the amount of any court-ordered financial assessment imposed, the  
33 person's age at the time of the offense or offenses, the person's  
34 financial condition and other relevant circumstances regarding the  
35 person's ability to pay.

36 b. Records of conviction pursuant to statutes repealed by this  
37 Code for the crimes of murder, manslaughter, treason, anarchy,  
38 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,  
39 robbery, embracery, or a conspiracy or any attempt to commit any  
40 of the foregoing, or aiding, assisting or concealing persons accused  
41 of the foregoing crimes, shall not be expunged.

42 Records of conviction for the following crimes specified in the  
43 New Jersey Code of Criminal Justice shall not be subject to  
44 expungement: N.J.S.2C:11-1 et seq. (Criminal Homicide), except  
45 death by auto as specified in N.J.S.2C:11-5 and strict liability  
46 vehicular homicide as specified in section 1 of P.L.2017, c.165  
47 (C.2C:11-5.3); N.J.S.2C:13-1 (Kidnapping); section 1 of P.L.1993,  
48 c.291 (C.2C:13-6) (Luring or Enticing); section 1 of P.L.2005, c.77

1 (C.2C:13-8) (Human Trafficking); N.J.S.2C:14-2 (Sexual Assault or  
2 Aggravated Sexual Assault); subsection a. of N.J.S.2C:14-3  
3 (Aggravated Criminal Sexual Contact); if the victim is a minor,  
4 subsection b. of N.J.S.2C:14-3 (Criminal Sexual Contact); if the  
5 victim is a minor and the offender is not the parent of the victim,  
6 N.J.S.2C:13-2 (Criminal Restraint) or N.J.S.2C:13-3 (False  
7 Imprisonment); N.J.S.2C:15-1 (Robbery); N.J.S.2C:17-1 (Arson  
8 and Related Offenses); subsection a. of N.J.S.2C:24-4 (Endangering  
9 the welfare of a child by engaging in sexual conduct which would  
10 impair or debauch the morals of the child, or causing the child other  
11 harm); paragraph (4) of subsection b. of N.J.S.2C:24-4  
12 (Photographing or filming a child in a prohibited sexual act or for  
13 portrayal in a sexually suggestive manner); paragraph (3) of  
14 subsection b. of N.J.S.2C:24-4 (Causing or permitting a child to  
15 engage in a prohibited sexual act or the simulation of an act, or to  
16 be portrayed in a sexually suggestive manner); subparagraph (a) of  
17 paragraph (5) of subsection b. of N.J.S.2C:24-4 (Distributing,  
18 possessing with intent to distribute or using a file-sharing program  
19 to store items depicting the sexual exploitation or abuse of a child);  
20 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4  
21 (Possessing or viewing items depicting the sexual exploitation or  
22 abuse of a child); section 8 of P.L.2017, c.141 (C.2C:24-4.1)  
23 (Leader of a child pornography network to share child sexual  
24 abuse or exploitation material); N.J.S.2C:28-1 (Perjury);  
25 N.J.S.2C:28-2 (False Swearing); paragraph (4) of subsection b. of  
26 N.J.S.2C:34-1 (Knowingly promoting the prostitution of the actor's  
27 child); section 2 of P.L.2002, c.26 (C.2C:38-2) (Terrorism);  
28 subsection a. of section 3 of P.L.2002, c.26 (C.2C:38-3) (Producing  
29 or Possessing Chemical Weapons, Biological Agents or Nuclear or  
30 Radiological Devices); and conspiracies or attempts to commit such  
31 crimes.

32 Records of conviction for any crime committed by a person  
33 holding any public office, position or employment, elective or  
34 appointive, under the government of this State or any agency or  
35 political subdivision thereof and any conspiracy or attempt to  
36 commit such a crime shall not be subject to expungement if the  
37 crime involved or touched such office, position or employment.

38 c. In the case of conviction for the sale or distribution of a  
39 controlled dangerous substance or possession thereof with intent to  
40 sell, expungement shall be denied except where the crimes involve:

41 (1) Marijuana, where the total quantity sold, distributed or  
42 possessed with intent to sell was less than one ounce;

43 (2) Hashish, where the total quantity sold, distributed or  
44 possessed with intent to sell was less than five grams; or

45 (3) Any controlled dangerous substance provided that the  
46 conviction is of the third or fourth degree, where the court finds that  
47 compelling circumstances exist to grant the expungement. The

1 prosecutor may object pursuant to section 11 of P.L.2019, c.269  
2 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

3 d. In the case of a State licensed physician or podiatrist  
4 convicted of an offense involving drugs or alcohol or pursuant to  
5 section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the  
6 petitioner shall notify the State Board of Medical Examiners upon  
7 filing an application for expungement and provide the board with a  
8 copy thereof. The petitioner shall also provide to the court a  
9 certification attesting that the requirements of this subsection were  
10 satisfied. Failure to satisfy the requirements of this subsection shall  
11 be grounds for denial of the expungement application and, if  
12 applicable, administrative discipline by the board.  
13 (cf: P.L.2019, c.269, s.2)

14

15 10. Section 4 of P.L.2008, c.114 (C.9:3-40.5) is amended to read  
16 as follows;

17 4. Except as provided in subsection d. of this section, a current  
18 staff member, or an applicant for employment, shall be disqualified  
19 from employment at an approved agency if the criminal history  
20 record background check of the staff member or applicant reveals a  
21 record of conviction for any of the following crimes and offenses:

22 a. In New Jersey, any crime or disorderly persons offense as  
23 follows:

24 (1) a crime against a child, including endangering the welfare of  
25 a child and any crime involving child [pornography] sexual abuse  
26 or exploitation material pursuant to N.J.S.2C:24-4;

27 (2) abuse, abandonment or neglect of a child pursuant to  
28 R.S.9:6-3;

29 (3) endangering the welfare of an incompetent person pursuant  
30 to N.J.S.2C:24-7;

31 (4) sexual assault, criminal sexual contact or lewdness pursuant  
32 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

33 (5) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
34 to N.J.S.2C:11-4;

35 (6) stalking pursuant to section 1 of P.L.1992, c.209 (C.2C:12-  
36 10);

37 (7) kidnapping and related offenses including criminal restraint,  
38 false imprisonment, interference with custody, criminal coercion, or  
39 enticing a child into a motor vehicle, structure or isolated area  
40 pursuant to N.J.S.2C:13-1 through N.J.S.2C:13-5 and section 1 of  
41 P.L.1993, c.291 (C.2C:13-6);

42 (8) arson pursuant to N.J.S.2C:17-1, or causing or risking  
43 widespread injury or damage, which would constitute a crime of the  
44 second degree pursuant to N.J.S.2C:17-2;

45 (9) aggravated assault, which would constitute a crime of the  
46 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

47 (10) robbery, which would constitute a crime of the first degree  
48 pursuant to N.J.S.2C:15-1;

1 (11) burglary, which would constitute a crime of the second  
2 degree pursuant to N.J.S.2C:18-2;

3 (12) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
4 et al.);

5 (13) terroristic threats pursuant to N.J.S.2C:12-3; or

6 (14) an attempt or conspiracy to commit any of the crimes or  
7 offenses listed in paragraphs (1) through (13) of this subsection.

8 b. In any other state or jurisdiction, of conduct which, if  
9 committed in New Jersey, would constitute any of the crimes or  
10 disorderly persons offenses described in subsection a. of this  
11 section.

12 c. Notwithstanding the provisions of this section to the  
13 contrary, a staff member shall not be disqualified from employment  
14 at an approved agency under this act on the basis of any conviction  
15 disclosed by a criminal history record background check performed  
16 pursuant to this act without an opportunity to challenge the  
17 accuracy of the disqualifying criminal history record pursuant to the  
18 provisions of section 7 of P.L.2003, c.186 (C.53:1-20.9d).

19 d. If a staff member is convicted of a crime specified in  
20 subsection a. of this section, the staff member shall be terminated  
21 from employment at the agency, except that the department may  
22 approve the staff member's employment at the agency if all of the  
23 following conditions are met:

24 (1) the department determines that the crime does not relate  
25 adversely to the position the staff member is employed in pursuant  
26 to the provisions of P.L.1968, c.282 (C.2A:168A-1 et seq.);

27 (2) the conviction is not related to a crime committed against a  
28 child, as specified in subsection a. of this section;

29 (3) the agency documents that the staff member's employment at  
30 the agency does not create a risk to the safety or well-being of  
31 children due to the nature and requirements of the position; as  
32 necessary, the agency shall identify restrictions regarding the staff  
33 member's contact with, care, or supervision of children;

34 (4) the agency documents that the staff member is uniquely  
35 qualified for the position due to specific skills, qualifications,  
36 characteristics or prior employment experiences; and

37 (5) the department determines that the staff member has  
38 affirmatively demonstrated rehabilitation, pursuant to the factors  
39 specified in subsection b. of section 5 of this act.

40 (cf: P.L.2008, c.114, s.4.)

41

42 11. Section 1 of P.L.2018, c.80 (C.18A:35-4.32) is amended to  
43 read as follows:

44 1. The Legislature finds and declares that:

45 a. The teenage practice of "sexting," sending a sexually explicit  
46 text message, is a nationwide issue for students, parents, school  
47 administrators, and law enforcement officials.

1       b. What many teens do not realize is that, by law, a sexual  
2 image of any person under the age of 18 is child **【pornography】**  
3 sexual abuse or exploitation material. Prosecutors in several states  
4 have charged teenagers who have engaged in this behavior with  
5 criminal offenses, including distribution of child **【pornography】**  
6 sexual abuse or exploitation material.

7       c. Pursuant to a law which became effective in April, 2012, the  
8 New Jersey Legislature provided for a diversionary program for  
9 juveniles who are criminally charged for "sexting" or posting sexual  
10 images and permits them to participate in a remedial education or  
11 counseling program as an alternative to criminal prosecution.

12       d. Beyond the legal consequences of this behavior, however,  
13 sexting also has significant non-legal consequences including, but  
14 not limited to, the effect on relationships, loss of educational and  
15 employment opportunities, and being barred or removed from  
16 school programs and extracurricular activities.

17       e. Because of the unique characteristics of cyberspace and the  
18 Internet, a single sext has the potential to cause long-term and  
19 possibly unforeseen consequences, and result in severe  
20 embarrassment, ridicule, cyber-bullying, and lasting mental and  
21 emotional trauma.

22       f. It is imperative that students understand at a young age the  
23 severity of sending sexually explicit text messages and the impact  
24 that these actions have on the students themselves, their victims,  
25 and the community and that they receive instruction on how and  
26 why to refrain from this very dangerous behavior.

27 (cf: P.L.2018, c.80, s.1)

28

29       12. Section 1 of P.L.1985, c.396 (C.30:4C-26.8) is amended to  
30 read as follows:

31       1. a. A person, in addition to meeting other requirements as may  
32 be established by the Department of Children and Families, shall  
33 become a resource family parent or eligible to adopt a child only  
34 upon the completion of an investigation to ascertain if there is a  
35 State or federal record of criminal history for the prospective  
36 adoptive or resource family parent or any other adult residing in the  
37 prospective parent's home. The investigation shall be conducted by  
38 the Division of State Police in the Department of Law and Public  
39 Safety and shall include an examination of its own files and the  
40 obtaining of a similar examination by federal authorities.

41       b. If the prospective resource family parent or any adult  
42 residing in the prospective parent's home has a record of criminal  
43 history, the Department of Children and Families shall review the  
44 record with respect to the type and date of the criminal offense and  
45 make a determination as to the suitability of the person to become a  
46 resource family parent or the suitability of placing a child in that  
47 person's home, as the case may be.

1 c. For the purposes of this section, a conviction for one of the  
2 offenses enumerated in subsection d. or e. of this section has  
3 occurred if the person has been convicted under the laws of this  
4 State or any other state or jurisdiction for an offense that is  
5 substantially equivalent to the offenses enumerated in these  
6 subsections.

7 d. A person shall be disqualified from being a resource family  
8 parent or shall not be eligible to adopt a child if that person or any  
9 adult residing in that person's household ever committed a crime  
10 which resulted in a conviction for:

11 (1) a crime against a child, including endangering the welfare of  
12 a child and any crime involving child [pornography] sexual abuse  
13 or exploitation material pursuant to N.J.S.2C:24-4; or child abuse,  
14 neglect, or abandonment pursuant to R.S.9:6-3;

15 (2) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
16 to N.J.S.2C:11-4;

17 (3) aggravated assault which would constitute a crime of the  
18 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

19 (4) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

20 (5) kidnapping and related offenses including criminal restraint;  
21 false imprisonment; interference with custody; criminal coercion; or  
22 enticing a child into a motor vehicle, structure, or isolated area  
23 pursuant to N.J.S.2C:13-1 through 2C:13-6;

24 (6) sexual assault, criminal sexual contact, or lewdness pursuant  
25 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

26 (7) robbery which would constitute a crime of the first degree  
27 pursuant to N.J.S.2C:15-1;

28 (8) burglary which would constitute a crime of the second  
29 degree pursuant to N.J.S.2C:18-2;

30 (9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
31 et seq.);

32 (10) endangering the welfare of an incompetent person pursuant  
33 to N.J.S.2C:24-7 or endangering the welfare of an elderly or  
34 disabled person pursuant to N.J.S.2C:24-8;

35 (11) terrorist threats pursuant to N.J.S.2C:12-3;

36 (12) arson pursuant to N.J.S.2C:17-1, or causing or risking  
37 widespread injury or damage which would constitute a crime of the  
38 second degree pursuant to N.J.S.2C:17-2; or

39 (13) an attempt or conspiracy to commit an offense listed in  
40 paragraphs (1) through (12) of this subsection.

41 e. A person shall be disqualified from being a resource family  
42 parent if that person or any adult residing in that person's household  
43 was convicted of one of the following crimes and the date of release  
44 from confinement occurred during the preceding five years:

45 (1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;

46 (2) aggravated assault which would constitute a crime of the  
47 fourth degree pursuant to subsection b. of N.J.S.2C:12-1;

1 (3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1  
2 et seq.);

3 (4) robbery which would constitute a crime of the second degree  
4 pursuant to N.J.S.2C:15-1;

5 (5) burglary which would constitute a crime of the third degree  
6 pursuant to N.J.S.2C:18-2; or

7 (6) an attempt or conspiracy to commit an offense listed in  
8 paragraphs (1) through (5) of this subsection.

9 For the purposes of this subsection, the "date of release from  
10 confinement" means the date of termination of court-ordered  
11 supervision through probation, parole, or residence in a correctional  
12 facility, whichever date occurs last.

13 For purposes of this section, "resource family parent" means any  
14 person with whom a child in the care, custody, or guardianship of  
15 the Department of Children and Families is placed by the  
16 department, or with its approval, for care and shall include any  
17 person with whom a child is placed by the Division of Child  
18 Protection and Permanency for the purpose of adoption until the  
19 adoption is finalized.

20 (cf: P.L.2012, c.16, s.84)

21

22 13. Section 4 of P.L.2003, c.186 (C.30:4C-27.19) is amended to  
23 read as follows:

24 4. Except as provided in subsection d. of this section, a current  
25 staff member or an applicant for employment shall be permanently  
26 disqualified from employment at or administering a facility if the  
27 criminal history record background check of the staff member or  
28 applicant reveals a record of conviction for any of the following  
29 crimes and offenses:

30 a. In New Jersey, any crime or disorderly persons offense as  
31 follows:

32 (1) a crime against a child, including endangering the welfare of  
33 a child and any crime involving child [pornography] sexual abuse  
34 or exploitation material pursuant to N.J.S.2C:24-4; child  
35 molestation as set forth in N.J.S.2C:14-1 et seq.;

36 (2) abuse, abandonment or neglect of a child pursuant to  
37 R.S.9:6-3;

38 (3) endangering the welfare of an incompetent person pursuant  
39 to N.J.S.2C:24-7;

40 (4) sexual assault, criminal sexual contact or lewdness pursuant  
41 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

42 (5) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
43 to N.J.S.2C:11-4;

44 (6) stalking pursuant to section 1 of P.L.1992, c.209 (C.2C:12-  
45 10);

46 (7) kidnaping and related offenses including criminal restraint,  
47 false imprisonment, interference with custody, criminal coercion, or  
48 enticing a child into a motor vehicle, structure or isolated area

- 1 pursuant to N.J.S.2C:13-1 through N.J.S.2C:13-5 and section 1 of  
2 P.L.1993, c.291 (C.2C:13-6);
- 3 (8) arson pursuant to N.J.S.2C:17-1, or causing or risking  
4 widespread injury or damage, which would constitute a crime of the  
5 second degree pursuant to N.J.S.2C:17-2;
- 6 (9) aggravated assault, which would constitute a crime of the  
7 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;
- 8 (10) robbery, which would constitute a crime of the first degree  
9 pursuant to N.J.S.2C:15-1;
- 10 (11) burglary, which would constitute a crime of the second  
11 degree pursuant to N.J.S.2C:18-2;
- 12 (12) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
13 et seq.);
- 14 (13) terroristic threats pursuant to N.J.S.2C:12-3; or
- 15 (14) an attempt or conspiracy to commit any of the crimes or  
16 offenses listed in paragraphs (1) through (13) of this subsection.
- 17 b. In any other state or jurisdiction, of conduct which, if  
18 committed in New Jersey, would constitute any of the crimes or  
19 disorderly persons offenses described in subsection a. of this  
20 section.
- 21 c. Notwithstanding the provisions of this section to the  
22 contrary, an individual shall not be disqualified from employment at  
23 or administering a facility under this act on the basis of any  
24 conviction disclosed by a criminal history record background check  
25 performed pursuant to this act without an opportunity to challenge  
26 the accuracy of the disqualifying criminal history record pursuant to  
27 the provisions of section 7 of this act.
- 28 d. If a staff member of a facility is convicted of a crime  
29 specified in subsection a. of this section, the staff member shall be  
30 terminated from employment at or administering a facility, except  
31 that the department may approve the individual's employment at, or  
32 administration of, the facility if all of the following conditions are  
33 met:
- 34 (1) the department determines that the crime does not relate  
35 adversely to the position the individual is employed in pursuant to  
36 the provisions of P.L.1968, c.282 (C.2A:168A-1 et seq.);
- 37 (2) the conviction is not related to a crime committed against a  
38 child, as specified in subsection a. of this section;
- 39 (3) the facility documents that the individual's employment or  
40 administration of the facility does not create a risk to the safety or  
41 well-being of children due to the nature and requirements of the  
42 position; as necessary, the facility shall identify restrictions  
43 regarding the individual's contact with, care or supervision of  
44 children;
- 45 (4) the facility documents that the individual is uniquely  
46 qualified for the position due to specific skills, qualifications,  
47 characteristics or prior employment experiences; and

1 (5) the department determines that the individual has  
2 affirmatively demonstrated rehabilitation, pursuant to the factors  
3 specified in subsection b. of section 5 of this act.

4 (cf: P.L.2003, c.186, s.4)

5

6 14. Section 5 of P.L.2000, c.77 (C.30:5B-6.14) is amended to  
7 read as follows:

8 5. a. A current staff member and an individual seeking  
9 employment shall be permanently disqualified from employment at,  
10 or ownership or sponsorship of, a child care center if the staff  
11 member or individual:

12 (1) refuses to consent to, or cooperate in, the securing of a  
13 criminal history record background check;

14 (2) knowingly makes a materially false statement in connection  
15 with a criminal history record background check;

16 (3) is registered, or is required to be registered, on a State sex  
17 offender registry or repository, or in the National Sex Offender  
18 Registry established under the "Adam Walsh Child Protection and  
19 Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or

20 (4) is found by a criminal history record background check to  
21 have a record of conviction for any of the following crimes and  
22 offenses:

23 (a) a crime against a child, including endangering the welfare of  
24 a child and any crime involving child [pornography] sexual abuse  
25 or exploitation material pursuant to N.J.S.2C:24-4, and child  
26 molestation as set forth in N.J.S. 2C:14-1 et seq.;

27 (b) abuse, abandonment , or neglect of a child pursuant to  
28 R.S.9:6-3;

29 (c) endangering the welfare of an incompetent person pursuant  
30 to N.J.S.2C:24-7;

31 (d) sexual assault, criminal sexual contact , or lewdness  
32 pursuant to N.J.S.2C:14-2 through N.J.S.2C:14-4;

33 (e) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
34 to N.J.S.2C:11-4;

35 (f) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

36 (g) kidnapping and related offenses including criminal restraint;  
37 false imprisonment; interference with custody; criminal coercion; or  
38 enticing a child into a motor vehicle, structure , or isolated area  
39 pursuant to N.J.S.2C:13-1 through C.2C:13-6;

40 (h) arson pursuant to N.J.S.2C:17-1, or causing or risking  
41 widespread injury or damage which would constitute a crime of the  
42 second degree pursuant to N.J.S.2C:17-2;

43 (i) terroristic threats pursuant to N.J.S.2C:12-3;

44 (j) aggravated assault, which would constitute a crime of the  
45 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

46 (k) robbery, which would constitute a crime of the first degree  
47 pursuant to N.J.S.2C:15-1;

1 (l) burglary, which would constitute a crime of the second  
2 degree pursuant to N.J.S.2C:18-2;

3 (m) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
4 et seq.);

5 (n) any drug related offense committed within the preceding  
6 five-year period; or

7 (o) an attempt or conspiracy to commit any of the crimes or  
8 offenses listed in subparagraphs (a) through (n) of this subsection.

9 b. For the purposes of this section, a person shall be deemed to  
10 have a disqualifying record of conviction if the person has been  
11 convicted in New Jersey of any of the crimes listed in subsection a.  
12 of this section, or if the person has been convicted in any other state  
13 or jurisdiction, of conduct which, if committed in New Jersey,  
14 would constitute any of the crimes or disorderly persons offenses  
15 described in that subsection.

16 c. Notwithstanding the provisions of this section to the  
17 contrary, an individual shall not be disqualified from employment  
18 or ownership or sponsorship under P.L.2000, c.77 (C.30:5B-6.10 et  
19 al.) on the basis of any conviction disclosed by a criminal history  
20 record background check performed pursuant to P.L.2000, c.77  
21 (C.30:5B-6.10 et al.) without an opportunity to challenge the  
22 accuracy of the disqualifying criminal history record pursuant to the  
23 provisions of section 8 of P.L.2000, c.77 (C.53:1-20.9b).

24 (cf: P.L.2017, c.89, s.6)

25

26 15. Section 3 of P.L.2017, c.89 (C.30:5B-25.7) is amended to  
27 read as follows:

28 3. a. The department shall not issue a certificate or renewal of  
29 registration to a prospective or current family day care provider,  
30 and shall revoke the existing registration held by a current family  
31 day care provider, as the case may be, if the provider, or any other  
32 relevant person listed in subsection a. of section 2 of P.L.2017, c.89  
33 (C.30:5B-25.6):

34 (1) refuses to consent to, or cooperate in, the securing of a  
35 criminal history record background check;

36 (2) knowingly makes a materially false statement in connection  
37 with a criminal history record background check;

38 (3) is registered, or is required to be registered, on a State sex  
39 offender registry or repository, or on the National Sex Offender  
40 Registry established under the "Adam Walsh Child Protection and  
41 Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or

42 (4) is found by a criminal history record background check to  
43 have a record of conviction for any of the following crimes and  
44 offenses:

45 (a) a crime against a child, including endangering the welfare of  
46 a child and any crime involving child [pornography] sexual abuse  
47 or exploitation material pursuant to N.J.S.2C:24-4, and child  
48 molestation as set forth in N.J.S.2C:14-1 et seq.;

- 1 (b) abuse, abandonment or neglect of a child pursuant to  
2 R.S.9:6-3;
- 3 (c) endangering the welfare of an incompetent person pursuant  
4 to N.J.S.2C:24-7;
- 5 (d) sexual assault, criminal sexual contact or lewdness pursuant  
6 to N.J.S.2C:14-2 through N.J.S.2C:14-4;
- 7 (e) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
8 to N.J.S.2C:11-4;
- 9 (f) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);
- 10 (g) kidnapping and related offenses including criminal restraint;  
11 false imprisonment; interference with custody; criminal coercion; or  
12 enticing a child into a motor vehicle, structure, or isolated area  
13 pursuant to N.J.S.2C:13-1 through C.2C:13-6;
- 14 (h) arson pursuant to N.J.S.2C:17-1, or causing or risking  
15 widespread injury or damage, which would constitute a crime of the  
16 second degree pursuant to N.J.S.2C:17-2;
- 17 (i) terroristic threats pursuant to N.J.S.2C:12-3;
- 18 (j) aggravated assault, which would constitute a crime of the  
19 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;
- 20 (k) robbery, which would constitute a crime of the first degree  
21 pursuant to N.J.S.2C:15-1;
- 22 (l) burglary, which would constitute a crime of the second  
23 degree pursuant to N.J.S.2C:18-2;
- 24 (m) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
25 et seq.);
- 26 (n) any drug related offense committed within the preceding  
27 five-year period; or
- 28 (o) an attempt or conspiracy to commit any of the crimes or  
29 offenses listed in paragraphs (a) through (n) of this subsection.
- 30 b. For the purposes of this section, a person shall be deemed to  
31 have a disqualifying record of conviction if the person has been  
32 convicted in New Jersey of any of the crimes listed in subsection a.  
33 of this section, or if the person has been convicted in any other state  
34 or jurisdiction, of conduct which, if committed in New Jersey,  
35 would constitute any of the crimes or disorderly persons offenses  
36 described in that subsection.
- 37 c. Notwithstanding the provisions of this section to the  
38 contrary, a prospective or current provider's application for a  
39 certificate or renewal of registration shall not be denied under this  
40 act on the basis of any conviction disclosed by a criminal history  
41 record background check performed pursuant to this act without an  
42 opportunity to challenge the accuracy of the disqualifying criminal  
43 history record pursuant to subsection c. of section 5 of P.L.2017,  
44 c.89 (C.30:5B-25.9).
- 45 (cf: P.L.2017, c.89, s.3)

1       16. Section 3 of P.L.1998, c.134 (C.52:17B-193) is amended to  
2 read as follows:

3       3. a. The department shall establish and maintain information  
4 available through the internet. The information shall include but  
5 not be limited to guidelines and recommendations on computer  
6 ethics, proper methods for reporting high technology crimes, safe  
7 computing practices for children and their families, and methods to  
8 filter, screen or block the receipt of objectionable material on  
9 interactive computer services.

10       b. The department shall design a continuing educational  
11 program to inform law enforcement, educational, civic and business  
12 groups on the emerging issues of high technology crimes including  
13 those perpetrated through the use of interactive computer services.  
14 This continuing educational program shall be made available by the  
15 department through the internet.

16       c. The department, in conjunction with the Statewide Computer  
17 Crime Task Force, shall establish and maintain a 24-hour toll-free  
18 hotline telephone service. The department shall take appropriate  
19 steps to publicize the hotline. The hotline shall receive and respond  
20 to inquiries or complaints from members of the public reporting  
21 computer crime, including but not limited to online distribution or  
22 possession of child [pornography] sexual abuse or exploitation  
23 material; cyber-stalking; threats of violence in schools or other  
24 institutions; internet fraud, and unauthorized intrusions into  
25 computer systems.

26 (cf: P.L.2001, c.334, s.1)

27

28       17. This act shall take effect immediately.

29

30

31

## STATEMENT

32

33       This bill updates terminology in statutory law pertaining to the  
34 sexual exploitation or abuse of children. Current state law prohibits  
35 the creation, manufacture, distribution, sale or viewing of child  
36 pornography. Among child protection advocates, however, terms  
37 such as “child sexual abuse material” and “child sexual exploitation  
38 material” have come into wider use, replacing the general  
39 description of “child pornography” because these terms more  
40 accurately reflect the suffering of the children who are victims of  
41 these crimes. When used in the context of depictions of children,  
42 the term “pornography” may be understood to legitimize or  
43 trivialize the sexual abuse or exploitation of those children. In  
44 addition, the term “pornography” carries with it the implication that  
45 the acts are performed with the consent of the child, and represent  
46 legitimate sexual material.

47       This bill replaces the term child pornography with the term  
48 “trade in child sexual abuse or exploitation material” in Title 2A.

1 In Title 2C, the definition of “item depicting the sexual exploitation  
2 or abuse of a child” is amended to include “child sexual abuse or  
3 exploitation material” and the acronym “CSAEM.”

4 The bill replaces the term child pornography with “network to  
5 share child sexual abuse or exploitation material” in various  
6 sections of Title 2C concerning the definition, degrees of crime,  
7 examination referrals, registration of sex offenders, and special  
8 sentencing for parole supervision for life for a leader of a network  
9 distributing depictions of child sexual abuse or exploitation.

10 The bill further clarifies that online distribution or possession of  
11 sexual abuse or exploitation material is to be included in the  
12 schedule of penalties pertaining to offenses involving computer  
13 criminal activity in Title 2C.

14 In Title 9, the term pornography is replaced with “any crime  
15 involving child sexual abuse or exploitation material” concerning  
16 disqualification of employment pursuant to N.J.S.9:3-40.5.

17 In Title 18A, the word pornography is replaced with the term  
18 “child sexual abuse or exploitation material” with regard to the  
19 practice of “sexting,” or sending sexually explicit messages  
20 pursuant to N.J.S.18A:35-4.32.

21 This bill replaces the term pornography in various parts of Title  
22 30 with “any crime involving child sexual abuse or exploitation  
23 material” in the statutes concerning revocation of a day care  
24 center’s registration, criteria for permanent disqualification from  
25 employment, disqualification from adopting a child or being a  
26 resource family parent, and disqualification of employment at, or  
27 ownership or sponsorship of, a child day care center.

28 In Title 52, the term pornography is replaced with “online  
29 distribution or possession of child sexual abuse or exploitation  
30 material” in the statutes concerning the Department of Law and  
31 Public Safety’s efforts to receive and respond to inquiries or  
32 complaints from members of the public reporting computer crimes  
33 pursuant to N.J.S.52:17B-193.

34 This bill also updates the terminology used in current law to  
35 replace outdated references to certain crimes that involve the sexual  
36 exploitation or abuse of children. According to the sponsor, the  
37 changes made in this bill are not intended, nor should they be  
38 construed, to have any substantive impact on the applicability of the  
39 affected provisions; the changes are intended to render the  
40 terminology consistent with the rest of the current statutory scheme  
41 and the broader international trend. The bill also corrects technical  
42 inconsistencies in the statutes.

ASSEMBLY CHILDREN, FAMILIES AND FOOD SECURITY  
COMMITTEE

STATEMENT TO

**SENATE, No. 2652**

**STATE OF NEW JERSEY**

DATED: JUNE 13, 2024

The Assembly Children, Families and Food Security Committee reports favorably Senate Bill No. 2652.

This bill updates terminology in statutory law pertaining to the sexual exploitation or abuse of children. Current state law prohibits the creation, manufacture, distribution, sale or viewing of child pornography. Among child protection advocates, however, terms such as “child sexual abuse material” and “child sexual exploitation material” have come into wider use, replacing the general description of “child pornography” because these terms more accurately reflect the suffering of the children who are victims of these crimes. When used in the context of depictions of children, the term “pornography” may be understood to legitimize or trivialize the sexual abuse or exploitation of those children. In addition, the term “pornography” carries with it the implication that the acts are performed with the consent of the child, and represent legitimate sexual material.

This bill replaces the term child pornography with the term “trade in child sexual abuse or exploitation material” in Title 2A. In Title 2C, the definition of “item depicting the sexual exploitation or abuse of a child” is amended to include “child sexual abuse or exploitation material” and the acronym “CSAEM.”

The bill replaces the term child pornography with “network to share child sexual abuse or exploitation material” in various sections of Title 2C concerning the definition, degrees of crime, examination referrals, registration of sex offenders, and special sentencing for parole supervision for life for a leader of a network distributing depictions of child sexual abuse or exploitation. The bill further clarifies that online distribution or possession of sexual abuse or exploitation material is to be included in the schedule of penalties pertaining to offenses involving computer criminal activity in Title 2C.

In Title 9, the term pornography is replaced with “any crime involving child sexual abuse or exploitation material” concerning disqualification of employment pursuant to N.J.S.9:3-40.5.

In Title 18A, the word pornography is replaced with the term “child sexual abuse or exploitation material” with regard to the practice of “sexting,” or sending sexually explicit messages pursuant to N.J.S.18A:35-4.32.

This bill replaces the term pornography in various parts of Title 30 with “any crime involving child sexual abuse or exploitation material” in the statutes concerning revocation of a day care center’s registration, criteria for permanent disqualification from employment, disqualification from adopting a child or being a resource family parent, and disqualification of employment at, or ownership or sponsorship of, a child day care center.

In Title 52, the term pornography is replaced with “online distribution or possession of child sexual abuse or exploitation material” in the statutes concerning the Department of Law and Public Safety’s efforts to receive and respond to inquiries or complaints from members of the public reporting computer crimes pursuant to N.J.S.52:17B-193.

This bill also updates the terminology used in current law to replace outdated references to certain crimes that involve the sexual exploitation or abuse of children. The bill also corrects technical inconsistencies in the statutes.

As reported by the committee, Senate Bill No. 2652 is identical to Assembly Bill No. 3539 which was also reported by the committee on this date.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 2652

# STATE OF NEW JERSEY

DATED: MARCH 7, 2024

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2652.

As reported by the committee, this bill updates terminology in statutory law pertaining to the sexual exploitation or abuse of children. Current State law prohibits the creation, manufacture, distribution, sale or viewing of child pornography. Among child protection advocates, however, terms such as “child sexual abuse material” and “child sexual exploitation material” have come into wider use, replacing the general description of “child pornography,” because these terms more accurately reflect the suffering of the children who are victims of these crimes. When used in the context of depictions of children, the term “pornography” may be understood to legitimize or trivialize the sexual abuse or exploitation of those children. In addition, the term “pornography” carries with it the implication that the acts are performed with the consent of the child, and represent legitimate sexual material.

This bill replaces the term “child pornography” with the term “trade in child sexual abuse or exploitation material” in Title 2A. In Title 2C, the definition of “item depicting the sexual exploitation or abuse of a child” is amended to include “child sexual abuse or exploitation material” and the acronym “CSAEM.”

The bill replaces the term “child pornography” with “network to share child sexual abuse or exploitation material” in various sections of Title 2C concerning the definition, degrees of crime, examination referrals, registration of sex offenders, and special sentencing for parole supervision for life for a leader of a network distributing depictions of child sexual abuse or exploitation.

The bill further clarifies that online distribution or possession of sexual abuse or exploitation material is to be included in the schedule of penalties pertaining to offenses involving computer criminal activity in Title 2C.

In Title 9, the term “pornography” is replaced with “any crime involving child sexual abuse or exploitation material” concerning disqualification of employment pursuant to N.J.S.9:3-40.5.

In Title 18A, the term “pornography” is replaced with the term “child sexual abuse or exploitation material” with regard to the practice of “sexting,” or sending sexually explicit messages pursuant to N.J.S.18A:35-4.32.

This bill replaces the term “pornography” in various parts of Title 30 with “any crime involving child sexual abuse or exploitation material” in the statutes concerning revocation of a day care center’s registration, criteria for permanent disqualification from employment, disqualification from adopting a child or being a resource family parent, and disqualification of employment at, or ownership or sponsorship of, a child day care center.

In Title 52, the term “pornography” is replaced with “online distribution or possession of child sexual abuse or exploitation material” in the statutes concerning the Department of Law and Public Safety’s efforts to receive and respond to inquiries or complaints from members of the public reporting computer crimes pursuant to N.J.S.52:17B-193.

This bill also updates the terminology used in current law to replace outdated references to certain crimes that involve the sexual exploitation or abuse of children. According to the sponsor, the changes made in this bill are not intended, nor should they be construed, to have any substantive impact on the applicability of the affected provisions; the changes are intended to render the terminology consistent with the rest of the current statutory scheme and the broader international trend. The bill also corrects technical inconsistencies in the statutes.

# ASSEMBLY, No. 3539

## STATE OF NEW JERSEY 221st LEGISLATURE

INTRODUCED FEBRUARY 5, 2024

**Sponsored by:**

**Assemblywoman ELLEN J. PARK**

**District 37 (Bergen)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Assemblywomen Flynn, Haider, Assemblyman Auth, Assemblywomen Matsikoudis, Reynolds-Jackson, Assemblyman Kanitra, Assemblywomen Dunn, Hall, Carter, Peterpaul, Donlon, Assemblyman Sampson, Assemblywomen Speight, McCann Stamato, Lampitt, Ramirez and Sumter**

**SYNOPSIS**

Revises statutory terms pertaining to sexual exploitation or abuse of children.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 9/26/2024)

A3539 PARK, WIMBERLY

2

1 AN ACT concerning certain criminal offenses involving sexual  
2 exploitation or abuse of children and amending various parts of  
3 the statutory law.

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

7  
8 1. Section 1 of P.L.1992, c.7 (C.2A:30B-1) is amended to read  
9 as follows:

10 1. The Legislature finds and declares that:

11 a. **【Child】** Trade in child sexual abuse or exploitation material,  
12 often referred to as child pornography, is a lucrative business which  
13 sexually exploits children and preys on their vulnerability.

14 b. While criminal laws exist to penalize those who sexually  
15 exploit children, these laws are sometimes insufficient to protect and  
16 indemnify the victim and prevent the perpetrators from accumulating  
17 large profits from the making and distribution of "kiddie porn."

18 c. This act is designed to give the victims of trade in child  
19 **【pornography】** sexual abuse or exploitation material a civil action  
20 against those persons who sexually abuse or exploit them for profit  
21 directly or indirectly which can be brought through a parent or  
22 guardian or child advocacy organization or by the victim upon  
23 reaching the age of majority. Any director, officer, servant,  
24 employee or other person authorized to act on behalf of a corporation  
25 may be personally liable if found liable individually or jointly with  
26 the corporation under the provisions of this act.

27 d. The act will allow victims to recover three times the financial  
28 gains made by those who exploit them and will authorize injunctive  
29 relief to halt the making and distribution of films and other materials.  
30 (cf: P.L.1992, c.7, s.1)

31  
32 2. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read  
33 as follows:

34 2. a. (1) A person who has been convicted, adjudicated  
35 delinquent or found not guilty by reason of insanity for commission  
36 of a sex offense as defined in subsection b. of this section shall  
37 register as provided in subsections c. and d. of this section.

38 (2) A person who in another jurisdiction is required to register as  
39 a sex offender and (a) is enrolled on a full-time or part-time basis in  
40 any public or private educational institution in this State, including  
41 any secondary school, trade or professional institution, institution of  
42 higher education or other post-secondary school, or (b) is employed  
43 or carries on a vocation in this State, on either a full-time or a part-  
44 time basis, with or without compensation, for more than 14  
45 consecutive days or for an aggregate period exceeding 30 days in a

**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 calendar year, shall register in this State as provided in subsections  
2 c. and d. of this section.

3 (3) A person who fails to register as required under this act shall  
4 be guilty of a crime of the third degree.

5 b. For the purposes of this act a sex offense shall include the  
6 following:

7 (1) Aggravated sexual assault, sexual assault, aggravated  
8 criminal sexual contact, kidnapping pursuant to paragraph (2) of  
9 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these  
10 crimes if the court found that the offender's conduct was  
11 characterized by a pattern of repetitive, compulsive behavior,  
12 regardless of the date of the commission of the offense or the date of  
13 conviction;

14 (2) A conviction, adjudication of delinquency, or acquittal by  
15 reason of insanity for aggravated sexual assault; sexual assault;  
16 aggravated criminal sexual contact; kidnapping pursuant to  
17 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the  
18 welfare of a child by engaging in sexual conduct which would impair  
19 or debauch the morals of the child pursuant to subsection a. of  
20 N.J.S.2C:24-4; endangering the welfare of a child pursuant to  
21 paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or (ii)  
22 of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-  
23 4; luring or enticing pursuant to section 1 of P.L.1993, c.291  
24 (C.2C:13-6); criminal sexual contact pursuant to N.J.S.2C:14-3b. if  
25 the victim is a minor; kidnapping pursuant to N.J.S.2C:13-1, criminal  
26 restraint pursuant to N.J.S.2C:13-2, or false imprisonment pursuant  
27 to N.J.S.2C:13-3 if the victim is a minor and the offender is not the  
28 parent of the victim; knowingly promoting prostitution of a child  
29 pursuant to paragraph (3) or paragraph (4) of subsection b. of  
30 N.J.S.2C:34-1; leader of a **【child pornography】** network to share  
31 child sexual abuse or exploitation material pursuant to section 8 of  
32 P.L.2017, c.141 (C.2C:24-4.1); or an attempt to commit any of these  
33 enumerated offenses if the conviction, adjudication of delinquency  
34 or acquittal by reason of insanity is entered on or after the effective  
35 date of this act or the offender is serving a sentence of incarceration,  
36 probation, parole or other form of community supervision as a result  
37 of the offense or is confined following acquittal by reason of insanity  
38 or as a result of civil commitment on the effective date of this act;

39 (3) A conviction, adjudication of delinquency, or acquittal by  
40 reason of insanity for an offense similar to any offense enumerated  
41 in paragraph (2) or a sentence on the basis of criteria similar to the  
42 criteria set forth in paragraph (1) of this subsection entered or  
43 imposed under the laws of the United States, this State, or another  
44 state.

45 (4) Notwithstanding the provisions of paragraph (1), (2), or (3)  
46 of this subsection, a sex offense shall not include an adjudication of  
47 delinquency for endangering the welfare of a child pursuant to

A3539 PARK, WIMBERLY

1 paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that  
2 the actor demonstrates that:

3 (a) the facts of the case are limited to the creation, exhibition or  
4 distribution of a photograph depicting nudity or portraying a child in  
5 a sexually suggestive manner, as defined in N.J.S.2C:24-4, through  
6 the use of an electronic communications device, an interactive  
7 wireless communications device, or a computer;

8 (b) the creator and subject of the photograph are juveniles or were  
9 juveniles at the time of its making; and

10 (c) the subject of the photograph whose nudity is depicted or who  
11 is portrayed in a sexually suggestive manner, as the case may be,  
12 knowingly consented to the making of the photograph.

13 c. A person required to register under the provisions of this act  
14 shall do so on forms to be provided by the designated registering  
15 agency as follows:

16 (1) A person who is required to register and who is under  
17 supervision in the community on probation, parole, furlough, work  
18 release, or a similar program, shall register at the time the person is  
19 placed under supervision or no later than 120 days after the effective  
20 date of this act, whichever is later, in accordance with procedures  
21 established by the Department of Corrections, the Department of  
22 Human Services, the Juvenile Justice Commission established  
23 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170) or the  
24 Administrative Office of the Courts, whichever is responsible for  
25 supervision;

26 (2) A person confined in a correctional or juvenile facility or  
27 involuntarily committed who is required to register shall register  
28 prior to release in accordance with procedures established by the  
29 Department of Corrections, the Department of Human Services or the  
30 Juvenile Justice Commission and, within 48 hours of release, shall  
31 also register with the chief law enforcement officer of the  
32 municipality in which the person resides or, if the municipality does  
33 not have a local police force, the Superintendent of State Police;

34 (3) A person moving to or returning to this State from another  
35 jurisdiction shall register with the chief law enforcement officer of  
36 the municipality in which the person will reside or, if the  
37 municipality does not have a local police force, the Superintendent  
38 of State Police within 120 days of the effective date of this act or 10  
39 days of first residing in or returning to a municipality in this State,  
40 whichever is later;

41 (4) A person required to register on the basis of a conviction prior  
42 to the effective date who is not confined or under supervision on the  
43 effective date of this act shall register within 120 days of the effective  
44 date of this act with the chief law enforcement officer of the  
45 municipality in which the person will reside or, if the municipality  
46 does not have a local police force, the Superintendent of State Police;

47 (5) A person who in another jurisdiction is required to register as  
48 a sex offender and who is enrolled on a full-time or part-time basis

1 in any public or private educational institution in this State, including  
2 any secondary school, trade or professional institution, institution of  
3 higher education or other post-secondary school shall, within ten  
4 days of commencing attendance at such educational institution,  
5 register with the chief law enforcement officer of the municipality in  
6 which the educational institution is located or, if the municipality  
7 does not have a local police force, the Superintendent of State Police;

8 (6) A person who in another jurisdiction is required to register as  
9 a sex offender and who is employed or carries on a vocation in this  
10 State, on either a full-time or a part-time basis, with or without  
11 compensation, for more than 14 consecutive days or for an aggregate  
12 period exceeding 30 days in a calendar year, shall, within ten days  
13 after commencing such employment or vocation, register with the  
14 chief law enforcement officer of the municipality in which the  
15 employer is located or where the vocation is carried on, as the case  
16 may be, or, if the municipality does not have a local police force, the  
17 Superintendent of State Police;

18 (7) In addition to any other registration requirements set forth in  
19 this section, a person required to register under this act who is  
20 enrolled at, employed by or carries on a vocation at an institution of  
21 higher education or other post-secondary school in this State shall,  
22 within 10 days after commencing such attendance, employment or  
23 vocation, register with the law enforcement unit of the educational  
24 institution, if the institution has such a unit.

25 d. (1) Upon a change of address, a person shall notify the law  
26 enforcement agency with which the person is registered and shall re-  
27 register with the appropriate law enforcement agency no less than 10  
28 days before **[he]** the person intends to first reside at **[his]** the new  
29 address. Upon a change of employment or school enrollment status,  
30 a person shall notify the appropriate law enforcement agency no later  
31 than five days after any such change. A person who fails to notify  
32 the appropriate law enforcement agency of a change of address or  
33 status in accordance with this subsection is guilty of a crime of the  
34 third degree.

35 (2) A person required to register under this act shall provide the  
36 appropriate law enforcement agency with information as to whether  
37 the person has routine access to or use of a computer or any other  
38 device with Internet capability. A person who fails to notify the  
39 appropriate law enforcement agency of such information or of a  
40 change in the person's access to or use of a computer or other device  
41 with Internet capability or who provides false information concerning  
42 the person's access to or use of a computer or any other device with  
43 Internet capability is guilty of a crime of the third degree.

44 e. A person required to register under paragraph (1) of  
45 subsection b. of this section or under paragraph (3) of subsection b.  
46 due to a sentence imposed on the basis of criteria similar to the  
47 criteria set forth in paragraph (1) of subsection b. shall verify **[his]**  
48 the person's address with the appropriate law enforcement agency

1 every 90 days in a manner prescribed by the Attorney General. A  
2 person required to register under paragraph (2) of subsection b. of  
3 this section or under paragraph (3) of subsection b. on the basis of a  
4 conviction for an offense similar to an offense enumerated in  
5 paragraph (2) of subsection b. shall verify **【his】** the person's address  
6 annually in a manner prescribed by the Attorney General. In addition  
7 to address information, the person shall provide as part of the  
8 verification process any additional information the Attorney General  
9 may require. One year after the effective date of this act, the Attorney  
10 General shall review, evaluate and, if warranted, modify pursuant to  
11 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
12 seq.) the verification requirement. Any person who knowingly  
13 provides false information concerning **【his】** the person's place of  
14 residence or who fails to verify **【his】** the person's address with the  
15 appropriate law enforcement agency or other entity, as prescribed by  
16 the Attorney General in accordance with this subsection, is guilty of  
17 a crime of the third degree.

18 f. Except as provided in subsection g. of this section, a person  
19 required to register under this act may make application to the  
20 Superior Court of this State to terminate the obligation upon proof  
21 that the person has not committed an offense within 15 years  
22 following conviction or release from a correctional facility for any  
23 term of imprisonment imposed, whichever is later, and is not likely  
24 to pose a threat to the safety of others.

25 g. A person required to register under this section who has been  
26 convicted of, adjudicated delinquent, or acquitted by reason of  
27 insanity for more than one sex offense as defined in subsection b. of  
28 this section or who has been convicted of, adjudicated delinquent, or  
29 acquitted by reason of insanity for aggravated sexual assault pursuant  
30 to subsection a. of N.J.S.2C:14-2 or sexual assault pursuant to  
31 paragraph (1) of subsection c. of N.J.S.2C:14-2 is not eligible under  
32 subsection f. of this section to make application to the Superior Court  
33 of this State to terminate the registration obligation.

34 (cf: P.L.2017, c.141, s.3)

35

36 3. N.J.S.2C:24-4 is amended to read as follows:

37 2C:24-4. Endangering Welfare of Children.

38 a. (1) Any person having a legal duty for the care of a child or  
39 who has assumed responsibility for the care of a child who engages  
40 in sexual conduct which would impair or debauch the morals of the  
41 child is guilty of a crime of the second degree. Any other person who  
42 engages in conduct or who causes harm as described in this paragraph  
43 to a child is guilty of a crime of the third degree.

44 (2) Any person having a legal duty for the care of a child or who  
45 has assumed responsibility for the care of a child who causes the child  
46 harm that would make the child an abused or neglected child as  
47 defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L.1974, c.119  
48 (C.9:6-8.21) is guilty of a crime of the second degree. Any other

1 person who engages in conduct or who causes harm as described in  
2 this paragraph to a child is guilty of a crime of the third degree.

3 b. (1) As used in this subsection:

4 "Child" means any person under 18 years of age.

5 "Distribute" means to sell, or to manufacture, give, provide, lend,  
6 trade, mail, deliver, publish, circulate, disseminate, present, exhibit,  
7 display, share, advertise, offer, or make available via the Internet or  
8 by any other means, whether for pecuniary gain or not. The term also  
9 includes an agreement or attempt to distribute.

10 "File-sharing program" means a computer program, application,  
11 software or operating system that allows the user of a computer on  
12 which such program, application, software or operating system is  
13 installed to designate files as available for searching by and copying  
14 to one or more other computers, to transmit such designated files  
15 directly to one or more other computers, and to request the  
16 transmission of such designated files directly from one or more other  
17 computers. The term "file-sharing program" includes but is not  
18 limited to a computer program, application or software that enables  
19 a computer user to participate in a peer-to-peer network.

20 "Internet" means the international computer network of both  
21 federal and non-federal interoperable packet switched data networks.

22 "Item depicting the sexual exploitation or abuse of a child" or  
23 "child sexual abuse or exploitation material" or "CSAEM" means a  
24 photograph, film, video, an electronic, electromagnetic or digital  
25 recording, an image stored or maintained in a computer program or  
26 file or in a portion of a file, or any other reproduction or  
27 reconstruction which :

28 (a) depicts a child engaging in a prohibited sexual act or in the  
29 simulation of such an act; or

30 (b) portrays a child in a sexually suggestive manner.

31 "Peer-to-peer network" means a connection of computer systems  
32 through which files are shared directly between the systems on a  
33 network without the need of a central server.

34 "Portray a child in a sexually suggestive manner" means:

35 (a) to depict a child's less than completely and opaquely covered  
36 intimate parts, as defined in N.J.S.2C:14-1, in a manner that, by  
37 means of the posing, composition, format, or animated sensual  
38 details, emits sensuality with sufficient impact to concentrate  
39 prurient interest on the child; or

40 (b) to depict any form of contact with a child's intimate parts, as  
41 defined in N.J.S.2C:14-1, in a manner that, by means of the posing,  
42 composition, format, or animated sensual details, emits sensuality  
43 with sufficient impact to concentrate prurient interest on the child; or

44 (c) to otherwise depict a child for the purpose of sexual  
45 stimulation or gratification of any person who may view the depiction  
46 where the depiction does not have serious literary, artistic, political,  
47 or scientific value.

- 1 "Prohibited sexual act" means  
2 (a) Sexual intercourse; or  
3 (b) Anal intercourse; or  
4 (c) Masturbation; or  
5 (d) Bestiality; or  
6 (e) Sadism; or  
7 (f) Masochism; or  
8 (g) Fellatio; or  
9 (h) Cunnilingus; or  
10 (i) Nudity, if depicted for the purpose of sexual stimulation or  
11 gratification of any person who may view such depiction; or  
12 (j) Any act of sexual penetration or sexual contact as defined in  
13 N.J.S.2C:14-1.

14 "Reproduction" means, but is not limited to, computer generated  
15 images.

16 (2) (Deleted by amendment, P.L.2001, c.291).

17 (3) A person commits a crime of the first degree if **[he]** the  
18 person causes or permits a child to engage in a prohibited sexual act  
19 or in the simulation of such an act or to be portrayed in a sexually  
20 suggestive manner if the person knows, has reason to know or intends  
21 that the prohibited act or portrayal may be photographed, filmed,  
22 reproduced, or reconstructed in any manner, including on the  
23 Internet, or may be part of an exhibition or performance.

24 (4) A person commits a crime of the second degree if **[he]** the  
25 person photographs or films a child in a prohibited sexual act or in  
26 the simulation of such an act or for portrayal in a sexually suggestive  
27 manner or who uses any device, including a computer, to reproduce  
28 or reconstruct the image of a child in a prohibited sexual act or in the  
29 simulation of such an act or for portrayal in a sexually suggestive  
30 manner.

31 (5) (a) A person commits a crime if, by any means, including but  
32 not limited to the Internet, **[he]** the person:

33 (i) knowingly distributes an item depicting the sexual  
34 exploitation or abuse of a child;

35 (ii) knowingly possesses an item depicting the sexual exploitation  
36 or abuse of a child with the intent to distribute that item; or

37 (iii) knowingly stores or maintains an item depicting the sexual  
38 exploitation or abuse of a child using a file-sharing program which is  
39 designated as available for searching by or copying to one or more  
40 other computers.

41 In a prosecution under sub-subparagraph (iii) of this  
42 subparagraph, the State shall not be required to offer proof that an  
43 item depicting the sexual exploitation or abuse of a child had actually  
44 been searched, copied, transmitted or viewed by another user of the  
45 file-sharing program, or by any other person, and it shall be no  
46 defense that the defendant did not intend to distribute the item to  
47 another user of the file-sharing program or to any other person. Nor  
48 shall the State be required to prove that the defendant was aware that

1 the item depicting the sexual exploitation or abuse of a child was  
2 available for searching or copying to one or more other computers,  
3 and the defendant shall be strictly liable for failing to designate the  
4 item as not available for searching or copying by one or more other  
5 computers.

6 A violation of this subparagraph that involves 1,000 or more items  
7 depicting the sexual exploitation or abuse of a child is a crime of the  
8 first degree; otherwise it is a crime of the second degree.

9 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,  
10 a person whose offense under this subparagraph involved at least 25  
11 but less than 1,000 items depicting the sexual exploitation or abuse  
12 of a child shall be sentenced to a mandatory minimum term of  
13 imprisonment, which shall be fixed at, or between, one-third and one-  
14 half of the sentence imposed by the court or five years, whichever is  
15 greater, during which the defendant shall be ineligible for parole.

16 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,  
17 a person whose offense under this subparagraph involved 1,000 or  
18 more items depicting the sexual exploitation or abuse of a child shall  
19 be sentenced to a mandatory minimum term of imprisonment, which  
20 shall be fixed at, or between, one-third and one-half of the sentence  
21 imposed by the court or 10 years, whichever is greater, during which  
22 the defendant shall be ineligible for parole.

23 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,  
24 a person convicted of a second or subsequent offense under this  
25 subparagraph shall be sentenced to an extended term of imprisonment  
26 as set forth in N.J.S.2C:43-7. For the purposes of this subparagraph,  
27 an offense is considered a second or subsequent offense if the actor  
28 has at any time been convicted pursuant to paragraph (3), (4), or (5)  
29 of this subsection, or under any similar statute of the United States,  
30 this State, or any other state for an offense that is substantially  
31 equivalent to paragraph (3), (4), or (5) of this subsection.

32 For purposes of this subparagraph, the term "possess" includes  
33 receiving, viewing, or having under one's control, through any  
34 means, including the Internet.

35 (b) (i) A person commits a crime of the first degree if **【he】** the  
36 person knowingly possesses, knowingly views, or knowingly has  
37 under **【his】** the person's control, through any means, including the  
38 Internet, 100,000 or more items depicting the sexual exploitation or  
39 abuse of a child.

40 (ii) A person commits a crime of the second degree if **【he】** the  
41 person knowingly possesses, knowingly views, or knowingly has  
42 under **【his】** the person's control, through any means, including the  
43 Internet, at least 1,000 but less than 100,000 items depicting the  
44 sexual exploitation or abuse of a child.

45 (iii) A person commits a crime of the third degree if **【he】** the  
46 person knowingly possesses, knowingly views, or knowingly has  
47 under **【his】** the person's control, through any means, including the

1 Internet, less than 1,000 items depicting the sexual exploitation or  
2 abuse of a child.

3 Notwithstanding the provisions of subsection e. of N.J.S.2C:44-1,  
4 in any instance where a person was convicted of an offense under this  
5 subparagraph that involved 100 or more items depicting the sexual  
6 exploitation or abuse of a child, the court shall impose a sentence of  
7 imprisonment unless, having regard to the character and condition of  
8 the defendant, it is of the opinion that imprisonment would be a  
9 serious injustice which overrides the need to deter such conduct by  
10 others.

11 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-6,  
12 a person convicted of a second or subsequent offense under this  
13 subparagraph shall be sentenced to an extended term of imprisonment  
14 as set forth in N.J.S.2C:43-7. For the purposes of this subparagraph,  
15 an offense is considered a second or subsequent offense if the actor  
16 has at any time been convicted pursuant to paragraph (3), (4), or (5)  
17 of this subsection, or under any similar statute of the United States,  
18 this State, or any other state for an offense that is substantially  
19 equivalent to paragraph (3), (4), or (5) of this subsection.

20 Nothing in this subparagraph shall be construed to preclude or  
21 limit any prosecution or conviction for the offense set forth in  
22 subparagraph (a) of this paragraph.

23 (6) For purposes of this subsection, a person who is depicted as  
24 or presents the appearance of being under the age of 18 in any  
25 photograph, film, videotape, computer program or file, video game,  
26 or any other reproduction or reconstruction shall be rebuttably  
27 presumed to be under the age of 18. If the child who is depicted as  
28 engaging in, or who is caused to engage in, a prohibited sexual act or  
29 simulation of a prohibited sexual act or portrayed in a sexually  
30 suggestive manner is under the age of 18, the actor shall be strictly  
31 liable and it shall not be a defense that the actor did not know that the  
32 child was under the age of 18, nor shall it be a defense that the actor  
33 believed that the child was 18 years of age or older, even if such a  
34 mistaken belief was reasonable.

35 (7) For aggregation purposes, each depiction of the sexual  
36 exploitation or abuse of a child shall be considered a separate item,  
37 provided that each depiction that is in the form of a photograph,  
38 picture, image, or visual depiction of a similar nature shall be  
39 considered to be one item and each depiction that is in the form of a  
40 film, video, video-clip, movie, or visual depiction of a similar nature  
41 shall be considered to be 10 separate items, and each individual act  
42 of distribution of an item depicting the sexual exploitation or abuse  
43 of a child shall be considered a separate item. For purposes of  
44 determining the number of items depicting the sexual exploitation or  
45 abuse of a child for purposes of sentencing pursuant to subparagraph  
46 (a) of paragraph (5) of this subsection, the court shall aggregate all  
47 items involved, whether the act or acts constituting the violation  
48 occurred at the same time or at different times and, with respect to

1 distribution, whether the act or acts of distribution were to the same  
2 person or several persons or occurred at different times, provided that  
3 each individual act was committed within the applicable statute of  
4 limitations. For purposes of determining the number of items  
5 depicting the sexual exploitation or abuse of a child for purposes of  
6 sentencing pursuant to subparagraph (b) of paragraph (5) of this  
7 subsection, the court shall aggregate all items involved, whether the  
8 possession of such items occurred at the same time or at different  
9 times, provided that each individual act was committed within the  
10 applicable statute of limitations.

11 (cf: P.L.2017, c141, s.1)

12

13 4. Section 8 of P.L.2017, c.141 (C.2C:24-4.1) is amended to read  
14 as follows:

15 8. a. A person is a leader of a **【child pornography】** network to  
16 share child sexual abuse or exploitation material if **【he】** the person  
17 knowingly conspires with others as an organizer, moderator,  
18 administrator, programmer, recruiter, or facilitator to engage in a  
19 scheme or course of conduct to establish or maintain an  
20 interconnected network through which files containing one or more  
21 items depicting the sexual exploitation or abuse of a child are in any  
22 way made available to or accessible among an organized group of  
23 users or participants.

24 b. Leader of a **【child pornography】** network to share child  
25 sexual abuse or exploitation material is a crime of the first degree if  
26 the offense involves 100,000 or more items depicting the sexual  
27 exploitation or abuse of a child; a crime of the second degree if the  
28 offense involves at least 1,000 but less than 100,000 items depicting  
29 the sexual exploitation or abuse of a child; and a crime of the third  
30 degree if the offense involves less than 1,000 items depicting the  
31 sexual exploitation or abuse of a child.

32 c. For aggregation purposes, each item depicting the sexual  
33 exploitation or abuse of a child made available or accessible through  
34 a distribution network shall be considered a separate item, provided  
35 that each item that is in the form of a photograph, picture, image, or  
36 visual depiction of a similar nature shall be considered to be one item  
37 and each depiction that is in the form of a film, video, video-clip,  
38 movie, or visual depiction of a similar nature shall be considered to  
39 be 10 separate items.

40 d. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction  
41 of leader of a **【child pornography】** network to share child sexual  
42 abuse or exploitation material shall not merge with the conviction for  
43 any offense which is the object of the conspiracy, nor shall the other  
44 conviction merge with a conviction under this section. Nothing  
45 contained in this section shall be construed in any way to preclude or  
46 limit the prosecution or conviction of any person for conspiracy  
47 under the provisions of N.J.S.2C:5-2, or any prosecution or

1 conviction for endangering the welfare of children under the  
2 provisions of N.J.S.2C:24-4 or any other provision of law.

3 e. As used in this section:

4 "Interconnected network" means a set of computer nodes,  
5 including but not limited to personal computers, mobile devices, and  
6 physical or virtual servers that are linked together to facilitate the  
7 transmission of data between users.

8 "Item depicting the sexual exploitation or abuse of a child" shall  
9 have the same meaning as provided in subsection b. of N.J.S.2C:24-  
10 4.

11 (cf: P.L.2017, c.141, s.8)

12

13 5. Section 1 of P.L.2009, c.143 (2C:43-3.8) is amended to read  
14 as follows:

15 1. a. In addition to any disposition authorized by this Title, the  
16 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other  
17 statute indicating the dispositions that can be ordered for an  
18 adjudication of delinquency, every person convicted of or  
19 adjudicated delinquent for a violation of paragraph (3), (4), or (5) of  
20 subsection b. of N.J.S.2C:24-4; section 8 of P.L.2017, c.141  
21 (C.2C:24-4.1); N.J.S.2C:34-3; or an offense involving computer  
22 criminal activity in violation of any provision of chapter 20 of this  
23 title shall be assessed for each such offense a penalty fixed at:

24 (a) \$2,000 in the case of a crime of the first degree;

25 (b) \$1,000 in the case of a crime of the second degree;

26 (c) \$750 in the case of a crime of the third degree;

27 (d) \$500 in the case of a crime of the fourth degree;

28 (e) \$250 in the case of a disorderly persons or petty disorderly  
29 persons offense.

30 b. All penalties provided for in this section shall be collected as  
31 provided for collection of fines and restitutions in section 3 of  
32 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the  
33 Department of the Treasury as provided in subsection c. of this  
34 section.

35 c. All moneys collected pursuant to this section shall be  
36 forwarded to the Department of the Treasury to be deposited in a  
37 nonlapsing revolving fund to be known as the "Computer Crime  
38 Prevention Fund." Moneys in the fund shall be appropriated by the  
39 Legislature to the Department of Law and Public Safety on an annual  
40 basis for the purposes of investigating and prosecuting computer-  
41 related crime, and funding continuing educational programs on high  
42 technology crimes and the 24-hour toll-free computer crime hotline  
43 telephone service established pursuant to section 3 of P.L.1998, c.134  
44 (C.52:17B-193) and publicizing thereof, as well as other programs  
45 designed to enhance public awareness of computer-related crime,  
46 including but not limited to use of the Internet to facilitate sexual  
47 predatory acts, cyber-stalking and cyberbullying, online distribution  
48 or possession of child [pornography] sexual abuse or exploitation

1 material, threats of violence in schools or other institutions, Internet  
2 fraud, and unauthorized intrusions into computer systems.

3 d. There is created in the Department of the Treasury a non-  
4 lapsing fund entitled the "Computer Crime Prevention Fund." The  
5 fund shall be the depository for assessments collected pursuant to  
6 subsection a. of this section, to be appropriated and used in  
7 accordance with the purposes set forth in subsection c. of this section.  
8 (cf: P.L.2017, c.141, s.4)

9  
10 6. Section 2 of P.L.1994, c.130 (C.2C:43-6.4) is amended to read  
11 as follows:

12 2. a. Notwithstanding any provision of law to the contrary, a  
13 judge imposing sentence on a person who has been convicted of  
14 aggravated sexual assault, sexual assault, aggravated criminal sexual  
15 contact, kidnapping pursuant to paragraph (2) of subsection c. of  
16 N.J.S.2C:13-1, endangering the welfare of a child by engaging in  
17 sexual conduct which would impair or debauch the morals of the  
18 child pursuant to subsection a. of N.J.S.2C:24-4, endangering the  
19 welfare of a child pursuant to paragraph (3) or sub-subparagraph (i)  
20 or (ii) of subparagraph (b) of paragraph (5) of subsection b. of  
21 N.J.S.2C:24-4, luring, violating a condition of a special sentence of  
22 community supervision for life pursuant to subsection d. of this  
23 section, or an attempt to commit any of these offenses shall include,  
24 in addition to any sentence authorized by this Code, a special  
25 sentence of parole supervision for life. Notwithstanding any  
26 provision of law to the contrary, a court imposing sentence on a  
27 person who has been convicted of endangering the welfare of a child  
28 pursuant to paragraph (4) or subparagraph (a) or sub-subparagraph  
29 (iii) of subparagraph (b) of paragraph (5) of subsection b. of  
30 N.J.S.2C:24-4, leader of a **【child pornography】** network to share  
31 child sexual abuse or exploitation material pursuant to section 8 of  
32 P.L.2017, c.141 (C.2C:24-4.1), or an attempt to commit either of  
33 these offenses shall include, upon motion of the prosecutor, a special  
34 sentence of parole supervision for life in addition to any sentence  
35 authorized by Title 2C of the New Jersey Statutes, unless the court  
36 finds on the record that the special sentence is not needed to protect  
37 the community or deter the defendant from future criminal activity.

38 b. The special sentence of parole supervision for life required by  
39 this section shall commence immediately upon the defendant's  
40 release from incarceration. If the defendant is serving a sentence of  
41 incarceration for another offense at the time **【he】** the defendant  
42 completes the custodial portion of the sentence imposed on the  
43 present offense, the special sentence of parole supervision for life  
44 shall not commence until the defendant is actually released from  
45 incarceration for the other offense. Persons serving a special sentence  
46 of parole supervision for life shall remain in the legal custody of the  
47 Commissioner of Corrections, shall be supervised by the Division of  
48 Parole of the State Parole Board, shall be subject to the provisions

1 and conditions set forth in subsection c. of section 3 of P.L.1997,  
2 c.117 (C.30:4-123.51b) and sections 15 through 19 and 21 of  
3 P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and 30:4-  
4 123.65), and shall be subject to conditions appropriate to protect the  
5 public and foster rehabilitation. Such conditions may include the  
6 requirement that the person comply with the conditions set forth in  
7 subsection f. of this section concerning use of a computer or other  
8 device with access to the Internet or the conditions set forth in  
9 subsection g. of this section concerning the operation as defined in  
10 section 1 of P.L.2017, c.315 (C.2C:40-27) of an unmanned aircraft  
11 system as defined in section 1 of P.L.2017, c.315 (C.2C:40-27). If  
12 the defendant violates a condition of a special sentence of parole  
13 supervision for life, the defendant shall be subject to the provisions  
14 of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60  
15 through 30:4-123.63 and 30:4-123.65), and for the purpose of  
16 calculating the limitation on time served pursuant to section 21 of  
17 P.L.1979, c.441 (C.30:4-123.65) the custodial term imposed upon the  
18 defendant related to the special sentence of parole supervision for life  
19 shall be deemed to be a term of life imprisonment. When the court  
20 suspends the imposition of sentence on a defendant who has been  
21 convicted of any offense enumerated in subsection a. of this section,  
22 the court may not suspend imposition of the special sentence of  
23 parole supervision for life, which shall commence immediately, with  
24 the Division of Parole of the State Parole Board maintaining  
25 supervision over that defendant, including the defendant's  
26 compliance with any conditions imposed by the court pursuant to  
27 N.J.S.2C:45-1, in accordance with the provisions of this subsection.  
28 Nothing contained in this subsection shall prevent the court from at  
29 any time proceeding under the provisions of N.J.S.2C:45-1 through  
30 N.J.S.2C:45-4 against any such defendant for a violation of any  
31 conditions imposed by the court when it suspended imposition of  
32 sentence, or prevent the Division of Parole from proceeding under  
33 the provisions of sections 16 through 19 and 21 of P.L.1979, c.441  
34 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) against any  
35 such defendant for a violation of any conditions of the special  
36 sentence of parole supervision for life, including the conditions  
37 imposed by the court pursuant to N.J.S.2C:45-1. In any such  
38 proceeding by the Division of Parole, the provisions of subsection c.  
39 of section 3 of P.L.1997, c.117 (C.30:4-123.51b) authorizing  
40 revocation and return to prison shall be applicable to such a  
41 defendant, notwithstanding that the defendant may not have been  
42 sentenced to or served any portion of a custodial term for conviction  
43 of an offense enumerated in subsection a. of this section.

44 c. A person sentenced to a term of parole supervision for life  
45 may petition the Superior Court for release from that parole  
46 supervision. The judge may grant a petition for release from a special  
47 sentence of parole supervision for life only upon proof by clear and  
48 convincing evidence that the person has not committed a crime for

1 15 years since the last conviction or release from incarceration,  
2 whichever is later, and that the person is not likely to pose a threat to  
3 the safety of others if released from parole supervision.  
4 Notwithstanding the provisions of section 22 of P.L.1979, c.441  
5 (C.30:4-123.66), a person sentenced to a term of parole supervision  
6 for life may be released from that parole supervision term only by  
7 court order as provided in this subsection.

8 d. A person who violates a condition of a special sentence of  
9 community supervision for life or parole supervision for life imposed  
10 pursuant to this section without good cause is guilty of a crime of the  
11 third degree. Notwithstanding any other law to the contrary, a person  
12 sentenced pursuant to this subsection shall be sentenced to a term of  
13 imprisonment, unless the court is clearly convinced that the interests  
14 of justice so far outweigh the need to deter this conduct and the  
15 interest in public safety that a sentence to imprisonment would be a  
16 manifest injustice. Nothing in this subsection shall preclude  
17 subjecting a person who violates any condition of a special sentence  
18 of parole supervision for life to the provisions of sections 16 through  
19 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63  
20 and C.30:4-123.65) pursuant to the provisions of subsection c. of  
21 section 3 of P.L.1997, c.117 (C.30:4-123.51b).

22 e. A person who, while serving a special sentence of parole  
23 supervision for life imposed pursuant to this section, commits a  
24 violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5, subsection  
25 b. of N.J.S.2C:12-1, N.J.S.2C:13-1, section 1 of P.L.1993, c.291  
26 (C.2C:13-6), N.J.S.2C:14-2, N.J.S.2C:14-3, N.J.S.2C:24-4, section 8  
27 of P.L.2017, c.141 (C.2C:24-4.1), N.J.S.2C:18-2 when the offense is  
28 a crime of the second degree, or subsection a. of N.J.S.2C:39-4 shall  
29 be sentenced to an extended term of imprisonment as set forth in  
30 N.J.S.2C:43-7, which term shall, notwithstanding the provisions of  
31 N.J.S.2C:43-7 or any other law, be served in its entirety prior to the  
32 person's resumption of the term of parole supervision for life.

33 f. The special sentence of parole supervision for life required by  
34 this section may include any of the following Internet access  
35 conditions:

36 (1) Prohibit the person from accessing or using a computer or any  
37 other device with Internet capability without the prior written  
38 approval of the court except the person may use a computer or any  
39 other device with Internet capability in connection with that person's  
40 employment or search for employment with the prior approval of the  
41 person's parole officer;

42 (2) Require the person to submit to periodic unannounced  
43 examinations of the person's computer or any other device with  
44 Internet capability by a parole officer, law enforcement officer or  
45 assigned computer or information technology specialist, including  
46 the retrieval and copying of all data from the computer or device and  
47 any internal or external peripherals and removal of such information,  
48 equipment or device to conduct a more thorough inspection;

1 (3) Require the person to submit to the installation on the person's  
2 computer or device with Internet capability, at the person's expense,  
3 one or more hardware or software systems to monitor the Internet  
4 use;

5 (4) Require the person to submit to any other appropriate  
6 restrictions concerning the person's use or access of a computer or  
7 any other device with Internet capability; and

8 (5) Require the person to disclose all passwords used by the  
9 person to access any data, information, image, program, signal or file  
10 on the person's computer or any other device with Internet capability.

11 g. The special sentence of parole supervision for life required by  
12 this section may include reasonable conditions prohibiting or  
13 restricting the person's operation of an unmanned aircraft system in  
14 order to reduce the likelihood of a recurrence of criminal or  
15 delinquent behavior.

16 (cf: P.L.2017, c.333, s.1)

17

18 7. Section 3 of P.L.2003, c.301 (C.2C:44-6.3) is amended to read  
19 as follows:

20 3. a. In any case in which a person has been convicted of a crime  
21 enumerated in subsection b. of this section and:

22 (1) the victim of the crime was either a person under the age of  
23 18 at the time of the commission of the crime, or a person defined in  
24 paragraph (9) of subsection b. of this section; and

25 (2) the person convicted of the crime resides in a household with  
26 other minor children or is a parent of a minor child,

27 the court, based on an interview with the defendant, shall make a  
28 referral to the Division of Child Protection and Permanency in the  
29 Department of Children and Families and provide the division with  
30 the name and address of the person convicted of the crime,  
31 information on the person's criminal history, and the name and  
32 address of each child referred to in paragraph (2) of this subsection.

33 b. For purposes of this section, "crime" includes any of the  
34 following:

35 (1) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
36 to N.J.S.2C:11-4;

37 (2) simple assault or aggravated assault pursuant to N.J.S.2C:12-  
38 1;

39 (3) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

40 (4) terrorist threats pursuant to N.J.S.2C:12-3;

41 (5) kidnapping and related offenses including criminal restraint;  
42 false imprisonment; interference with custody; criminal coercion; or  
43 enticing a child into a motor vehicle, structure, or isolated area  
44 pursuant to N.J.S.2C:13-1 through 2C:13-6;

45 (6) sexual assault, criminal sexual contact, or lewdness pursuant  
46 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

1 (7) arson pursuant to N.J.S.2C:17-1, or causing or risking  
2 widespread injury or damage which would constitute a crime of the  
3 second degree pursuant to N.J.S.2C:17-2;

4 (8) a crime against a child, including endangering the welfare of  
5 a child and any crime involving child [pornography] sexual abuse or  
6 exploitation material pursuant to N.J.S.2C:24-4; or child abuse,  
7 neglect, or abandonment pursuant to R.S.9:6-3;

8 (9) endangering the welfare of an incompetent person pursuant to  
9 N.J.S.2C:24-7 or endangering the welfare of an elderly or disabled  
10 person pursuant to N.J.S.2C:24-8;

11 (10) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
12 et seq.); or

13 (11) an attempt or conspiracy to commit an offense listed in  
14 paragraphs (1) through (10) of this subsection.

15 (cf: P.L.2012, c.16, s.11)

16

17 8. N.J.S.2C:47-1 is amended to read as follows:

18 2C:47-1. Referral to Adult Diagnostic and Treatment Center;  
19 Commitment; Examination.

20 Whenever a person is convicted of the offense of aggravated  
21 sexual assault, sexual assault, aggravated criminal sexual contact,  
22 kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-  
23 1, endangering the welfare of a child by engaging in sexual conduct  
24 which would impair or debauch the morals of the child pursuant to  
25 subsection a. of N.J.S.2C:24-4, endangering the welfare of a child  
26 pursuant to paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4,  
27 leader of a [child pornography] network to share child sexual abuse  
28 or exploitation material pursuant to section 8 of P.L.2017, c.141  
29 (C.2C:24-4.1), or an attempt to commit any such crime, the judge  
30 shall order the Department of Corrections to complete a  
31 psychological examination of the offender, except the judge shall not  
32 require a psychological examination if the offender is to be sentenced  
33 to a term of life imprisonment without eligibility for parole. The  
34 examination shall include a determination of whether the offender's  
35 conduct was characterized by a pattern of repetitive, compulsive  
36 behavior and, if it was, a further determination of the offender's  
37 amenability to sex offender treatment and willingness to participate  
38 in such treatment. The court's order shall contain a determination of  
39 the offender's legal settlement in accordance with subdivision D of  
40 article 3 of chapter 4 of Title 30 of the Revised Statutes.

41 (cf: P.L.2017, c.141, s.6)

42

43 9. N.J.S.2C:52-2 is amended to read as follows:

44 2C:52-2. Indictable Offenses.

45 a. In all cases, except as herein provided, a person may present an  
46 expungement application to the Superior Court pursuant to this  
47 section if:

1 the person has been convicted of one crime under the laws of this  
2 State, and does not otherwise have any subsequent conviction for  
3 another crime, whether within this State or any other jurisdiction.  
4 Subject to the provision of subsection e. of N.J.S.2C:52-14 requiring  
5 denial of an expungement petition when a person has had a previous  
6 criminal conviction expunged, a prior conviction for another crime  
7 shall not bar presenting an application seeking expungement relief  
8 for the criminal conviction that is the subject of the application; or

9 the person has been convicted of one crime and no more than three  
10 disorderly persons or petty disorderly persons offenses under the  
11 laws of this State, and does not otherwise have any subsequent  
12 conviction for another crime, or any subsequent conviction for  
13 another disorderly persons or petty disorderly persons offense such  
14 that the total number of convictions for disorderly persons and petty  
15 disorderly persons offenses would exceed three, whether any such  
16 crime or offense conviction was within this State or any other  
17 jurisdiction. Subject to the provision of subsection e. of N.J.S.2C:52-  
18 14 requiring denial of an expungement petition when a person has  
19 had a previous criminal conviction expunged, a prior conviction for  
20 another crime, disorderly persons offense, or petty disorderly persons  
21 offense shall not bar presenting an application seeking expungement  
22 relief for the one criminal conviction and no more than three  
23 convictions for disorderly persons or petty disorderly persons  
24 offenses that are the subject of the application; or

25 the person has been convicted of multiple crimes or a combination  
26 of one or more crimes and one or more disorderly persons or petty  
27 disorderly persons offenses under the laws of this State, all of which  
28 are listed in a single judgment of conviction, and does not otherwise  
29 have any subsequent conviction for another crime or offense in  
30 addition to those convictions included in the expungement  
31 application, whether any such conviction was within this State or any  
32 other jurisdiction. Subject to the provision of subsection e. of  
33 N.J.S.2C:52-14 requiring denial of an expungement petition when a  
34 person has had a previous criminal conviction expunged, a prior  
35 conviction for another crime, disorderly persons offense, or petty  
36 disorderly persons offense that is not listed in a single judgment of  
37 conviction shall not bar presenting an application seeking  
38 expungement relief for the convictions listed in a single judgment of  
39 conviction that are the subject of the application; or

40 the person has been convicted of multiple crimes or a combination  
41 of one or more crimes and one or more disorderly persons or petty  
42 disorderly persons offenses under the laws of this State, which crimes  
43 or combination of crimes and offenses were interdependent or closely  
44 related in circumstances and were committed as part of a sequence of  
45 events that took place within a comparatively short period of time,  
46 regardless of the date of conviction or sentencing for each individual  
47 crime or offense, and the person does not otherwise have any  
48 subsequent conviction for another crime or offense in addition to

1 those convictions included in the expungement application, whether  
2 any such conviction was within this State or any other jurisdiction.  
3 Subject to the provision of subsection e. of N.J.S.2C:52-14 requiring  
4 denial of an expungement petition when a person has had a previous  
5 criminal conviction expunged, a prior conviction for another crime,  
6 disorderly persons offense, or petty disorderly persons offense that  
7 was not interdependent or closely related in circumstances and was  
8 not committed within a comparatively short period of time as  
9 described above shall not bar presenting an application seeking  
10 expungement relief for the convictions of crimes or crimes and  
11 offenses that were interdependent or closely related and committed  
12 within a comparatively short period of time, and that are the subject  
13 of the application.

14 For purposes of determining eligibility to present an expungement  
15 application to the Superior Court pursuant to this section, a  
16 conviction for unlawful distribution of, or possessing or having under  
17 control with intent to distribute, marijuana or hashish in violation of  
18 paragraph (11) of subsection b. of N.J.S.2C:35-5, or a lesser amount  
19 of marijuana or hashish in violation of paragraph (12) of subsection  
20 b. of that section, or a violation of either of those paragraphs and a  
21 violation of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-  
22 7) or subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1), for  
23 distributing, or possessing or having under control with intent to  
24 distribute, on or within 1,000 feet of any school property, or on or  
25 within 500 feet of the real property comprising a public housing  
26 facility, public park, or public building, or for obtaining or possessing  
27 marijuana or hashish in violation of paragraph (3) of subsection a. of  
28 N.J.S.2C:35-10, or for an equivalent crime in another jurisdiction,  
29 regardless of when the conviction occurred, shall not be considered  
30 a conviction of a crime within this State or any other jurisdiction but  
31 shall instead be considered a conviction of a disorderly persons  
32 offense within this State or an equivalent category of offense within  
33 the other jurisdiction, and a conviction for obtaining, possessing,  
34 using, being under the influence of, or failing to make lawful  
35 disposition of marijuana or hashish in violation of paragraph (4) of  
36 subsection a., or subsection b., or subsection c. of N.J.S.2C:35-10, or  
37 a violation involving marijuana or hashish as described herein and  
38 using or possessing with intent to use drug paraphernalia with that  
39 marijuana or hashish in violation of N.J.S.2C:36-2, or for an  
40 equivalent crime or offense in another jurisdiction, regardless of  
41 when the conviction occurred, shall not be considered a conviction  
42 within this State or any other jurisdiction.

43 The person, if eligible, may present the expungement application  
44 after the expiration of a period of five years from the date of **[his]**  
45 the person's most recent conviction, payment of any court-ordered  
46 financial assessment, satisfactory completion of probation or parole,  
47 or release from incarceration, whichever is later. The term "court-  
48 ordered financial assessment" as used herein and throughout this

1 section means and includes any fine, fee, penalty, restitution, and  
2 other form of financial assessment imposed by the court as part of  
3 the sentence for the conviction or convictions that are the subject of  
4 the application, for which payment of restitution takes precedence in  
5 accordance with chapter 46 of Title 2C of the New Jersey Statutes.  
6 The person shall submit the expungement application to the Superior  
7 Court in the county in which the most recent conviction for a crime  
8 was adjudged, which includes a duly verified petition as provided in  
9 N.J.S.2C:52-7 praying that the conviction, or convictions if  
10 applicable, and all records and information pertaining thereto be  
11 expunged. The petition appended to an application shall comply with  
12 the requirements set forth in N.J.S.2C:52-1 et seq.

13 Notwithstanding the provisions concerning the five-year time  
14 requirement, if, at the time of application, a court-ordered financial  
15 assessment subject to collection under the comprehensive  
16 enforcement program established pursuant to P.L.1995, c.9  
17 (C.2B:19-1 et al.) is not yet satisfied due to reasons other than willful  
18 noncompliance, but the time requirement of five years is otherwise  
19 satisfied, the person may submit the expungement application and the  
20 court may grant an expungement; provided, however, that if  
21 expungement is granted the court shall enter a civil judgment for the  
22 unpaid portion of the court-ordered financial assessment in the name  
23 of the Treasurer, State of New Jersey and transfer collections and  
24 disbursement responsibility to the State Treasurer for the outstanding  
25 amount in accordance with section 8 of P.L.2017, c.244 (C.2C:52-  
26 23.1). The Treasurer may specify, and the Administrative Office of  
27 the Courts shall collaborate with, the technical and informational  
28 standards required to effectuate the transfer of the collection and  
29 disbursement responsibilities. Notwithstanding any provision in this  
30 law or any other law to the contrary, the court shall have sole  
31 discretion to amend the judgment.

32 Additionally, an application may be filed and presented, and the  
33 court may grant an expungement pursuant to this section, although  
34 less than five years have expired in accordance with the time  
35 requirements when the court finds:

36 (1) the court-ordered financial assessment is satisfied but less  
37 than five years have expired from the date of satisfaction, and the  
38 time requirement of five years is otherwise satisfied, and the court  
39 finds that the person substantially complied with any payment plan  
40 ordered pursuant to N.J.S.2C:46-1 et seq., or could not do so due to  
41 compelling circumstances affecting **【his】** the person's ability to  
42 satisfy the assessment; or

43 (2) at least four but less than five years have expired from the date  
44 of the most recent conviction, payment of any court-ordered financial  
45 assessment, satisfactory completion of probation or parole, or release  
46 from incarceration, whichever is later; and

47 the person has not been otherwise convicted of a crime, disorderly  
48 persons offense, or petty disorderly persons offense since the time of

1 the most recent conviction; and the court finds in its discretion that  
2 compelling circumstances exist to grant the expungement. The  
3 prosecutor may object pursuant to section 11 of P.L.2019, c.269  
4 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

5 In determining whether compelling circumstances exist for the  
6 purposes of paragraph (1) of this subsection, a court may consider  
7 the amount of any court-ordered financial assessment imposed, the  
8 person's age at the time of the offense or offenses, the person's  
9 financial condition and other relevant circumstances regarding the  
10 person's ability to pay.

11 b. Records of conviction pursuant to statutes repealed by this  
12 Code for the crimes of murder, manslaughter, treason, anarchy,  
13 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,  
14 robbery, embracery, or a conspiracy or any attempt to commit any of  
15 the foregoing, or aiding, assisting or concealing persons accused of  
16 the foregoing crimes, shall not be expunged.

17 Records of conviction for the following crimes specified in the  
18 New Jersey Code of Criminal Justice shall not be subject to  
19 expungement: N.J.S.2C:11-1 et seq. (Criminal Homicide), except  
20 death by auto as specified in N.J.S.2C:11-5 and strict liability  
21 vehicular homicide as specified in section 1 of P.L.2017, c.165  
22 (C.2C:11-5.3); N.J.S.2C:13-1 (Kidnapping); section 1 of P.L.1993,  
23 c.291 (C.2C:13-6) (Luring or Enticing); section 1 of P.L.2005, c.77  
24 (C.2C:13-8) (Human Trafficking); N.J.S.2C:14-2 (Sexual Assault or  
25 Aggravated Sexual Assault); subsection a. of N.J.S.2C:14-3  
26 (Aggravated Criminal Sexual Contact); if the victim is a minor,  
27 subsection b. of N.J.S.2C:14-3 (Criminal Sexual Contact); if the  
28 victim is a minor and the offender is not the parent of the victim,  
29 N.J.S.2C:13-2 (Criminal Restraint) or N.J.S.2C:13-3 (False  
30 Imprisonment); N.J.S.2C:15-1 (Robbery); N.J.S.2C:17-1 (Arson and  
31 Related Offenses); subsection a. of N.J.S.2C:24-4 (Endangering the  
32 welfare of a child by engaging in sexual conduct which would impair  
33 or debauch the morals of the child, or causing the child other harm);  
34 paragraph (4) of subsection b. of N.J.S.2C:24-4 (Photographing or  
35 filming a child in a prohibited sexual act or for portrayal in a sexually  
36 suggestive manner); paragraph (3) of subsection b. of N.J.S.2C:24-4  
37 (Causing or permitting a child to engage in a prohibited sexual act or  
38 the simulation of an act, or to be portrayed in a sexually suggestive  
39 manner); subparagraph (a) of paragraph (5) of subsection b. of  
40 N.J.S.2C:24-4 (Distributing, possessing with intent to distribute or  
41 using a file-sharing program to store items depicting the sexual  
42 exploitation or abuse of a child); subparagraph (b) of paragraph (5)  
43 of subsection b. of N.J.S.2C:24-4 (Possessing or viewing items  
44 depicting the sexual exploitation or abuse of a child); section 8 of  
45 P.L.2017, c.141 (C.2C:24-4.1) (Leader of a **child pornography**  
46 network to share child sexual abuse or exploitation material);  
47 N.J.S.2C:28-1 (Perjury); N.J.S.2C:28-2 (False Swearing); paragraph  
48 (4) of subsection b. of N.J.S.2C:34-1 (Knowingly promoting the

1 prostitution of the actor's child); section 2 of P.L.2002, c.26  
2 (C.2C:38-2) (Terrorism); subsection a. of section 3 of P.L.2002, c.26  
3 (C.2C:38-3) (Producing or Possessing Chemical Weapons,  
4 Biological Agents or Nuclear or Radiological Devices); and  
5 conspiracies or attempts to commit such crimes.

6 Records of conviction for any crime committed by a person  
7 holding any public office, position or employment, elective or  
8 appointive, under the government of this State or any agency or  
9 political subdivision thereof and any conspiracy or attempt to commit  
10 such a crime shall not be subject to expungement if the crime  
11 involved or touched such office, position or employment.

12 c. In the case of conviction for the sale or distribution of a  
13 controlled dangerous substance or possession thereof with intent to  
14 sell, expungement shall be denied except where the crimes involve:

15 (1) Marijuana, where the total quantity sold, distributed or  
16 possessed with intent to sell was less than one ounce;

17 (2) Hashish, where the total quantity sold, distributed or  
18 possessed with intent to sell was less than five grams; or

19 (3) Any controlled dangerous substance provided that the  
20 conviction is of the third or fourth degree, where the court finds that  
21 compelling circumstances exist to grant the expungement. The  
22 prosecutor may object pursuant to section 11 of P.L.2019, c.269  
23 (C.2C:52-10.1), N.J.S.2C:52-11, N.J.S.2C:52-14, or N.J.S.2C:52-24.

24 d. In the case of a State licensed physician or podiatrist  
25 convicted of an offense involving drugs or alcohol or pursuant to  
26 section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1), the  
27 petitioner shall notify the State Board of Medical Examiners upon  
28 filing an application for expungement and provide the board with a  
29 copy thereof. The petitioner shall also provide to the court a  
30 certification attesting that the requirements of this subsection were  
31 satisfied. Failure to satisfy the requirements of this subsection shall  
32 be grounds for denial of the expungement application and, if  
33 applicable, administrative discipline by the board.

34 (cf: P.L.2019, c.269, s.2)

35

36 10. Section 4 of P.L.2008, c.114 (C.9:3-40.5) is amended to read  
37 as follows;

38 4. Except as provided in subsection d. of this section, a current  
39 staff member, or an applicant for employment, shall be disqualified  
40 from employment at an approved agency if the criminal history  
41 record background check of the staff member or applicant reveals a  
42 record of conviction for any of the following crimes and offenses:

43 a. In New Jersey, any crime or disorderly persons offense as  
44 follows:

45 (1) a crime against a child, including endangering the welfare of  
46 a child and any crime involving child [pornography] sexual abuse or  
47 exploitation material pursuant to N.J.S.2C:24-4;

- 1 (2) abuse, abandonment or neglect of a child pursuant to R.S.9:6-
- 2 3;
- 3 (3) endangering the welfare of an incompetent person pursuant to
- 4 N.J.S.2C:24-7;
- 5 (4) sexual assault, criminal sexual contact or lewdness pursuant
- 6 to N.J.S.2C:14-2 through N.J.S.2C:14-4;
- 7 (5) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant
- 8 to N.J.S.2C:11-4;
- 9 (6) stalking pursuant to section 1 of P.L.1992, c.209 (C.2C:12-
- 10 10);
- 11 (7) kidnapping and related offenses including criminal restraint,
- 12 false imprisonment, interference with custody, criminal coercion, or
- 13 enticing a child into a motor vehicle, structure or isolated area
- 14 pursuant to N.J.S.2C:13-1 through N.J.S.2C:13-5 and section 1 of
- 15 P.L.1993, c.291 (C.2C:13-6);
- 16 (8) arson pursuant to N.J.S.2C:17-1, or causing or risking
- 17 widespread injury or damage, which would constitute a crime of the
- 18 second degree pursuant to N.J.S.2C:17-2;
- 19 (9) aggravated assault, which would constitute a crime of the
- 20 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;
- 21 (10) robbery, which would constitute a crime of the first degree
- 22 pursuant to N.J.S.2C:15-1;
- 23 (11) burglary, which would constitute a crime of the second degree
- 24 pursuant to N.J.S.2C:18-2;
- 25 (12) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17
- 26 et al.);
- 27 (13) terroristic threats pursuant to N.J.S.2C:12-3; or
- 28 (14) an attempt or conspiracy to commit any of the crimes or
- 29 offenses listed in paragraphs (1) through (13) of this subsection.
- 30 b. In any other state or jurisdiction, of conduct which, if
- 31 committed in New Jersey, would constitute any of the crimes or
- 32 disorderly persons offenses described in subsection a. of this section.
- 33 c. Notwithstanding the provisions of this section to the contrary,
- 34 a staff member shall not be disqualified from employment at an
- 35 approved agency under this act on the basis of any conviction
- 36 disclosed by a criminal history record background check performed
- 37 pursuant to this act without an opportunity to challenge the accuracy
- 38 of the disqualifying criminal history record pursuant to the provisions
- 39 of section 7 of P.L.2003, c.186 (C.53:1-20.9d).
- 40 d. If a staff member is convicted of a crime specified in
- 41 subsection a. of this section, the staff member shall be terminated
- 42 from employment at the agency, except that the department may
- 43 approve the staff member's employment at the agency if all of the
- 44 following conditions are met:
- 45 (1) the department determines that the crime does not relate
- 46 adversely to the position the staff member is employed in pursuant to
- 47 the provisions of P.L.1968, c.282 (C.2A:168A-1 et seq.);

- 1 (2) the conviction is not related to a crime committed against a  
2 child, as specified in subsection a. of this section;
- 3 (3) the agency documents that the staff member's employment at  
4 the agency does not create a risk to the safety or well-being of  
5 children due to the nature and requirements of the position; as  
6 necessary, the agency shall identify restrictions regarding the staff  
7 member's contact with, care, or supervision of children;
- 8 (4) the agency documents that the staff member is uniquely  
9 qualified for the position due to specific skills, qualifications,  
10 characteristics or prior employment experiences; and
- 11 (5) the department determines that the staff member has  
12 affirmatively demonstrated rehabilitation, pursuant to the factors  
13 specified in subsection b. of section 5 of this act.  
14 (cf: P.L.2008, c.114, s.4.)  
15

16 11. Section 1 of P.L.2018, c.80 (C.18A:35-4.32) is amended to  
17 read as follows:

- 18 1. The Legislature finds and declares that:
- 19 a. The teenage practice of "sexting," sending a sexually explicit  
20 text message, is a nationwide issue for students, parents, school  
21 administrators, and law enforcement officials.
- 22 b. What many teens do not realize is that, by law, a sexual image  
23 of any person under the age of 18 is child **【pornography】** sexual  
24 abuse or exploitation material. Prosecutors in several states have  
25 charged teenagers who have engaged in this behavior with criminal  
26 offenses, including distribution of child **【pornography】** sexual abuse  
27 or exploitation material.
- 28 c. Pursuant to a law which became effective in April, 2012, the  
29 New Jersey Legislature provided for a diversionary program for  
30 juveniles who are criminally charged for "sexting" or posting sexual  
31 images and permits them to participate in a remedial education or  
32 counseling program as an alternative to criminal prosecution.
- 33 d. Beyond the legal consequences of this behavior, however,  
34 sexting also has significant non-legal consequences including, but  
35 not limited to, the effect on relationships, loss of educational and  
36 employment opportunities, and being barred or removed from school  
37 programs and extracurricular activities.
- 38 e. Because of the unique characteristics of cyberspace and the  
39 Internet, a single sext has the potential to cause long-term and  
40 possibly unforeseen consequences, and result in severe  
41 embarrassment, ridicule, cyber-bullying, and lasting mental and  
42 emotional trauma.
- 43 f. It is imperative that students understand at a young age the  
44 severity of sending sexually explicit text messages and the impact  
45 that these actions have on the students themselves, their victims, and  
46 the community and that they receive instruction on how and why to  
47 refrain from this very dangerous behavior.  
48 (cf: P.L.2018, c.80, s.1)

1       12. Section 1 of P.L.1985, c.396 (C.30:4C-26.8) is amended to  
2 read as follows:

3       1. a. A person, in addition to meeting other requirements as may  
4 be established by the Department of Children and Families, shall  
5 become a resource family parent or eligible to adopt a child only upon  
6 the completion of an investigation to ascertain if there is a State or  
7 federal record of criminal history for the prospective adoptive or  
8 resource family parent or any other adult residing in the prospective  
9 parent's home. The investigation shall be conducted by the Division  
10 of State Police in the Department of Law and Public Safety and shall  
11 include an examination of its own files and the obtaining of a similar  
12 examination by federal authorities.

13       b. If the prospective resource family parent or any adult residing  
14 in the prospective parent's home has a record of criminal history, the  
15 Department of Children and Families shall review the record with  
16 respect to the type and date of the criminal offense and make a  
17 determination as to the suitability of the person to become a resource  
18 family parent or the suitability of placing a child in that person's  
19 home, as the case may be.

20       c. For the purposes of this section, a conviction for one of the  
21 offenses enumerated in subsection d. or e. of this section has occurred  
22 if the person has been convicted under the laws of this State or any  
23 other state or jurisdiction for an offense that is substantially  
24 equivalent to the offenses enumerated in these subsections.

25       d. A person shall be disqualified from being a resource family  
26 parent or shall not be eligible to adopt a child if that person or any  
27 adult residing in that person's household ever committed a crime  
28 which resulted in a conviction for:

29       (1) a crime against a child, including endangering the welfare of  
30 a child and any crime involving child [pornography] sexual abuse or  
31 exploitation material pursuant to N.J.S.2C:24-4; or child abuse,  
32 neglect, or abandonment pursuant to R.S.9:6-3;

33       (2) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
34 to N.J.S.2C:11-4;

35       (3) aggravated assault which would constitute a crime of the  
36 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

37       (4) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

38       (5) kidnapping and related offenses including criminal restraint;  
39 false imprisonment; interference with custody; criminal coercion; or  
40 enticing a child into a motor vehicle, structure, or isolated area  
41 pursuant to N.J.S.2C:13-1 through 2C:13-6;

42       (6) sexual assault, criminal sexual contact, or lewdness pursuant  
43 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

44       (7) robbery which would constitute a crime of the first degree  
45 pursuant to N.J.S.2C:15-1;

46       (8) burglary which would constitute a crime of the second degree  
47 pursuant to N.J.S.2C:18-2;

1 (9) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et  
2 seq.);

3 (10) endangering the welfare of an incompetent person pursuant  
4 to N.J.S.2C:24-7 or endangering the welfare of an elderly or disabled  
5 person pursuant to N.J.S.2C:24-8;

6 (11) terrorist threats pursuant to N.J.S.2C:12-3;

7 (12) arson pursuant to N.J.S.2C:17-1, or causing or risking  
8 widespread injury or damage which would constitute a crime of the  
9 second degree pursuant to N.J.S.2C:17-2; or

10 (13) an attempt or conspiracy to commit an offense listed in  
11 paragraphs (1) through (12) of this subsection.

12 e. A person shall be disqualified from being a resource family  
13 parent if that person or any adult residing in that person's household  
14 was convicted of one of the following crimes and the date of release  
15 from confinement occurred during the preceding five years:

16 (1) simple assault pursuant to subsection a. of N.J.S.2C:12-1;

17 (2) aggravated assault which would constitute a crime of the  
18 fourth degree pursuant to subsection b. of N.J.S.2C:12-1;

19 (3) a drug-related crime pursuant to P.L.1987, c.106 (C.2C:35-1  
20 et seq.);

21 (4) robbery which would constitute a crime of the second degree  
22 pursuant to N.J.S.2C:15-1;

23 (5) burglary which would constitute a crime of the third degree  
24 pursuant to N.J.S.2C:18-2; or

25 (6) an attempt or conspiracy to commit an offense listed in  
26 paragraphs (1) through (5) of this subsection.

27 For the purposes of this subsection, the "date of release from  
28 confinement" means the date of termination of court-ordered  
29 supervision through probation, parole, or residence in a correctional  
30 facility, whichever date occurs last.

31 For purposes of this section, "resource family parent" means any  
32 person with whom a child in the care, custody, or guardianship of the  
33 Department of Children and Families is placed by the department, or  
34 with its approval, for care and shall include any person with whom a  
35 child is placed by the Division of Child Protection and Permanency  
36 for the purpose of adoption until the adoption is finalized.

37 (cf: P.L.2012, c.16, s.84)

38

39 13. Section 4 of P.L.2003, c.186 (C.30:4C-27.19) is amended to  
40 read as follows:

41 4. Except as provided in subsection d. of this section, a current  
42 staff member or an applicant for employment shall be permanently  
43 disqualified from employment at or administering a facility if the  
44 criminal history record background check of the staff member or  
45 applicant reveals a record of conviction for any of the following  
46 crimes and offenses:

47 a. In New Jersey, any crime or disorderly persons offense as  
48 follows:

- 1 (1) a crime against a child, including endangering the welfare of  
2 a child and any crime involving child [pornography] sexual abuse or  
3 exploitation material pursuant to N.J.S.2C:24-4; child molestation as  
4 set forth in N.J.S.2C:14-1 et seq.;
  - 5 (2) abuse, abandonment or neglect of a child pursuant to R.S.9:6-  
6 3;
  - 7 (3) endangering the welfare of an incompetent person pursuant to  
8 N.J.S.2C:24-7;
  - 9 (4) sexual assault, criminal sexual contact or lewdness pursuant  
10 to N.J.S.2C:14-2 through N.J.S.2C:14-4;
  - 11 (5) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
12 to N.J.S.2C:11-4;
  - 13 (6) stalking pursuant to section 1 of P.L.1992, c.209 (C.2C:12-  
14 10);
  - 15 (7) kidnaping and related offenses including criminal restraint,  
16 false imprisonment, interference with custody, criminal coercion, or  
17 enticing a child into a motor vehicle, structure or isolated area  
18 pursuant to N.J.S.2C:13-1 through N.J.S.2C:13-5 and section 1 of  
19 P.L.1993, c.291 (C.2C:13-6);
  - 20 (8) arson pursuant to N.J.S.2C:17-1, or causing or risking  
21 widespread injury or damage, which would constitute a crime of the  
22 second degree pursuant to N.J.S.2C:17-2;
  - 23 (9) aggravated assault, which would constitute a crime of the  
24 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;
  - 25 (10) robbery, which would constitute a crime of the first degree  
26 pursuant to N.J.S.2C:15-1;
  - 27 (11) burglary, which would constitute a crime of the second degree  
28 pursuant to N.J.S.2C:18-2;
  - 29 (12) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17  
30 et seq.);
  - 31 (13) terroristic threats pursuant to N.J.S.2C:12-3; or
  - 32 (14) an attempt or conspiracy to commit any of the crimes or  
33 offenses listed in paragraphs (1) through (13) of this subsection.
- 34 b. In any other state or jurisdiction, of conduct which, if  
35 committed in New Jersey, would constitute any of the crimes or  
36 disorderly persons offenses described in subsection a. of this section.
- 37 c. Notwithstanding the provisions of this section to the contrary,  
38 an individual shall not be disqualified from employment at or  
39 administering a facility under this act on the basis of any conviction  
40 disclosed by a criminal history record background check performed  
41 pursuant to this act without an opportunity to challenge the accuracy  
42 of the disqualifying criminal history record pursuant to the provisions  
43 of section 7 of this act.
- 44 d. If a staff member of a facility is convicted of a crime specified  
45 in subsection a. of this section, the staff member shall be terminated  
46 from employment at or administering a facility, except that the  
47 department may approve the individual's employment at, or

1 administration of, the facility if all of the following conditions are  
2 met:

3 (1) the department determines that the crime does not relate  
4 adversely to the position the individual is employed in pursuant to  
5 the provisions of P.L.1968, c.282 (C.2A:168A-1 et seq.);

6 (2) the conviction is not related to a crime committed against a  
7 child, as specified in subsection a. of this section;

8 (3) the facility documents that the individual's employment or  
9 administration of the facility does not create a risk to the safety or  
10 well-being of children due to the nature and requirements of the  
11 position; as necessary, the facility shall identify restrictions regarding  
12 the individual's contact with, care or supervision of children;

13 (4) the facility documents that the individual is uniquely qualified  
14 for the position due to specific skills, qualifications, characteristics  
15 or prior employment experiences; and

16 (5) the department determines that the individual has  
17 affirmatively demonstrated rehabilitation, pursuant to the factors  
18 specified in subsection b. of section 5 of this act.

19 (cf: P.L.2003, c.186, s.4)

20

21 14. Section 5 of P.L.2000, c.77 (C.30:5B-6.14) is amended to read  
22 as follows:

23 5. a. A current staff member and an individual seeking  
24 employment shall be permanently disqualified from employment at,  
25 or ownership or sponsorship of, a child care center if the staff  
26 member or individual:

27 (1) refuses to consent to, or cooperate in, the securing of a  
28 criminal history record background check;

29 (2) knowingly makes a materially false statement in connection  
30 with a criminal history record background check;

31 (3) is registered, or is required to be registered, on a State sex  
32 offender registry or repository, or in the National Sex Offender  
33 Registry established under the "Adam Walsh Child Protection and  
34 Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or

35 (4) is found by a criminal history record background check to  
36 have a record of conviction for any of the following crimes and  
37 offenses:

38 (a) a crime against a child, including endangering the welfare of  
39 a child and any crime involving child [pornography] sexual abuse or  
40 exploitation material pursuant to N.J.S.2C:24-4, and child  
41 molestation as set forth in N.J.S. 2C:14-1 et seq.;

42 (b) abuse, abandonment , or neglect of a child pursuant to  
43 R.S.9:6-3;

44 (c) endangering the welfare of an incompetent person pursuant to  
45 N.J.S.2C:24-7;

46 (d) sexual assault, criminal sexual contact , or lewdness pursuant  
47 to N.J.S.2C:14-2 through N.J.S.2C:14-4;

1 (e) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant  
2 to N.J.S.2C:11-4;

3 (f) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);

4 (g) kidnapping and related offenses including criminal restraint;  
5 false imprisonment; interference with custody; criminal coercion; or  
6 enticing a child into a motor vehicle, structure, or isolated area  
7 pursuant to N.J.S.2C:13-1 through C.2C:13-6;

8 (h) arson pursuant to N.J.S.2C:17-1, or causing or risking  
9 widespread injury or damage which would constitute a crime of the  
10 second degree pursuant to N.J.S.2C:17-2;

11 (i) terroristic threats pursuant to N.J.S.2C:12-3;

12 (j) aggravated assault, which would constitute a crime of the  
13 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;

14 (k) robbery, which would constitute a crime of the first degree  
15 pursuant to N.J.S.2C:15-1;

16 (l) burglary, which would constitute a crime of the second degree  
17 pursuant to N.J.S.2C:18-2;

18 (m) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et  
19 seq.);

20 (n) any drug related offense committed within the preceding five-  
21 year period; or

22 (o) an attempt or conspiracy to commit any of the crimes or  
23 offenses listed in subparagraphs (a) through (n) of this subsection.

24 b. For the purposes of this section, a person shall be deemed to  
25 have a disqualifying record of conviction if the person has been  
26 convicted in New Jersey of any of the crimes listed in subsection a.  
27 of this section, or if the person has been convicted in any other state  
28 or jurisdiction, of conduct which, if committed in New Jersey, would  
29 constitute any of the crimes or disorderly persons offenses described  
30 in that subsection.

31 c. Notwithstanding the provisions of this section to the contrary,  
32 an individual shall not be disqualified from employment or  
33 ownership or sponsorship under P.L.2000, c.77 (C.30:5B-6.10 et al.)  
34 on the basis of any conviction disclosed by a criminal history record  
35 background check performed pursuant to P.L.2000, c.77 (C.30:5B-  
36 6.10 et al.) without an opportunity to challenge the accuracy of the  
37 disqualifying criminal history record pursuant to the provisions of  
38 section 8 of P.L.2000, c.77 (C.53:1-20.9b).

39 (cf: P.L.2017, c.89, s.6)

40

41 15. Section 3 of P.L.2017, c.89 (C.30:5B-25.7) is amended to read  
42 as follows:

43 3. a. The department shall not issue a certificate or renewal of  
44 registration to a prospective or current family day care provider, and  
45 shall revoke the existing registration held by a current family day  
46 care provider, as the case may be, if the provider, or any other  
47 relevant person listed in subsection a. of section 2 of P.L.2017, c.89  
48 (C.30:5B-25.6):

- 1 (1) refuses to consent to, or cooperate in, the securing of a
- 2 criminal history record background check;
- 3 (2) knowingly makes a materially false statement in connection
- 4 with a criminal history record background check;
- 5 (3) is registered, or is required to be registered, on a State sex
- 6 offender registry or repository, or on the National Sex Offender
- 7 Registry established under the "Adam Walsh Child Protection and
- 8 Safety Act of 2006," 42 U.S.C. s.16901 et seq.; or
- 9 (4) is found by a criminal history record background check to
- 10 have a record of conviction for any of the following crimes and
- 11 offenses:
  - 12 (a) a crime against a child, including endangering the welfare of
  - 13 a child and any crime involving child [pornography] sexual abuse or
  - 14 exploitation material pursuant to N.J.S.2C:24-4, and child
  - 15 molestation as set forth in N.J.S.2C:14-1 et seq.;
  - 16 (b) abuse, abandonment or neglect of a child pursuant to R.S.9:6-
  - 17 3;
  - 18 (c) endangering the welfare of an incompetent person pursuant to
  - 19 N.J.S.2C:24-7;
  - 20 (d) sexual assault, criminal sexual contact or lewdness pursuant
  - 21 to N.J.S.2C:14-2 through N.J.S.2C:14-4;
  - 22 (e) murder pursuant to N.J.S.2C:11-3 or manslaughter pursuant
  - 23 to N.J.S.2C:11-4;
  - 24 (f) stalking pursuant to P.L.1992, c.209 (C.2C:12-10);
  - 25 (g) kidnapping and related offenses including criminal restraint;
  - 26 false imprisonment; interference with custody; criminal coercion; or
  - 27 enticing a child into a motor vehicle, structure, or isolated area
  - 28 pursuant to N.J.S.2C:13-1 through C.2C:13-6;
  - 29 (h) arson pursuant to N.J.S.2C:17-1, or causing or risking
  - 30 widespread injury or damage, which would constitute a crime of the
  - 31 second degree pursuant to N.J.S.2C:17-2;
  - 32 (i) terroristic threats pursuant to N.J.S.2C:12-3;
  - 33 (j) aggravated assault, which would constitute a crime of the
  - 34 second or third degree pursuant to subsection b. of N.J.S.2C:12-1;
  - 35 (k) robbery, which would constitute a crime of the first degree
  - 36 pursuant to N.J.S.2C:15-1;
  - 37 (l) burglary, which would constitute a crime of the second degree
  - 38 pursuant to N.J.S.2C:18-2;
  - 39 (m) domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et
  - 40 seq.);
  - 41 (n) any drug related offense committed within the preceding five-
  - 42 year period; or
  - 43 (o) an attempt or conspiracy to commit any of the crimes or
  - 44 offenses listed in paragraphs (a) through (n) of this subsection.
  - 45 b. For the purposes of this section, a person shall be deemed to
  - 46 have a disqualifying record of conviction if the person has been
  - 47 convicted in New Jersey of any of the crimes listed in subsection a.
  - 48 of this section, or if the person has been convicted in any other state

1 or jurisdiction, of conduct which, if committed in New Jersey, would  
2 constitute any of the crimes or disorderly persons offenses described  
3 in that subsection.

4 c. Notwithstanding the provisions of this section to the contrary,  
5 a prospective or current provider's application for a certificate or  
6 renewal of registration shall not be denied under this act on the basis  
7 of any conviction disclosed by a criminal history record background  
8 check performed pursuant to this act without an opportunity to  
9 challenge the accuracy of the disqualifying criminal history record  
10 pursuant to subsection c. of section 5 of P.L.2017, c.89 (C.30:5B-  
11 25.9).

12 (cf: P.L.2017, c.89, s.3)

13

14 16. Section 3 of P.L.1998, c.134 (C.52:17B-193) is amended to  
15 read as follows:

16 3. a. The department shall establish and maintain information  
17 available through the internet. The information shall include but not  
18 be limited to guidelines and recommendations on computer ethics,  
19 proper methods for reporting high technology crimes, safe computing  
20 practices for children and their families, and methods to filter, screen  
21 or block the receipt of objectionable material on interactive computer  
22 services.

23 b. The department shall design a continuing educational  
24 program to inform law enforcement, educational, civic and business  
25 groups on the emerging issues of high technology crimes including  
26 those perpetrated through the use of interactive computer services.  
27 This continuing educational program shall be made available by the  
28 department through the internet.

29 c. The department, in conjunction with the Statewide Computer  
30 Crime Task Force, shall establish and maintain a 24-hour toll-free  
31 hotline telephone service. The department shall take appropriate  
32 steps to publicize the hotline. The hotline shall receive and respond  
33 to inquiries or complaints from members of the public reporting  
34 computer crime, including but not limited to online distribution or  
35 possession of child [pornography] sexual abuse or exploitation  
36 material; cyber-stalking; threats of violence in schools or other  
37 institutions; internet fraud, and unauthorized intrusions into  
38 computer systems.

39 (cf: P.L.2001, c.334, s.1)

40

41 17. This act shall take effect immediately.

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43

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STATEMENT

45

46 This bill updates terminology in statutory law pertaining to the  
47 sexual exploitation or abuse of children. Current state law prohibits  
48 the creation, manufacture, distribution, sale or viewing of child

1 pornography. Among child protection advocates, however, terms  
2 such as “child sexual abuse material” and “child sexual exploitation  
3 material” have come into wider use, replacing the general description  
4 of “child pornography” because these terms more accurately reflect  
5 the suffering of the children who are victims of these crimes. When  
6 used in the context of depictions of children, the term “pornography”  
7 may be understood to legitimize or trivialize the sexual abuse or  
8 exploitation of those children. In addition, the term “pornography”  
9 carries with it the implication that the acts are performed with the  
10 consent of the child, and represent legitimate sexual material.

11 This bill replaces the term child pornography with the term “trade  
12 in child sexual abuse or exploitation material” in Title 2A. In Title  
13 2C, the definition of “item depicting the sexual exploitation or abuse  
14 of a child” is amended to include “child sexual abuse or exploitation  
15 material” and the acronym “CSAEM.”

16 The bill replaces the term child pornography with “network to  
17 share child sexual abuse or exploitation material” in various sections  
18 of Title 2C concerning the definition, degrees of crime, examination  
19 referrals, registration of sex offenders, and special sentencing for  
20 parole supervision for life for a leader of a network distributing  
21 depictions of child sexual abuse or exploitation. The bill further  
22 clarifies that online distribution or possession of sexual abuse or  
23 exploitation material is to be included in the schedule of penalties  
24 pertaining to offenses involving computer criminal activity in Title  
25 2C.

26 In Title 9, the term pornography is replaced with “any crime  
27 involving child sexual abuse or exploitation material” concerning  
28 disqualification of employment pursuant to N.J.S.9:3-40.5.

29 In Title 18A, the word pornography is replaced with the term  
30 “child sexual abuse or exploitation material” with regard to the  
31 practice of “sexting,” or sending sexually explicit messages pursuant  
32 to N.J.S.18A:35-4.32.

33 This bill replaces the term pornography in various parts of Title  
34 30 with “any crime involving child sexual abuse or exploitation  
35 material” in the statutes concerning revocation of a day care center’s  
36 registration, criteria for permanent disqualification from  
37 employment, disqualification from adopting a child or being a  
38 resource family parent, and disqualification of employment at, or  
39 ownership or sponsorship of, a child day care center.

40 In Title 52, the term pornography is replaced with “online  
41 distribution or possession of child sexual abuse or exploitation  
42 material” in the statutes concerning the Department of Law and  
43 Public Safety’s efforts to receive and respond to inquiries or  
44 complaints from members of the public reporting computer crimes  
45 pursuant to N.J.S.52:17B-193.

46 This bill also updates the terminology used in current law to  
47 replace outdated references to certain crimes that involve the sexual  
48 exploitation or abuse of children. According to the sponsor, the

**A3539 PARK, WIMBERLY**

33

1 changes made in this bill are not intended, nor should they be  
2 construed, to have any substantive impact on the applicability of the  
3 affected provisions; the changes are intended to render the  
4 terminology consistent with the rest of the current statutory scheme  
5 and the broader international trend. The bill also corrects technical  
6 inconsistencies in the statutes.

ASSEMBLY CHILDREN, FAMILIES AND FOOD SECURITY  
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3539

**STATE OF NEW JERSEY**

DATED: JUNE 13, 2024

The Assembly Children, Families and Food Security Committee reports favorably Assembly Bill No. 3539.

This bill updates terminology in statutory law pertaining to the sexual exploitation or abuse of children. Current state law prohibits the creation, manufacture, distribution, sale or viewing of child pornography. Among child protection advocates, however, terms such as “child sexual abuse material” and “child sexual exploitation material” have come into wider use, replacing the general description of “child pornography” because these terms more accurately reflect the suffering of the children who are victims of these crimes. When used in the context of depictions of children, the term “pornography” may be understood to legitimize or trivialize the sexual abuse or exploitation of those children. In addition, the term “pornography” carries with it the implication that the acts are performed with the consent of the child, and represent legitimate sexual material.

This bill replaces the term child pornography with the term “trade in child sexual abuse or exploitation material” in Title 2A. In Title 2C, the definition of “item depicting the sexual exploitation or abuse of a child” is amended to include “child sexual abuse or exploitation material” and the acronym “CSAEM.”

The bill replaces the term child pornography with “network to share child sexual abuse or exploitation material” in various sections of Title 2C concerning the definition, degrees of crime, examination referrals, registration of sex offenders, and special sentencing for parole supervision for life for a leader of a network distributing depictions of child sexual abuse or exploitation. The bill further clarifies that online distribution or possession of sexual abuse or exploitation material is to be included in the schedule of penalties pertaining to offenses involving computer criminal activity in Title 2C.

In Title 9, the term pornography is replaced with “any crime involving child sexual abuse or exploitation material” concerning disqualification of employment pursuant to N.J.S.9:3-40.5.

In Title 18A, the word pornography is replaced with the term “child sexual abuse or exploitation material” with regard to the practice of “sexting,” or sending sexually explicit messages pursuant to N.J.S.18A:35-4.32.

This bill replaces the term pornography in various parts of Title 30 with “any crime involving child sexual abuse or exploitation material” in the statutes concerning revocation of a day care center’s registration, criteria for permanent disqualification from employment, disqualification from adopting a child or being a resource family parent, and disqualification of employment at, or ownership or sponsorship of, a child day care center.

In Title 52, the term pornography is replaced with “online distribution or possession of child sexual abuse or exploitation material” in the statutes concerning the Department of Law and Public Safety’s efforts to receive and respond to inquiries or complaints from members of the public reporting computer crimes pursuant to N.J.S.52:17B-193.

This bill also updates the terminology used in current law to replace outdated references to certain crimes that involve the sexual exploitation or abuse of children. The bill also corrects technical inconsistencies in the statutes.

As reported by the committee, Assembly Bill No. 3539 is identical to Senate Bill No. 2652 which was also reported by the committee on this date.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 3539

# STATE OF NEW JERSEY

DATED: MARCH 4, 2024

The Assembly Judiciary Committee reports favorably Assembly Bill No. 3539.

This bill updates terminology in statutory law pertaining to the sexual exploitation or abuse of children. Current state law prohibits the creation, manufacture, distribution, sale or viewing of child pornography. Among child protection advocates, however, terms such as “child sexual abuse material” and “child sexual exploitation material” have come into wider use, replacing the general description of “child pornography” because these terms more accurately reflect the suffering of the children who are victims of these crimes. When used in the context of depictions of children, the term “pornography” may be understood to legitimize or trivialize the sexual abuse or exploitation of those children. In addition, the term “pornography” carries with it the implication that the acts are performed with the consent of the child, and represent legitimate sexual material.

This bill replaces the term child pornography with the term “trade in child sexual abuse or exploitation material” in Title 2A. In Title 2C, the definition of “item depicting the sexual exploitation or abuse of a child” is amended to include “child sexual abuse or exploitation material” and the acronym “CSAEM.”

The bill replaces the term child pornography with “network to share child sexual abuse or exploitation material” in various sections of Title 2C concerning the definition, degrees of crime, examination referrals, registration of sex offenders, and special sentencing for parole supervision for life for a leader of a network distributing depictions of child sexual abuse or exploitation. The bill further clarifies that online distribution or possession of sexual abuse or exploitation material is to be included in the schedule of penalties pertaining to offenses involving computer criminal activity in Title 2C.

In Title 9, the term pornography is replaced with “any crime involving child sexual abuse or exploitation material” concerning disqualification of employment pursuant to N.J.S.9:3-40.5.

In Title 18A, the word pornography is replaced with the term “child sexual abuse or exploitation material” with regard to the practice of “sexting,” or sending sexually explicit messages pursuant to N.J.S.18A:35-4.32.

This bill replaces the term pornography in various parts of Title 30 with “any crime involving child sexual abuse or exploitation material”

in the statutes concerning revocation of a day care center's registration, criteria for permanent disqualification from employment, disqualification from adopting a child or being a resource family parent, and disqualification of employment at, or ownership or sponsorship of, a child day care center.

In Title 52, the term pornography is replaced with "online distribution or possession of child sexual abuse or exploitation material" in the statutes concerning the Department of Law and Public Safety's efforts to receive and respond to inquiries or complaints from members of the public reporting computer crimes pursuant to N.J.S.52:17B-193.

This bill also updates the terminology used in current law to replace outdated references to certain crimes that involve the sexual exploitation or abuse of children. According to the sponsor, the changes made in this bill are not intended, nor should they be construed, to have any substantive impact on the applicability of the affected provisions; the changes are intended to render the terminology consistent with the rest of the current statutory scheme and the broader international trend. The bill also corrects technical inconsistencies in the statutes.

# Governor Murphy Takes Action on Legislation

11/18/2024

**TRENTON** – Today, Governor Murphy signed the following bills into law:

**S-1325/A-3890 (Pou, Ruiz/Stanley, Wimberly)** - Authorizes electronic delivery of documents relating to portable electronics insurance

**S-2310/A-4151 (Moriarty, Turner/Danielsen, Quijano, McCoy)** - Requires transparency concerning compensation with promotional opportunities and in employment listings

**S-2652/A-3539 (Greenstein, McKnight/Park, Wimberly, Murphy)** - Revises statutory terms pertaining to sexual exploitation or abuse of children

**S-2962/A-4745 (Greenstein, McKnight/DeAngelo)** - Requires contractor subject to prevailing wage law to provide orientation meeting to new employee on prevailing wage project

**S-3201/A-2378 (Gopal, Greenstein/Spearman, Sauickie, DeAngelo)** - Upgrades certain penalties for assaulting law enforcement officer and requires offender to be tested for communicable diseases in certain instances.

**SJR-14/AJR-48 (Diegnan, Moriarty/Karabinchak, Atkins, Collazos-Gill)** - Designates third Sunday of November of each year as "World Day of Remembrance for Road Traffic Victims" in NJ