

2C:7-5
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2013 **CHAPTER:** 38

NJSA: 2C:7-5 (Authorizes release of sex offender registration information to DHS and county welfare agencies)

BILL NO: A2131 (Substituted for S1946)

SPONSOR(S) Burzichelli and others

DATE INTRODUCED: January 30, 2012

COMMITTEE: **ASSEMBLY:** Law and Public Safety
 SENATE: Law and Public Safety

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 3, 2012
 SENATE: February 7, 2013

DATE OF APPROVAL: April 1, 2013

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted)

A2131

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(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)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL NOTE: No

S1946

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"NJ Protecting Kids from Pedophiles After Emergencies," NewJersey101.5, 4-3-13

"Law makes sex offender registries available to state and local agencies," South Jersey Times, 4-3-13

"Sex offender bill signed into law," CourierPostOnline.com, 4-3-13

LAW/RWH

P.L.2013, CHAPTER 38, *approved April 1, 2013*
Assembly, No. 2131 (*First Reprint*)

1 AN ACT concerning sex offender registration records and amending
2 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 5 of P.L.1994, c.133 (C.2C:7-5) is amended to read as
8 follows:

9 5. a. Records maintained pursuant to '[this act] P.L.1994,
10 c.133 (C.2C:7-1 et seq.)¹ shall be open to any law enforcement
11 agency in this State, the United States¹,¹ or any other state and may
12 be released to:

13 (1) the Division of '[Youth and Family Services] Child
14 Protection and Permanency¹ in the Department of Children and
15 Families for use in carrying out its responsibilities under law; and

16 (2) the Department of Human Services and county and municipal
17 welfare agencies for exclusive use in placing homeless families and
18 persons in emergency shelters, which include but are not limited to,
19 hotels and motels.

20 Law enforcement agencies in this State shall be authorized to
21 release relevant and necessary information regarding sex offenders
22 to the public when the release of the information is necessary for
23 public protection in accordance with the provisions of P.L.1994,
24 c.128 (C.2C:7-6 et seq.).

25 b. An elected public official, public employee, or public
26 agency is immune from civil liability for damages for any
27 discretionary decision to release relevant and necessary
28 information, unless it is shown that the official, employee, or
29 agency acted with gross negligence or in bad faith. The immunity
30 provided under this section applies to the release of relevant
31 information to other employees or officials or to the general public.

32 c. Nothing in '[this act] P.L.1994, c.133¹ shall be deemed to
33 impose any liability upon or to give rise to a cause of action against
34 any public official, public employee, or public agency for failing to
35 release information as authorized in subsection d. of this section.

36 d. Nothing in this section shall be construed to prevent law
37 enforcement officers from notifying members of the public exposed
38 to danger of any persons that pose a danger under circumstances
39 that are not enumerated in '[this act] P.L.1994, c.133¹.

40 (cf: P.L.2012, c.16, s.5)

41

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted October 18, 2012.

A2131 [1R]

2

1 2. This act shall take effect immediately.

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6 Authorizes release of sex offender registration information to

7 DHS and county welfare agencies.

ASSEMBLY, No. 2131

STATE OF NEW JERSEY

215th LEGISLATURE

INTRODUCED JANUARY 30, 2012

Sponsored by:

Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
Assemblyman ANGEL FUENTES
District 5 (Camden and Gloucester)
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)
Assemblywoman PAMELA R. LAMPITT
District 6 (Burlington and Camden)
Assemblywoman ANNETTE QUIJANO
District 20 (Union)

SYNOPSIS

Authorizes release of sex offender registration information to DHS and county welfare agencies.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/8/2012)

A2131 BURZICHELLI, FUENTES

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

3

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

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7 1. Section 5 of P.L.1994, c.133 (C.2C:7-5) is amended to read
8 as follows:

9 5. a. Records maintained pursuant to this act shall be open to
10 any law enforcement agency in this State, the United States or any
11 other state and may be released to:

12 (1) the Division of Youth and Family Services in the Department
13 of Children and Families for use in carrying out its responsibilities
14 under law; and

15 (2) the Department of Human Services and county and municipal
16 welfare agencies for exclusive use in placing homeless families and
17 persons in emergency shelters, which include but are not limited to,
18 hotels and motels.

19 Law enforcement agencies in this State shall be authorized to
20 release relevant and necessary information regarding sex offenders
21 to the public when the release of the information is necessary for
22 public protection in accordance with the provisions of P.L.1994,
23 c.128 (C.2C:7-6 et seq.).

24 b. An elected public official, public employee, or public
25 agency is immune from civil liability for damages for any
26 discretionary decision to release relevant and necessary
27 information, unless it is shown that the official, employee, or
28 agency acted with gross negligence or in bad faith. The immunity
29 provided under this section applies to the release of relevant
30 information to other employees or officials or to the general public.

31 c. Nothing in this act shall be deemed to impose any liability
32 upon or to give rise to a cause of action against any public official,
33 public employee, or public agency for failing to release information
34 as authorized in subsection d. of this section.

35 d. Nothing in this section shall be construed to prevent law
36 enforcement officers from notifying members of the public exposed
37 to danger of any persons that pose a danger under circumstances
38 that are not enumerated in this act.

39 (cf: P.L. 2006, c.47, s.23)

40

41 2. This act shall take effect immediately.

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

Matter underlined thus is new matter.

STATEMENT

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Currently, Megan's law requires county prosecutors to assess a sex offender's risk of reoffense and categorize that offender as low risk (Tier I), moderate risk (Tier II) or high risk (Tier III). The records and files containing the information and documentation used to make this assessment currently are available to law enforcement agencies and to the Division of Youth and Family Services in the Department of Children and Families.

This bill would expand this procedure to require that these records be made available to the Department of Human Services and county and municipal welfare agencies for the exclusive use in placing homeless families and person in emergency shelters, which include but are not limited to, hotels and motels.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2131

STATE OF NEW JERSEY

DATED: SEPTEMBER 24, 2012

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2131.

Assembly Bill No. 2131 authorizes the release of sex offender registration information to the Department of Human Services and county and municipal welfare agencies for certain purposes.

Currently, Megan's law requires county prosecutors to assess a sex offender's risk of reoffense and categorize that offender as low risk (Tier I), moderate risk (Tier II) or high risk (Tier III). The records and files containing the information and documentation used to make this assessment currently are available to law enforcement agencies and are authorized to be released to the Division of Child Protection and Permanency in the Department of Children and Families for use in carrying out its responsibilities.

This bill expands this authorization to allow these records to be made available to the Department of Human Services and county and municipal welfare agencies for the exclusive use in placing homeless families and persons in emergency shelters, which include but are not limited to, hotels and motels.

STATEMENT TO
ASSEMBLY, No. 2131

with Assembly Floor Amendments
(Proposed by Assemblyman BURZICHELLI)

ADOPTED: OCTOBER 18, 2012

These Assembly amendments update the name of the Division of Youth and Family Services to the Division of Child Protection and Permanency to conform to the provisions of P.L.2012, c.16.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2131

STATE OF NEW JERSEY

DATED: JANUARY 28, 2013

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 2131 (1R).

This bill authorizes the release of sex offender registration information to the Department of Human Services and county and municipal welfare agencies for certain purposes.

Currently, Megan's law requires county prosecutors to assess a sex offender's risk of reoffense and categorize that offender as low risk (Tier I), moderate risk (Tier II) or high risk (Tier III). The records and files containing the information and documentation used to make this assessment currently are available to law enforcement agencies and are authorized to be released to the Division of Child Protection and Permanency in the Department of Children and Families for use in carrying out its responsibilities.

This bill expands this authorization to allow these records to be made available to the Department of Human Services and county and municipal welfare agencies for the exclusive use in placing homeless families and persons in emergency shelters, which include but are not limited to hotels and motels.

As reported by the committee, this bill is identical to Senate Bill No. 1946, which was amended and reported by the committee on this date.

SENATE, No. 1946

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MAY 17, 2012

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

SYNOPSIS

Authorizes release of sex offender registration information to DHS and county welfare agencies.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/29/2013)

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2 P.L.1994, c.133.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
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15 (2) the Department of Human Services and county and
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24 b. An elected public official, public employee, or public
25 agency is immune from civil liability for damages for any
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27 information, unless it is shown that the official, employee, or
28 agency acted with gross negligence or in bad faith. The immunity
29 provided under this section applies to the release of relevant
30 information to other employees or officials or to the general public.

31 c. Nothing in this act shall be deemed to impose any liability
32 upon or to give rise to a cause of action against any public official,
33 public employee, or public agency for failing to release information
34 as authorized in subsection d. of this section.

35 d. Nothing in this section shall be construed to prevent law
36 enforcement officers from notifying members of the public exposed
37 to danger of any persons that pose a danger under circumstances
38 that are not enumerated in this act.

39 (cf: P.L. 2006, c.47, s.23)

40

41 2. This act shall take effect immediately.

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

Matter underlined thus is new matter.

STATEMENT

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This bill would expand this procedure to require that these records be made available to the Department of Human Services and county and municipal welfare agencies for the exclusive use in placing homeless families and person in emergency shelters, which include but are not limited to, hotels and motels.

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SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1946

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 28, 2013

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1946.

This bill authorizes the release of sex offender registration information to the Department of Human Services and county and municipal welfare agencies for certain purposes.

Currently, Megan's law requires county prosecutors to assess a sex offender's risk of reoffense and categorize that offender as low risk (Tier I), moderate risk (Tier II) or high risk (Tier III). The records and files containing the information and documentation used to make this assessment currently are available to law enforcement agencies and are authorized to be released to the Division of Child Protection and Permanency in the Department of Children and Families for use in carrying out its responsibilities.

This bill expands this authorization to allow these records to be made available to the Department of Human Services and county and municipal welfare agencies for the exclusive use in placing homeless families and persons in emergency shelters, which include but are not limited to hotels and motels.

The committee amendments are technical in nature and update section 5 of P.L.1994, c.133 (C.2C:7-5) to conform to the provisions of P.L.2012, c.16.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 2131 (1R), as reported by the committee on this date.