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**NEWSPAPER ARTICLES:** Yes

New NJ law requires anyone charged with child porn offenses to give DNA sample northjersey.com (Published as northjersey.com (NJ)) - June 7, 2019

RWH/CL

P.L. 2019, CHAPTER 122, *approved June 7, 2019*  
Senate, No. 3078

1 AN ACT requiring DNA samples from persons arrested for child  
2 pornography and amending P.L.1994, c.136.

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

6  
7 1. Section 4 of P.L.1994, c.136 (C.53:1-20.20) is amended to  
8 read as follows:

9 4. a. On or after January 1, 1995 every person convicted of  
10 aggravated sexual assault and sexual assault under N.J.S.2C:14-2 or  
11 aggravated criminal sexual contact and criminal sexual contact  
12 under N.J.S.2C:14-3 or any attempt to commit any of these crimes  
13 and who is sentenced to a term of imprisonment shall have a blood  
14 sample drawn or other biological sample collected for purposes of  
15 DNA testing upon commencement of the period of confinement.

16 In addition, every person convicted on or after January 1, 1995  
17 of these offenses, but who is not sentenced to a term of  
18 confinement, shall provide a DNA sample for purposes of DNA  
19 testing as a condition of the sentence imposed. A person who has  
20 been convicted and incarcerated as a result of a conviction of one or  
21 more of these offenses prior to January 1, 1995 shall provide a  
22 DNA sample before parole or release from incarceration.

23 Every person arrested for an offense enumerated in this  
24 subsection shall provide a DNA sample for purposes of DNA  
25 testing prior to the person's release from custody.

26 b. On or after January 1, 1998 every juvenile adjudicated  
27 delinquent for an act which, if committed by an adult, would  
28 constitute aggravated sexual assault or sexual assault under  
29 N.J.S.2C:14-2 or aggravated criminal sexual contact or criminal  
30 sexual contact under N.J.S.2C:14-3, or any attempt to commit any  
31 of these crimes, shall have a blood sample drawn or other biological  
32 sample collected for purposes of DNA testing.

33 Every juvenile arrested for an act which, if committed by an  
34 adult, would constitute an offense enumerated in this subsection  
35 shall provide a DNA sample for purposes of DNA testing prior to  
36 the juvenile's release from custody.

37 c. On or after January 1, 1998 every person found not guilty by  
38 reason of insanity of aggravated sexual assault or sexual assault  
39 under N.J.S.2C:14-2 or aggravated criminal sexual contact or  
40 criminal sexual contact under N.J.S.2C:14-3, or any attempt to  
41 commit any of these crimes, or adjudicated not delinquent by reason  
42 of insanity for an act which, if committed by an adult, would

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

Matter underlined thus is new matter.

1 constitute one of these crimes, shall have a blood sample drawn or  
2 other biological sample collected for purposes of DNA testing.

3 d. On or after January 1, 2000 every person convicted of  
4 murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to  
5 N.J.S.2C:11-4, aggravated assault of the second degree pursuant to  
6 paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1, kidnapping  
7 pursuant to N.J.S.2C:13-1, luring or enticing a child in violation of  
8 P.L.1993, c.291 (C.2C:13-6), **【engaging in sexual conduct which**  
9 **would impair or debauch the morals of a child】** endangering  
10 welfare of children pursuant to N.J.S.2C:24-4, except for paragraph  
11 (2) of subsection a., or any attempt to commit any of these crimes  
12 and who is sentenced to a term of imprisonment shall have a blood  
13 sample drawn or other biological sample collected for purposes of  
14 DNA testing upon commencement of the period of confinement.

15 In addition, every person convicted on or after January 1, 2000  
16 of these offenses, but who is not sentenced to a term of  
17 confinement, shall provide a DNA sample as a condition of the  
18 sentence imposed. A person who has been convicted and  
19 incarcerated as a result of a conviction of one or more of these  
20 offenses prior to January 1, 2000 shall provide a DNA sample  
21 before parole or release from incarceration.

22 Every person arrested for an offense enumerated in this  
23 subsection shall provide a DNA sample for purposes of DNA  
24 testing prior to the person's release from custody.

25 e. On or after January 1, 2000 every juvenile adjudicated  
26 delinquent for an act which, if committed by an adult, would  
27 constitute murder pursuant to N.J.S.2C:11-3, manslaughter pursuant  
28 to N.J.S.2C:11-4, aggravated assault of the second degree pursuant  
29 to paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1,  
30 kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child in  
31 violation of P.L.1993, c.291 (C.2C:13-6), **【engaging in sexual**  
32 **conduct which would impair or debauch the morals of a child】**  
33 endangering welfare of children pursuant to N.J.S.2C:24-4, except  
34 for paragraph (2) of subsection a., or any attempt to commit any of  
35 these crimes, shall have a blood sample drawn or other biological  
36 sample collected for purposes of DNA testing.

37 Every juvenile arrested for an act which, if committed by an  
38 adult, would constitute an offense enumerated in this subsection  
39 shall provide a DNA sample for purposes of DNA testing prior to  
40 the juvenile's release from custody.

41 f. On or after January 1, 2000 every person found not guilty by  
42 reason of insanity of murder pursuant to N.J.S.2C:11-3,  
43 manslaughter pursuant to N.J.S.2C:11-4, aggravated assault of the  
44 second degree pursuant to paragraph (1) or (6) of subsection b. of  
45 N.J.S.2C:12-1, kidnapping pursuant to N.J.S.2C:13-1, luring or  
46 enticing a child in violation of P.L.1993, c.291 (C.2C:13-6),  
47 **【engaging in sexual conduct which would impair or debauch the**  
48 **morals of a child】** endangering welfare of children pursuant to

1 N.J.S.2C:24-4, except for paragraph (2) of subsection a., or any  
2 attempt to commit any of these crimes, or adjudicated not  
3 delinquent by reason of insanity for an act which, if committed by  
4 an adult, would constitute one of these crimes, shall have a blood  
5 sample drawn or other biological sample collected for purposes of  
6 DNA testing.

7 g. Every person convicted or found not guilty by reason of  
8 insanity of a crime or a specified disorderly persons offense shall  
9 have a blood sample drawn or other biological sample collected for  
10 purposes of DNA testing. If the person is sentenced to a term of  
11 imprisonment or confinement, the person shall have a blood sample  
12 drawn or other biological sample collected for purposes of DNA  
13 testing upon commencement of the period of imprisonment or  
14 confinement. If the person is not sentenced to a term of  
15 imprisonment or confinement, the person shall provide a DNA  
16 sample as a condition of the sentence imposed. A person who has  
17 been convicted or found not guilty by reason of insanity of a crime  
18 prior to the effective date of P.L.2003, c.183 or of a specified  
19 disorderly persons offense prior to the effective date of P.L.2015,  
20 c.263 and who, on the effective date, is serving a sentence of  
21 imprisonment, probation, parole or other form of supervision as a  
22 result of the crime or is confined following acquittal by reason of  
23 insanity shall provide a DNA sample before termination of  
24 imprisonment, probation, parole, supervision or confinement, as the  
25 case may be.

26 h. Every juvenile adjudicated delinquent, or adjudicated not  
27 delinquent by reason of insanity, for an act which, if committed by  
28 an adult, would constitute a crime or a specified disorderly persons  
29 offense shall have a blood sample drawn or other biological sample  
30 collected for purposes of DNA testing. If under the order of  
31 disposition the juvenile is sentenced to some form of imprisonment,  
32 detention or confinement, the juvenile shall have a blood sample  
33 drawn or other biological sample collected for purposes of DNA  
34 testing upon commencement of the period of imprisonment,  
35 detention or confinement. If the order of disposition does not  
36 include some form of imprisonment, detention or confinement, the  
37 juvenile shall provide a DNA sample as a condition of the  
38 disposition ordered by the court. A juvenile who, prior to the  
39 effective date of P.L.2003, c.183, has been adjudicated delinquent,  
40 or adjudicated not delinquent by reason of insanity for an act which,  
41 if committed by an adult, would constitute a crime or, prior to the  
42 effective date of P.L.2015, c.263, has been adjudicated delinquent  
43 or adjudicated not delinquent by reason of insanity for an act which,  
44 if committed by an adult, would constitute a specified disorderly  
45 persons offense, and who on the effective date is under some form  
46 of imprisonment, detention, confinement, probation, parole or any  
47 other form of supervision as a result of the offense or is confined  
48 following an adjudication of not delinquent by reason of insanity

1 shall provide a DNA sample before termination of imprisonment,  
2 detention, supervision or confinement, as the case may be.

3 As used in this act, "specified disorderly persons offense" shall  
4 mean assault constituting domestic violence as defined in section 3  
5 of P.L.1991, c.261 (C.2C:25-19); prostitution pursuant to  
6 N.J.S.2C:34-1; any disorderly persons offense relating to narcotics  
7 or dangerous drugs for which a person is required to be  
8 fingerprinted pursuant to section 1 of P.L.1952, c.92 (C.53:1-18.1),  
9 excluding possession of 50 grams or less of marijuana, including  
10 any adulterants or dilutants, or five grams or less of hashish under  
11 N.J.S.2C:35-10; or any other disorderly persons offense for which a  
12 person is required to be fingerprinted pursuant to R.S.53:1-15. A  
13 "specified disorderly persons offense" shall not include shoplifting  
14 pursuant to N.J.S.2C:20-11.

15 i. Nothing in this act shall be deemed to limit or preclude  
16 collection of DNA samples as authorized by court order or in  
17 accordance with any other  
18 (cf: P.L.2015, c.263, s.2)

19

20 2. This act shall take effect immediately.

21

## 22 STATEMENT

23

24 This bill requires a DNA sample to be collected from a person  
25 arrested for endangering the welfare of a child by committing a  
26 child pornography offense.

27 Current law requires a blood or other biological sample to be  
28 collected from every adult and juvenile convicted or found not  
29 guilty by reason of insanity of a crime of the first, second, third, and  
30 fourth degree, as well as for convictions of specified disorderly  
31 persons offenses. Current law also requires a blood or other  
32 biological sample be collected from every adult and juvenile  
33 arrested for any of the following crimes: aggravated sexual assault;  
34 sexual assault; aggravated criminal sexual contact; criminal sexual  
35 contact; murder; manslaughter; aggravated assault of the second  
36 degree; kidnapping; luring or enticing a child; endangering the  
37 welfare of a child by engaging in sexual conduct which would  
38 impair or debauch the morals of a child; or any attempt to commit  
39 any of these crimes.

40 This bill expands the list of crimes for which a DNA sample is  
41 collected from a defendant upon arrest to also include those persons  
42 charged with endangering the welfare of a child by producing,  
43 distributing, or possessing child pornography.

44

45

46

47 Requires collection of DNA sample for child pornography  
48 arrests.

# SENATE, No. 3078

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 15, 2018

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblywoman ELIANA PINTOR MARIN**

**District 29 (Essex)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Co-Sponsored by:**

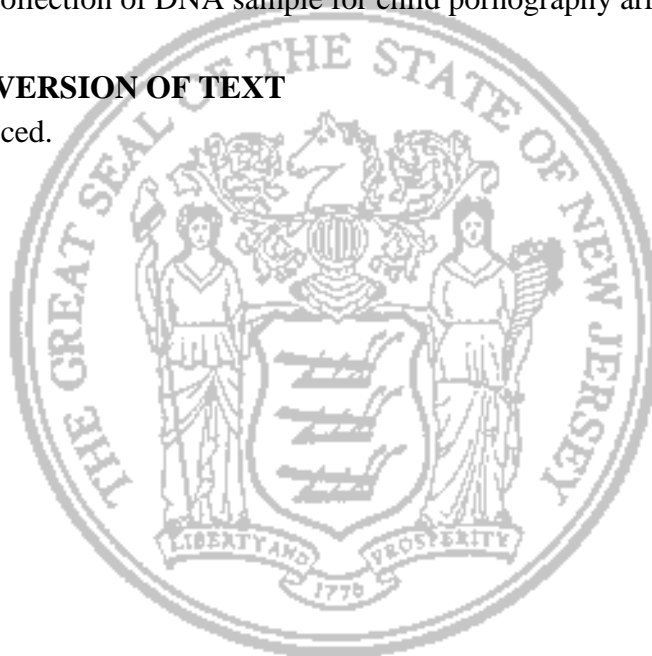
**Senator Bateman**

**SYNOPSIS**

Requires collection of DNA sample for child pornography arrests.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/24/2019)**

1 AN ACT requiring DNA samples from persons arrested for child  
2 pornography and amending P.L.1994, c.136.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
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11 aggravated criminal sexual contact and criminal sexual contact  
12 under N.J.S.2C:14-3 or any attempt to commit any of these crimes  
13 and who is sentenced to a term of imprisonment shall have a blood  
14 sample drawn or other biological sample collected for purposes of  
15 DNA testing upon commencement of the period of confinement.

16 In addition, every person convicted on or after January 1, 1995  
17 of these offenses, but who is not sentenced to a term of  
18 confinement, shall provide a DNA sample for purposes of DNA  
19 testing as a condition of the sentence imposed. A person who has  
20 been convicted and incarcerated as a result of a conviction of one or  
21 more of these offenses prior to January 1, 1995 shall provide a  
22 DNA sample before parole or release from incarceration.

23 Every person arrested for an offense enumerated in this  
24 subsection shall provide a DNA sample for purposes of DNA  
25 testing prior to the person's release from custody.

26 b. On or after January 1, 1998 every juvenile adjudicated  
27 delinquent for an act which, if committed by an adult, would  
28 constitute aggravated sexual assault or sexual assault under  
29 N.J.S.2C:14-2 or aggravated criminal sexual contact or criminal  
30 sexual contact under N.J.S.2C:14-3, or any attempt to commit any  
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33 Every juvenile arrested for an act which, if committed by an  
34 adult, would constitute an offense enumerated in this subsection  
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36 the juvenile's release from custody.

37 c. On or after January 1, 1998 every person found not guilty by  
38 reason of insanity of aggravated sexual assault or sexual assault  
39 under N.J.S.2C:14-2 or aggravated criminal sexual contact or  
40 criminal sexual contact under N.J.S.2C:14-3, or any attempt to  
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43 constitute one of these crimes, shall have a blood sample drawn or  
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**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**



1 d. On or after January 1, 2000 every person convicted of  
2 murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to  
3 N.J.S.2C:11-4, aggravated assault of the second degree pursuant to  
4 paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1, kidnapping  
5 pursuant to N.J.S.2C:13-1, luring or enticing a child in violation of  
6 P.L.1993, c.291 (C.2C:13-6), **【engaging in sexual conduct which**  
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8 welfare of children pursuant to N.J.S.2C:24-4, except for paragraph  
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28 kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child in  
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39 f. On or after January 1, 2000 every person found not guilty by  
40 reason of insanity of murder pursuant to N.J.S.2C:11-3,  
41 manslaughter pursuant to N.J.S.2C:11-4, aggravated assault of the  
42 second degree pursuant to paragraph (1) or (6) of subsection b. of  
43 N.J.S.2C:12-1, kidnapping pursuant to N.J.S.2C:13-1, luring or  
44 enticing a child in violation of P.L.1993, c.291 (C.2C:13-6),  
45 **【engaging in sexual conduct which would impair or debauch the**  
46 **morals of a child】** endangering welfare of children pursuant to  
47 N.J.S.2C:24-4, except for paragraph (2) of subsection a., or any

1 attempt to commit any of these crimes, or adjudicated not  
2 delinquent by reason of insanity for an act which, if committed by  
3 an adult, would constitute one of these crimes, shall have a blood  
4 sample drawn or other biological sample collected for purposes of  
5 DNA testing.

6 g. Every person convicted or found not guilty by reason of  
7 insanity of a crime or a specified disorderly persons offense shall  
8 have a blood sample drawn or other biological sample collected for  
9 purposes of DNA testing. If the person is sentenced to a term of  
10 imprisonment or confinement, the person shall have a blood sample  
11 drawn or other biological sample collected for purposes of DNA  
12 testing upon commencement of the period of imprisonment or  
13 confinement. If the person is not sentenced to a term of  
14 imprisonment or confinement, the person shall provide a DNA  
15 sample as a condition of the sentence imposed. A person who has  
16 been convicted or found not guilty by reason of insanity of a crime  
17 prior to the effective date of P.L.2003, c.183 or of a specified  
18 disorderly persons offense prior to the effective date of P.L.2015,  
19 c.263 and who, on the effective date, is serving a sentence of  
20 imprisonment, probation, parole or other form of supervision as a  
21 result of the crime or is confined following acquittal by reason of  
22 insanity shall provide a DNA sample before termination of  
23 imprisonment, probation, parole, supervision or confinement, as the  
24 case may be.

25 h. Every juvenile adjudicated delinquent, or adjudicated not  
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27 an adult, would constitute a crime or a specified disorderly persons  
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30 disposition the juvenile is sentenced to some form of imprisonment,  
31 detention or confinement, the juvenile shall have a blood sample  
32 drawn or other biological sample collected for purposes of DNA  
33 testing upon commencement of the period of imprisonment,  
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35 include some form of imprisonment, detention or confinement, the  
36 juvenile shall provide a DNA sample as a condition of the  
37 disposition ordered by the court. A juvenile who, prior to the  
38 effective date of P.L.2003, c.183, has been adjudicated delinquent,  
39 or adjudicated not delinquent by reason of insanity for an act which,  
40 if committed by an adult, would constitute a crime or, prior to the  
41 effective date of P.L.2015, c.263, has been adjudicated delinquent  
42 or adjudicated not delinquent by reason of insanity for an act which,  
43 if committed by an adult, would constitute a specified disorderly  
44 persons offense, and who on the effective date is under some form  
45 of imprisonment, detention, confinement, probation, parole or any  
46 other form of supervision as a result of the offense or is confined  
47 following an adjudication of not delinquent by reason of insanity

1 shall provide a DNA sample before termination of imprisonment,  
2 detention, supervision or confinement, as the case may be.

3 As used in this act, "specified disorderly persons offense" shall  
4 mean assault constituting domestic violence as defined in section 3  
5 of P.L.1991, c.261 (C.2C:25-19); prostitution pursuant to  
6 N.J.S.2C:34-1; any disorderly persons offense relating to narcotics  
7 or dangerous drugs for which a person is required to be  
8 fingerprinted pursuant to section 1 of P.L.1952, c.92 (C.53:1-18.1),  
9 excluding possession of 50 grams or less of marijuana, including  
10 any adulterants or dilutants, or five grams or less of hashish under  
11 N.J.S.2C:35-10; or any other disorderly persons offense for which a  
12 person is required to be fingerprinted pursuant to R.S.53:1-15. A  
13 "specified disorderly persons offense" shall not include shoplifting  
14 pursuant to N.J.S.2C:20-11.

15 i. Nothing in this act shall be deemed to limit or preclude  
16 collection of DNA samples as authorized by court order or in  
17 accordance with any other  
18 (cf: P.L.2015, c.263, s.2)

19

20 2. This act shall take effect immediately.

21

22

23

#### STATEMENT

24

25 This bill requires a DNA sample to be collected from a person  
26 arrested for endangering the welfare of a child by committing a  
27 child pornography offense.

28 Current law requires a blood or other biological sample to be  
29 collected from every adult and juvenile convicted or found not  
30 guilty by reason of insanity of a crime of the first, second, third, and  
31 fourth degree, as well as for convictions of specified disorderly  
32 persons offenses. Current law also requires a blood or other  
33 biological sample be collected from every adult and juvenile  
34 arrested for any of the following crimes: aggravated sexual assault;  
35 sexual assault; aggravated criminal sexual contact; criminal sexual  
36 contact; murder; manslaughter; aggravated assault of the second  
37 degree; kidnapping; luring or enticing a child; endangering the  
38 welfare of a child by engaging in sexual conduct which would  
39 impair or debauch the morals of a child; or any attempt to commit  
40 any of these crimes.

41 This bill expands the list of crimes for which a DNA sample is  
42 collected from a defendant upon arrest to also include those persons  
43 charged with endangering the welfare of a child by producing,  
44 distributing, or possessing child pornography.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 3078

# STATE OF NEW JERSEY

DATED: OCTOBER 18, 2018

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 3078.

As reported by the committee, this bill requires a DNA sample to be collected from a person who is arrested for the crime of endangering the welfare of a child by committing a child pornography offense.

Current law requires a blood or other biological sample, such as a buccal swab, to be collected from every adult and juvenile convicted or found not guilty by reason of insanity of a crime of the first, second, third, and fourth degree, as well as for convictions of specified disorderly persons offenses. Current law also requires a blood or other biological sample be collected from every adult and juvenile arrested for any of the following crimes: aggravated sexual assault; sexual assault; aggravated criminal sexual contact; criminal sexual contact; murder; manslaughter; aggravated assault of the second degree; kidnapping; luring or enticing a child; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child; or any attempt to commit any of these crimes.

This bill expands the list of crimes for which a DNA sample is collected from a defendant upon arrest to also include those persons charged with the crime of endangering the welfare of a child by producing, distributing, or possessing child pornography.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 3078

# STATE OF NEW JERSEY

DATED: MAY 13, 2019

The Assembly Law and Public Safety Committee reports favorably, Senate Bill No. 3078.

As reported by the committee, Senate Bill No. 3078 requires a DNA sample to be collected from a person who is arrested for the crime of endangering the welfare of a child by committing a child pornography offense.

Current law requires a blood or other biological sample, such as a buccal swab, to be collected from every adult and juvenile convicted or found not guilty by reason of insanity of a crime of the first, second, third, and fourth degree, as well as for convictions of specified disorderly persons offenses. Current law also requires a blood or other biological sample be collected from every adult and juvenile arrested for any of the following crimes: aggravated sexual assault; sexual assault; aggravated criminal sexual contact; criminal sexual contact; murder; manslaughter; aggravated assault of the second degree; kidnapping; luring or enticing a child; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child; or any attempt to commit any of these crimes.

This bill expands the list of crimes for which a DNA sample is collected from a defendant upon arrest to also include those persons charged with the crime of endangering the welfare of a child by producing, distributing, or possessing child pornography.

As reported by the committee, Senate Bill No. 3078 is identical to Assembly Bill No. 4677 which also was reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3078

**STATE OF NEW JERSEY**

DATED: MAY 20, 2019

The Assembly Appropriations Committee reports favorably Senate Bill No. 3078.

This bill requires a DNA sample to be collected from a person who is arrested for the crime of endangering the welfare of a child by committing a child pornography offense.

Current law requires a blood or other biological sample, such as a buccal swab, to be collected from every adult and juvenile convicted or found not guilty by reason of insanity of a crime of the first, second, third, and fourth degree, as well as for convictions of specified disorderly persons offenses. Current law also requires a blood or other biological sample be collected from every adult and juvenile arrested for any of the following crimes: aggravated sexual assault; sexual assault; aggravated criminal sexual contact; criminal sexual contact; murder; manslaughter; aggravated assault of the second degree; kidnapping; luring or enticing a child; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child; or any attempt to commit any of these crimes.

This bill expands the list of crimes for which a DNA sample is collected from a defendant upon arrest to also include those persons charged with the crime of endangering the welfare of a child by producing, distributing, or possessing child pornography.

As reported, this bill is identical to Assembly Bill No. 4677, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the cost to carry out the procedures required in this bill is indeterminate. The offenses proposed for DNA collection under this bill upon arrest are already required to be submitted by a defendant upon conviction. The inclusion of persons arrested for certain child pornography crimes into the DNA database would increase DNA processing costs by an unknown amount.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 3078**  
**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

DATED: NOVEMBER 2, 2018

**SUMMARY**

**Synopsis:** Requires collection of DNA sample for child pornography arrests.

**Type of Impact:** State Expenditure increase.

**Agencies Affected:** Department of Law and Public Safety; Department of Corrections; State Parole Board; Administrative Office of the Courts; and County and Municipal Law Enforcement.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State and Local Cost</b>		Indeterminate	

- The Office of Legislative Services (OLS) concludes that the cost to carry out the procedures required in this bill is indeterminate. The offenses proposed for DNA collection under this bill upon arrest are already required to be submitted by a defendant upon conviction. The inclusion of persons arrested for certain child pornography crimes into the DNA database would increase DNA processing costs by an unknown amount.

**BILL DESCRIPTION**

This bill requires a DNA sample to be collected from a person who is arrested for the crime of endangering the welfare of a child by committing a child pornography offense.

Current law requires a blood or other biological sample, such as a buccal swab, to be collected from every adult and juvenile convicted or found not guilty by reason of insanity of a crime of the first, second, third, and fourth degree, as well as for convictions of specified disorderly persons offenses. Current law also requires a blood or other biological sample be collected from every adult and juvenile arrested for any of the following crimes: aggravated sexual assault; sexual assault; aggravated criminal sexual contact; criminal sexual contact; murder; manslaughter; aggravated assault of the second degree; kidnapping; luring or enticing a child; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child; or any attempt to commit any of these crimes.

This bill expands the list of crimes for which a DNA sample is collected from a defendant upon arrest to also include those persons charged with the crime of endangering the welfare of a child by producing, distributing, or possessing child pornography.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concludes that the cost to carry out the procedures in this bill is indeterminate. The offenses for which DNA collection is proposed under this bill upon arrest are already required upon conviction; however, the inclusion of persons into the DNA database upon arrest would increase DNA processing costs by an unknown amount.

Currently, those convicted of this crime already require that DNA samples be taken; however, this bill expands the samples to be taken upon arrest. The specific number of arrests that would qualify for DNA collection under this bill is unknown; however, according to the Office of the Attorney General, the Division of Criminal Justice estimates that this will increase the samples collected by approximately 25 cases a year. These additional cases processed would be for persons arrested who are not subsequently convicted of the child pornography charges and who would otherwise have no other convictions, current, past or future. It is important to note that the samples would not need to be taken again if the person is eventually convicted of the crime as the DNA would already be in the database. OLS notes there may be additional costs related to storage of the additional samples.

Additionally, OLS also notes there may be a shifting of costs if the location (e.g., courthouse, or State, county or local law enforcement agency) where the DNA sample is taken changes from the “conviction site” to the “arrest site.”

*Section:* Law and Public Safety

*Analyst:* Kristin Brunner Santos  
Senior Fiscal Analyst

*Approved:* Frank W. Haines III  
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. 4677

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 29, 2018

**Sponsored by:**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**Assemblywoman ELIANA PINTOR MARIN**

**District 29 (Essex)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**SYNOPSIS**

Requires collection of DNA sample for child pornography arrests.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 5/24/2019)

1 AN ACT requiring DNA samples from persons arrested for child  
2 pornography and amending P.L.1994, c.136.

3

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

6

7 1. Section 4 of P.L.1994, c.136 (C.53:1-20.20) is amended to  
8 read as follows:

9 4. a. On or after January 1, 1995 every person convicted of  
10 aggravated sexual assault and sexual assault under N.J.S.2C:14-2 or  
11 aggravated criminal sexual contact and criminal sexual contact  
12 under N.J.S.2C:14-3 or any attempt to commit any of these crimes  
13 and who is sentenced to a term of imprisonment shall have a blood  
14 sample drawn or other biological sample collected for purposes of  
15 DNA testing upon commencement of the period of confinement.

16 In addition, every person convicted on or after January 1, 1995  
17 of these offenses, but who is not sentenced to a term of  
18 confinement, shall provide a DNA sample for purposes of DNA  
19 testing as a condition of the sentence imposed. A person who has  
20 been convicted and incarcerated as a result of a conviction of one or  
21 more of these offenses prior to January 1, 1995 shall provide a  
22 DNA sample before parole or release from incarceration.

23 Every person arrested for an offense enumerated in this  
24 subsection shall provide a DNA sample for purposes of DNA  
25 testing prior to the person's release from custody.

26 b. On or after January 1, 1998 every juvenile adjudicated  
27 delinquent for an act which, if committed by an adult, would  
28 constitute aggravated sexual assault or sexual assault under  
29 N.J.S.2C:14-2 or aggravated criminal sexual contact or criminal  
30 sexual contact under N.J.S.2C:14-3, or any attempt to commit any  
31 of these crimes, shall have a blood sample drawn or other biological  
32 sample collected for purposes of DNA testing.

33 Every juvenile arrested for an act which, if committed by an  
34 adult, would constitute an offense enumerated in this subsection  
35 shall provide a DNA sample for purposes of DNA testing prior to  
36 the juvenile's release from custody.

37 c. On or after January 1, 1998 every person found not guilty by  
38 reason of insanity of aggravated sexual assault or sexual assault  
39 under N.J.S.2C:14-2 or aggravated criminal sexual contact or  
40 criminal sexual contact under N.J.S.2C:14-3, or any attempt to  
41 commit any of these crimes, or adjudicated not delinquent by reason  
42 of insanity for an act which, if committed by an adult, would  
43 constitute one of these crimes, shall have a blood sample drawn or  
44 other biological sample collected for purposes of DNA testing.

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

Matter underlined thus is new matter.

1 d. On or after January 1, 2000 every person convicted of  
2 murder pursuant to N.J.S.2C:11-3, manslaughter pursuant to  
3 N.J.S.2C:11-4, aggravated assault of the second degree pursuant to  
4 paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1, kidnapping  
5 pursuant to N.J.S.2C:13-1, luring or enticing a child in violation of  
6 P.L.1993, c.291 (C.2C:13-6), **【engaging in sexual conduct which**  
7 **would impair or debauch the morals of a child】** endangering  
8 welfare of children pursuant to N.J.S.2C:24-4, except for paragraph  
9 (2) of subsection a., or any attempt to commit any of these crimes  
10 and who is sentenced to a term of imprisonment shall have a blood  
11 sample drawn or other biological sample collected for purposes of  
12 DNA testing upon commencement of the period of confinement.

13 In addition, every person convicted on or after January 1, 2000  
14 of these offenses, but who is not sentenced to a term of  
15 confinement, shall provide a DNA sample as a condition of the  
16 sentence imposed. A person who has been convicted and  
17 incarcerated as a result of a conviction of one or more of these  
18 offenses prior to January 1, 2000 shall provide a DNA sample  
19 before parole or release from incarceration.

20 Every person arrested for an offense enumerated in this  
21 subsection shall provide a DNA sample for purposes of DNA  
22 testing prior to the person's release from custody.

23 e. On or after January 1, 2000 every juvenile adjudicated  
24 delinquent for an act which, if committed by an adult, would  
25 constitute murder pursuant to N.J.S.2C:11-3, manslaughter pursuant  
26 to N.J.S.2C:11-4, aggravated assault of the second degree pursuant  
27 to paragraph (1) or (6) of subsection b. of N.J.S.2C:12-1,  
28 kidnapping pursuant to N.J.S.2C:13-1, luring or enticing a child in  
29 violation of P.L.1993, c.291 (C.2C:13-6), **【engaging in sexual**  
30 **conduct which would impair or debauch the morals of a child】**  
31 endangering welfare of children pursuant to N.J.S.2C:24-4, except  
32 for paragraph (2) of subsection a., or any attempt to commit any of  
33 these crimes, shall have a blood sample drawn or other biological  
34 sample collected for purposes of DNA testing.

35 Every juvenile arrested for an act which, if committed by an  
36 adult, would constitute an offense enumerated in this subsection  
37 shall provide a DNA sample for purposes of DNA testing prior to  
38 the juvenile's release from custody.

39 f. On or after January 1, 2000 every person found not guilty by  
40 reason of insanity of murder pursuant to N.J.S.2C:11-3,  
41 manslaughter pursuant to N.J.S.2C:11-4, aggravated assault of the  
42 second degree pursuant to paragraph (1) or (6) of subsection b. of  
43 N.J.S.2C:12-1, kidnapping pursuant to N.J.S.2C:13-1, luring or  
44 enticing a child in violation of P.L.1993, c.291 (C.2C:13-6),  
45 **【engaging in sexual conduct which would impair or debauch the**  
46 **morals of a child】** endangering welfare of children pursuant to  
47 N.J.S.2C:24-4, except for paragraph (2) of subsection a., or any

1 attempt to commit any of these crimes, or adjudicated not  
2 delinquent by reason of insanity for an act which, if committed by  
3 an adult, would constitute one of these crimes, shall have a blood  
4 sample drawn or other biological sample collected for purposes of  
5 DNA testing.

6 g. Every person convicted or found not guilty by reason of  
7 insanity of a crime or a specified disorderly persons offense shall  
8 have a blood sample drawn or other biological sample collected for  
9 purposes of DNA testing. If the person is sentenced to a term of  
10 imprisonment or confinement, the person shall have a blood sample  
11 drawn or other biological sample collected for purposes of DNA  
12 testing upon commencement of the period of imprisonment or  
13 confinement. If the person is not sentenced to a term of  
14 imprisonment or confinement, the person shall provide a DNA  
15 sample as a condition of the sentence imposed. A person who has  
16 been convicted or found not guilty by reason of insanity of a crime  
17 prior to the effective date of P.L.2003, c.183 or of a specified  
18 disorderly persons offense prior to the effective date of P.L.2015,  
19 c.263 and who, on the effective date, is serving a sentence of  
20 imprisonment, probation, parole or other form of supervision as a  
21 result of the crime or is confined following acquittal by reason of  
22 insanity shall provide a DNA sample before termination of  
23 imprisonment, probation, parole, supervision or confinement, as the  
24 case may be.

25 h. Every juvenile adjudicated delinquent, or adjudicated not  
26 delinquent by reason of insanity, for an act which, if committed by  
27 an adult, would constitute a crime or a specified disorderly persons  
28 offense shall have a blood sample drawn or other biological sample  
29 collected for purposes of DNA testing. If under the order of  
30 disposition the juvenile is sentenced to some form of imprisonment,  
31 detention or confinement, the juvenile shall have a blood sample  
32 drawn or other biological sample collected for purposes of DNA  
33 testing upon commencement of the period of imprisonment,  
34 detention or confinement. If the order of disposition does not  
35 include some form of imprisonment, detention or confinement, the  
36 juvenile shall provide a DNA sample as a condition of the  
37 disposition ordered by the court. A juvenile who, prior to the  
38 effective date of P.L.2003, c.183, has been adjudicated delinquent,  
39 or adjudicated not delinquent by reason of insanity for an act which,  
40 if committed by an adult, would constitute a crime or, prior to the  
41 effective date of P.L.2015, c.263, has been adjudicated delinquent  
42 or adjudicated not delinquent by reason of insanity for an act which,  
43 if committed by an adult, would constitute a specified disorderly  
44 persons offense, and who on the effective date is under some form  
45 of imprisonment, detention, confinement, probation, parole or any  
46 other form of supervision as a result of the offense or is confined  
47 following an adjudication of not delinquent by reason of insanity

1 shall provide a DNA sample before termination of imprisonment,  
2 detention, supervision or confinement, as the case may be.

3 As used in this act, "specified disorderly persons offense" shall  
4 mean assault constituting domestic violence as defined in section 3  
5 of P.L.1991, c.261 (C.2C:25-19); prostitution pursuant to  
6 N.J.S.2C:34-1; any disorderly persons offense relating to narcotics  
7 or dangerous drugs for which a person is required to be  
8 fingerprinted pursuant to section 1 of P.L.1952, c.92 (C.53:1-18.1),  
9 excluding possession of 50 grams or less of marijuana, including  
10 any adulterants or dilutants, or five grams or less of hashish under  
11 N.J.S.2C:35-10; or any other disorderly persons offense for which a  
12 person is required to be fingerprinted pursuant to R.S.53:1-15. A  
13 "specified disorderly persons offense" shall not include shoplifting  
14 pursuant to N.J.S.2C:20-11.

15 i. Nothing in this act shall be deemed to limit or preclude  
16 collection of DNA samples as authorized by court order or in  
17 accordance with any other  
18 (cf: P.L.2015, c.263, s.2)

19

20 2. This act shall take effect immediately.

21

22

23

#### STATEMENT

24

25 This bill requires a DNA sample to be collected from a person  
26 arrested for endangering the welfare of a child by committing a  
27 child pornography offense.

28 Current law requires a blood or other biological sample to be  
29 collected from every adult and juvenile convicted or found not  
30 guilty by reason of insanity of a crime of the first, second, third, and  
31 fourth degree, as well as for convictions of specified disorderly  
32 persons offenses. Current law also requires a blood or other  
33 biological sample be collected from every adult and juvenile  
34 arrested for any of the following crimes: aggravated sexual assault;  
35 sexual assault; aggravated criminal sexual contact; criminal sexual  
36 contact; murder; manslaughter; aggravated assault of the second  
37 degree; kidnapping; luring or enticing a child; endangering the  
38 welfare of a child by engaging in sexual conduct which would  
39 impair or debauch the morals of a child; or any attempt to commit  
40 any of these crimes.

41 This bill expands the list of crimes for which a DNA sample is  
42 collected from a defendant upon arrest to also include those persons  
43 charged with endangering the welfare of a child by producing,  
44 distributing, or possessing child pornography.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4677

# STATE OF NEW JERSEY

DATED: MAY 13, 2019

The Assembly Law and Public Safety Committee reports favorably, Assembly Bill No. 4677.

As reported by the committee, Assembly Bill No. 4677 requires a DNA sample to be collected from a person who is arrested for the crime of endangering the welfare of a child by committing a child pornography offense.

Current law requires a blood or other biological sample, such as a buccal swab, to be collected from every adult and juvenile convicted or found not guilty by reason of insanity of a crime of the first, second, third, and fourth degree, as well as for convictions of specified disorderly persons offenses. Current law also requires a blood or other biological sample be collected from every adult and juvenile arrested for any of the following crimes: aggravated sexual assault; sexual assault; aggravated criminal sexual contact; criminal sexual contact; murder; manslaughter; aggravated assault of the second degree; kidnapping; luring or enticing a child; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child; or any attempt to commit any of these crimes.

This bill expands the list of crimes for which a DNA sample is collected from a defendant upon arrest to also include those persons charged with the crime of endangering the welfare of a child by producing, distributing, or possessing child pornography.

As reported by the committee, Assembly Bill No. 4677 is identical to Senate Bill No. 3078 which also was reported by the committee on this date.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 4677**

**STATE OF NEW JERSEY**

DATED: MAY 20, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4677.

This bill requires a DNA sample to be collected from a person who is arrested for the crime of endangering the welfare of a child by committing a child pornography offense.

Current law requires a blood or other biological sample, such as a buccal swab, to be collected from every adult and juvenile convicted or found not guilty by reason of insanity of a crime of the first, second, third, and fourth degree, as well as for convictions of specified disorderly persons offenses. Current law also requires a blood or other biological sample be collected from every adult and juvenile arrested for any of the following crimes: aggravated sexual assault; sexual assault; aggravated criminal sexual contact; criminal sexual contact; murder; manslaughter; aggravated assault of the second degree; kidnapping; luring or enticing a child; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child; or any attempt to commit any of these crimes.

This bill expands the list of crimes for which a DNA sample is collected from a defendant upon arrest to also include those persons charged with the crime of endangering the welfare of a child by producing, distributing, or possessing child pornography.

As reported, this bill is identical to Senate Bill No. 3078, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the cost to carry out the procedures required in this bill is indeterminate. The offenses proposed for DNA collection under this bill upon arrest are already required to be submitted by a defendant upon conviction. The inclusion of persons arrested for certain child pornography crimes into the DNA database would increase DNA processing costs by an unknown amount.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 4677**  
**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

DATED: MAY 23, 2019

**SUMMARY**

**Synopsis:** Requires collection of DNA sample for child pornography arrests.

**Type of Impact:** State Expenditure increase.

**Agencies Affected:** Department of Law and Public Safety; Department of Corrections; State Parole Board; Administrative Office of the Courts; and County and Municipal Law Enforcement.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State and Local Cost</b>		Indeterminate	

- The Office of Legislative Services (OLS) concludes that the cost to carry out the procedures required in this bill is indeterminate. The offenses proposed for DNA collection under this bill upon arrest are already required to be submitted by a defendant upon conviction. The inclusion of persons arrested for certain child pornography crimes into the DNA database would increase DNA processing costs by an unknown amount.

**BILL DESCRIPTION**

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This bill expands the list of crimes for which a DNA sample is collected from a defendant upon arrest to also include those persons charged with the crime of endangering the welfare of a child by producing, distributing, or possessing child pornography.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concludes that the cost to carry out the procedures in this bill is indeterminate. The offenses for which DNA collection is proposed under this bill upon arrest are already required upon conviction; however, the inclusion of persons into the DNA database upon arrest would increase DNA processing costs by an unknown amount.

Currently, those convicted of this crime already require that DNA samples be taken; however, this bill expands the samples to be taken upon arrest. The specific number of arrests that would qualify for DNA collection under this bill is unknown; however, according to the Office of the Attorney General, the Division of Criminal Justice estimates that this will increase the samples collected by approximately 25 cases a year. These additional cases processed would be for persons arrested who are not subsequently convicted of the child pornography charges and who would otherwise have no other convictions, current, past or future. It is important to note that the samples would not need to be taken again if the person is eventually convicted of the crime as the DNA would already be in the database. OLS notes there may be additional costs related to storage of the additional samples.

Additionally, OLS also notes there may be a shifting of costs if the location (e.g., courthouse, or State, county or local law enforcement agency) where the DNA sample is taken changes from the “conviction site” to the “arrest site.”

*Section:* Law and Public Safety  
*Analyst:* Kristin Brunner Santos  
Senior Fiscal Analyst  
*Approved:* Frank W. Haines III  
Legislative Budget and Finance Officer

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

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## Newark, N.J.

# Governor Murphy Signs Legislation to Strengthen Child Protection Laws

06/7/2019

**TRENTON** – Today, Governor Phil Murphy signed S3078 into law, which will require DNA sample collection from individuals arrested for child pornography offenses.

“Protecting New Jersey’s children is of the utmost urgency, and this legislation will help ensure that child pornography offenses are treated with the same seriousness as other heinous crimes,” **said Governor Murphy**. “I thank law enforcement for their constant vigilance, and the bill sponsors for their leadership.”

The legislation was sponsored by Senators Linda Greenstein and Nicholas Sacco and Assemblymembers Yvonne Lopez, Eliana Pintor Marin, and Joann Downey.

“A person arrested for possessing, distributing or producing child pornography is a clear threat to children,” **said Assemblymembers Yvonne Lopez, Eliana Pintor Marin, and Joann Downey**. “We already have several provisions under current law to collect blood or biological samples from offenders arrested for crimes like sexual assault, criminal sexual contact, kidnapping, luring or enticing a child, and endangering the welfare of a child by engaging in sexual contact. It only makes sense to add child pornography arrests to the list. Most importantly, expanding our criminal database may help us catch future offenders and ensure they are brought to justice.”

“DNA samples are collected from offenders at the time of arrest for various crimes such as sexual assault, luring or enticing a child and endangering the welfare of a child by engaging in sexual conduct,” **said Senator Linda Greenstein**. “Crimes involving child pornography must have ramifications reflecting the predatory nature of these individuals’ actions. Our children are to be protected at all cost and when crimes are committed against them, we must have every possible avenue to pursue justice.”

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Governor Phil Murphy

Statewide

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