

SENATE, No. 2714

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED NOVEMBER 19, 2001

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

Senator DIANE ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

Senator Cardinale, Assemblymen Guear, Barnes, Sires, Assemblywoman Friscia, Assemblymen Doria, Roberts, Assemblywoman Greenstein, Assemblymen Wisniewski, Conaway and Connors

SYNOPSIS

Prohibits removal of certain offenders from sex offender registry.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/8/2002)

1 AN ACT concerning sex offender registration requirements and
2 amending P.L.1994, c.133.

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

6
7 1. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read as
8 follows:

9 2. a. A person who has been convicted, adjudicated delinquent or
10 found not guilty by reason of insanity for commission of a sex offense
11 as defined in subsection b. of this section shall register as provided in
12 subsections c. and d. of this section. A person who fails to register as
13 required under this act shall be guilty of a crime of the fourth degree.

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

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

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

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

Matter underlined thus is new matter.

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

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

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

18 (2) A person confined in a correctional or juvenile facility or
19 involuntarily committed who is required to register shall register prior
20 to release in accordance with procedures established by the
21 Department of Corrections, the Department of Human Services or the
22 Juvenile Justice Commission;

23 (3) A person moving to or returning to this State from another
24 jurisdiction shall register with the chief law enforcement officer of the
25 municipality in which the person will reside or, if the municipality does
26 not have a local police force, the Superintendent of State Police within
27 120 days of the effective date of this act or 70 days of first residing in
28 or returning to a municipality in this State, whichever is later;

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

35 d. Upon a change of address, a person shall notify the law
36 enforcement agency with which the person is registered and must
37 re-register with the appropriate law enforcement agency no less than
38 10 days before he intends to first reside at his new address.

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

1 to an offense enumerated in paragraph (2) of subsection b. shall verify
2 his address annually in a manner prescribed by the Attorney General.
3 One year after the effective date of this act, the Attorney General shall
4 review, evaluate and, if warranted, modify pursuant to the
5 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
6 the verification requirement.

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

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

23 (cf: P.L.1995, c.280, s.18)

24
25 2. This act shall take effect immediately.
26
27

28 STATEMENT
29

30 This bill prohibits the removal of certain sex offenders from the
31 State's sex offender registry.

32 Under the provisions of this bill, registered sex offenders who have
33 been convicted of, adjudicated delinquent, or acquitted by reason of
34 insanity for more than one sex offense or who have been convicted of,
35 adjudicated delinquent, or acquitted by reason of insanity for
36 aggravated sexual assault or sexual assault involving physical force or
37 coercion may not apply to the Superior Court to terminate the
38 obligation to register.

39 Under current State law, a sex offender who has not committed a
40 repeat offense for at least 15 years may petition a judge to remove his
41 name from the registry. The federal Megan's Law provision in the
42 Jacob Wetterling Act, however, prohibits twice convicted sex
43 offenders or violent sex offenders with one conviction from being
44 released from the requirement to register. States that do not comply
45 with this requirement will lose federal funding beginning in the year
46 2002.

S2714 INVERSO, ALLEN

5

1 The bill also mandates registration as a sex offender of persons who
2 have been convicted of, adjudicated delinquent, or acquitted by reason
3 of insanity for knowingly promoting child prostitution.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2714

STATE OF NEW JERSEY

DATED: NOVEMBER 29, 2001

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2714.

This bill prohibits the removal of certain sex offenders from the State's sex offender registry.

Under the bill's provisions, registered sex offenders who have been convicted, adjudicated delinquent, or acquitted by reason of insanity for more than one sex offense or who have been convicted, adjudicated delinquent, or acquitted by reason of insanity for aggravated sexual assault or sexual assault involving physical force or coercion may not apply to the Superior Court to terminate the obligation to register.

Under current State law, a sex offender who has not committed a repeat offense for at least 15 years may petition a judge to remove his name from the registry. The federal Megan's Law provision in the Jacob Wetterling Act, however, prohibits twice convicted sex offenders or violent sex offenders with one conviction from being released from the requirement to register. States that do not comply with this requirement will lose federal funding beginning in the year 2002.

The bill also mandates registration as a sex offender of a person who has been convicted, adjudicated delinquent, or acquitted by reason of insanity for knowingly promoting child prostitution.

ASSEMBLY, No. 3987

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED DECEMBER 6, 2001

Sponsored by:

Assemblyman GARY L. GUEAR, SR.

District 14 (Mercer and Middlesex)

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Co-Sponsored by:

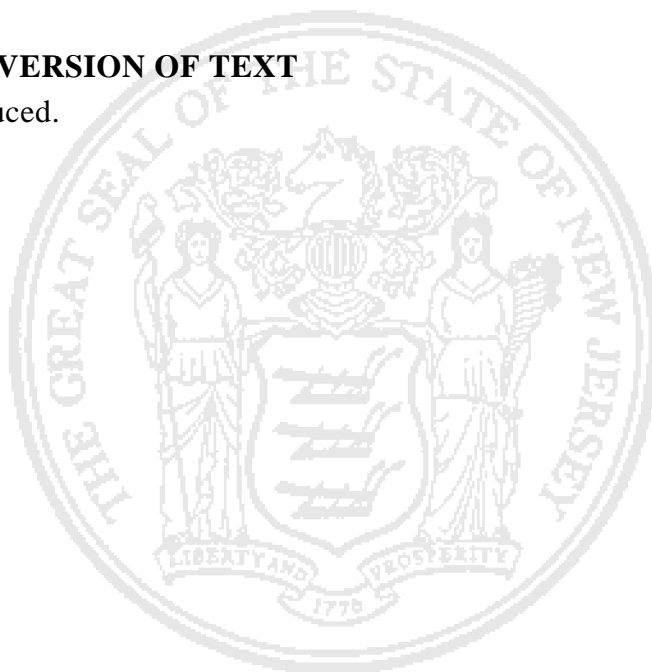
Assemblyman Sires, Assemblywoman Friscia, Assemblymen Doria, Roberts, Assemblywoman Greenstein, Assemblymen Wisniewski, Conaway and Connors

SYNOPSIS

Prohibits removal of certain offenders from sex offender registry.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning sex offender registration requirements and
2 amending P.L.1994, c.133.

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

6
7 1. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read as
8 follows:

9 2. a. A person who has been convicted, adjudicated delinquent or
10 found not guilty by reason of insanity for commission of a sex offense
11 as defined in subsection b. of this section shall register as provided in
12 subsections c. and d. of this section. A person who fails to register as
13 required under this act shall be guilty of a crime of the fourth degree.

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

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

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

43 (3) A conviction, adjudication of delinquency or acquittal by

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Matter underlined thus is new matter.

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

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

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

17 (2) A person confined in a correctional or juvenile facility or
18 involuntarily committed who is required to register shall register prior
19 to release in accordance with procedures established by the
20 Department of Corrections, the Department of Human Services or the
21 Juvenile Justice Commission;

22 (3) A person moving to or returning to this State from another
23 jurisdiction shall register with the chief law enforcement officer of the
24 municipality in which the person will reside or, if the municipality does
25 not have a local police force, the Superintendent of State Police within
26 120 days of the effective date of this act or 70 days of first residing in
27 or returning to a municipality in this State, whichever is later;

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

34 d. Upon a change of address, a person shall notify the law
35 enforcement agency with which the person is registered and must
36 re-register with the appropriate law enforcement agency no less than
37 10 days before he intends to first reside at his new address.

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

1 his address annually in a manner prescribed by the Attorney General.
2 One year after the effective date of this act, the Attorney General shall
3 review, evaluate and, if warranted, modify pursuant to the
4 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
5 the verification requirement.

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

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

22 (cf: P.L.1995, c.280, s.18)

23
24 2. This act shall take effect immediately.

25 STATEMENT

26
27
28 This bill prohibits the removal of certain sex offenders from the
29 State's sex offender registry.

30 Under the provisions of this bill, registered sex offenders who have
31 been convicted of, adjudicated delinquent, or acquitted by reason of
32 insanity for more than one sex offense or who have been convicted of,
33 adjudicated delinquent, or acquitted by reason of insanity for
34 aggravated sexual assault or sexual assault involving physical force or
35 coercion may not apply to the Superior Court to terminate the
36 obligation to register.

37 Under current State law, a sex offender who has not committed a
38 repeat offense for at least 15 years may petition a judge to remove his
39 name from the registry. The federal Megan's Law provision in the
40 Jacob Wetterling Act, however, prohibits twice convicted sex
41 offenders or violent sex offenders with one conviction from being
42 released from the requirement to register. States that do not comply
43 with this requirement will lose federal funding beginning in the year
44 2002.

45 The bill also mandates registration as a sex offender of persons who
46 have been convicted of, adjudicated delinquent, or acquitted by reason
47 of insanity for knowingly promoting child prostitution.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3987

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 3987.

Assembly Bill No. 3987 prohibits the removal of certain sex offenders from the State's sex offender registry.

Under the provisions of this bill, registered sex offenders who have been convicted of, adjudicated delinquent, or acquitted by reason of insanity for more than one sex offense or who have been convicted of, adjudicated delinquent, or acquitted by reason of insanity for aggravated sexual assault or sexual assault involving physical force or coercion may not apply to the Superior Court to terminate the obligation to register.

Under current State law, a sex offender who has not committed a repeat offense for at least 15 years may petition a judge to remove his name from the registry. The federal Megan's Law provision in the Jacob Wetterling Act, however, prohibits twice convicted sex offenders or violent sex offenders with one conviction from being released from the requirement to register. States that do not comply with this requirement will lose federal funding beginning in the year 2002.

The bill would also require persons convicted for knowingly promoting child prostitution to register as sex offenders under the provisions of Megan's Law.

P.L. 2001, CHAPTER 392, *approved January 8, 2002*

Senate, No. 2714

1 AN ACT concerning sex offender registration requirements and
2 amending P.L.1994, c.133.

3

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

6

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

9 2. a. A person who has been convicted, adjudicated delinquent or
10 found not guilty by reason of insanity for commission of a sex offense
11 as defined in subsection b. of this section shall register as provided in
12 subsections c. and d. of this section. A person who fails to register as
13 required under this act shall be guilty of a crime of the fourth degree.

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

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

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

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 or as a result of civil commitment on the effective date of this act;

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

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

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

19 (2) A person confined in a correctional or juvenile facility or
20 involuntarily committed who is required to register shall register prior
21 to release in accordance with procedures established by the
22 Department of Corrections, the Department of Human Services or the
23 Juvenile Justice Commission;

24 (3) A person moving to or returning to this State from another
25 jurisdiction shall register with the chief law enforcement officer of the
26 municipality in which the person will reside or, if the municipality does
27 not have a local police force, the Superintendent of State Police within
28 120 days of the effective date of this act or 70 days of first residing in
29 or returning to a municipality in this State, whichever is later;

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

36 d. Upon a change of address, a person shall notify the law
37 enforcement agency with which the person is registered and must
38 re-register with the appropriate law enforcement agency no less than
39 10 days before he intends to first reside at his new address.

40 e. A person required to register under paragraph (1) of subsection
41 b. of this section or under paragraph (3) of subsection b. due to a
42 sentence imposed on the basis of criteria similar to the criteria set forth
43 in paragraph (1) of subsection b. shall verify his address with the
44 appropriate law enforcement agency every 90 days in a manner
45 prescribed by the Attorney General. A person required to register
46 under paragraph (2) of subsection b. of this section or under paragraph

1 (3) of subsection b. on the basis of a conviction for an offense similar
2 to an offense enumerated in paragraph (2) of subsection b. shall verify
3 his address annually in a manner prescribed by the Attorney General.
4 One year after the effective date of this act, the Attorney General shall
5 review, evaluate and, if warranted, modify pursuant to the
6 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
7 the verification requirement.

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

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

24 (cf: P.L.1995, c.280, s.18)

25
26 2. This act shall take effect immediately.

27
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29 STATEMENT

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31 This bill prohibits the removal of certain sex offenders from the
32 State's sex offender registry.

33 Under the provisions of this bill, registered sex offenders who have
34 been convicted of, adjudicated delinquent, or acquitted by reason of
35 insanity for more than one sex offense or who have been convicted of,
36 adjudicated delinquent, or acquitted by reason of insanity for
37 aggravated sexual assault or sexual assault involving physical force or
38 coercion may not apply to the Superior Court to terminate the
39 obligation to register.

40 Under current State law, a sex offender who has not committed a
41 repeat offense for at least 15 years may petition a judge to remove his
42 name from the registry. The federal Megan's Law provision in the
43 Jacob Wetterling Act, however, prohibits twice convicted sex
44 offenders or violent sex offenders with one conviction from being
45 released from the requirement to register. States that do not comply
46 with this requirement will lose federal funding beginning in the year

1 2002.

2 The bill also mandates registration as a sex offender of persons who
3 have been convicted of, adjudicated delinquent, or acquitted by reason
4 of insanity for knowingly promoting child prostitution.

5

6

7

8

9 Prohibits removal of certain offenders from sex offender registry.

CHAPTER 392

AN ACT concerning sex offender registration requirements and amending P.L.1994, c.133.

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

1. 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. 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. A person who fails to register as required under this act shall be guilty of a crime of the fourth 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 (4) 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 N.J.S.2C:14-3b. 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; 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.

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;

(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 70 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.

d. Upon a change of address, a person shall notify the law enforcement agency with which the person is registered and must re-register with the appropriate law enforcement agency no less than 10 days before he intends to first reside at his new address.

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 his 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 his address annually in a manner prescribed by the Attorney General. 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.

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.

2. This act shall take effect immediately.

Approved January 8, 2002.