30:4-123.97 to 30:4-123.99 et al.

LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2013
CHAPTER: 214

NJSA: 30:4-123.97 to 30:4-123.99 et al. (Revises certain provisions of Megan's Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board)

BILL NO: S2636 (Substituted for A3886)

SPONSOR(S) Greenstein and others

DATE INTRODUCED: March 4, 2013

COMMITTEE: ASSEMBLY: Law and Public Safety Appropriations
SENATE: Law and Public Safety Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: January 13, 2014
SENATE: January 13, 2014

DATE OF APPROVAL: January 17, 2014

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Fourth reprint enacted)

S2636

SPONSOR’S STATEMENT: (Begins on page 17 of introduced bill) Yes

COMMITTEE STATEMENT:

ASSEMBLY: Yes Law and Public Appropriations
SENATE: Yes Law and Public Budget and Approp.

(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: Yes

LEGISLATIVE FISCAL ESTIMATE: Yes 7-5-13
12-16-13
1-16-14

(continued)
A3886

**SPONSOR'S STATEMENT:** (Begins on page 17 of introduced bill) Yes

**COMMITTEE STATEMENT:**

- **ASSEMBLY:** Yes Law and Public Appropriations
- **SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:**

- **Yes** 12-16-13

**VETO MESSAGE:** No

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

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

- “Updated Megan’s Law heads to Christie’s desk,” The Times, 1-15-14
- “Christie signs 100 bills,” Burlington County Times, 1-23-14

LAW/RWH
AN ACT concerning sex offenders, revising various parts of the statutory law, and supplementing Title 30 of the Revised Statutes.

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:

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;

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:

1Senate SLP committee amendments adopted June 6, 2013.

2Senate SBA committee amendments adopted June 24, 2013.

3Assembly ALP committee amendments adopted November 18, 2013.

4Assembly floor amendments adopted January 6, 2014.
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) or subparagraph (a) 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 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. (4) [A] Notwithstanding the provisions of paragraph (1), (2) or (3) of this subsection, a sex offense shall not include any offense in which 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 involve the creation, exhibition or distribution of a photograph depicting nudity as defined in N.J.S.2C:24-4 through the use of an electronic communication device, an interactive wireless communications device, or a computer; and

(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 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 ten 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 he intends to first reside at his 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 [fourth] 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 [fourth] 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 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. 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 his place of residence or who fails to verify his 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 fourth 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.

(cf: P.L.2007, c.219, s.2)

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

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

b. The public may, without limitation, obtain access to the Internet registry to view an individual registration record, any part of, or the entire Internet registry concerning all offenders:

(1) whose risk of re-offense is high;
(2) whose risk of re-offense is moderate or low and whose conduct was found to be characterized by a pattern of repetitive, compulsive behavior pursuant to the provisions of N.J.S.2C:47-3; or
(3) for whom the court has ordered notification in accordance with paragraph (3) of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8), regardless of the age of the offender.

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

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

(1) An adjudication of delinquency for any sex offense as
defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2);
(2) A conviction or acquittal by reason of insanity for a
violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 under circumstances in
which the offender was related to the victim by blood or affinity to
the third degree or was a resource family parent, a guardian, or
stood in loco parentis within the household; or
(3) A conviction or acquittal by reason of insanity for a
violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 in any case in which
the victim assented to the commission of the offense but by reason
of age was not capable of giving lawful consent.

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

e. Notwithstanding the provisions of paragraph d. of this
subsection, the individual registration record of an offender to
whom an exception enumerated in paragraph (1), (2) or (3) of
subsection d. of this section applies shall be made available to the
public on the Internet registry if the offender’s conduct was
characterized by a pattern of repetitive, compulsive behavior, or the
State establishes by clear and convincing evidence that, given the
particular facts and circumstances of the offense and the
characteristics and propensities of the offender, the risk to the
general public posed by the offender is substantially similar to that
posed by offenders whose risk of re-offense is moderate and who
do not qualify under the enumerated exceptions.

f. [The] Unless the offender’s conduct was characterized by a
pattern of repetitive, compulsive behavior, the individual
registration records of offenders whose risk of re-offense is low or
of offenders whose risk of re-offense is moderate but for whom the
court has not ordered notification in accordance with paragraph (2)
of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not
be available to the public on the Internet registry.

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

(cf: P.L.2004, c.151, s.1)
k. “Intellectual disability” means a significant subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior, which are manifested during the development period.

l. "Permanent physical disability" means a severe impairment of a permanent nature which so restricts a person’s ability to perform essential activities of daily living that the person needs assistance to maintain the person's independence and health.

(cf: P.L.2011, c.232, s.3)

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

2C:14-2. Sexual assault. a. An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The victim is less than 13 years old;
(2) The victim is at least 13 but less than 16 years old; and
(a) The actor is related to the victim by blood or affinity to the third degree, or
(b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or
(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;
(3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape;
(4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;
(5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;
(6) The actor uses physical force or coercion and severe personal injury is sustained by the victim;
(7) The victim is one whom the actor knew or should have known was physically helpless or incapacitated, intellectually or mentally incapacitated, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent;
(8) The victim is one whom the actor knew or should have known has an intellectual disability or a permanent physical disability.

Aggravated sexual assault is a crime of the first degree.
b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.
c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;

(2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional or occupational status;

(3) The victim is at least 16 but less than 18 years old and:
   (a) The actor is related to the victim by blood or affinity to the third degree; or
   (b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or
   (c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

Sexual assault is a crime of the second degree.

(cf: P.L.2011, c.232, s.4)

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

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) of subsection b. of N.J.S.2C:24-4, luring 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. A person who was sentenced to a special sentence of community supervision for life and who is convicted of a subsequent sex offense pursuant to the provisions of this subsection as defined in section 2 of P.L.1994, c.133 (C.2C:7-2) shall receive a special sentence of parole supervision for life for the subsequent offense.

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 he 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
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. 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 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 fourth 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).


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; and

(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.

(cf: P.L.2007, c.219, s.3)

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

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) 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 (5) of subsection b. of N.J.S.2C:24-4, 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 he 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 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. 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 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 [fourth] 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).


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.

(cf: P.L.2013, c.136, s.2)

Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended 
read as follows:

3. a. All fines, assessments imposed pursuant to section 2 of 
P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to 
section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed 
pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties 
imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all 
penalties imposed pursuant to section 1 of P.L.2009, c.143 
(C.2C:43-3.8), all penalties imposed pursuant to section 

and restitution shall be collected as follows:

(1) All fines, assessments imposed pursuant to section 2 of 
P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to 
section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed 
pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) in which 

event such fine, assessment or restitution shall be collected by the 
Department of Corrections or the Juvenile Justice Commission 
established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-

An adult prisoner of a State correctional institution or a 
juvenile serving a term of incarceration imposed pursuant to section 
25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an assessment 
imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a 
penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43- 
3.5), a penalty imposed pursuant to section 1 of P.L.2005, c.73 
(C.2C:14-10), a penalty imposed pursuant to section 1 of P.L.2009, 
c.143 (C.2C:43-3.8), a penalty imposed pursuant to section 

of P.L.1982, c.77 (C.2A:4A-44) imposing a term of incarceration 

or restitution shall have the assessment, penalty, fine or restitution 
deducted from any income the inmate receives as a result of labor 
performed at the institution or on any type of work release program 
or, pursuant to regulations promulgated by the Commissioner of the 
Department of Corrections or the Juvenile Justice Commission,
from any personal account established in the institution for the benefit of the inmate.

(2) All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed by a municipal court shall be collected by the municipal court administrator except if such fine, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered as a condition of probation in which event it shall be collected by the county probation division.

b. Except as provided in subsection c. with respect to fines imposed on appeals following convictions in municipal courts and except as provided in subsection i. with respect to restitution imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et al.), all fines imposed by the Superior Court or otherwise imposed at the county level, shall be paid over by the officer entitled to collect same to:

(1) The county treasurer with respect to fines imposed on defendants who are sentenced to and serve a custodial term, including a term as a condition of probation, in the county jail, workhouse or penitentiary except where such county sentence is served concurrently with a sentence to a State institution; or

(2) The State Treasurer with respect to all other fines.

c. All fines imposed by municipal courts, except a central municipal court established pursuant to N.J.S.2B:12-1 on defendants convicted of crimes, disorderly persons offenses and petty disorderly persons offenses, and all fines imposed following conviction on appeal therefrom, and all forfeitures of bail shall be paid over by the officer entitled to collect same to the treasury of the municipality wherein the municipal court is located. In the case of an intermunicipal court, fines shall be paid into the municipal treasury of the municipality in which the offense was committed, and costs, fees, and forfeitures of bail shall be apportioned among the several municipalities to which the court's jurisdiction extends according to the ratios of the municipalities' contributions to the total expense of maintaining the court.

In the case of a central municipal court, established by a county pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of bail shall be paid into the county treasury of the county where the central municipal court is located.

d. All assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided in that section.

e. All mandatory Drug Enforcement and Demand Reduction penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded and deposited as provided for in that section.

f. All forensic laboratory fees assessed pursuant to N.J.S.2C:35-20 shall be forwarded and deposited as provided for in that section.
g. All restitution ordered to be paid to the Victims of Crime Compensation Agency pursuant to N.J.S.2C:44-2 shall be forwarded to the agency for deposit in the Victims of Crime Compensation Agency Account.

h. All assessments imposed pursuant to section 11 of P.L.1993, c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided in that section.

i. All restitution imposed on defendants under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law enforcement entity in extraditing the defendant from another jurisdiction shall be paid over by the officer entitled to collect same to the law enforcement entities which participated in the extradition of the defendant.

j. All penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided in that section.

k. All penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in that section.

l. All mandatory penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as provided in that section.

m. All mandatory Computer Crime Prevention penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8) shall be forwarded and deposited as provided in that section.

n. All mandatory Sex Offender Supervision penalties imposed pursuant to section 3 of P.L.1997, c.143 (C.2C:46-4.1) is amended to read as follows:

13. Moneys that are collected in satisfaction of any assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or in satisfaction of restitution or fines imposed in accordance with the provisions of Title 2C of the New Jersey Statutes or with the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be applied in the following order:

a. first, in satisfaction of all assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1);

b. second, except as provided in subsection f. of this section, in satisfaction of any restitution ordered;

c. third, in satisfaction of all assessments imposed pursuant to section 11 of P.L.1993, c.220 (C.2C:43-3.2);

d. fourth, in satisfaction of any forensic laboratory fee assessed pursuant to N.J.S.2C:35-20;
e. fifth, in satisfaction of any mandatory Drug Enforcement and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15;  
f. sixth, in satisfaction of any anti-drug profiteering penalty imposed pursuant to N.J.S.2C:35A-1 et seq.;  
g. seventh, in satisfaction of any anti-money laundering profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2);  
h. eighth, in satisfaction of restitution for any extradition costs imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);  
i. ninth, in satisfaction of any penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5);  
j. tenth, in satisfaction of any mandatory imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6);  
k. eleventh, in satisfaction of the mandatory penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10);  
l. twelfth, in satisfaction of any mandatory Computer Crime Prevention penalty assessed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8);  
m. thirteenth, in satisfaction of any mandatory Sex Offender Supervision penalty assessed pursuant to section 1 of P.L.1994, c.133 (C.2C:7-2), shall not exceed 40 persons. If the caseload of any parole officer exceeds this limitation, the chairman shall provide for the hiring or training of additional parole officers for the supervision of sex offenders until the caseload of each such parole officer is 40 persons or less.  

1 [8.] [7.] (New section) The Chairman of the State Parole Board shall provide that the caseload of any parole officer with supervision over persons who have been released from incarceration for the commission of a sex offense, as defined in section 2 of P.L.1994, c.133 (C.2C:7-2), shall not exceed 40 persons. If the caseload of any parole officer exceeds this limitation, the chairman shall provide for the hiring or training of additional parole officers for the supervision of sex offenders until the caseload of each such parole officer is 40 persons or less.

1 [9.] [8.] [7.] (New section) a. In addition to any fine, fee, assessment or penalty authorized under the provisions of Title 2C of the New Jersey Statutes, a person convicted of or adjudicated delinquent for a sex offense, as defined in section 2 of P.L.1994, c.133 (C.2C:7-2), shall be assessed a penalty of $30 per month.  
b. All penalties provided for in this section, collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department of the Treasury to be deposited in the "Sex Offender Supervision Fund" established pursuant to section [10] [9] of P.L. , c. (C. ) (pending before the Legislature as this bill).

1 [9] [8] [7] (New section) c. If the income of a person required to pay the penalty established by this section does not exceed 100% of the
federal poverty level, the person shall pay 50% of the monthly penalty. If the family income of the person required to pay the penalty does not exceed 149% of the federal poverty level, the person shall pay 75% of the monthly penalty. A person shall not be assessed the penalty established in subsection a. of this section if the person’s income does not exceed 149 percent of the federal poverty level.

10. (New section) There is hereby established the "Sex Offender Supervision Fund" as a nonlapsing, revolving fund. This fund shall be administered by the Chairman of the State Parole Board, and all moneys deposited therein pursuant to section 9 of P.L. , c. (C. ) shall be used for operational expenses incurred by the board in supervising sex offenders who have been released from incarceration. These operational expenses shall include, but not be limited to, the cost of salary and benefits for the hiring of additional parole officers; the acquisition and operation of equipment utilized for continuous monitoring of sex offenders pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.); and the purchasing of equipment to expand the board’s capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. Operational expenses shall not include increments, cost of living increases, or administrative expenses.

11. (New section) a. The Chairman of the State Parole Board shall develop a program for parole officers who supervise sex offenders to utilize computer and other high technology instruments to detect crimes or violations of conditions of parole.

b. Training for officers who participate in the program shall include, but not be limited to, instruction in the following subjects:

(1) conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments or have used these instruments to commit unlawful or criminal acts;

(2) forensic recovery, evidence preservation and analysis of data in computer systems that are seized because of suspected involvement in unlawful activity;

(3) monitoring the use of interactive computer services by supervised sex offenders, especially those offenders who are suspected of contacting or seeking to contact children under the age of 18 for the purpose of engaging in unlawful activity; and

(4) cooperation with other law enforcement agencies at the local, State and federal level in order to coordinate efforts in investigating and prosecuting unlawful activity by supervised sex offenders involving computers and other high technology instruments.
This act shall take effect on the first day of the sixth month after enactment; provided however, the Chairman of the State Parole Board may take any anticipatory action prior to the effective date needed for the timely implementation of this act.

Revises certain provisions of Megan’s Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.
SENATE, No. 2636
STATE OF NEW JERSEY
215th LEGISLATURE
INTRODUCED MARCH 4, 2013

Sponsored by:
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)
Senator STEPHEN M. SWEENEY
District 3 (Cumberland, Gloucester and Salem)
Senator KEVIN J. O’TOOLE
District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS
Revises certain provisions of Megan’s Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning sex offenders, revising various parts of the statutory law, and supplementing Title 30 of the Revised Statutes.

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:

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) or subparagraph (a) 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 N.J.S.2C:14-3b. if the victim is a minor; kidnapping

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.
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.

(4) A sex offense shall not include any offense in which:
(a) the facts of the case involve the creation, exhibition or
distribution of a photograph depicting nudity as defined in
N.J.S.2C:24-4 through the use of an electronic communication
device, an interactive wireless communications device, or a
computer; and
(b) the creator and subject of the photograph are juveniles or
were juveniles at the time of its making.

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 ten 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 he intends to first reside at his 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
[fourth] 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 [fourth] 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 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. Any person who knowingly provides false information concerning his place of residence or who fails to verify his 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 [fourth] 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.

(cf: P.L.2007, c.219, s.2)
2. Section 2 of P.L.2001, c.167 (C.2C:7-13) is amended to read as follows:

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

b. The public may, without limitation, obtain access to the Internet registry to view an individual registration record, any part of, or the entire Internet registry concerning all offenders;

(1) whose risk of re-offense is high;

(2) whose risk of re-offense is moderate or low and whose conduct was found to be characterized by a pattern of repetitive, compulsive behavior pursuant to the provisions of N.J.S.2C:47-3; or

(3) for whom the court has ordered notification in accordance with paragraph (3) of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8), regardless of the age of the offender.

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

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

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

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

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

For purposes of this subsection, "sole sex offense" means a single conviction, adjudication of guilty or acquittal by reason of insanity, as the case may be, for a sex offense which involved no more than one victim, no more than one occurrence or, in the case of an offense which meets the criteria of paragraph (2) of this subsection, members of no more than a single household.
e. Notwithstanding the provisions of paragraph d. of this subsection, the individual registration record of an offender to whom an exception enumerated in paragraph (1), (2) or (3) of subsection d. of this section applies shall be made available to the public on the Internet registry if the offender’s conduct was characterized by a pattern of repetitive, compulsive behavior, or the State establishes by clear and convincing evidence that, given the particular facts and circumstances of the offense and the characteristics and propensities of the offender, the risk to the general public posed by the offender is substantially similar to that posed by offenders whose risk of re-offense is moderate and who do not qualify under the enumerated exceptions.

f. Unless the offender’s conduct was characterized by a pattern of repetitive, compulsive behavior, the individual registration records of offenders whose risk of re-offense is low or of offenders whose risk of re-offense is moderate but for whom the court has not ordered notification in accordance with paragraph (2) of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not be available to the public on the Internet registry.

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

(cf: P.L.2004, c.151, s.1)

3. N.J.S.2C:14-1 is amended to read as follows:

2C:14-1. Definitions. The following definitions apply to this chapter:

a. "Actor" means a person accused of an offense proscribed under this act;

b. "Victim" means a person alleging to have been subjected to offenses proscribed by this act;

c. "Sexual penetration" means vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of the hand, finger or object into the anus or vagina either by the actor or upon
the actor's instruction. The depth of insertion shall not be relevant as to the question of commission of the crime;

d. "Sexual contact" means an intentional touching by the victim or actor, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor. Sexual contact of the actor with himself must be in view of the victim whom the actor knows to be present;

e. "Intimate parts" means the following body parts: sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person;

f. "Severe personal injury" means severe bodily injury, disfigurement, disease, incapacitating mental anguish or chronic pain;

g. "Physically helpless" means that condition in which a person is unconscious or is physically unable to flee or is physically unable to communicate unwillingness to act;

h. (Deleted by amendment, P.L.2011, c.232)

i. "Mentally incapacitated" means that condition in which a person is rendered temporarily incapable of understanding or controlling his conduct due to the influence of a narcotic, anesthetic, intoxicant, or other substance administered to that person without his prior knowledge or consent, or due to any other act committed upon that person which rendered that person incapable of appraising or controlling his conduct;

j. "Coercion" as used in this chapter shall refer to those acts which are defined as criminal coercion in section 2C:13-5(1), (2), (3), (4), (6) and (7)

k. "Intellectual disability" means a significant subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior, which are manifested during the development period.

l. "Permanent physical disability" means a severe impairment of a permanent nature which so restricts a person's ability to perform essential activities of daily living that the person needs assistance to maintain the person's independence and health.

(cf: P.L.2011, c.232, s.3)

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

2C:14-2. Sexual assault. a. An actor is guilty of aggravated sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The victim is less than 13 years old;

(2) The victim is at least 13 but less than 16 years old; and

(a) The actor is related to the victim by blood or affinity to the third degree, or

(b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or
(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape;

(4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;

(5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;

(6) The actor uses physical force or coercion and severe personal injury is sustained by the victim;

(7) The victim is one whom the actor knew or should have known was physically helpless, mentally incapacitated, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent;

(8) The victim is one whom the actor knew or should have known has an intellectual disability or a permanent physical disability.

Aggravated sexual assault is a crime of the first degree.

b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.

c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;

(2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor’s legal, professional or occupational status;

(3) The victim is at least 16 but less than 18 years old and:

(a) The actor is related to the victim by blood or affinity to the third degree; or

(b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or

(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

Sexual assault is a crime of the second degree.

(cf: P.L.2011, c.232, s.4)

5. Section 2 of P.L.1994, c.130 (C.2C:43-6.4) is amended to read as follows:
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) of subsection b. of N.J.S.2C:24-4, luring 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. A person who was sentenced to a special sentence of community supervision for life and who is convicted of a subsequent offense pursuant to the provisions of this subsection shall receive a special sentence of parole supervision for life for the subsequent offense.

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 he 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 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. 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 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 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 [fourth] 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).

N.J.S.2C:24-4, 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; and

(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.

(cf: P.L.2007, c.219, s.3)

6. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read as follows:

3. a. All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), all penalties imposed pursuant to section 9 of P.L., c. (C. ) (pending before the Legislature as this bill) and restitution shall be collected as follows:

(1) All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c.143
(C.2C:43-3.8) , all penalties imposed pursuant to section 9 of
P.L. , c. (C. ) (pending before the Legislature as this bill)
and restitution imposed by the Superior Court or otherwise imposed
at the county level, shall be collected by the county probation
division except when such fine, assessment or restitution is imposed
in conjunction with a custodial sentence to a State correctional
facility or in conjunction with a term of incarceration imposed
pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) in which
event such fine, assessment or restitution shall be collected by the
Department of Corrections or the Juvenile Justice Commission
established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State correctional institution or a
juvenile serving a term of incarceration imposed pursuant to section
25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an assessment
imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a
penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-
3.5), a penalty imposed pursuant to section 1 of P.L.2005, c.73
(C.2C:14-10), a penalty imposed pursuant to section 1 of P.L.2009,
c.143 (C.2C:43-3.8) , a penalty imposed pursuant to section 9 of
P.L. , c. (C. ) (pending before the Legislature as this bill) or
restitution shall have the assessment, penalty, fine or restitution
deducted from any income the inmate receives as a result of labor
performed at the institution or on any type of work release program
or, pursuant to regulations promulgated by the Commissioner of the
Department of Corrections or the Juvenile Justice Commission,
from any personal account established in the institution for the
benefit of the inmate.

(2) All fines, assessments imposed pursuant to section 2 of
P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
by a municipal court shall be collected by the municipal court
administrator except if such fine, assessments imposed pursuant to
section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
as a condition of probation in which event it shall be collected by
the county probation division.

b. Except as provided in subsection c. with respect to fines
imposed on appeals following convictions in municipal courts and
except as provided in subsection i. with respect to restitution
imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
al.), all fines imposed by the Superior Court or otherwise imposed
at the county level, shall be paid over by the officer entitled to
collect same to:

(1) The county treasurer with respect to fines imposed on
defendants who are sentenced to and serve a custodial term,
including a term as a condition of probation, in the county jail,
workhouse or penitentiary except where such county sentence is
served concurrently with a sentence to a State institution; or

(2) The State Treasurer with respect to all other fines.
c. All fines imposed by municipal courts, except a central municipal court established pursuant to N.J.S.2B:12-1 on defendants convicted of crimes, disorderly persons offenses and petty disorderly persons offenses, and all fines imposed following conviction on appeal therefrom, and all forfeitures of bail shall be paid over by the officer entitled to collect same to the treasury of the municipality wherein the municipal court is located.

In the case of an intermunicipal court, fines shall be paid into the municipal treasury of the municipality in which the offense was committed, and costs, fees, and forfeitures of bail shall be apportioned among the several municipalities to which the court's jurisdiction extends according to the ratios of the municipalities' contributions to the total expense of maintaining the court.

In the case of a central municipal court, established by a county pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of bail shall be paid into the county treasury of the county where the central municipal court is located.

d. All assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided in that section.

e. All mandatory Drug Enforcement and Demand Reduction penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded and deposited as provided for in that section.

f. All forensic laboratory fees assessed pursuant to N.J.S.2C:35-20 shall be forwarded and deposited as provided for in that section.

g. All restitution ordered to be paid to the Victims of Crime Compensation Agency pursuant to N.J.S.2C:44-2 shall be forwarded to the agency for deposit in the Victims of Crime Compensation Agency Account.

h. All assessments imposed pursuant to section 11 of P.L.1993, c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided in that section.

i. All restitution imposed on defendants under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law enforcement entity in extraditing the defendant from another jurisdiction shall be paid over by the officer entitled to collect same to the law enforcement entities which participated in the extradition of the defendant.

j. All penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided in that section.

k. All penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in that section.

l. All mandatory penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as provided in that section.
m. All mandatory Computer Crime Prevention penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8) shall be forwarded and deposited as provided in that section.

n. All mandatory Sex Offender Supervision penalties imposed pursuant to section 9 of P.L. , c. ( ) (pending before the Legislature as this bill) shall be forwarded and deposited as provided in that section.

(cf: P.L.2009, c.143, s.2)

7. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to read as follows:

13. Moneys that are collected in satisfaction of any assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or in satisfaction of restitution or fines imposed in accordance with the provisions of Title 2C of the New Jersey Statutes or with the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be applied in the following order:

a. first, in satisfaction of all assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1);

b. second, except as provided in subsection f. of this section, in satisfaction of any restitution ordered;

c. third, in satisfaction of all assessments imposed pursuant to section 11 of P.L.1993, c.220 (C.2C:43-3.2);

d. fourth, in satisfaction of any forensic laboratory fee assessed pursuant to N.J.S.2C:35-20;

e. fifth, in satisfaction of any mandatory Drug Enforcement and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15;

f. sixth, in satisfaction of any anti-drug profiteering penalty imposed pursuant to N.J.S.2C:35A-1 et seq.;

g. seventh, in satisfaction of any anti-money laundering profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2);

h. eighth, in satisfaction of restitution for any extradition costs imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

i. ninth, in satisfaction of any penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5);

j. tenth, in satisfaction of any penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6);

k. eleventh, in satisfaction of the mandatory penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10);

l. twelfth, in satisfaction of any mandatory Computer Crime Prevention penalty assessed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8); [and]

m. thirteenth, in satisfaction of any mandatory Sex Offender Supervision penalty assessed pursuant to section 9 of P.L. , c. ( ) (pending before the Legislature as this bill); and

n. in satisfaction of any fine.

(cf: P.L.2009, c.143, s.3)
8. (New section) The Chairman of the State Parole Board shall provide that the caseload of any parole officer with supervision over a persons who have been released from incarceration for the commission of a sex offense, as defined in section 2 of P.L.1994, c.133 (C.2C:7-2), shall not exceed 40 persons. If the caseload of any parole officer exceeds this limitation, the chairman shall provide for the hiring or training of additional parole officers for the supervision of sex offenders until the caseload of each such parole officer is 40 persons or less.

9. (New section) a. In addition to any fine, fee, assessment or penalty authorized under the provisions of Title 2C of the New Jersey Statutes, a person convicted of or adjudicated delinquent for a sex offense, as defined in section 2 of P.L.1994, c. 133 (C.2C:7-2), shall be assessed a penalty of $30 per month.

b. All penalties provided for in this section, collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department of the Treasury to be deposited in the "Sex Offender Supervision Fund" established pursuant to section 10 of P.L. , c. (C. ) (pending before the Legislature as this bill).

10. (New section) There is hereby established the "Sex Offender Supervision Fund" as a nonlapsing, revolving fund. This fund shall be administered by the Chairman of the State Parole Board, and all moneys deposited therein pursuant to section 9 of P.L. , c. (C. ) shall be used for operational expenses incurred by the board in supervising sex offenders who have been released from incarceration. These operational expenses shall include, but not be limited to, additional staff; equipment utilized for continuous monitoring of sex offenders pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.); and purchasing equipment to expand the board’s capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers.

11. (New section) a. The Chairman of the State Parole Board shall develop a program for parole officers who supervise sex offenders to utilize computer and other high technology instruments to detect crimes or violations of conditions of parole.

b. Training for officers who participate in the program shall include, but not be limited to, instruction in the following subjects:

(1) conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments or have used these instruments to commit unlawful or criminal acts;

(2) forensic recovery, evidence preservation and analysis of data in computer systems that are seized because of suspected involvement in unlawful activity;
(3) monitoring the use of interactive computer services by supervised sex offenders, especially those offenders who are suspected of contacting or seeking to contact children under the age of 18 for the purpose of engaging in unlawful activity; and

(4) cooperation with other law enforcement agencies at the local, State and federal level in order to coordinate efforts in investigating and prosecuting unlawful activity by supervised sex offenders involving computers and other high technology instruments.

12. This act shall take effect on the first day of the sixth month after enactment; provided however, the Chairman of the State Parole Board may take any anticipatory action prior to the effective date needed for the timely implementation of this act.

STATEMENT

This bill revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

This bill upgrades the crime of sexual assault, a crime of the third degree, if the victim has an intellectual disability or a permanent physical disability. In such cases, the offense would be upgraded to aggravated sexual assault, a crime of the second degree. A crime of the third degree is punishable by three to five years in prison, a fine of up to $15,000, or both. A crime of the second degree is punishable by imprisonment for five to ten years, a fine of up to $150,000, or both. The bill defines an “intellectual disability” as a significant subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior, which are manifested during the development period; a “permanent physical disability” is defined as a severe impairment of a permanent nature which so restricts a person's ability to perform essential activities of daily living that the person needs assistance to maintain the person's independence and health.

Under the provisions of the bill, an offender who has been given a special sentence of community supervision for life commits a subsequent offense, that offender will be given a special sentence of parole supervision for life for the subsequent offense. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. Under current law, first offenders are sentenced to parole supervision for life, as the special sentence of community supervision for life was repealed and replaced by parole supervision for life.
This bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence. Under current law this is a crime of the fourth degree; under the provisions of the bill it is a crime of the third degree.

This bill further provides that a young person who has committed an offense that would constitute “sexting” would not be required to register as a sex offender. For purposes of Megan’s Law, the bill specifies that a sex offense would not include any offense in which: (1) the facts of the case involve the creation, exhibition or distribution of a photograph involving nudity through the use of an electronic communication device, an interactive wireless communications device, or a computer; and (2) the creator and subject of the photograph are juveniles.

The bill also requires the registration information of sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry. Under current law, the registration information of all Tier Two offenders (moderate risk to re-offend) who do not fit within the statutory exceptions and Tier Three offenders (high risk to re-offend) is published on the Internet registry. The registration information of Tier One (low risk to re-offend) is not published on the Internet registry. This bill requires an offender whose conduct was found to be repetitive and compulsive to appear on the Internet registry. The bill prohibits a sex offender who is at moderate risk to reoffend but found to be compulsive and repetitive from invoking one of the statutory exceptions to keep his registration information from being published on the Internet.

This bill also imposes additional requirements on the State Parole Board to improve the board’s supervision and monitoring of sex offenders. A monthly penalty of $30 would be imposed on every person convicted of or adjudicated delinquent of a sex offense to fund these initiatives. The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing revolving fund to be known as the “Sex Offender Supervision Fund.” Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not but not be limited to, additional staff, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board’s capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.
Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in this bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.
The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2636.

As amended, this bill revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

This bill upgrades the crime of sexual assault, a crime of the third degree, if the victim is physically or intellectually incapacitated. In such cases, the offense would be upgraded to aggravated sexual assault, a crime of the second degree. A crime of the third degree is punishable by three to five years in prison, a fine of up to $15,000, or both. A crime of the second degree is punishable by imprisonment for five to ten years, a fine of up to $150,000, or both.

Under the provisions of the bill, if an offender who has been given a special sentence of community supervision for life commits any subsequent sex offense, that offender will be given a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. Under current law, first offenders are sentenced to parole supervision for life, as the special sentence of community supervision for life was repealed and replaced by parole supervision for life. The bill also upgrades a violation of a special sentence from a crime of the fourth degree to a crime of the third degree.

This bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence. Under current law this is a crime of the fourth degree; under the provisions of the bill it is a crime of the third degree.

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specifies that a sex offense would not include any offense in which: (1) the facts of the case are limited to the creation, exhibition or distribution of a photograph involving nudity through the use of an electronic communication device, an interactive wireless communications device, or a computer; and (2) the creator and subject of the photograph are juveniles.

The bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry. Under current law, the registration information of all Tier Two offenders (moderate risk to re-offend) who do not fit within the statutory exceptions and Tier Three offenders (high risk to re-offend) is published on the Internet registry regardless of the offender’s tier. The registration information of Tier One offenders (low risk to re-offend) is not published on the Internet registry. This bill requires an offender whose conduct was found to be repetitive and compulsive to appear on the Internet registry. The bill prohibits a sex offender who is at moderate risk to reoffend but found to be compulsive and repetitive from invoking one of the statutory exceptions to keep his registration information from being published on the Internet.

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Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because
of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

The committee amended the bill to replace the terms “intellectual disability” and “permanent physical disability” with the terms “physically incapacitated” and “intellectually incapacitated” as cause to upgrade the crime of sexual assault. In addition, the bill was amended to provide that an offender who has been given a special sentence of community supervision for life and who commits any subsequent sex offense will be given a special sentence of parole supervision for life. Finally, the committee amended the bill to make clarifying and technical changes.
FISCAL NOTE
[First Reprint]
SENATE, No. 2636
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: JUNE 24, 2013

SUMMARY

Synopsis: Revises certain provisions of Megan’s Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.

Type of Impact: General Fund expenditure

Agencies Affected: Judiciary, State Parole Board, Department of Law and Public Safety

Executive Estimate

<table>
<thead>
<tr>
<th>Fiscal Impact</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
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<tr>
<td>Cost</td>
<td></td>
<td></td>
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<tr>
<td>Judiciary</td>
<td>Indeterminate – See comments below</td>
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<tr>
<td>Parole Board</td>
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<tr>
<td>State Revenue</td>
<td>$351,360</td>
<td>$702,730</td>
<td>$1,054,080</td>
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- The Office of Legislative Services (OLS) concurs with the Parole Board’s estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected. The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State’s Internet sex offender registry.

- The Administrative Office of the Courts (AOC) states that the Judiciary is unable to estimate the fiscal impact that would result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures would be minimal.

- The AOC also states that the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of
cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

- The AOC states that assuming that 976 defendants were convicted of a Megan’s Law sex offense every year and that the entire amount of the penalty was collected, a total of $351,360 in revenue would be generated in the first full year of implementation $702,720 during the second full year and $1,054,080 during the third full year after the bill’s implementation.

- The State Parole Board states that the bill would require significant cost increases. The estimated first year cost totals $6.5 million for this initiative, increasing to $7.6 million in the second and subsequent years of the program.

- The Parole Board notes that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee would most likely not be collected and would take away from child support and other more important payments.

**BILL DESCRIPTION**

Senate Bill No. 2636 (1R) of 2013 revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The bill upgrades the crime of sexual assault, a crime of the third degree, if the victim is physically or intellectually incapacitated to a crime of the second degree. A crime of the third degree is punishable by three to five years in prison, a fine of up to $15,000, or both. A crime of the second degree is punishable by imprisonment for five to ten years, a fine of up to $150,000, or both.

Under the bill, if an offender who has been given a special sentence of community supervision for life commits any subsequent sex offense, that offender would be given a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. The bill also upgrades a violation of a special sentence from a crime of the fourth degree to a crime of the third degree.

The bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence from a crime of the fourth degree to a crime of the third degree.

This bill further provides that a young person who has committed an offense that would constitute “sexting” would not be required to register as a sex offender.

The bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry.

The bill also requires the State Parole Board to improve the board’s supervision and monitoring of sex offenders. A monthly penalty of $30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. The bill
provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing, revolving fund to be known as the “Sex Offender Supervision Fund” and are to be used for operational expenses incurred by the board in supervising sex offenders.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

With regard to expenditures, the AOC states that the bill would upgrade certain crimes from fourth degree to crimes of the third degree. Data gathered from the Judiciary’s computerized case management and information system for the Criminal Division of the Superior Court (PROMIS/Gavel), reveal that during calendar year 2012, 192 people were convicted of failing to provide information required by N.J.S.A. 2C:7-2. In addition, 365 people were convicted of violating a condition of community or parole supervision for life under N.J.S.A. 2C:43-6.4. Of the combined 557 defendants, only 3 were convicted after a trial. The AOC states that the Judiciary is unable to estimate the fiscal impact that would result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures would be minimal.

The AOC states that upgrading the crime of sexual assault to the crime of aggravated sexual assault if the actor knew or should have known that the victim of the sexual assault was physically or intellectually incapacitated might impact the trial rate for that offense. However, the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.
The AOC states that with regard to revenue, the bill would impose a monthly penalty of $30 on every person convicted of or adjudicated delinquent for a sex offense.

The AOC notes that data collected from PROMIS/Gavel indicate that during calendar year 2012, a total of 976 defendants were convicted of a Megan’s Law sex offense. Assuming that 976 defendants were convicted of a Megan’s Law sex offense every year and that the entire amount of the penalty was collected, a total of $351,360 in revenue would be generated in the first full year of implementation (976 defendants x $30 per month x 12 months). As each subsequent year would introduce an additional group of 976 defendants convicted of sex offenses that would be subject to the penalty, the second full year of implementation would generate $702,720 in revenue (1,952 defendants x $30 per month x 12 months) and the third full year of implementation would generate $1,054,080 in revenue (2,928 defendants x $30 per month x 12 months).

State Parole Board

The State Parole Board states that the bill would require significant cost increases. Limiting sex offender caseloads to 40 per officer would require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals $6.5 million for this initiative, increasing to $7.6 million in the second and subsequent years of the program. Given the current structure of two classes per year with 25 officers per class, the Parole Board notes that it would take approximately 3 years to increase the number of parole officers by 65 unless special arrangements were made for additional classes at a significantly higher cost. The number of officers needed would continue to increase over time.

The Parole Board notes that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee would most likely not be collected and would take away from child support and other more important payments.

Department of Law and Public Safety

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Parole Board’s estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected. The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State’s Internet sex offender registry.

Section:     Judiciary
Analyst:      Anne Raughley  
Principal Fiscal Analyst
Approved:    David J. Rosen  
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).
The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2636 (1R), with committee amendments.

As amended, this bill revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

This bill upgrades the crime of sexual assault, a crime of the third degree, if the victim is physically or intellectually incapacitated. In such cases, the offense would be upgraded to aggravated sexual assault, a crime of the second degree. A crime of the third degree is punishable by three to five years in prison, a fine of up to $15,000, or both. A crime of the second degree is punishable by imprisonment for five to ten years, a fine of up to $150,000, or both.

Under the provisions of the bill, if an offender who has been given a special sentence of community supervision for life commits any subsequent sex offense, that offender will be given a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. Under current law, first offenders are sentenced to parole supervision for life, as the special sentence of community supervision for life was repealed and replaced by parole supervision for life. The bill also upgrades a violation of a special sentence from a crime of the fourth degree to a crime of the third degree.

This bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence. Under current law this is a crime of the fourth degree; under the provisions of the bill it is a crime of the third degree.

This bill further provides that a young person who has been adjudicated delinquent for an offense that would constitute “sexting”
would not be required to register as a sex offender. For purposes of
Megan’s Law, the bill specifies that a sex offense would not include
any offense in which: (1) the facts of the case are limited to the
creation, exhibition or distribution of a photograph involving nudity
through the use of an electronic communication device, an interactive
wireless communications device, or a computer; (2) the creator and
subject of the photograph were juveniles at the time of its making; and
(3) the subject of the photograph whose nudity is depicted knowingly
consented to the making of the photograph.

The bill also requires the registration information of all sex
offenders whose conduct has been characterized by a pattern of
repetitive, compulsive behavior to be published on the Internet
registry. Under current law, the registration information of all Tier
Two offenders (moderate risk to re-offend) who do not fit within the
statutory exceptions and Tier Three offenders (high risk to re-offend)
is published on the Internet registry regardless of the offender’s tier.
The registration information of Tier One offenders (low risk to re-
offend) is not published on the Internet registry. This bill requires an
offender whose conduct was found to be repetitive and compulsive to
appear on the Internet registry. The bill prohibits a sex offender who
is at moderate risk to reoffend but found to be compulsive and
repetitive from invoking one of the statutory exceptions to keep his
registration information from being published on the Internet.

This bill also imposes additional requirements on the State Parole
Board to improve the board’s supervision and monitoring of sex
offenders. A monthly penalty of $30 would be imposed on every
person convicted of or adjudicated delinquent for a sex offense to fund
these initiatives. If the family income of a person required to pay the
penalty does not exceed 100% of the federal poverty level, the person
is to pay 50% of the monthly penalty; if the person’s family income
does not exceed 149% of the federal poverty level, the person is to pay
75% of the monthly penalty. The bill provides that the moneys would
be forwarded to the Department of the Treasury to be deposited in a
nonlapsing, revolving fund to be known as the “Sex Offender
Supervision Fund.” Moneys deposited into the fund are to be used for
operational expenses incurred by the board in supervising sex
offenders. These expenses include, but would not be limited to, the
cost of salary and benefits for the hiring of additional parole officers,
equipment utilized for continuous monitoring of sex offenders (e.g.
GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.),
and purchasing equipment to expand the board’s capabilities to
supervise released sex offenders, including motor vehicles and
computer equipment for parole officers. The operational expenses
shall not include increments, cost of living increases, or administrative
expenses.

Moneys in the fund also would be appropriated by the Legislature
to the State Parole Board on an annual basis for the development of a
program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

**COMMITTEE AMENDMENTS:**

The committee amendments clarify the circumstances under which a young person who has been adjudicated delinquent for an offense that would constitute “sexting” would not be required to register as a sex offender. The person “sexting” must also demonstrate that the subject of the photograph knowingly consented to the making of the photograph. (In addition the creator and subject of the photograph must be juveniles at the time of the making of the photograph.)

The amendments also provide that if the family income of a person required to pay the penalty established by section 8 of the bill does not exceed 100% of the federal poverty level, the person shall pay 50% of the monthly penalty. If the person’s family income does not exceed 149% of the federal poverty level, the person shall pay 75% of the monthly penalty.

Finally, the amendments clarify the operational expenses for which monies deposited in the "Sex Offender Supervision Fund" may be used. These operational expenses may include, but are not limited to, the cost of salary and benefits for the hiring of additional parole officers. The operational expenses shall not include increments, cost of living increases, or administrative expenses.
FISCAL IMPACT:

In the Fiscal Note prepared for this bill, the State Parole Board indicates that the bill would require significant cost increases. Limiting sex offender caseloads to 40 per officer would require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals $6.5 million for this initiative, increasing to $7.6 million in the second and subsequent years of the program. Given the current structure of two classes per year with 25 officers per class, the Parole Board notes that it would take approximately 3 years to increase the number of parole officers by 65 unless special arrangements were made for additional classes at a significantly higher cost. The number of officers needed would continue to increase over time.

The Parole Board further notes that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee would most likely not be collected and would take away from child support and other more important payments.

According to the Administrative Office of the Courts (AOC), the Judiciary is unable to estimate the fiscal impact that would result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures would be minimal.

The AOC also states that the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC states that with regard to revenue, the bill would impose a monthly penalty of $30 on every person convicted of or adjudicated delinquent for a sex offense. According to the AOC, assuming 976 defendants were convicted of a Megan’s Law sex offense every year (the total number convicted in calendar year 2012), and further assuming that the entire amount of the penalty was collected, a total of $351,360 in revenue would be generated in the first full year of implementation $702,720 during the second full year and $1,054,080 during the third full year after the bill’s implementation.
Synopsis: Revises certain provisions of Megan’s Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.

Type of Impact: General Fund expenditure.

Agencies Affected: Judiciary, State Parole Board, Department of Law and Public Safety

### Fiscal Impact

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<th>Year 1</th>
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<tr>
<td>Judiciary Cost</td>
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<td>State Parole Board Cost</td>
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<tr>
<td>State Revenue</td>
<td>$175,680 to $351,360</td>
<td>$351,360 to $702,720</td>
<td>$527,040 to $1,054,080</td>
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- The Office of Legislative Services (OLS) concur with the State Parole Board’s expenditure estimate.

- The OLS concurs with the Administrative Office of the Courts’ (AOC’s) estimate that the bill would generate minimal expenses for the Judiciary.

- The OLS notes that the amended version of the bill provides that the monthly penalty could be reduced by up to 50 percent depending upon the defendant’s income. Thus, the revenue generated would range between $175,680 and $351,360 during the first full year of implementation, $351,360 and $702,720 during the second full year of implementation, and between $527,040 and $1,054,080 during the third full year of implementation.

- The OLS also concurs with the Parole Board’s estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected, thus reducing revenues even further.
The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State’s Internet sex offender registry.

BILL DESCRIPTION

Senate Bill No. 2636 (2R) of 2013 revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The bill upgrades the crime of sexual assault, a crime of the third degree, if the victim is physically or intellectually incapacitated to a crime of the second degree. A crime of the third degree is punishable by three to five years in prison, a fine of up to $15,000, or both. A crime of the second degree is punishable by imprisonment for five to ten years, a fine of up to $150,000, or both.

Under the provisions of the bill, if an offender who has been given a special sentence of community supervision for life commits any subsequent sex offense, that offender will be given a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. The bill also upgrades a violation of a special sentence from a crime of the fourth degree to a crime of the third degree.

This bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence from a crime of the fourth degree to a crime of the third degree.

This bill further provides that a young person who has been adjudicated delinquent for an offense that would constitute “sexting” would not be required to register as a sex offender. The bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry.

The bill also imposes additional requirements on the State Parole Board to improve the board’s supervision and monitoring of sex offenders. A monthly penalty of $30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the family income of a person required to pay the penalty does not exceed 100 percent of the federal poverty level, the person is to pay 50 percent of the monthly penalty; if the person’s family income does not exceed 149 percent of the federal poverty level, the person is to pay 75 percent of the monthly penalty. The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing, revolving fund to be known as the “Sex Offender Supervision Fund.” Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not be limited to, the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board’s capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The operational expenses shall not include increments, cost of living increases, or administrative expenses.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high
technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

**FISCAL ANALYSIS**

**EXECUTIVE BRANCH**

**Judiciary**

In a fiscal note prepared by the Judiciary for an earlier version of this bill the AOC stated that with regard to expenditures, the bill would upgrade certain crimes from fourth degree to crimes of the third degree. Data gathered from the Judiciary’s computerized case management and information system for the Criminal Division of the Superior Court (PROMIS/Gavel), reveal that during calendar year 2012, 192 people were convicted of failing to provide information required by N.J.S.A.2C:7-2. In addition, 365 people were convicted of violating a condition of community or parole supervision for life under N.J.S.A.2C:43-6.4. Of the combined 557 defendants, only 3 were convicted after a trial. The AOC stated that the Judiciary is unable to estimate the fiscal impact that would result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures would be minimal.

The AOC stated that upgrading the crime of sexual assault to the crime of aggravated sexual assault if the actor knew or should have known that the victim of the sexual assault was physically or intellectually incapacitated might impact the trial rate for that offense. However, the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC stated that with regard to revenue, the bill would impose a monthly penalty of $30 on every person convicted of or adjudicated delinquent for a sex offense.

The AOC noted that data collected from PROMIS/Gavel indicate that during calendar year 2012, a total of 976 defendants were convicted of a Megan’s Law sex offense. Assuming that 976 defendants were convicted of a Megan’s Law sex offense every year and that the entire amount of the penalty was collected, a total of $335,136 in revenue would be generated in the first full year of implementation (976 defendants x $30 per month x 12 months). As each
subsequent year would introduce an additional group of 976 defendants convicted of sex offenses that would be subject to the penalty, the second full year of implementation would generate $702,720 in revenue (1,952 defendants x $30 per month x 12 months) and the third full year of implementation would generate $1,054,080 in revenue (2,928 defendants x $30 per month x 12 months).

**State Parole Board**

In a fiscal note prepared by the State Parole Board for an earlier version of this bill, the Parole Board stated that the bill would require significant cost increases. Limiting sex offender caseloads to 40 per officer would require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals $6.5 million for this initiative, increasing to $7.6 million in the second and subsequent years of the program. Given the current structure of two classes per year with 25 officers per class, the Parole Board noted that it would take approximately three years to increase the number of parole officers by 65 unless special arrangements were made for additional classes at a significantly higher cost. The number of officers needed would continue to increase over time.

The Parole Board noted that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee would most likely not be collected and would take away from child support and other more important payments.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS concurs with the AOC’s estimate that the bill would generate minimal expenses for the Judiciary. The OLS notes that the amended version of the bill provides that the monthly penalty could be reduced by up to 50 percent depending upon the defendant’s income. Thus, the revenue generated would range between $175,680 and $351,360 during the first full year of implementation, $351,360 and $702,720 during the second full year of implementation, and between $527,040 and $1,054,080 during the third full year of implementation. The OLS also concurs with the Parole Board’s estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected, thus reducing revenues even further. The OLS concurs with the State Parole Board’s expenditure estimate. The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State’s Internet sex offender registry.

Section: Judiciary

Analyst: Anne Raughley
Principal Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).
The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2636(2R).

As amended and reported by the committee, Senate Bill No. 2636(2R) revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The amended bill upgrades the crime of sexual assault, which constitutes a crime of the second degree if the victim is physically or intellectually incapacitated. In these cases, the offense would be upgraded to aggravated sexual assault, a crime of the first degree.

Under the provisions of the amended bill, a person who violates a condition of a special sentence of community supervision for life would be sentenced to a special sentence of parole supervision for life; the bill previously had provided that an offender under community supervision for life who commits any subsequent sex offense would be given a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. Under current law, first offenders are sentenced to parole supervision for life, as the special sentence of community supervision for life was repealed and replaced by parole supervision for life. The bill also upgrades a violation of a special sentence of community or parole supervision for life from a crime of the fourth degree to a crime of the third degree.

The amended bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence. Under current law this is a crime of the fourth degree; under the provisions of the bill it is a crime of the third degree.

The amended bill further provides that a young person who has been adjudicated delinquent for an offense that would constitute
“sexting” would not be required to register as a sex offender. For purposes of Megan’s Law, the bill specifies that a sex offense would not include any offense in which: (1) the facts of the case are limited to the creation, exhibition or distribution of a photograph involving nudity through the use of an electronic communication device, an interactive wireless communications device, or a computer; (2) the creator and subject of the photograph were juveniles at the time of its making; and (3) the subject of the photograph whose nudity is depicted knowingly consented to the making of the photograph.

The amended bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry. Under current law, the registration information of all Tier Two offenders (moderate risk to re-offend) who do not fit within the statutory exceptions and Tier Three offenders (high risk to re-offend) is published on the Internet registry regardless of the offender’s tier. The registration information of Tier One offenders (low risk to re-offend) is not published on the Internet registry. This bill requires an offender whose conduct was found to be repetitive and compulsive to appear on the Internet registry. The bill prohibits a sex offender who is at moderate risk to reoffend but found to be compulsive and repetitive from invoking one of the statutory exceptions to keep his registration information from being published on the Internet.

The amended bill also imposes additional requirements on the State Parole Board to improve the board’s supervision and monitoring of sex offenders. A monthly penalty of $30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the convicted person’s income does not exceed 100% of the federal poverty level, the amended bill requires the person to pay 50% of the monthly penalty; if the convicted person’s income does not exceed 149% of the federal poverty level, that person would be required to pay 75% of the monthly penalty. The introduced bill provided for the reduced penalties to be based on family income rather than the convicted person’s income.

The amended bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing, revolving fund to be known as the “Sex Offender Supervision Fund.” Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not be limited to, the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board’s capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The operational expenses shall not include increments,
cost of living increases, or administrative expenses.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3886, also amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:
The committee amended the bill to:

(1) provide that a person who violates a condition of a special sentence of community supervision for life would be sentenced to a special sentence of parole supervision for life; the introduced bill provided that an offender under a special sentence of community supervision for life who commits any subsequent sex offense would be given a special sentence of parole supervision for life;

(2) provide that if a convicted person’s income does not exceed 100% of the federal poverty level, the convicted person would be required to pay 50% of the $30 monthly penalty imposed for conviction of a sex offense; if the convicted person’s income does not exceed 149% of the federal poverty level, that person would be required to pay 75% of the monthly penalty; the introduced bill
provided for the reduced penalties to be based on family income rather than the convicted person’s income;
    (3) make other clarifying and technical amendments.
The Assembly Appropriations Committee reports favorably Senate Bill No. 2636 (3R).

The bill revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. The bill imposes a monetary penalty on convicted sex offenders to provide money to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The bill upgrades the crime of sexual assault, which constitutes a crime of the second degree, if the victim is physically or intellectually incapacitated. In these cases, the offense will be upgraded to aggravated sexual assault, a crime of the first degree.

The bill provides that a person who violates a condition of a special sentence of community supervision for life will be sentenced to a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. Under current law, first offenders are sentenced to parole supervision for life, as the special sentence of community supervision for life was repealed and replaced by parole supervision for life. The bill upgrades a violation of a special sentence of community or parole suspension for life from a crime of the fourth degree to a crime of the third degree.

The bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence. Under current law this is a crime of the fourth degree; under the bill it is a crime of the third degree.

The bill provides that a young person adjudicated delinquent for an offense that would constitute “sexting” will not be required to register as a sex offender. For purposes of Megan’s Law, the bill specifies that a sex offense will not include any offense in which: (1) the facts of the case are limited to the creation, exhibition or distribution of a photograph involving nudity through the use of an electronic communication device, an interactive wireless communications device, or a computer; (2) the creator and subject of the photograph were juveniles at the time of its making; and (3) the subject of the
photograph whose nudity is depicted knowingly consented to the making of the photograph.

The bill requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry. Under current law, the registration information of all Tier Two offenders (moderate risk to re-offend) who do not fit within the statutory exceptions and Tier Three offenders (high risk to re-offend) is published on the Internet registry regardless of the offender’s tier. The registration information of Tier One offenders (low risk to re-offend) is not published on the Internet registry. This bill requires an offender whose conduct was found to be repetitive and compulsive to appear on the Internet registry. The bill prohibits a sex offender who is at moderate risk to reoffend but found to be compulsive and repetitive from invoking one of the statutory exceptions to keep his registration information from being published on the Internet.

The bill imposes additional requirements on the State Parole Board to improve the board’s supervision and monitoring of sex offenders. The bill imposes a monthly penalty of $30 on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the convicted person’s income does not exceed 100 percent of the federal poverty level, the bill requires the person to pay 50 percent of the monthly penalty. If the convicted person’s income does not exceed 149 percent of the federal poverty level, the bill requires the person to pay 75 percent of the monthly penalty.

The bill requires money collected from the monthly penalty to be forwarded to the Department of the Treasury and deposited in a new fund, the “Sex Offender Supervision Fund.” The bill requires money deposited into the fund to be used for operational expenses incurred by the State Parole Board in supervising sex offenders. Under the bill, these expenses include the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board’s capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The bill provides that operational expenses do not include increments, cost of living increases, or administrative expenses.

The bill requires the Chairman of the State Parole Board to develop a special program for parole officers who supervise sex offenders. The bill provides that this program will utilize computers and other high technology instruments to detect crimes or violations of conditions of parole.

The bill requires parole officers participating in the program to receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or
have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill amends statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new monthly penalty imposed on convicted sex offenders.

The bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the bill requires the chairman to hire or train additional parole officers to supervise sex offenders until the caseload of each parole officer is 40 parolees or fewer.

The bill takes effect on the first day of the sixth month after enactment, but permits the Chairman of the State Parole Board to take advanced anticipatory action.

As reported, this bill is identical to Assembly Bill No. 3886 (1R), as also reported by the committee.

FISCAL IMPACT:
In the Fiscal Note prepared for this bill, the State Parole Board indicates the bill will result in significant cost increases. Limiting sex offender caseloads to 40 per officer will require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals $6.5 million for this initiative, increasing to $7.6 million in the second and subsequent years of the program. Given the current structure of two classes per year with 25 officers per class, the Parole Board notes that it will take approximately three years to increase the number of parole officers by 65 unless special arrangements are made for additional classes at a significantly higher cost. The number of officers needed is expected to increase over time.

The Parole Board also notes that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee will most likely not be collected and will take away from child support and other more important payments.

According to the Administrative Office of the Courts (AOC), the Judiciary is unable to estimate the fiscal impact that will result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures is minimal.
The AOC also states that the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC states that with regard to revenue, the bill imposes a monthly penalty of $30 on every person convicted of or adjudicated delinquent for a sex offense. According to the AOC, assuming 976 defendants are convicted of a Megan’s Law sex offense every year (the total number convicted in calendar year 2012), and further assuming that the entire amount of the penalty was collected, a total of $351,360 in revenue will be generated in the first full year of implementation $702,720 during the second full year and $1,054,080 during the third full year after the bill’s implementation.

The Office of Legislative Services (OLS) notes that revenues generated from the new $30 monthly fee may be less than the amounts expected by the AOC, dependent on defendant income. The bill provides that the monthly penalty could be reduced by up to 50 percent if the defendant’s income does not exceed 100 percent of the federal poverty level and, as a result, revenues may total between $175,680 and $351,360 during the first full year of implementation, between $351,360 and $702,720 during the second year, and $527,040 and $1,054,080 during the third year.

The OLS also notes that the New Jersey State Police will incur certain additional costs associated with updating the State’s Internet sex offender registry.
LEGISLATIVE FISCAL ESTIMATE
[Third Reprint]
SENATE, No. 2636
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: DECEMBER 16, 2013

SUMMARY

Synopsis: Revises certain provisions of Megan’s Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.

Type of Impact: General Fund expenditure.

Agencies Affected: Judiciary, State Parole Board, Department of Law and Public Safety

Office of Legislative Services Estimate

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<th>Fiscal Impact</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
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<tr>
<td>Judiciary Cost</td>
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<tr>
<td>State Parole Board Cost</td>
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<td>State Revenue</td>
<td>$175,680 to $351,360</td>
<td>$351,360 to $702,720</td>
<td>$527,040 to $1,054,080</td>
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</tbody>
</table>

- The Office of Legislative Services (OLS) concurs with the State Parole Board’s expenditure estimate.

- The OLS concurs with the Administrative Office of the Courts’ (AOC’s) estimate that the bill would generate minimal expenses for the Judiciary.

- The OLS notes that the amended version of the bill provides that the monthly penalty could be reduced by up to 50 percent depending upon the defendant’s income. Thus, the revenue generated would range between $175,680 and $351,360 during the first full year of implementation, $351,360 and $702,720 during the second full year of implementation, and between $527,040 and $1,054,080 during the third full year of implementation.

- The OLS also concurs with the Parole Board’s estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected, thus reducing revenues even further.
The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State’s Internet sex offender registry.

BILL DESCRIPTION

Senate Bill No. 2636 (3R) of 2013 revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The bill upgrades the crime of sexual assault, which constitutes a crime of the second degree if the victim is physically or intellectually incapacitated to aggravated sexual assault, a crime of the first degree.

Under the provisions of the bill, a person who violates a condition of a special sentence of community supervision for life would be sentenced to a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. The bill also upgrades a violation of a special sentence of community or parole supervision for life from a crime of the fourth degree to a crime of the third degree.

The bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence from a crime of the fourth degree to a crime of the third degree.

The bill further provides that a young person who has been adjudicated delinquent for an offense that would constitute “sexting” would not be required to register as a sex offender.

The bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry.

The bill also imposes additional requirements on the State Parole Board to improve the board’s supervision and monitoring of sex offenders. A monthly penalty of $30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the convicted person’s income does not exceed 100 percent of the federal poverty level, the bill requires the person to pay 50 percent of the monthly penalty; if the convicted person’s income does not exceed 149 percent of the federal poverty level, that person would be required to pay 75 percent of the monthly penalty.

The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing, revolving fund to be known as the “Sex Offender Supervision Fund.” Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not be limited to, the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board’s capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The operational expenses shall not include increments, cost of living increases, or administrative expenses.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide
computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

**FISCAL ANALYSIS**

**EXECUTIVE BRANCH**

**Judiciary**

In a fiscal note prepared by the Judiciary for an earlier version of this bill the AOC stated that with regard to expenditures, the bill would upgrade certain crimes from fourth degree to crimes of the third degree. Data gathered from the Judiciary’s computerized case management and information system for the Criminal Division of the Superior Court (PROMIS/Gavel), reveal that during calendar year 2012, 192 people were convicted of failing to provide information required by N.J.S.A.2C:7-2. In addition, 365 people were convicted of violating a condition of community or parole supervision for life under N.J.S.A.2C:43-6.4. Of the combined 557 defendants, only 3 were convicted after a trial. The AOC stated that the Judiciary is unable to estimate the fiscal impact that would result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures would be minimal.

The AOC stated that upgrading the crime of sexual assault to the crime of aggravated sexual assault if the actor knew or should have known that the victim of the sexual assault was physically or intellectually incapacitated might impact the trial rate for that offense. However, the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC stated that with regard to revenue, the bill would impose a monthly penalty of $30 on every person convicted of or adjudicated delinquent for a sex offense.

The AOC noted that data collected from PROMIS/Gavel indicate that during calendar year 2012, a total of 976 defendants were convicted of a Megan’s Law sex offense. Assuming that 976 defendants were convicted of a Megan’s Law sex offense every year and that the entire amount of the penalty was collected, a total of $351,360 in revenue would be generated in the first full year of implementation (976 defendants x $30 per month x 12 months). As each
subsequent year would introduce an additional group of 976 defendants convicted of sex offenses that would be subject to the penalty, the second full year of implementation would generate $702,720 in revenue (1,952 defendants x $30 per month x 12 months) and the third full year of implementation would generate $1,054,080 in revenue (2,928 defendants x $30 per month x 12 months).

**State Parole Board**

In a fiscal note prepared by the State Parole Board for an earlier version of this bill, the Parole Board stated that the bill would require significant cost increases. Limiting sex offender caseloads to 40 per officer would require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals $6.5 million for this initiative, increasing to $7.6 million in the second and subsequent years of the program. Given the current structure of two classes per year with 25 officers per class, the Parole Board noted that it would take approximately three years to increase the number of parole officers by 65 unless special arrangements were made for additional classes at a significantly higher cost. The number of officers needed would continue to increase over time.

The Parole Board noted that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee would most likely not be collected and would take away from child support and other more important payments.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS concurs with the AOC’s estimate that the bill would generate minimal expenses for the Judiciary. The OLS notes that the amended version of the bill provides that the monthly penalty could be reduced by up to 50 percent depending upon the defendant’s income. Thus, the revenue generated would range between $175,680 and $351,360 during the first full year of implementation, $351,360 and $702,720 during the second full year of implementation, and between $527,040 and $1,054,080 during the third full year of implementation. The OLS also concurs with the Parole Board’s estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected, thus reducing revenues even further. The OLS concurs with the State Parole Board’s expenditure estimate. The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State’s Internet sex offender registry.

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**Section:** Judiciary  
**Analyst:** Anne Raughley  
*Principal Fiscal Analyst*  
**Approved:** David J. Rosen  
*Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).
STATEMENT TO

[Third Reprint]

SENATE, No. 2636

with Assembly Floor Amendments
(Proposed by Assemblyman BENSON)

ADOPTED: JANUARY 6, 2014

Senate Bill No. 2636 (3R) revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. The bill imposes a monetary penalty of $30 per month on convicted sex offenders to hire additional parole officers and fund programs to monitor sex offenders.

Under the bill, the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. These Assembly amendments remove this provision, effectively leaving to the discretion of the Chairman of the State Parole Board the number of cases assigned to each of these parole officers.

The bill specifies that sex offenders whose income does not exceed 100 percent of the federal poverty level would be required to pay 50 percent of the monthly penalty and sex offenders whose income does not exceed 149 percent of the federal poverty level would be required to pay 75 percent of the monthly penalty. These Assembly amendments remove these provisions and specify that sex offenders whose monthly income does not exceed 149 percent of the federal poverty level would not be required to pay the monthly fee.

Finally, these Assembly amendments require sex offenders who currently are required to periodically verify their address to also submit any other information required by the Attorney General. Such information might include information on co-habitants, occupation, length of employment, whether they are in therapy, and whether they have Internet access.
**LEGISLATIVE FISCAL ESTIMATE**  
[Fourth Reprint]  
**SENATE, No. 2636**  
**STATE OF NEW JERSEY**  
**215th LEGISLATURE**  

**DATED: JANUARY 16, 2014**

### SUMMARY

**Synopsis:** Revises certain provisions of Megan’s Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.

**Type of Impact:** General Fund expenditure.

**Agencies Affected:** Judiciary, State Parole Board, Department of Law and Public Safety

### Fiscal Impact

<table>
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<tr>
<td>Judiciary Cost</td>
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<td></td>
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<tr>
<td>State Parole Board Cost</td>
<td>Indeterminate – See comments below</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Revenue</td>
<td>Up to $351,360</td>
<td>Up to $702,720</td>
<td>Up to $1,054,080</td>
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- The Office of Legislative Services (OLS) notes that the Parole Board’s estimate is based on an earlier version of the bill that limits the caseload to 40 offenders per parole officers. The amended bill eliminates this requirement, and therefore the costs of implementation would be less than the amount stated by an undetermined amount.

- The OLS concurs with the Administrative Office of the Courts’ (AOC) estimate that the bill would generate minimal expenses for the Judiciary.

- The OLS notes that the amended version of the bill provides that the monthly penalty could be eliminated depending upon the defendant’s income. As a result, the revenue generated would total up to $351,360 during the first full year of implementation, up to $702,720 during the second full year of implementation, and up to $1,054,080 during the third full year of implementation.

- The OLS also concurs with the Parole Board’s estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected.
The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State’s Internet sex offender registry.

**BILL DESCRIPTION**

Senate Bill No. 2636 (4R) of 2013 revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The bill upgrades the crime of sexual assault, which constitutes a crime of the second degree if the victim is physically or intellectually incapacitated to aggravated sexual assault, a crime of the first degree.

Under the provisions of the bill, a person who violates a condition of a special sentence of community supervision for life would be sentenced to a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. The bill also upgrades a violation of a special sentence of community or parole supervision for life from a crime of the fourth degree to a crime of the third degree.

The bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence from a crime of the fourth degree to a crime of the third degree.

The bill further provides that a young person who has been adjudicated delinquent for an offense that would constitute “sexting” would not be required to register as a sex offender.

The bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry.

The bill also imposes additional requirements on the State Parole Board to improve the board’s supervision and monitoring of sex offenders. A monthly penalty of $30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the convicted person’s income does not exceed 149 percent of the federal poverty level the offender would not be required to pay the monthly fee.

The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a non-lapsing, revolving fund to be known as the “Sex Offender Supervision Fund.” Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not be limited to, the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board’s capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The operational expenses shall not include increments, cost of living increases, or administrative expenses.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.
Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

In a fiscal note prepared by the Judiciary for an earlier version of this bill the AOC stated that with regard to expenditures, the bill would upgrade certain crimes from fourth degree to crimes of the third degree. Data gathered from the Judiciary’s computerized case management and information system for the Criminal Division of the Superior Court (PROMIS/Gavel), reveal that during calendar year 2012, 192 people were convicted of failing to provide information required by N.J.S.A. 2C:7-2. In addition, 365 people were convicted of violating a condition of community or parole supervision for life under N.J.S.A. 2C:43-6.4. Of the combined 557 defendants, only 3 were convicted after a trial. The AOC stated that the Judiciary is unable to estimate the fiscal impact that would result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures would be minimal.

The AOC stated that upgrading the crime of sexual assault to the crime of aggravated sexual assault if the actor knew or should have known that the victim of the sexual assault was physically or intellectually incapacitated might impact the trial rate for that offense. However, the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC stated that with regard to revenue, the bill would impose a monthly penalty of $30 on every person convicted of or adjudicated delinquent for a sex offense.

The AOC noted that data collected from PROMIS/Gavel indicate that during calendar year 2012, a total of 976 defendants were convicted of a Megan’s Law sex offense. Assuming that 976 defendants were convicted of a Megan’s Law sex offense every year and that the entire amount of the penalty was collected, a total of $351,360 in revenue would be generated in the first full year of implementation (976 defendants x $30 per month x 12 months). As each subsequent year would introduce an additional group of 976 defendants convicted of sex offenses that would be subject to the penalty, the second full year of implementation would generate $702,720 in revenue (1,952 defendants x $30 per month x 12 months) and the third full year of implementation would generate $1,054,080 in revenue (2,928 defendants x $30 per month x 12 months).
State Parole Board

In a fiscal note prepared by the State Parole Board for an earlier version of this bill, the Parole Board stated that the bill would require significant cost increases. Limiting sex offender caseloads to 40 per officer would require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals $6.5 million for this initiative, increasing to $7.6 million in the second and subsequent years of the program. However, the amended bill eliminates the requirement that parole officers maintain a caseload of no more than 40 offenders reducing the initial cost estimate by an undetermined amount.

The Parole Board noted that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee would most likely not be collected and would take away from child support and other payments.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the AOC’s estimate that the bill would generate minimal expenses for the Judiciary. The OLS notes that the amended version of the bill provides that the monthly penalty could be eliminated depending upon the defendant’s income. As a result, the revenue generated would total up to $351,360 during the first full year of implementation, up to $702,720 during the second full year of implementation, and up to $1,054,080 during the third full year of implementation.

The OLS also notes that the Parole Board’s estimate is based on an earlier version of the bill that limits the caseload to 40 offenders per parole officers. The amended bill eliminates this requirement, and therefore the costs of implementation would be less than the amount stated by an undetermined amount. The OLS concurs with the Parole Board’s estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected.

The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State’s Internet sex offender registry.

Section: Judiciary
Analyst: Anne Raughley
Principal Fiscal Analyst
Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).
ASSEMBLY, No. 3886

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED MARCH 7, 2013

Sponsored by:
Assemblyman WAYNE P. DEANGELO
District 14 (Mercer and Middlesex)
Assemblyman DANIEL R. BENSON
District 14 (Mercer and Middlesex)
Assemblyman JON M. BRAMNICK
District 21 (Morris, Somerset and Union)

SYNOPSIS
Revises certain provisions of Megan’s Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.

CURRENT VERSION OF TEXT
As introduced.
AN ACT concerning sex offenders, revising various parts of the statutory law, and supplementing Title 30 of the Revised Statutes.

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:

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) or subparagraph (a) 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 N.J.S.2C:14-3b. if the victim is a minor; kidnapping

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.
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.
(4) A sex offense shall not include any offense in which:
(a) the facts of the case involve the creation, exhibition or
distribution of a photograph depicting nudity as defined in
N.J.S.2C:24-4 through the use of an electronic communication
device, an interactive wireless communications device, or a
computer; and
(b) the creator and subject of the photograph are juveniles or
were juveniles at the time of its making.
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 ten 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 he intends to first reside at his 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
fourth] 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 [fourth] 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 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. Any person who knowingly provides false information concerning his place of residence or who fails to verify his 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 [fourth] 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.

(cf: P.L.2007, c.219, s.2)
Section 2 of P.L.2001, c.167 (C.2C:7-13) is amended to read as follows:

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

b. The public may, without limitation, obtain access to the Internet registry to view an individual registration record, any part of, or the entire Internet registry concerning all offenders:

(1) whose risk of re-offense is high;

(2) whose risk of re-offense is moderate or low and whose conduct was found to be characterized by a pattern of repetitive, compulsive behavior pursuant to the provisions of N.J.S.2C:47-3; or

(3) for whom the court has ordered notification in accordance with paragraph (3) of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8), regardless of the age of the offender.

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

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

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

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

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

For purposes of this subsection, "sole sex offense" means a single conviction, adjudication of guilty or acquittal by reason of insanity, as the case may be, for a sex offense which involved no more than one victim, no more than one occurrence or, in the case of an offense which meets the criteria of paragraph (2) of this subsection, members of no more than a single household.
e. Notwithstanding the provisions of paragraph d. of this subsection, the individual registration record of an offender to whom an exception enumerated in paragraph (1), (2) or (3) of subsection d. of this section applies shall be made available to the public on the Internet registry if the offender’s conduct was characterized by a pattern of repetitive, compulsive behavior, or the State establishes by clear and convincing evidence that, given the particular facts and circumstances of the offense and the characteristics and propensities of the offender, the risk to the general public posed by the offender is substantially similar to that posed by offenders whose risk of re-offense is moderate and who do not qualify under the enumerated exceptions.

f. Unless the offender’s conduct was characterized by a pattern of repetitive, compulsive behavior, the individual registration records of offenders whose risk of re-offense is low or of offenders whose risk of re-offense is moderate but for whom the court has not ordered notification in accordance with paragraph (2) of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not be available to the public on the Internet registry.

3. N.J.S.2C:14-1 is amended to read as follows:

2C:14-1. Definitions. The following definitions apply to this chapter:

a. "Actor" means a person accused of an offense proscribed under this act;

b. "Victim" means a person alleging to have been subjected to offenses proscribed by this act;

c. "Sexual penetration" means vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of the hand, finger or object into the anus or vagina either by the actor or upon
the actor's instruction. The depth of insertion shall not be relevant
as to the question of commission of the crime;

d. "Sexual contact" means an intentional touching by the victim
or actor, either directly or through clothing, of the victim's or actor's
intimate parts for the purpose of degrading or humiliating the victim
or sexually arousing or sexually gratifying the actor. Sexual contact
of the actor with himself must be in view of the victim whom the
actor knows to be present;
e. "Intimate parts" means the following body parts: sexual
organs, genital area, anal area, inner thigh, groin, buttock or breast
of a person;
f. "Severe personal injury" means severe bodily injury,
disfigurement, disease, incapacitating mental anguish or chronic
pain;
g. "Physically helpless" means that condition in which a person
is unconscious or is physically unable to flee or is physically unable
to communicate unwillingness to act;
h. (Deleted by amendment, P.L.2011, c.232)
i. "Mentally incapacitated" means that condition in which a
person is rendered temporarily incapable of understanding or
controlling his conduct due to the influence of a narcotic,
anesthetic, intoxicant, or other substance administered to that
person without his prior knowledge or consent, or due to any other
act committed upon that person which rendered that person
incapable of appraising or controlling his conduct;
j. "Coercion" as used in this chapter shall refer to those acts
which are defined as criminal coercion in section 2C:13-5(1), (2),
(3), (4), (6) and (7)
k. "Intellectual disability" means a significant subaverage
general intellectual functioning existing concurrently with deficits
in adaptive behavior, which are manifested during the development
period.
l. "Permanent physical disability" means a severe impairment
of a permanent nature which so restricts a person's ability to
perform essential activities of daily living that the person needs
assistance to maintain the person's independence and health.
(cf: P.L.2011, c.232, s.3)

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

2C:14-2. Sexual assault. a. An actor is guilty of aggravated
sexual assault if he commits an act of sexual penetration with
another person under any one of the following circumstances:

(1) The victim is less than 13 years old;

(2) The victim is at least 13 but less than 16 years old; and

(a) The actor is related to the victim by blood or affinity to the
third degree, or

(b) The actor has supervisory or disciplinary power over the
victim by virtue of the actor's legal, professional, or occupational
status, or
(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, kidnapping, homicide, aggravated assault on another, burglary, arson or criminal escape;

(4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;

(5) The actor is aided or abetted by one or more other persons and the actor uses physical force or coercion;

(6) The actor uses physical force or coercion and severe personal injury is sustained by the victim;

(7) The victim is one whom the actor knew or should have known was physically helpless, mentally incapacitated, or had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the nature of his conduct, including, but not limited to, being incapable of providing consent;

(8) The victim is one whom the actor knew or should have known has an intellectual disability or a permanent physical disability.

Aggravated sexual assault is a crime of the first degree.

b. An actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim.

c. An actor is guilty of sexual assault if he commits an act of sexual penetration with another person under any one of the following circumstances:

(1) The actor uses physical force or coercion, but the victim does not sustain severe personal injury;

(2) The victim is on probation or parole, or is detained in a hospital, prison or other institution and the actor has supervisory or disciplinary power over the victim by virtue of the actor’s legal, professional or occupational status;

(3) The victim is at least 16 but less than 18 years old and:

(a) The actor is related to the victim by blood or affinity to the third degree; or

(b) The actor has supervisory or disciplinary power of any nature or in any capacity over the victim; or

(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(4) The victim is at least 13 but less than 16 years old and the actor is at least four years older than the victim.

Sexual assault is a crime of the second degree.

(cf: P.L.2011, c.232, s.4)
5. Section 2 of P.L.1994, c.130 (C.2C:43-6.4) is amended to read as follows:

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) of subsection b. of N.J.S.2C:24-4, luring 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. A person who was sentenced to a special sentence of community supervision for life and who is convicted of a subsequent offense pursuant to the provisions of this subsection shall receive a special sentence of parole supervision for life for the subsequent offense.

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 he 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 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. 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 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.

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.

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 [fourth] 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).

A person who, while serving a special sentence of parole
supervision for life imposed pursuant to this section, commits a

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; and

(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.

(cf: P.L.2007, c.219, s.3)

6. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read as follows:

3. a. All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), all penalties imposed pursuant to section 9 of P.L.____, c.____ (pending before the Legislature as this bill) and restitution shall be collected as follows:

(1) All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), all penalties imposed pursuant to section 9 of P.L. , c. (C. ) (pending before the Legislature as this bill) and restitution imposed by the Superior Court or otherwise imposed at the county level, shall be collected by the county probation division except when such fine, assessment or restitution is imposed in conjunction with a custodial sentence to a State correctional facility or in conjunction with a term of incarceration imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) in which event such fine, assessment or restitution shall be collected by the Department of Corrections or the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State correctional institution or a juvenile serving a term of incarceration imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a penalty imposed pursuant to section 9 of P.L. , c. (C. ) (pending before the Legislature as this bill) or restitution shall have the assessment, penalty, fine or restitution deducted from any income the inmate receives as a result of labor performed at the institution or on any type of work release program or, pursuant to regulations promulgated by the Commissioner of the Department of Corrections or the Juvenile Justice Commission, from any personal account established in the institution for the benefit of the inmate.

(2) All fines, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed by a municipal court shall be collected by the municipal court administrator except if such fine, assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered as a condition of probation in which event it shall be collected by the county probation division.

b. Except as provided in subsection c. with respect to fines imposed on appeals following convictions in municipal courts and except as provided in subsection i. with respect to restitution imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et al.), all fines imposed by the Superior Court or otherwise imposed at the county level, shall be paid over by the officer entitled to collect same to:

(1) The county treasurer with respect to fines imposed on defendants who are sentenced to and serve a custodial term, including a term as a condition of probation, in the county jail, workhouse or penitentiary except where such county sentence is served concurrently with a sentence to a State institution; or
(2) The State Treasurer with respect to all other fines.

c. All fines imposed by municipal courts, except a central municipal court established pursuant to N.J.S.2B:12-1 on defendants convicted of crimes, disorderly persons offenses and petty disorderly persons offenses, and all fines imposed following conviction on appeal therefrom, and all forfeitures of bail shall be paid over by the officer entitled to collect same to the treasury of the municipality wherein the municipal court is located.

In the case of an intermunicipal court, fines shall be paid into the municipal treasury of the municipality in which the offense was committed, and costs, fees, and forfeitures of bail shall be apportioned among the several municipalities to which the court's jurisdiction extends according to the ratios of the municipalities' contributions to the total expense of maintaining the court.

In the case of a central municipal court, established by a county pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of bail shall be paid into the county treasury of the county where the central municipal court is located.

d. All assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided in that section.

e. All mandatory Drug Enforcement and Demand Reduction penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded and deposited as provided for in that section.

f. All forensic laboratory fees assessed pursuant to N.J.S.2C:35-20 shall be forwarded and deposited as provided for in that section.

g. All restitution ordered to be paid to the Victims of Crime Compensation Agency pursuant to N.J.S.2C:44-2 shall be forwarded to the agency for deposit in the Victims of Crime Compensation Agency Account.

h. All assessments imposed pursuant to section 11 of P.L.1993, c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided in that section.

i. All restitution imposed on defendants under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law enforcement entity in extraditing the defendant from another jurisdiction shall be paid over by the officer entitled to collect same to the law enforcement entities which participated in the extradition of the defendant.

j. All penalties imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided in that section.

k. All penalties imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in that section.

l. All mandatory penalties imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as provided in that section.
m. All mandatory Computer Crime Prevention penalties imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8) shall be forwarded and deposited as provided in that section.

n. All mandatory Sex Offender Supervision penalties imposed pursuant to section 9 of P.L. , c. (C. ) (pending before the Legislature as this bill) shall be forwarded and deposited as provided in that section.

(cf: P.L.2009, c.143, s.2)

7. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to read as follows:

13. Moneys that are collected in satisfaction of any assessment imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or in satisfaction of restitution or fines imposed in accordance with the provisions of Title 2C of the New Jersey Statutes or with the provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be applied in the following order:

a. first, in satisfaction of all assessments imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1);

b. second, except as provided in subsection f. of this section, in satisfaction of any restitution ordered;

c. third, in satisfaction of all assessments imposed pursuant to section 11 of P.L.1993, c.220 (C.2C:43-3.2);

d. fourth, in satisfaction of any forensic laboratory fee assessed pursuant to N.J.S.2C:35-20;

e. fifth, in satisfaction of any mandatory Drug Enforcement and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-15;

f. sixth, in satisfaction of any anti-drug profiteering penalty imposed pursuant to N.J.S.2C:35A-1 et seq.;

g. seventh, in satisfaction of any anti-money laundering profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25 (C.2C:21-27.2);

h. eighth, in satisfaction of restitution for any extradition costs imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

i. ninth, in satisfaction of any penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5);

j. tenth, in satisfaction of any penalty imposed pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6);

k. eleventh, in satisfaction of the mandatory penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10);

l. twelfth, in satisfaction of any mandatory Computer Crime Prevention penalty assessed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8); and

m. thirteenth, in satisfaction of any mandatory Sex Offender Supervision penalty assessed pursuant to section 9 of P.L. , c. (C. ) (pending before the Legislature as this bill); and

n. in satisfaction of any fine.

(cf: P.L.2009, c.143, s.3)
8. (New section) The Chairman of the State Parole Board shall provide that the caseload of any parole officer with supervision over a persons who have been released from incarceration for the commission of a sex offense, as defined in section 2 of P.L.1994, c.133 (C.2C:7-2), shall not exceed 40 persons. If the caseload of any parole officer exceeds this limitation, the chairman shall provide for the hiring or training of additional parole officers for the supervision of sex offenders until the caseload of each such parole officer is 40 persons or less.

9. (New section) a. In addition to any fine, fee, assessment or penalty authorized under the provisions of Title 2C of the New Jersey Statutes, a person convicted of or adjudicated delinquent for a sex offense, as defined in section 2 of P.L.1994, c. 133 (C.2C:7-2), shall be assessed a penalty of $30 per month.

b. All penalties provided for in this section, collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department of the Treasury to be deposited in the "Sex Offender Supervision Fund" established pursuant to section 10 of P.L. , c. (C. ) (pending before the Legislature as this bill).

10. (New section) There is hereby established the "Sex Offender Supervision Fund" as a nonlapsing, revolving fund. This fund shall be administered by the Chairman of the State Parole Board, and all moneys deposited therein pursuant to section 9 of P.L. , c. (C. ) shall be used for operational expenses incurred by the board in supervising sex offenders who have been released from incarceration. These operational expenses shall include, but not be limited to, additional staff; equipment utilized for continuous monitoring of sex offenders pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.); and purchasing equipment to expand the board’s capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers.

11. (New section) a. The Chairman of the State Parole Board shall develop a program for parole officers who supervise sex offenders to utilize computer and other high technology instruments to detect crimes or violations of conditions of parole.

b. Training for officers who participate in the program shall include, but not be limited to, instruction in the following subjects:

(1) conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments or have used these instruments to commit unlawful or criminal acts;

(2) forensic recovery, evidence preservation and analysis of data in computer systems that are seized because of suspected involvement in unlawful activity;

(3) monitoring the use of interactive computer services by
supervised sex offenders, especially those offenders who are suspected of contacting or seeking to contact children under the age of 18 for the purpose of engaging in unlawful activity; and (4) cooperation with other law enforcement agencies at the local, State and federal level in order to coordinate efforts in investigating and prosecuting unlawful activity by supervised sex offenders involving computers and other high technology instruments.

12. This act shall take effect on the first day of the sixth month after enactment; provided however, the Chairman of the State Parole Board may take any anticipatory action prior to the effective date needed for the timely implementation of this act.

STATEMENT

This bill revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

This bill upgrades the crime of sexual assault, a crime of the third degree, if the victim has an intellectual disability or a permanent physical disability. In such cases, the offense would be upgraded to aggravated sexual assault, a crime of the second degree. A crime of the third degree is punishable by three to five years in prison, a fine of up to $15,000, or both. A crime of the second degree is punishable by imprisonment for five to ten years, a fine of up to $150,000, or both. The bill defines an “intellectual disability” as a significant subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior, which are manifested during the development period; a "permanent physical disability" is defined as a severe impairment of a permanent nature which so restricts a person's ability to perform essential activities of daily living that the person needs assistance to maintain the person's independence and health.

Under the provisions of the bill, an offender who has been given a special sentence of community supervision for life commits a subsequent offense, that offender will be given a special sentence of parole supervision for life for the subsequent offense. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. Under current law, first offenders are sentenced to parole supervision for life, as the special sentence of community supervision for life was repealed and replaced by parole supervision for life.

This bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex
offender moves to another residence. Under current law this is a
crime of the fourth degree; under the provisions of the bill it is a
crime of the third degree.

This bill further provides that a young person who has committed
an offense that would constitute “sexting” would not be required to
register as a sex offender. For purposes of Megan’s Law, the bill
specifies that a sex offense would not include any offense in which:
(1) the facts of the case involve the creation, exhibition or
distribution of a photograph involving nudity through the use of an
electronic communication device, an interactive wireless
communications device, or a computer; and (2) the creator and
subject of the photograph are juveniles.

The bill also requires the registration information of sex
offenders whose conduct has been characterized by a pattern of
repetitive, compulsive behavior to be published on the Internet
registry. Under current law, the registration information of all Tier
Two offenders (moderate risk to re-offend) who do not fit within
the statutory exceptions and Tier Three offenders (high risk to re-
offend) is published on the Internet registry. The registration
information of Tier One (low risk to re-offend) is not published on
the Internet registry. This bill requires an offender whose conduct
was found to be repetitive and compulsive to appear on the Internet
registry. The bill prohibits a sex offender who is at moderate risk to
reoffend but found to be compulsive and repetitive from invoking
one of the statutory exceptions to keep his registration information
from being published on the Internet.

This bill also imposes additional requirements on the State
Parole Board to improve the board’s supervision and monitoring of
sex offenders. A monthly penalty of $30 would be imposed on
every person convicted of or adjudicated delinquent of a sex offense
to fund these initiatives. The bill provides that the moneys would
be forwarded to the Department of the Treasury to be deposited in a
nonlapsing revolving fund to be known as the “Sex Offender
Supervision Fund.” Monies deposited into the fund are to be used
for operational expenses incurred by the board in supervising sex
offenders. These expenses include, but would not but not be limited
to, additional staff, equipment utilized for continuous monitoring of
sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128
(C.30:4-123.89 et seq.), and purchasing equipment to expand the
board’s capabilities to supervise released sex offenders, including
motor vehicles and computer equipment for parole officers.

Moneys in the fund also would be appropriated by the
Legislature to the State Parole Board on an annual basis for the
development of a program utilizing computers and other high
technology for parole officers who supervise sex offenders. This
program would provide computers and other high technology
instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive
instruction in: conducting investigations to determine if supervised
sex offenders have illegally used computers, telecommunications
devices and other high technology instruments, or have used these
instruments to commit unlawful or criminal acts; forensic recovery,
evidence preservation and analysis of data in computer systems
seized because of possible criminal activity; monitoring the use of
interactive computer services by supervised sex offenders,
especially those who are suspected of contacting minors for sexual
activity; and cooperation with other law enforcement agencies to
coordinate efforts in investigating and prosecuting unlawful
computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and
priority of criminal fines, assessments, and penalties to reference
the new penalty created in this bill.

Finally, the bill requires the Chairman of the State Parole Board
to provide that the caseload of any parole officer who supervises
sex offenders is not to exceed 40 parolees. If the caseload of any
parole officer exceeds this limitation, the chairman is to hire or train
additional parole officers to supervise sex offenders until the
caseload of each such parole officer is 40 parolees or less.
The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3886.

As amended and reported by the committee, Assembly Bill No. 3886 revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The amended bill upgrades the crime of sexual assault, which constitutes a crime of the second degree if the victim is physically or intellectually incapacitated. In these cases, the offense would be upgraded to aggravated sexual assault, a crime of the first degree.

Under the provisions of the amended bill, a person who violates a condition of a special sentence of community supervision for life would be sentenced to a special sentence of parole supervision for life; the introduced bill provided that an offender under a special sentence of community supervision for life who commits any subsequent sex offense would be given a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. Under current law, first offenders are sentenced to parole supervision for life, as the special sentence of community supervision for life was repealed and replaced by parole supervision for life. The bill also upgrades a violation of a special sentence of community or parole suspension for life from a crime of the fourth degree to a crime of the third degree.

The amended bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence. Under current law this is a crime of the fourth degree; under the provisions of the bill it is a crime of the third degree.

The amended bill further provides that a young person who has been adjudicated delinquent for an offense that would constitute “sexting” would not be required to register as a sex offender. For purposes of Megan’s Law, the bill specifies that a sex offense would
not include any offense in which: (1) the facts of the case are limited to the creation, exhibition or distribution of a photograph involving nudity through the use of an electronic communication device, an interactive wireless communications device, or a computer; (2) the creator and subject of the photograph were juveniles at the time of its making; and (3) the subject of the photograph whose nudity is depicted knowingly consented to the making of the photograph.

The amended bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry. Under current law, the registration information of all Tier Two offenders (moderate risk to re-offend) who do not fit within the statutory exceptions and Tier Three offenders (high risk to re-offend) is published on the Internet registry regardless of the offender’s tier. The registration information of Tier One offenders (low risk to re-offend) is not published on the Internet registry. This bill requires an offender whose conduct was found to be repetitive and compulsive to appear on the Internet registry. The bill prohibits a sex offender who is at moderate risk to reoffend but found to be compulsive and repetitive from invoking one of the statutory exceptions to keep his registration information from being published on the Internet.

The amended bill also imposes additional requirements on the State Parole Board to improve the board’s supervision and monitoring of sex offenders. A monthly penalty of $30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the convicted person’s income does not exceed 100% of the federal poverty level, the amended bill requires the person to pay 50% of the monthly penalty; if the convicted person’s income does not exceed 149% of the federal poverty level, that person would be required to pay 75% of the monthly penalty. The introduced bill provided for the reduced penalties to be based on family income rather than the convicted person’s income.

The amended bill provides that the moneys from the monthly penalty would be forwarded to the Department of the Treasury to be deposited in a nonlapsing, revolving fund to be known as the “Sex Offender Supervision Fund.” Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not be limited to, the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board’s capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The operational expenses shall not include increments, cost of living increases, or administrative expenses.
Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2636(2R), also amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) replace the terms “intellectual disability” and “permanent physical disability” with the terms “physically incapacitated” and “intellectually incapacitated” as cause to upgrade the crime of sexual assault;

(2) provide that a person who violates a condition of a special sentence of community supervision for life would be sentenced to a special sentence of parole supervision for life; the introduced bill provided that an offender who has been given a special sentence of community supervision for life and commits any subsequent sex offense, that offender will be given a special sentence of parole supervision for life.

(3) clarify the circumstances under which a young person who has been adjudicated delinquent for an offense that would constitute “sexting” would not be required to register as a sex offender; the
person "sexting" must demonstrate that the subject of the photograph knowingly consented to the making of the photograph and the creator and subject of the photograph must be juveniles at the time of the making of the photograph;

(4) provide that if a convicted person’s income does not exceed 100% of the federal poverty level, the convicted person would be required to pay 50% of the $30 monthly penalty imposed for conviction of a sex offense; if the convicted person’s income does not exceed 149% of the federal poverty level, that person would be required to pay 75% of the monthly penalty; the introduced bill provided for the reduced penalties to be based on family income rather than the convicted person’s income;

(5) clarify the operational expenses for which monies deposited in the "Sex Offender Supervision Fund" may be used; these operational expenses may include, but are not limited to, the cost of salary and benefits for the hiring of additional parole officers, but exclude increments, cost of living increases, or administrative expenses; and

(6) make other clarifying and technical changes.
The Assembly Appropriations Committee reports favorably Assembly Bill No. 3886 (1R).

The bill revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. The bill imposes a monetary penalty on convicted sex offenders to provide money to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The bill upgrades the crime of sexual assault, which constitutes a crime of the second degree, if the victim is physically or intellectually incapacitated. In these cases, the offense will be upgraded to aggravated sexual assault, a crime of the first degree.

The bill provides that a person who violates a condition of a special sentence of community supervision for life will be sentenced to a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. Under current law, first offenders are sentenced to parole supervision for life, as the special sentence of community supervision for life was repealed and replaced by parole supervision for life. The bill upgrades a violation of a special sentence of community or parole suspension for life from a crime of the fourth degree to a crime of the third degree.

The bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence. Under current law this is a crime of the fourth degree; under the bill it is a crime of the third degree.

The bill provides that a young person adjudicated delinquent for an offense that would constitute “sexting” will not be required to register as a sex offender. For purposes of Megan’s Law, the bill specifies that a sex offense will not include any offense in which: (1) the facts of the case are limited to the creation, exhibition or distribution of a photograph involving nudity through the use of an electronic communication device, an interactive wireless communications device, or a computer; (2) the creator and subject of the photograph were juveniles at the time of its making; and (3) the subject of the
photograph whose nudity is depicted knowingly consented to the making of the photograph.

The bill requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry. Under current law, the registration information of all Tier Two offenders (moderate risk to re-offend) who do not fit within the statutory exceptions and Tier Three offenders (high risk to re-offend) is published on the Internet registry regardless of the offender’s tier. The registration information of Tier One offenders (low risk to re-offend) is not published on the Internet registry. This bill requires an offender whose conduct was found to be repetitive and compulsive to appear on the Internet registry. The bill prohibits a sex offender who is at moderate risk to reoffend but found to be compulsive and repetitive from invoking one of the statutory exceptions to keep his registration information from being published on the Internet.

The bill imposes additional requirements on the State Parole Board to improve the board’s supervision and monitoring of sex offenders. The bill imposes a monthly penalty of $30 on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the convicted person’s income does not exceed 100 percent of the federal poverty level, the bill requires the person to pay 50 percent of the monthly penalty. If the convicted person’s income does not exceed 149 percent of the federal poverty level, the bill requires the person to pay 75 percent of the monthly penalty.

The bill requires money collected from the monthly penalty to be forwarded to the Department of the Treasury and deposited in a new fund, the “Sex Offender Supervision Fund.” The bill requires money deposited into the fund to be used for operational expenses incurred by the State Parole Board in supervising sex offenders. Under the bill, these expenses include the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g., GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board’s capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The bill provides that operational expenses do not include increments, cost of living increases, or administrative expenses.

The bill requires the Chairman of the State Parole Board to develop a special program for parole officers who supervise sex offenders. The bill provides that this program will utilize computers and other high technology instruments to detect crimes or violations of conditions of parole.

The bill requires parole officers participating in the program to receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or
have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill amends statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new monthly penalty imposed on convicted sex offenders.

The bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the bill requires the chairman to hire or train additional parole officers to supervise sex offenders until the caseload of each parole officer is 40 parolees or fewer.

The bill takes effect on the first day of the sixth month after enactment, but permits the Chairman of the State Parole Board to take advanced anticipatory action.

As reported, this bill is identical to Senate Bill No. 2636 (3R), as also reported by the committee.

FISCAL IMPACT:

In the Fiscal Note prepared for this bill, the State Parole Board indicates the bill will result in significant cost increases. Limiting sex offender caseloads to 40 per officer will require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals $6.5 million for this initiative, increasing to $7.6 million in the second and subsequent years of the program. Given the current structure of two classes per year with 25 officers per class, the Parole Board notes that it will take approximately three years to increase the number of parole officers by 65 unless special arrangements are made for additional classes at a significantly higher cost. The number of officers needed is expected to increase over time.

The Parole Board also notes that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee will most likely not be collected and will take away from child support and other more important payments.

According to the Administrative Office of the Courts (AOC), the Judiciary is unable to estimate the fiscal impact that will result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures is minimal.
The AOC also states that the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC states that with regard to revenue, the bill imposes a monthly penalty of $30 on every person convicted of or adjudicated delinquent for a sex offense. According to the AOC, assuming 976 defendants are convicted of a Megan’s Law sex offense every year (the total number convicted in calendar year 2012), and further assuming that the entire amount of the penalty was collected, a total of $351,360 in revenue will be generated in the first full year of implementation $702,720 during the second full year and $1,054,080 during the third full year after the bill’s implementation.

The Office of Legislative Services (OLS) notes that revenues generated from the new $30 monthly fee may be less than the amounts expected by the AOC, dependent on defendant income. The bill provides that the monthly penalty could be reduced by up to 50 percent if the defendant’s income does not exceed 100 percent of the federal poverty level and, as a result, revenues may total between $175,680 and $351,360 during the first full year of implementation, between $351,360 and $702,720 during the second year, and $527,040 and $1,054,080 during the third year.

The OLS also notes that the New Jersey State Police will incur certain additional costs associated with updating the State’s Internet sex offender registry.
LEGISLATIVE FISCAL ESTIMATE
[First Reprint]

ASSEMBLY, No. 3886
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: DECEMBER 16, 2013

SUMMARY

Synopsis: Revises certain provisions of Megan’s Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.

Type of Impact: General Fund expenditure.

Agencies Affected: Judiciary, State Parole Board, Department of Law and Public Safety

Office of Legislative Services Estimate

<table>
<thead>
<tr>
<th>Fiscal Impact</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
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<tbody>
<tr>
<td>Judiciary Cost</td>
<td>Indeterminate – See comments below</td>
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<tr>
<td>State Parole Board Cost</td>
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<tr>
<td>State Revenue</td>
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<td>$351,360 to $702,720</td>
<td>$527,040 to $1,054,080</td>
</tr>
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- The Office of Legislative Services (OLS) concurs with the State Parole Board’s expenditure estimate.
- The OLS concurs with the Administrative Office of the Courts’ (AOC’s) estimate that the bill would generate minimal expenses for the Judiciary.
- The OLS notes that the amended version of the bill provides that the monthly penalty could be reduced by up to 50 percent depending upon the defendant’s income. Thus, the revenue generated would range between $175,680 and $351,360 during the first full year of implementation, $351,360 and $702,720 during the second full year of implementation, and between $527,040 and $1,054,080 during the third full year of implementation.
- The OLS also concurs with the Parole Board’s estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected, thus reducing revenues even further.
• The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State’s Internet sex offender registry.

BILL DESCRIPTION

Assembly Bill No. 3886 (1R) of 2013 revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The bill upgrades the crime of sexual assault, which constitutes a crime of the second degree if the victim is physically or intellectually incapacitated to aggravated sexual assault, a crime of the first degree.

Under the provisions of the bill, a person who violates a condition of a special sentence of community supervision for life would be sentenced to a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. The bill also upgrades a violation of a special sentence of community or parole supervision for life from a crime of the fourth degree to a crime of the third degree.

The bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence from a crime of the fourth degree to a crime of the third degree.

The bill further provides that a young person who has been adjudicated delinquent for an offense that would constitute “sexting” would not be required to register as a sex offender.

The bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry.

The bill also imposes additional requirements on the State Parole Board to improve the board’s supervision and monitoring of sex offenders. A monthly penalty of $30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the convicted person’s income does not exceed 100 percent of the federal poverty level, the bill requires the person to pay 50 percent of the monthly penalty; if the convicted person’s income does not exceed 149 percent of the federal poverty level, that person would be required to pay 75 percent of the monthly penalty.

The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing, revolving fund to be known as the “Sex Offender Supervision Fund.” Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not be limited to, the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board’s capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The operational expenses shall not include increments, cost of living increases, or administrative expenses.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide
computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

In a fiscal note prepared by the Judiciary for an earlier version of this bill the AOC stated that with regard to expenditures, the bill would upgrade certain crimes from fourth degree to crimes of the third degree. Data gathered from the Judiciary’s computerized case management and information system for the Criminal Division of the Superior Court (PROMIS/Gavel), reveal that during calendar year 2012, 192 people were convicted of failing to provide information required by N.J.S.A.2C:7-2. In addition, 365 people were convicted of violating a condition of community or parole supervision for life under N.J.S.A.2C:43-6.4. Of the combined 557 defendants, only 3 were convicted after a trial. The AOC stated that the Judiciary is unable to estimate the fiscal impact that would result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures would be minimal.

The AOC stated that upgrading the crime of sexual assault to the crime of aggravated sexual assault if the actor knew or should have known that the victim of the sexual assault was physically or intellectually incapacitated might impact the trial rate for that offense. However, the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC stated that with regard to revenue, the bill would impose a monthly penalty of $30 on every person convicted of or adjudicated delinquent for a sex offense.

The AOC noted that data collected from PROMIS/Gavel indicate that during calendar year 2012, a total of 976 defendants were convicted of a Megan’s Law sex offense. Assuming that 976 defendants were convicted of a Megan’s Law sex offense every year and that the entire amount of the penalty was collected, a total of $351,360 in revenue would be generated in the
first full year of implementation (976 defendants x $30 per month x 12 months). As each subsequent year would introduce an additional group of 976 defendants convicted of sex offenses that would be subject to the penalty, the second full year of implementation would generate $702,720 in revenue (1,952 defendants x $30 per month x 12 months) and the third full year of implementation would generate $1,054,080 in revenue (2,928 defendants x $30 per month x 12 months).

**State Parole Board**

In a fiscal note prepared by the State Parole Board for an earlier version of this bill, the Parole Board stated that the bill would require significant cost increases. Limiting sex offender caseloads to 40 per officer would require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals $6.5 million for this initiative, increasing to $7.6 million in the second and subsequent years of the program. Given the current structure of two classes per year with 25 officers per class, the Parole Board noted that it would take approximately three years to increase the number of parole officers by 65 unless special arrangements were made for additional classes at a significantly higher cost. The number of officers needed would continue to increase over time.

The Parole Board noted that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee would most likely not be collected and would take away from child support and other important payments.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS concurs with the AOC’s estimate that the bill would generate minimal expenses for the Judiciary. The OLS notes that the amended version of the bill provides that the monthly penalty could be reduced by up to 50 percent depending upon the defendant’s income. Thus, the revenue generated would range between $175,680 and $351,360 during the first full year of implementation, $351,360 and $702,720 during the second full year of implementation, and between $527,040 and $1,054,080 during the third full year of implementation. The OLS also concurs with the Parole Board’s estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected, thus reducing revenues even further. The OLS concurs with the State Parole Board’s expenditure estimate. The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State’s Internet sex offender registry.

Section: Judiciary

Analyst: Anne Raughley
Principal Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).