



LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1998

CHAPTER:72

NJSA: 2C:47-1

"Sex offenders -- sentencing -- participation in treatment program"

BILL NO: A2101 (Substituted for S1109)

SPONSOR(S): Holzapfel and Heck

DATE INTRODUCED: May 28, 1998

COMMITTEE:

ASSEMBLY: Law and Public Safety

SENATE: ~~~~

AMENDED DURING PASSAGE:Yes

DATE OF PASSAGE:

ASSEMBLY: June 18, 1998

SENATE: June 22, 1998

DATE OF APPROVAL: August 12, 1998

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: 1st reprint

(Amendments during passage denoted by superscript numbers)

A2101

SPONSORS STATEMENT: *Yes* (Begins on page 8 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *Yes*

LEGISLATIVE FISCAL ESTIMATE: *No*

S1109

SPONSORS STATEMENT: *Yes* (Begins on page 8 of original bill)
(Bill and Sponsors Statement identical to A2101)

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS:

974.90 S518 1995

New Jersey. Legislature. Joint Legislative Task Force to Study the Adult Diagnostic and Treatment Center.
Report of the Joint Task Force to Study the Adult Diagnostic and Treatment Center.
Trenton, NJ. June 19, 1995.

HEARINGS:

974.90 S518 1994

New Jersey. Legislature. Joint Legislative Task Force to Study the Adult Diagnostic and Treatment Center.
Meeting of the Joint Legislative Task Force to Study the Adult Diagnostic and Treatment Center :
testimony regarding therapy and programs : [December 6, 1994, Avenel, New Jersey].

974.90 S518 1994 vol 2

New Jersey. Legislature. Joint Legislative Task Force to Study the Adult Diagnostic and Treatment Center.
Meeting of the Joint Legislative Task Force to Study the Adult Diagnostic and Treatment Center :
testimony from superintendent and treatment staff : [November 1, 1994, Avenel, New Jersey].

974.90 S518 1994 vol 3

New Jersey. Legislature. Joint Legislative Task Force to Study the Adult Diagnostic and Treatment Center.
Meeting of the Joint Legislative Task Force to Study the Adult Diagnostic and Treatment Center :
testimony regarding the reorganization of the ADTC therapy program : [February 1, 1995,
Woodbridge, New Jersey].

974.90 S518 1994 vol 4

New Jersey. Legislature. Joint Legislative Task Force to Study the Adult Diagnostic and Treatment Center.
Meeting of the Joint Legislative Task Force to Study the Adult Diagnostic and Treatment Center :
testimony regarding the therapy program of the Adult Diagnostic and Treatment Center:[March 15,

1995, Trenton, New Jersey].

NEWSPAPER ARTICLES: *No*

[First Reprint]

ASSEMBLY, No. 2101

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MAY 28, 1998

Sponsored by:

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Assemblywoman ROSE MARIE HECK

District 38 (Bergen)

Co-Sponsored by:

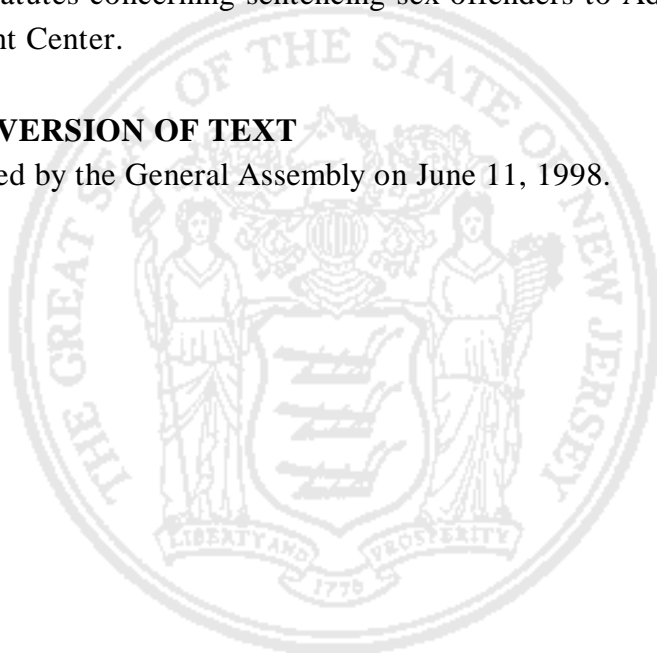
**Assemblymen Talarico, Thompson, Senators Bennett, Kosco, Bassano,
Martin, Ciesla, Allen and Inverso**

SYNOPSIS

Revises statutes concerning sentencing sex offenders to Adult Diagnostic and Treatment Center.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 11, 1998.



(Sponsorship Updated As Of: 6/23/1998)

1 AN ACT concerning the Adult Diagnostic and Treatment Center,
2 amending various sections of chapter 47 of Title 2C of the New
3 Jersey Statutes and P.L.1994, c.129, supplementing chapter 47 of
4 Title 2C of the New Jersey Statutes, and repealing N.J.S.2C:47-4.

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

8

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

10 2C:47-1. Referral to Adult Diagnostic and Treatment Center;
11 Commitment; Examination.

12 Whenever a person is convicted of the offense of aggravated sexual
13 assault, sexual assault, **[or]** aggravated criminal sexual contact,
14 kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-
15 1, endangering the welfare of a child by engaging in sexual conduct
16 which would impair or debauch the morals of the child pursuant to
17 subsection a. of N.J.S.2C:24-4, endangering the welfare of a child
18 pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4, or an
19 attempt to commit any such crime, the judge shall order **[that such**
20 person be referred to the Adult Diagnostic and Treatment Center for
21 such period as shall be necessary] the Department of Corrections to
22 complete a **[physical and]** psychological examination **[, said period of**
23 referral not to exceed 10 days] of the offender, except the judge shall
24 not require a psychological examination if the offender is to be
25 sentenced to a term of life imprisonment without eligibility for parole.
26 The examination shall include a determination of whether the
27 offender's conduct was characterized by a pattern of repetitive,
28 compulsive behavior and, if it was, a further determination of the
29 offender's amenability to sex offender treatment and willingness to
30 participate in such treatment. The **[referral]** court's order shall
31 contain a determination of the **[person's]** offender's legal settlement
32 in accordance with subdivision D of article 3 of chapter 4 of Title 30
33 of the Revised Statutes.

34 (cf: P.L.1994, c.130, s.5)

35

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

37 2C:47-2. Report on Examination.

38 **[Upon completion of the physical and]** The Department of
39 Corrections shall conduct the psychological examination **[of such**
40 person, but in no event later than] required pursuant to N.J.S.2C:47-1
41 within 30 days [after the date of the order of referral,] after it receives

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:

¹ Assembly floor amendments adopted June 11, 1998.

1 the Presentence Report. Upon completion of the psychological
2 examination, the Department of Corrections shall send to the court a
3 written report of the results of the examination [shall be sent to the
4 court], including a determination of whether the offender's conduct
5 was characterized by a pattern of repetitive, compulsive behavior and,
6 if it was, a further determination of the offender's amenability to sex
7 offender treatment and willingness to participate in such treatment.
8 (cf: P.L.1979, c.178, s.102)

9
10 3. N.J.S.2C:47-3 is amended to read as follows:

11 2C:47-3. Disposition.

12 a. If the report of the examination reveals that the offender's
13 conduct was characterized by a pattern of repetitive, compulsive
14 behavior and further reveals that the offender is amenable to sex
15 offender treatment and is willing to participate in such treatment, the
16 court shall determine whether the offender's conduct was so
17 characterized and whether the offender is amenable to sex offender
18 treatment and is willing to participate in such treatment and shall
19 record its findings on the judgment of conviction.

20 b. If the court finds that the offender's conduct was characterized
21 by a pattern of repetitive, compulsive behavior and that the offender
22 is amenable to sex offender treatment and is willing to participate in
23 such treatment, the court **[may]** shall, upon the recommendation of
24 the **[Adult Diagnostic and Treatment Center]** Department of
25 Corrections, sentence the offender to a term of incarceration to be
26 served in the custody of the commissioner at the Adult Diagnostic and
27 Treatment Center for **[a program of specialized]** sex offender
28 treatment [for his mental condition] as provided in subsection h. of
29 this section, or place the offender on probation with the requirement,
30 as a condition of probation, that he receive outpatient psychological
31 or psychiatric treatment as prescribed.

32 c. A sentence of incarceration or probation imposed pursuant to
33 subsection b. or f. of this section shall be set in accordance with
34 chapters 43, 44 and 45 of this **[code]** Title.

35 d. The court shall impose sentence in accordance with chapters 43,
36 44 and 45 of this Title and not as provided in subsection b. of this
37 section~~]:~~

38 (1) If **[if]** it shall appear from the report of **[such]** the examination
39 made of **[such person]** the offender pursuant to section N.J.S.2C:47-1
40 that the offender's conduct was not characterized by a pattern of
41 repetitive, compulsive behavior~~];~~ or

42 (2) If the report of the examination does not recommend that the
43 offender be sentenced to the Adult Diagnostic and Treatment Center
44 for treatment or placed on probation conditioned upon receipt of
45 treatment **] or that the offender is not amenable to sex offender**

1 treatment. ¹Notwithstanding the provisions of R.S.30:4-140 or
2 R.S.30:4-92 or any other law, a sentence imposed pursuant to this
3 subsection on an offender who is not amenable to sex offender
4 treatment shall not be reduced by commutation time for good behavior
5 or credits for diligent application to work and other institutional
6 assignments.¹

7 e. 【The court may, in its discretion, sentence an offender who is
8 eligible for sentence pursuant to subsection b. of this section in
9 accordance with chapters 43, 44 and 45 of this Title.】 (Deleted by
10 amendment, P.L. , c.) (now pending before the Legislature as this
11 bill).

12 f. If the court finds that the offender's conduct was characterized
13 by a pattern of repetitive, compulsive behavior and that the offender
14 is amenable to sex offender treatment, but that the offender is not
15 willing to participate in such treatment, the court shall sentence the
16 offender to a term of incarceration to be served in a facility designated
17 by the commissioner pursuant to section 2 of P.L.1969, c.22 (C.30:4-
18 91.2). The offender shall become primarily eligible for parole in
19 accordance with the provisions of N.J.S.2C:47-5; provided, however,
20 no offender shall become primarily eligible for parole prior to the
21 expiration of any judicial or statutory mandatory minimum term. An
22 offender who meets the criteria of this subsection may, on a biennial
23 basis, request to be transferred to the Adult Diagnostic and Treatment
24 Center. Within 90 days after receiving a request for a transfer, the
25 Department of Corrections shall conduct a psychological examination.
26 If, upon the completion of a psychological examination, the
27 Department of Corrections determines that the offender is amenable
28 to sex offender treatment and is willing to participate in such
29 treatment, the commissioner may order the offender to be transferred
30 to the Adult Diagnostic and Treatment Center.

31 g. Notwithstanding the provisions of R.S.30:4-140 or R.S.30:4-92
32 or any other law, a sentence imposed pursuant to subsection f. of this
33 section shall not be reduced by commutation time for good behavior
34 or credits for diligent application to work and other institutional
35 assignments for any year or fractional part of a year that the offender
36 is confined in a facility other than the Adult Diagnostic and Treatment
37 Center; provided, however, if the offender is at any time transferred to
38 the Adult Diagnostic and Treatment Center pursuant to subsection f.
39 of this section, the sentence imposed on the offender shall be reduced
40 by commutation time for good behavior and credits for diligent
41 application to work and other institutional assignments for any year or
42 fractional part of a year that the offender is incarcerated at the Adult
43 Diagnostic and Treatment Center following the date of such transfer.

44 h. An offender sentenced to a term of incarceration pursuant to
45 subsection b. of this section shall be confined as follows:

46 (1) If the court imposes a sentence of seven years or less, the

1 Department of Corrections shall confine the offender to the Adult
2 Diagnostic and Treatment Center as soon as practicable after the date
3 of sentence.

4 (2) If the court imposes a sentence of more than seven years, the
5 Department of Corrections shall confine the offender in a facility
6 designated by the commissioner pursuant to section 2 of
7 P.L.1969, c.22 (C.30:4-91.2). At least 30 days prior to the date which
8 precedes the expiration date of the offender's sentence by five years,
9 including any reductions for commutation time for good behavior and
10 credits for diligent application to work and other institutional
11 assignments, the Department of Corrections shall complete a
12 psychological examination of the offender to determine the offender's
13 amenability to sex offender treatment and willingness to participate in
14 such treatment; provided, however, no such examination shall be
15 required if less than two years has elapsed since the Department of
16 Corrections completed a psychological examination pursuant to
17 N.J.S.2C:47-1. If the report of the examination reveals that the
18 offender is amenable to sex offender treatment and is willing to
19 participate in such treatment, the offender shall be transferred to the
20 Adult Diagnostic and Treatment Center as soon as practicable. If the
21 report of the examination reveals that the offender is not amenable to
22 sex offender treatment, the offender shall not be transferred to the
23 Adult Diagnostic and Treatment Center. If the report of the
24 examination reveals that the offender is amenable to sex offender
25 treatment but is not willing to participate in such treatment, the
26 offender shall not be transferred to the Adult Diagnostic and
27 Treatment Center. An offender may, on a biennial basis, request to be
28 transferred to the Adult Diagnostic and Treatment Center. Within 90
29 days after receiving a request for a transfer, the Department of
30 Corrections shall conduct a psychological examination. If, upon the
31 completion of a psychological examination, the Department of
32 Corrections determines that the offender is amenable to sex offender
33 treatment and is willing to participate in such treatment, the
34 commissioner shall order the offender to be transferred to the Adult
35 Diagnostic and Treatment Center as soon as practicable.

36 (3) If a sentence is imposed pursuant to P.L.1997, c.117
37 (C.2C:43-7.2) or if any other judicial or statutory mandatory minimum
38 term of more than seven years is imposed, the offender shall be
39 confined in a facility designated by the commissioner pursuant to
40 section 2 of P.L.1969, c.22 (C.30:4-91.2). At least 30 days prior to
41 the date which precedes the expiration date of the mandatory minimum
42 term by five years, the Department of Corrections shall complete a
43 psychological examination of the offender to determine the offender's
44 amenability to sex offender treatment and willingness to participate in
45 such treatment; provided, however, no such examination shall be
46 required if less than two years has elapsed since the Department of

1 Corrections completed a psychological examination pursuant to
2 N.J.S.2C:47-1. If the report of the examination reveals that the
3 offender is amenable to sex offender treatment and is willing to
4 participate in such treatment, the offender shall be transferred to the
5 Adult Diagnostic and Treatment Center as soon as practicable. If the
6 report of the examination reveals that the offender is not amenable to
7 sex offender treatment, the offender shall not be transferred to the
8 Adult Diagnostic and Treatment Center. If the report of the
9 examination reveals that the offender is amenable to sex offender
10 treatment, but is not willing to participate in such treatment, the
11 offender shall not be transferred to the Adult Diagnostic and
12 Treatment Center. An offender may, on a biennial basis, request to be
13 transferred to the Adult Diagnostic and Treatment Center. Within 90
14 days after receiving a request for a transfer, the Department of
15 Corrections shall conduct a psychological examination. If upon
16 completion of a psychological examination the Department of
17 Corrections determines that the offender is amenable to sex offender
18 treatment and is willing to participate in such treatment, the
19 commissioner shall order the offender to be transferred to the Adult
20 Diagnostic and Treatment Center as soon as practicable.

21 i. Notwithstanding the provisions of R.S. 30:4-140 or R.S. 30:4-92
22 or any other law, a sentence imposed pursuant to subsection ¹[f.] b. ¹
23 of this section shall not be reduced by commutation time for good
24 behavior or credits for diligent application to work and other
25 institutional assignments for any year or fractional part of a year from
26 the date the Department of Corrections determines, as a result of a
27 psychological evaluation conducted pursuant to paragraph (2) or (3)
28 of subsection h. of this section, that the offender is not amenable to
29 sex offender treatment or not willing to participate in such treatment;
30 provided, however, if the offender is subsequently determined by the
31 Department of Corrections to be amenable to sex offender treatment
32 and willing to participate in such treatment and is transferred to the
33 Adult Diagnostic and Treatment Center, the sentence imposed on the
34 offender shall be reduced by commutation time for good behavior and
35 credits for diligent application to work and other institutional
36 assignments for any year or fractional part of a year that the offender
37 is incarcerated at the Adult Diagnostic and Treatment Center following
38 the date of such transfer.

39 j. An offender who is sentenced to a term of life imprisonment
40 without eligibility for parole shall not be confined in the Adult
41 Diagnostic and Treatment Center but shall be confined in a facility
42 designated by the commissioner pursuant to section 2 of P.L. 1969,
43 c.22 (C.30:4-91.2).

44 k. The commissioner shall be required to provide for the treatment
45 of a sex offender sentenced pursuant to N.J.S.2C:47-1 et seq. only
46 when the offender is incarcerated in the Adult Diagnostic and

1 Treatment Center. This requirement shall not apply when the offender
2 is incarcerated in another facility.

3 (cf: P.L. 1994, c.134, s.2)

4
5 4. N.J.S.2C:47-7 is amended to read as follows:

6 2C:47-7. Cost of Maintenance.

7 The Commissioner shall determine and fix the per capita cost of
8 examining and maintaining any [person transferred to the Adult
9 Diagnostic and Treatment Center for examination, and the Adult
10 Diagnostic and Treatment Center] offender upon order of the court
11 pursuant to N.J.S.2C:47-1 and shall furnish a copy of the order [of
12 transfer] to the county treasurer of the county in which the [person]
13 offender has a legal settlement as determined in [said] that order, and
14 upon certification of the amount due, the governing body of the county
15 shall make provisions for payment of one-half of the cost thereof to
16 the Adult Diagnostic and Treatment Center, the remaining one-half to
17 be borne by the State. If the order contains a determination that the
18 [person] offender has no legal settlement in any county, the entire
19 cost shall be borne by the State.

20 (cf: P.L.1979, c.178, s.104)

21
22 5. Section 1 of P.L.1994, c.129 (C.2C:47-8) is amended to read as
23 follows:

24 1. Notwithstanding the provisions of section 7 of P.L.1979, c.441
25 (C.30:4-123.51), R.S.30:4-140, R.S.30:4-92 or any other law, a term
26 of imprisonment imposed on a person confined to the Adult Diagnostic
27 and Treatment Center pursuant to the provisions of chapter 47 of this
28 Title shall not be reduced by progressive time credits or credits for
29 diligent application to work and other institutional assignments for any
30 year or fractional part of a year if the person failed to fully cooperate
31 with all treatment offered to him during that time period. This section
32 shall not prohibit the reduction of a person's term of imprisonment by
33 such credits if the person is entitled to the credits pursuant to the
34 provisions of subsection g. of N.J.S.2C:47-3.

35 (cf: P.L.1994, c.129, s.1)

36
37 6. (New section) a. The commissioner shall order the transfer out
38 of the Adult Diagnostic and Treatment Center of any offender serving
39 a life sentence without eligibility for parole and any offender not
40 participating in or cooperating with the sex offender treatment
41 provided in the Adult Diagnostic and Treatment Center and any
42 offender who is determined by the Department of Corrections to be no
43 longer amenable to sex offender treatment.

44 b. Any offender transferred out of the Adult Diagnostic and
45 Treatment Center for failure to participate in or cooperate with the sex
46 offender treatment provided there or because of a determination by the

1 Department of Corrections that the offender is no longer amenable to
2 sex offender treatment may, on a biennial basis, request to be
3 transferred back to the Adult Diagnostic and Treatment Center.
4 Within 90 days after receiving a request for a transfer, the Department
5 of Corrections shall conduct a psychological examination. If, upon
6 completion of a psychological examination, the Department of
7 Corrections determines that the offender is amenable to sex offender
8 treatment and is willing to participate in and cooperate with such
9 treatment, the commissioner shall order the offender to be transferred
10 back to the Adult Diagnostic and Treatment Center.

11 c. Notwithstanding the provisions of R.S.30:4-140 or R.S.30:4-92
12 or any other law, a sentence imposed on an offender transferred
13 pursuant to subsection a. of this section shall not be reduced by
14 commutation time for good behavior or credits for diligent application
15 to work and other institutional assignments for any year or fractional
16 part of a year following the date of the transfer; provided, however, if
17 the offender is at any time thereafter transferred back to the Adult
18 Diagnostic and Treatment Center pursuant to subsection b. of this
19 section, the sentence imposed on such offender shall be reduced by
20 commutation time for good behavior and credits for diligent
21 application to work and other institutional assignments for any year or
22 fractional part of a year that such offender is incarcerated at the Adult
23 Diagnostic and Treatment Center following the date of such transfer.
24

25 ¹7. (New section) An offender sentenced in accordance with the
26 provisions of this chapter who is female shall be confined in a facility
27 designated by the commissioner pursuant to section 2 of P.L.1969,
28 c.22 (C.30:4-91.2), but otherwise shall be subject to the same statutes
29 and rules and regulations as an offender sentenced in accordance with
30 the provisions of this chapter who is male. All statutory references to
31 the Adult Diagnostic and Treatment Center shall be deemed, when
32 applied to a female sentenced in accordance with the provisions of this
33 chapter, to refer to the sex offender treatment program at the facility
34 designated by the commissioner.¹

35

36 ¹[7.] 8.¹ N.J.S.2C:47-4 is hereby repealed.

37

38 ¹[8.] 9.¹ This act shall take effect on the first day of the fourth
39 month after enactment.

ASSEMBLY, No. 2101

STATE OF NEW JERSEY

208th LEGISLATURE

INTRODUCED MAY 28, 1998

Sponsored by:

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Assemblywoman ROSE MARIE HECK

District 38 (Bergen)

Co-Sponsored by:

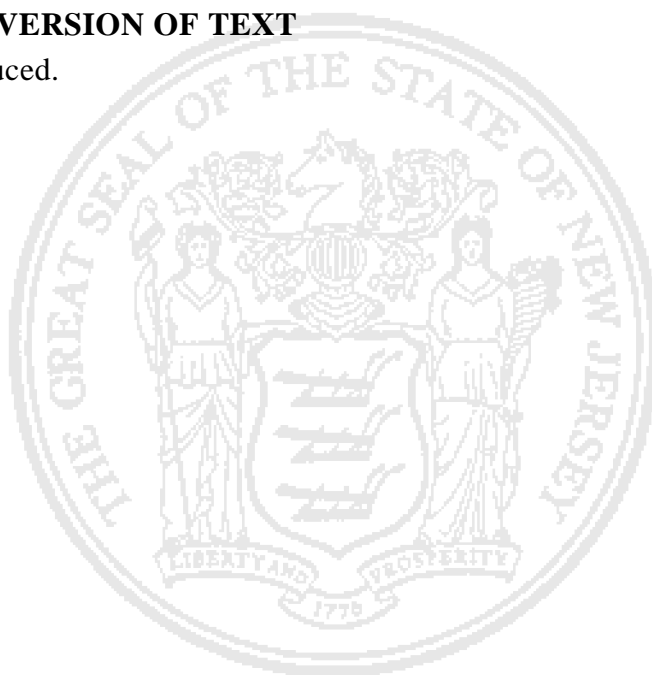
Assemblyman Talarico

SYNOPSIS

Revises statutes concerning sentencing sex offenders to Adult Diagnostic and Treatment Center.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/12/1998)

1 AN ACT concerning the Adult Diagnostic and Treatment Center,
2 amending various sections of chapter 47 of Title 2C of the New
3 Jersey Statutes and P.L.1994, c.129, supplementing chapter 47 of
4 Title 2C of the New Jersey Statutes, and repealing N.J.S.2C:47-4.

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

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

10 2C:47-1. Referral to Adult Diagnostic and Treatment Center;
11 Commitment; Examination.

12 Whenever a person is convicted of the offense of aggravated sexual
13 assault, sexual assault, [or] aggravated criminal sexual contact,
14 kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-
15 1, endangering the welfare of a child by engaging in sexual conduct
16 which would impair or debauch the morals of the child pursuant to
17 subsection a. of N.J.S.2C:24-4, endangering the welfare of a child
18 pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4, or an
19 attempt to commit any such crime, the judge shall order [that such
20 person be referred to the Adult Diagnostic and Treatment Center for
21 such period as shall be necessary] the Department of Corrections to
22 complete a [physical and] psychological examination [, said period of
23 referral not to exceed 10 days] of the offender, except the judge shall
24 not require a psychological examination if the offender is to be
25 sentenced to a term of life imprisonment without eligibility for parole.
26 The examination shall include a determination of whether the
27 offender's conduct was characterized by a pattern of repetitive,
28 compulsive behavior and, if it was, a further determination of the
29 offender's amenability to sex offender treatment and willingness to
30 participate in such treatment. The [referral] court's order shall
31 contain a determination of the [person's] offender's legal settlement
32 in accordance with subdivision D of article 3 of chapter 4 of Title 30
33 of the Revised Statutes.

34 (cf: P.L.1994, c.130, s.5)

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

37 2C:47-2. Report on Examination.

38 [Upon completion of the physical and] The Department of
39 Corrections shall conduct the psychological examination [of such
40 person, but in no event later than] required pursuant to N.J.S.2C:47-1
41 within 30 days [after the date of the order of referral,] after it receives
42 the Presentence Report. Upon completion of the psychological

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 examination, the Department of Corrections shall send to the court a
2 written report of the results of the examination [shall be sent to the
3 court], including a determination of whether the offender's conduct
4 was characterized by a pattern of repetitive, compulsive behavior and,
5 if it was, a further determination of the offender's amenability to sex
6 offender treatment and willingness to participate in such treatment.

7 (cf: P.L.1979, c.178, s.102)

8

9 3. N.J.S.2C: 47-3 is amended to read as follows:

10 2C:47-3. Disposition.

11 a. If the report of the examination reveals that the offender's
12 conduct was characterized by a pattern of repetitive, compulsive
13 behavior and further reveals that the offender is amenable to sex
14 offender treatment and is willing to participate in such treatment, the
15 court shall determine whether the offender's conduct was so
16 characterized and whether the offender is amenable to sex offender
17 treatment and is willing to participate in such treatment and shall
18 record its findings on the judgment of conviction.

19 b. If the court finds that the offender's conduct was characterized
20 by a pattern of repetitive, compulsive behavior and that the offender
21 is amenable to sex offender treatment and is willing to participate in
22 such treatment, the court [may] shall, upon the recommendation of
23 the [Adult Diagnostic and Treatment Center] Department of
24 Corrections, sentence the offender to a term of incarceration to be
25 served in the custody of the commissioner at the Adult Diagnostic and
26 Treatment Center for [a program of specialized] sex offender
27 treatment [for his mental condition] as provided in subsection h. of
28 this section, or place the offender on probation with the requirement,
29 as a condition of probation, that he receive outpatient psychological
30 or psychiatric treatment as prescribed.

31 c. A sentence of incarceration or probation imposed pursuant to
32 subsection b. or f. of this section shall be set in accordance with
33 chapters 43, 44 and 45 of this [code] Title.

34 d. The court shall impose sentence in accordance with chapters 43,
35 44 and 45 of this Title and not as provided in subsection b. of this
36 section[:

37 (1) If] if it shall appear from the report of [such] the examination
38 made of [such person] the offender pursuant to section N.J.S.2C:47-1
39 that the offender's conduct was not characterized by a pattern of
40 repetitive, compulsive behavior[: or

41 (2) If the report of the examination does not recommend that the
42 offender be sentenced to the Adult Diagnostic and Treatment Center
43 for treatment or placed on probation conditioned upon receipt of
44 treatment] or that the offender is not amenable to sex offender
45 treatment.

1 e. [The court may, in its discretion, sentence an offender who is
2 eligible for sentence pursuant to subsection b. of this section in
3 accordance with chapters 43, 44 and 45 of this Title.] (Deleted by
4 amendment, P.L. , c.) (now pending before the Legislature as this
5 bill).

6 f. If the court finds that the offender's conduct was characterized
7 by a pattern of repetitive, compulsive behavior and that the offender
8 is amenable to sex offender treatment, but that the offender is not
9 willing to participate in such treatment, the court shall sentence the
10 offender to a term of incarceration to be served in a facility designated
11 by the commissioner pursuant to section 2 of P.L.1969, c.22 (C.30:4-
12 91.2). The offender shall become primarily eligible for parole in
13 accordance with the provisions of N.J.S.2C:47-5; provided, however,
14 no offender shall become primarily eligible for parole prior to the
15 expiration of any judicial or statutory mandatory minimum term. An
16 offender who meets the criteria of this subsection may, on a biennial
17 basis, request to be transferred to the Adult Diagnostic and Treatment
18 Center. Within 90 days after receiving a request for a transfer, the
19 Department of Corrections shall conduct a psychological examination.
20 If, upon the completion of a psychological examination, the
21 Department of Corrections determines that the offender is amenable
22 to sex offender treatment and is willing to participate in such
23 treatment, the commissioner may order the offender to be transferred
24 to the Adult Diagnostic and Treatment Center.

25 g. Notwithstanding the provisions of R.S.30:4-140 or R.S.30:4-92
26 or any other law, a sentence imposed pursuant to subsection f. of this
27 section shall not be reduced by commutation time for good behavior
28 or credits for diligent application to work and other institutional
29 assignments for any year or fractional part of a year that the offender
30 is confined in a facility other than the Adult Diagnostic and Treatment
31 Center; provided, however, if the offender is at any time transferred to
32 the Adult Diagnostic and Treatment Center pursuant to subsection f.
33 of this section, the sentence imposed on the offender shall be reduced
34 by commutation time for good behavior and credits for diligent
35 application to work and other institutional assignments for any year or
36 fractional part of a year that the offender is incarcerated at the Adult
37 Diagnostic and Treatment Center following the date of such transfer.

38 h. An offender sentenced to a term of incarceration pursuant to
39 subsection b. of this section shall be confined as follows:

40 (1) If the court imposes a sentence of seven years or less, the
41 Department of Corrections shall confine the offender to the Adult
42 Diagnostic and Treatment Center as soon as practicable after the date
43 of sentence.

44 (2) If the court imposes a sentence of more than seven years, the
45 Department of Corrections shall confine the offender in a facility
46 designated by the commissioner pursuant to section 2 of P.L.1969,

1 c.22 (C.30:4-91.2). At least 30 days prior to the date which precedes
2 the expiration date of the offender's sentence by five years, including
3 any reductions for commutation time for good behavior and credits for
4 diligent application to work and other institutional assignments, the
5 Department of Corrections shall complete a psychological examination
6 of the offender to determine the offender's amenability to sex offender
7 treatment and willingness to participate in such treatment; provided,
8 however, no such examination shall be required if less than two years
9 has elapsed since the Department of Corrections completed a
10 psychological examination pursuant to N.J.S.2C:47-1. If the report of
11 the examination reveals that the offender is amenable to sex offender
12 treatment and is willing to participate in such treatment, the offender
13 shall be transferred to the Adult Diagnostic and Treatment Center as
14 soon as practicable. If the report of the examination reveals that the
15 offender is not amenable to sex offender treatment, the offender shall
16 not be transferred to the Adult Diagnostic and Treatment Center. If
17 the report of the examination reveals that the offender is amenable to
18 sex offender treatment but is not willing to participate in such
19 treatment, the offender shall not be transferred to the Adult Diagnostic
20 and Treatment Center. An offender may, on a biennial basis, request
21 to be transferred to the Adult Diagnostic and Treatment Center.
22 Within 90 days after receiving a request for a transfer, the Department
23 of Corrections shall conduct a psychological examination. If, upon the
24 completion of a psychological examination, the Department of
25 Corrections determines that the offender is amenable to sex offender
26 treatment and is willing to participate in such treatment, the
27 commissioner shall order the offender to be transferred to the Adult
28 Diagnostic and Treatment Center as soon as practicable.

29 (3) If a sentence is imposed pursuant to P.L.1997, c.117 (C.2C:43-
30 7.2) or if any other judicial or statutory mandatory minimum term of
31 more than seven years is imposed, the offender shall be confined in a
32 facility designated by the commissioner pursuant to section 2 of
33 P.L.1969, c.22 (C.30:4-91.2). At least 30 days prior to the date which
34 precedes the expiration date of the mandatory minimum term by five
35 years, the Department of Corrections shall complete a psychological
36 examination of the offender to determine the offender's amenability to
37 sex offender treatment and willingness to participate in such treatment;
38 provided, however, no such examination shall be required if less than
39 two years has elapsed since the Department of Corrections completed
40 a psychological examination pursuant to N.J.S.2C:47-1. If the report
41 of the examination reveals that the offender is amenable to sex
42 offender treatment and is willing to participate in such treatment, the
43 offender shall be transferred to the Adult Diagnostic and Treatment
44 Center as soon as practicable. If the report of the examination reveals
45 that the offender is not amenable to sex offender treatment, the
46 offender shall not be transferred to the Adult Diagnostic and

1 Treatment Center. If the report of the examination reveals that the
2 offender is amenable to sex offender treatment, but is not willing to
3 participate in such treatment, the offender shall not be transferred to
4 the Adult Diagnostic and Treatment Center. An offender may, on a
5 biennial basis, request to be transferred to the Adult Diagnostic and
6 Treatment Center. Within 90 days after receiving a request for a
7 transfer, the Department of Corrections shall conduct a psychological
8 examination. If upon completion of a psychological examination the
9 Department of Corrections determines that the offender is amenable
10 to sex offender treatment and is willing to participate in such
11 treatment, the commissioner shall order the offender to be transferred
12 to the Adult Diagnostic and Treatment Center as soon as practicable.

13 i. Notwithstanding the provisions of R.S.30:4-140 or R.S.30:4-92
14 or any other law, a sentence imposed pursuant to subsection f. of this
15 section shall not be reduced by commutation time for good behavior
16 or credits for diligent application to work and other institutional
17 assignments for any year or fractional part of a year from the date the
18 Department of Corrections determines, as a result of a psychological
19 evaluation conducted pursuant to paragraph (2) or (3) of subsection
20 h. of this section, that the offender is not amenable to sex offender
21 treatment or not willing to participate in such treatment; provided,
22 however, if the offender is subsequently determined by the Department
23 of Corrections to be amenable to sex offender treatment and willing to
24 participate in such treatment and is transferred to the Adult Diagnostic
25 and Treatment Center, the sentence imposed on the offender shall be
26 reduced by commutation time for good behavior and credits for
27 diligent application to work and other institutional assignments for any
28 year or fractional part of a year that the offender is incarcerated at the
29 Adult Diagnostic and Treatment Center following the date of such
30 transfer.

31 j. An offender who is sentenced to a term of life imprisonment
32 without eligibility for parole shall not be confined in the Adult
33 Diagnostic and Treatment Center but shall be confined in a facility
34 designated by the commissioner pursuant to section 2 of P.L.1969,
35 c.22 (C.30:4-91.2).

36 k. The commissioner shall be required to provide for the treatment
37 of a sex offender sentenced pursuant to N.J.S.2C:47-1 et seq. only
38 when the offender is incarcerated in the Adult Diagnostic and
39 Treatment Center. This requirement shall not apply when the offender
40 is incarcerated in another facility.

41 (cf: P.L. 1994, c.134, s.2)

42

43 4. N.J.S.2C:47-7 is amended to read as follows:

44 2C:47-7. Cost of Maintenance.

45 The Commissioner shall determine and fix the per capita cost of
46 examining and maintaining any [person transferred to the Adult

1 Diagnostic and Treatment Center for examination, and the Adult
2 Diagnostic and Treatment Center] offender upon order of the court
3 pursuant to N.J.S.2C:47-1 and shall furnish a copy of the order [of
4 transfer] to the county treasurer of the county in which the [person]
5 offender has a legal settlement as determined in [said] that order, and
6 upon certification of the amount due, the governing body of the county
7 shall make provisions for payment of one-half of the cost thereof to
8 the Adult Diagnostic and Treatment Center, the remaining one-half to
9 be borne by the State. If the order contains a determination that the
10 [person] offender has no legal settlement in any county, the entire
11 cost shall be borne by the State.

12 (cf: P.L.1979, c.178, s.104)

13

14 5. Section 1 of P.L.1994, c.129 (C.2C:47-8) is amended to read as
15 follows:

16 1. Notwithstanding the provisions of section 7 of P.L.1979, c.441
17 (C.30:4-123.51), R.S.30:4-140, R.S.30:4-92 or any other law, a term
18 of imprisonment imposed on a person confined to the Adult Diagnostic
19 and Treatment Center pursuant to the provisions of chapter 47 of this
20 Title shall not be reduced by progressive time credits or credits for
21 diligent application to work and other institutional assignments for any
22 year or fractional part of a year if the person failed to fully cooperate
23 with all treatment offered to him during that time period. This section
24 shall not prohibit the reduction of a person's term of imprisonment by
25 such credits if the person is entitled to the credits pursuant to the
26 provisions of subsection g. of N.J.S.2C:47-3.

27 (cf: P.L.1994, c.129, s.1)

28

29 6. (New section) a. The commissioner shall order the transfer out
30 of the Adult Diagnostic and Treatment Center of any offender serving
31 a life sentence without eligibility for parole and any offender not
32 participating in or cooperating with the sex offender treatment
33 provided in the Adult Diagnostic and Treatment Center and any
34 offender who is determined by the Department of Corrections to be no
35 longer amenable to sex offender treatment.

36 b. Any offender transferred out of the Adult Diagnostic and
37 Treatment Center for failure to participate in or cooperate with the sex
38 offender treatment provided there or because of a determination by the
39 Department of Corrections that the offender is no longer amenable to
40 sex offender treatment may, on a biennial basis, request to be
41 transferred back to the Adult Diagnostic and Treatment Center.
42 Within 90 days after receiving a request for a transfer, the Department
43 of Corrections shall conduct a psychological examination. If, upon
44 completion of a psychological examination, the Department of
45 Corrections determines that the offender is amenable to sex offender
46 treatment and is willing to participate in and cooperate with such

1 treatment, the commissioner shall order the offender to be transferred
2 back to the Adult Diagnostic and Treatment Center.

3 c. Notwithstanding the provisions of R.S.30:4-140 or R.S.30:4-92
4 or any other law, a sentence imposed on an offender transferred
5 pursuant to subsection a. of this section shall not be reduced by
6 commutation time for good behavior or credits for diligent application
7 to work and other institutional assignments for any year or fractional
8 part of a year following the date of the transfer; provided, however, if
9 the offender is at any time thereafter transferred back to the Adult
10 Diagnostic and Treatment Center pursuant to subsection b. of this
11 section, the sentence imposed on such offender shall be reduced by
12 commutation time for good behavior and credits for diligent
13 application to work and other institutional assignments for any year or
14 fractional part of a year that such offender is incarcerated at the Adult
15 Diagnostic and Treatment Center following the date of such transfer.

16
17 7. N.J.S.2C:47-4 is hereby repealed.

18
19 8. This act shall take effect on the first day of the fourth month
20 after enactment.

21
22
23 STATEMENT

24
25 This bill amends current law governing the sentencing and
26 incarceration of sex offenders at the Adult Diagnostic and Treatment
27 Center (ADTC), New Jersey's correctional and treatment facility for
28 convicted sex offenders. It is part of a two bill package to improve the
29 management and treatment of sex offenders and thereby increase
30 protection of the general public when sex offenders are ultimately
31 released.

32 The bill acknowledges that some convicted sex offenders will not
33 respond to, or successfully complete, a program of treatment. Thus,
34 the bill limits treatment at the ADTC to those sex offenders who are
35 determined to be amenable to sex offender treatment and who are
36 willing to participate in such treatment.

37 Under current law, the judge orders persons convicted of
38 aggravated sexual assault, sexual assault and aggravated criminal
39 sexual contact to undergo a psychological examination conducted by
40 the Department of Corrections (DOC). This bill would expand that
41 list of sex offenses to include (1) endangering the welfare of a child by
42 engaging in sexual conduct which would impair or debauch the morals
43 of the child pursuant to subsection a. of N.J.S.2C:24-4 and (2)
44 endangering the welfare of a child pursuant to paragraph (4) of
45 subsection b. of N.J.S.2C:24-4. The bill provides that the sentencing
46 judge would not require a psychological examination of an offender

1 sentenced to a term of life imprisonment without eligibility for parole.
2 These offenders would not be confined at the ADTC.

3 Currently, the psychological examination is conducted to determine
4 whether the sex offender's conduct was characterized by a pattern of
5 repetitive, compulsive behavior. Under this bill, if a determination is
6 made that the sex offender is repetitive and compulsive, a further
7 determination would be made of the offender's amenability to sex
8 offender treatment and willingness to participate in such treatment.
9 An offender who is not placed on probation would, upon
10 recommendation of the DOC, be sentenced to the ADTC. If the
11 sentence imposed is greater than seven years, however, the DOC
12 would first confine the offender to a facility other than the ADTC.

13 If the court finds that the offender's conduct was characterized by
14 a pattern of repetitive, compulsive behavior and that the offender is
15 amenable, to sex offender treatment but is not willing to participate in
16 such treatment, the court would sentence the offender to a term of
17 incarceration to be served in a facility designated by the commissioner.

18 Current law provides that a sex offender whose conduct is not
19 characterized by a pattern of repetitive, compulsive behavior is to be
20 sentenced as any other offender in accordance with chapters 43, 44
21 and 45 of Title 2C of the New Jersey Statutes; they are not to be
22 sentenced to the ADTC. Under this bill, sex offenders who are not
23 amenable to sex offender treatment also would not be sentenced to the
24 ADTC.

25 The bill would require the commissioner to provide for the
26 treatment of a sex offender only when the offender is incarcerated in
27 the ADTC. This requirement shall not apply when the offender is
28 incarcerated in any other facility.

29 Any sex offender who is not confined in the ADTC because the
30 offender had been determined not to be amenable to sex offender
31 treatment or not willing to participate in such treatment would be
32 permitted, on a biennial basis, to request a transfer to the ADTC.
33 Within 90 days after receiving such a request, the DOC would conduct
34 a psychological examination. If the DOC determines that the offender
35 is amenable to sex offender treatment and is willing to participate in
36 such treatment, the offender would be transferred to the ADTC.

37 The bill would amend current law pertaining to the application of
38 credits in the computation of the expiration date of a sentence imposed
39 on a sex offender. A repetitive, compulsive sex offender who was
40 determined to be amenable to sex offender treatment, but not willing
41 to participate in such treatment or a sex offender who is determined to
42 be not amenable to sex offender treatment or not willing to participate
43 in such treatment would not receive commutation time for good
44 behavior or earn work credits for time served in a facility other than
45 the ADTC. An offender who received a sentence of more than seven
46 years, is confined to a facility other than the ADTC and who, upon

A2101 HOLZAPFEL, HECK

10

1 becoming eligible for transfer to the ADTC, is determined to be not
2 amenable to sex offender treatment or not willing to participate in such
3 treatment also would not receive commutation time or work credits.
4 If the offender subsequently was transferred to the ADTC, he would
5 become eligible for those credits.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2101

STATE OF NEW JERSEY

DATED: JUNE 1, 1998

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 2101.

This bill amends current law governing the sentencing and incarceration of sex offenders at the Adult Diagnostic and Treatment Center (ADTC), New Jersey's correctional and treatment facility for convicted sex offenders. It is part of a two bill package to improve the management and treatment of sex offenders and thereby increase protection of the general public when sex offenders are ultimately released.

The bill acknowledges that some convicted sex offenders will not respond to, or successfully complete, a program of treatment. Thus, the bill limits treatment at the ADTC to those sex offenders who are determined to be amenable to sex offender treatment and who are willing to participate in such treatment.

Under current law, the judge orders persons convicted of aggravated sexual assault, sexual assault and aggravated criminal sexual contact to undergo a psychological examination conducted by the Department of Corrections (DOC). This bill would expand that list of sex offenses to include (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 and (2) endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4. The bill provides that the sentencing judge would not require a psychological examination of an offender sentenced to a term of life imprisonment without eligibility for parole. These offenders would not be confined at the ADTC.

Currently, the psychological examination is conducted to determine whether the sex offender's conduct was characterized by a pattern of repetitive, compulsive behavior. Under this bill, if a determination is made that the sex offender is repetitive and compulsive, a further determination would be made of the offender's amenability to sex offender treatment and willingness to participate in such treatment. An offender who is not placed on probation would, upon recommendation of the DOC, be sentenced to the ADTC. If the sentence imposed is greater than seven years, however, the DOC would first confine the offender to a facility other than the ADTC.

If the court finds that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and that the offender is amenable to sex offender treatment, but is not willing to participate in such treatment, the court would sentence the offender to a term of incarceration to be served in a facility designated by the commissioner.

Current law provides that a sex offender whose conduct is not characterized by a pattern of repetitive, compulsive behavior is to be sentenced as any other offender in accordance with chapters 43, 44 and 45 of Title 2C of the New Jersey Statutes; they are not to be sentenced to the ADTC. Under this bill, sex offenders who are not amenable to sex offender treatment also would not be sentenced to the ADTC.

The bill requires the commissioner to provide for the treatment of a sex offender only when the offender is incarcerated in the ADTC. This requirement would not apply when the offender is incarcerated in any other facility.

Any sex offender who is not confined in the ADTC because the offender had been determined not to be amenable to sex offender treatment or not willing to participate in such treatment would be permitted, on a biennial basis, to request a transfer to the ADTC. Within 90 days after receiving such a request, the DOC would conduct a psychological examination. If the DOC determines that the offender is amenable to sex offender treatment and is willing to participate in such treatment, the offender would be transferred to the ADTC.

The bill amends current law pertaining to the application of credits in the computation of the expiration date of a sentence imposed on a sex offender. A repetitive, compulsive sex offender who was determined to be amenable to sex offender treatment, but not willing to participate in such treatment, or a sex offender who is determined to be not amenable to sex offender treatment would not receive commutation time for good behavior or earn work credits for time served in a facility other than the ADTC. An offender who received a sentence of more than seven years is confined to a facility other than the ADTC and who, upon becoming eligible for transfer to the ADTC, is determined to be not amenable to sex offender treatment or not willing to participate in such treatment also would not receive commutation time or work credits. If the offender subsequently was transferred to the ADTC, he would become eligible for those credits.

STATEMENT TO
ASSEMBLY, No. 2101

with Assembly Floor Amendments
(Proposed By Assemblyman HOLZAPFEL and Assemblywoman HECK)

ADOPTED: JUNE 11, 1998

Assembly Bill No. 2101 amends current law governing the sentencing and incarceration of sex offenders at the Adult Diagnostic and Treatment Center (ADTC), New Jersey's correctional and treatment facility for convicted sex offenders. It is part of a two bill package to improve the management and treatment of sex offenders and thereby increase protection of the general public when sex offenders are ultimately released.

The bill acknowledges that some convicted sex offenders will not respond to, or successfully complete, a program of treatment. Thus, the bill limits treatment at the ADTC to those sex offenders who are determined to be amenable to sex offender treatment and who are willing to participate in such treatment.

These Assembly floor amendments to Assembly Bill No. 2101 clarify that an offender who is found not to be amenable to sex offender treatment and who is sentenced pursuant to chapters 43, 44 and 45 of Title 2C would not receive commutation time or work credits. The amendments also clarify that when the sex offender is a female, confinement would be in a facility designated by the Commissioner of Corrections. The amendments further clarify that female sex offenders are subject to the same statutes and rules and regulations as male sex offenders.

SENATE, No. 1109

STATE OF NEW JERSEY

208th LEGISLATURE

INTRODUCED MAY 21, 1998

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

Senator LOUIS F. KOSCO

District 38 (Bergen)

Co-Sponsored by:

Senators Bassano, Martin, Ciesla, Allen and Inverso

SYNOPSIS

Revises statutes concerning sentencing sex offenders to Adult Diagnostic and Treatment Center.

CURRENT VERSION OF TEXT

As introduced.



S1109 BENNETT, KOSCO

2

1 AN ACT concerning the Adult Diagnostic and Treatment Center,
2 amending various sections of chapter 47 of Title 2C of the New
3 Jersey Statutes and P.L.1994, c.129, supplementing chapter 47 of
4 Title 2C of the New Jersey Statutes, and repealing N.J.S.2C:47-4.

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

8

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

10 2C:47-1. Referral to Adult Diagnostic and Treatment Center;
11 Commitment; Examination.

12 Whenever a person is convicted of the offense of aggravated sexual
13 assault, sexual assault, **[or]** aggravated criminal sexual contact,
14 kidnapping pursuant to paragraph (2) of subsection c. of
15 N.J.S.2C:13-1, endangering the welfare of a child by engaging in
16 sexual conduct which would impair or debauch the morals of the child
17 pursuant to subsection a. of N.J.S.2C:24-4, endangering the welfare
18 of a child pursuant to paragraph (4) of subsection b. of
19 N.J.S. 2C:24-4, or an attempt to commit any such crime, the judge
20 shall order **[that such person be referred to the Adult Diagnostic and**
21 Treatment Center for such period as shall be necessary] **the**
22 Department of Corrections to complete a **[physical and]** psychological
23 examination **[, said period of referral not to exceed 10 days]** of the
24 offender, except the judge shall not require a psychological
25 examination if the offender is to be sentenced to a term of life
26 imprisonment without eligibility for parole. The examination shall
27 include a determination of whether the offender's conduct was
28 characterized by a pattern of repetitive, compulsive behavior and, if it
29 was, a further determination of the offender's amenability to sex
30 offender treatment and willingness to participate in such treatment.
31 The **[referral]** court's order shall contain a determination of the
32 **[person's]** offender's legal settlement in accordance with subdivision
33 D of article 3 of chapter 4 of Title 30 of the Revised Statutes.

34 (cf: P.L.1994, c.130, s.5)

35

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

37 2C:47-2. Report on Examination.

38 **[Upon completion of the physical and]** The Department of
39 Corrections shall conduct the psychological examination **[of such**
40 **person, but in no event later than]** required pursuant to N.J.S.2C:47-1
41 within 30 days **[after the date of the order of referral,]** after it receives
42 the Presentence Report. Upon completion of the psychological

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 examination, the Department of Corrections shall send to the court a
2 written report of the results of the examination [shall be sent to the
3 court],including a determination of whether the offender's conduct
4 was characterized by a pattern of repetitive, compulsive behavior and,
5 if it was, a further determination of the offender's amenability to sex
6 offender treatment and willingness to participate in such treatment.

7 (cf: P.L.1979, c.178, s.102)

8

9 3. N.J.S.2C:47-3 is amended to read as follows:

10 2C:47-3. Disposition.

11 a. If the report of the examination reveals that the offender's
12 conduct was characterized by a pattern of repetitive, compulsive
13 behavior and further reveals that the offender is amenable to sex
14 offender treatment and is willing to participate in such treatment, the
15 court shall determine whether the offender's conduct was so
16 characterized and whether the offender is amenable to sex offender
17 treatment and is willing to participate in such treatment and shall
18 record its findings on the judgment of conviction.

19 b. If the court finds that the offender's conduct was characterized
20 by a pattern of repetitive, compulsive behavior and that the offender
21 is amenable to sex offender treatment and is willing to participate in
22 such treatment, the court **[may]** shall, upon the recommendation of
23 the **[Adult Diagnostic and Treatment Center]** Department of
24 Corrections, sentence the offender to a term of incarceration to be
25 served in the custody of the commissioner at the Adult Diagnostic and
26 Treatment Center for **[a program of specialized]** sex offender
27 treatment [for his mental condition] as provided in subsection h. of
28 this section, or place the offender on probation with the requirement,
29 as a condition of probation, that he receive outpatient psychological
30 or psychiatric treatment as prescribed.

31 c. A sentence of incarceration or probation imposed pursuant to
32 subsection b. or f. of this section shall be set in accordance with
33 chapters 43, 44 and 45 of this **[code]** Title.

34 d. The court shall impose sentence in accordance with chapters 43,
35 44 and 45 of this Title and not as provided in subsection b. of this
36 section¹:

37 (1) **If]** if it shall appear from the report of **[such]** the examination
38 made of **[such person]** the offender pursuant to section N.J.S.2C:47-1
39 that the offender's conduct was not characterized by a pattern of
40 repetitive, compulsive behavior²; or

41 (2) If the report of the examination does not recommend that the
42 offender be sentenced to the Adult Diagnostic and Treatment Center
43 for treatment or placed on probation conditioned upon receipt of
44 treatment³ or that the offender is not amenable to sex offender
45 treatment.

1 e. 【The court may, in its discretion, sentence an offender who is
2 eligible for sentence pursuant to subsection b. of this section in
3 accordance with chapters 43, 44 and 45 of this Title.】 (Deleted by
4 amendment, P.L. , c.) (now pending before the Legislature as this
5 bill).

6 f. If the court finds that the offender’s conduct was characterized
7 by a pattern of repetitive, compulsive behavior and that the offender
8 is amenable to sex offender treatment, but that the offender is not
9 willing to participate in such treatment, the court shall sentence the
10 offender to a term of incarceration to be served in a facility designated
11 by the commissioner pursuant to section 2 of P.L.1969, c.22 (C.30:4-
12 91.2). The offender shall become primarily eligible for parole in
13 accordance with the provisions of N.J.S.2C:47-5; provided, however,
14 no offender shall become primarily eligible for parole prior to the
15 expiration of any judicial or statutory mandatory minimum term. An
16 offender who meets the criteria of this subsection may, on a biennial
17 basis, request to be transferred to the Adult Diagnostic and Treatment
18 Center. Within 90 days after receiving a request for a transfer, the
19 Department of Corrections shall conduct a psychological examination.
20 If, upon the completion of a psychological examination, the
21 Department of Corrections determines that the offender is amenable
22 to sex offender treatment and is willing to participate in such
23 treatment, the commissioner may order the offender to be transferred
24 to the Adult Diagnostic and Treatment Center.

25 g. Notwithstanding the provisions of R.S.30:4-140 or R.S.30:4-92
26 or any other law, a sentence imposed pursuant to subsection f. of this
27 section shall not be reduced by commutation time for good behavior
28 or credits for diligent application to work and other institutional
29 assignments for any year or fractional part of a year that the offender
30 is confined in a facility other than the Adult Diagnostic and Treatment
31 Center; provided, however, if the offender is at any time transferred to
32 the Adult Diagnostic and Treatment Center pursuant to subsection f.
33 of this section, the sentence imposed on the offender shall be reduced
34 by commutation time for good behavior and credits for diligent
35 application to work and other institutional assignments for any year or
36 fractional part of a year that the offender is incarcerated at the Adult
37 Diagnostic and Treatment Center following the date of such transfer.

38 h. An offender sentenced to a term of incarceration pursuant to
39 subsection b. of this section shall be confined as follows:

40 (1) If the court imposes a sentence of seven years or less, the
41 Department of Corrections shall confine the offender to the Adult
42 Diagnostic and Treatment Center as soon as practicable after the date
43 of sentence.

44 (2) If the court imposes a sentence of more than seven years, the
45 Department of Corrections shall confine the offender in a facility
46 designated by the commissioner pursuant to section 2 of

1 P.L.1969, c.22 (C.30:4-91.2). At least 30 days prior to the date which
2 precedes the expiration date of the offender's sentence by five years,
3 including any reductions for commutation time for good behavior and
4 credits for diligent application to work and other institutional
5 assignments, the Department of Corrections shall complete a
6 psychological examination of the offender to determine the offender's
7 amenability to sex offender treatment and willingness to participate in
8 such treatment; provided, however, no such examination shall be
9 required if less than two years has elapsed since the Department of
10 Corrections completed a psychological examination pursuant to
11 N.J.S.2C:47-1. If the report of the examination reveals that the
12 offender is amenable to sex offender treatment and is willing to
13 participate in such treatment, the offender shall be transferred to the
14 Adult Diagnostic and Treatment Center as soon as practicable. If the
15 report of the examination reveals that the offender is not amenable to
16 sex offender treatment, the offender shall not be transferred to the
17 Adult Diagnostic and Treatment Center. If the report of the
18 examination reveals that the offender is amenable to sex offender
19 treatment but is not willing to participate in such treatment, the
20 offender shall not be transferred to the Adult Diagnostic and
21 Treatment Center. An offender may, on a biennial basis, request to be
22 transferred to the Adult Diagnostic and Treatment Center. Within 90
23 days after receiving a request for a transfer, the Department of
24 Corrections shall conduct a psychological examination. If, upon the
25 completion of a psychological examination, the Department of
26 Corrections determines that the offender is amenable to sex offender
27 treatment and is willing to participate in such treatment, the
28 commissioner shall order the offender to be transferred to the Adult
29 Diagnostic and Treatment Center as soon as practicable.

30 (3) If a sentence is imposed pursuant to P.L.1997, c.117
31 (C.2C:43-7.2) or if any other judicial or statutory mandatory minimum
32 term of more than seven years is imposed, the offender shall be
33 confined in a facility designated by the commissioner pursuant to
34 section 2 of P.L.1969, c.22 (C.30:4-91.2). At least 30 days prior to
35 the date which precedes the expiration date of the mandatory minimum
36 term by five years, the Department of Corrections shall complete a
37 psychological examination of the offender to determine the offender's
38 amenability to sex offender treatment and willingness to participate in
39 such treatment; provided, however, no such examination shall be
40 required if less than two years has elapsed since the Department of
41 Corrections completed a psychological examination pursuant to
42 N.J.S.2C:47-1. If the report of the examination reveals that the
43 offender is amenable to sex offender treatment and is willing to
44 participate in such treatment, the offender shall be transferred to the
45 Adult Diagnostic and Treatment Center as soon as practicable. If the
46 report of the examination reveals that the offender is not amenable to

1 sex offender treatment, the offender shall not be transferred to the
2 Adult Diagnostic and Treatment Center. If the report of the
3 examination reveals that the offender is amenable to sex offender
4 treatment, but is not willing to participate in such treatment, the
5 offender shall not be transferred to the Adult Diagnostic and
6 Treatment Center. An offender may, on a biennial basis, request to be
7 transferred to the Adult Diagnostic and Treatment Center. Within 90
8 days after receiving a request for a transfer, the Department of
9 Corrections shall conduct a psychological examination. If upon
10 completion of a psychological examination the Department of
11 Corrections determines that the offender is amenable to sex offender
12 treatment and is willing to participate in such treatment, the
13 commissioner shall order the offender to be transferred to the Adult
14 Diagnostic and Treatment Center as soon as practicable.

15 i. Notwithstanding the provisions of R.S. 30:4-140 or R.S. 30:4-92
16 or any other law, a sentence imposed pursuant to subsection f. of this
17 section shall not be reduced by commutation time for good behavior
18 or credits for diligent application to work and other institutional
19 assignments for any year or fractional part of a year from the date the
20 Department of Corrections determines, as a result of a psychological
21 evaluation conducted pursuant to paragraph (2) or (3) of subsection
22 h. of this section, that the offender is not amenable to sex offender
23 treatment or not willing to participate in such treatment; provided,
24 however, if the offender is subsequently determined by the Department
25 of Corrections to be amenable to sex offender treatment and willing to
26 participate in such treatment and is transferred to the Adult Diagnostic
27 and Treatment Center, the sentence imposed on the offender shall be
28 reduced by commutation time for good behavior and credits for
29 diligent application to work and other institutional assignments for any
30 year or fractional part of a year that the offender is incarcerated at the
31 Adult Diagnostic and Treatment Center following the date of such
32 transfer.

33 j. An offender who is sentenced to a term of life imprisonment
34 without eligibility for parole shall not be confined in the Adult
35 Diagnostic and Treatment Center but shall be confined in a facility
36 designated by the commissioner pursuant to section 2 of P.L. 1969,
37 c.22 (C.30:4-91.2).

38 k. The commissioner shall be required to provide for the treatment
39 of a sex offender sentenced pursuant to N.J.S.2C:47-1 et seq. only
40 when the offender is incarcerated in the Adult Diagnostic and
41 Treatment Center. This requirement shall not apply when the offender
42 is incarcerated in another facility.

43 (cf: P.L. 1994, c.134, s.2)

44

45 4. N.J.S.2C:47-7 is amended to read as follows:

46 2C:47-7. Cost of Maintenance.

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1 The Commissioner shall determine and fix the per capita cost of
2 examining and maintaining any [person transferred to the Adult
3 Diagnostic and Treatment Center for examination, and the Adult
4 Diagnostic and Treatment Center] offender upon order of the court
5 pursuant to N.J.S.2C:47-1 and shall furnish a copy of the order [of
6 transfer] to the county treasurer of the county in which the [person]
7 offender has a legal settlement as determined in [said] that order, and
8 upon certification of the amount due, the governing body of the county
9 shall make provisions for payment of one-half of the cost thereof to
10 the Adult Diagnostic and Treatment Center, the remaining one-half to
11 be borne by the State. If the order contains a determination that the
12 [person] offender has no legal settlement in any county, the entire
13 cost shall be borne by the State.

14 (cf: P.L.1979, c.178, s.104)

15

16 5. Section 1 of P.L.1994, c.129 (C.2C:47-8) is amended to read as
17 follows:

18 1. Notwithstanding the provisions of section 7 of P.L.1979, c.441
19 (C.30:4-123.51), R.S.30:4-140, R.S.30:4-92 or any other law, a term
20 of imprisonment imposed on a person confined to the Adult Diagnostic
21 and Treatment Center pursuant to the provisions of chapter 47 of this
22 Title shall not be reduced by progressive time credits or credits for
23 diligent application to work and other institutional assignments for any
24 year or fractional part of a year if the person failed to fully cooperate
25 with all treatment offered to him during that time period. This section
26 shall not prohibit the reduction of a person's term of imprisonment by
27 such credits if the person is entitled to the credits pursuant to the
28 provisions of subsection g. of N.J.S.2C:47-3.

29 (cf: P.L.1994, c.129, s.1)

30

31 6. (New section) a. The commissioner shall order the transfer out
32 of the Adult Diagnostic and Treatment Center of any offender serving
33 a life sentence without eligibility for parole and any offender not
34 participating in or cooperating with the sex offender treatment
35 provided in the Adult Diagnostic and Treatment Center and any
36 offender who is determined by the Department of Corrections to be no
37 longer amenable to sex offender treatment.

38 b. Any offender transferred out of the Adult Diagnostic and
39 Treatment Center for failure to participate in or cooperate with the sex
40 offender treatment provided there or because of a determination by the
41 Department of Corrections that the offender is no longer amenable to
42 sex offender treatment may, on a biennial basis, request to be
43 transferred back to the Adult Diagnostic and Treatment Center.
44 Within 90 days after receiving a request for a transfer, the Department
45 of Corrections shall conduct a psychological examination. If, upon
46 completion of a psychological examination, the Department of

1 Corrections determines that the offender is amenable to sex offender
2 treatment and is willing to participate in and cooperate with such
3 treatment, the commissioner shall order the offender to be transferred
4 back to the Adult Diagnostic and Treatment Center.

5 c. Notwithstanding the provisions of R.S.30:4-140 or R.S.30:4-92
6 or any other law, a sentence imposed on an offender transferred
7 pursuant to subsection a. of this section shall not be reduced by
8 commutation time for good behavior or credits for diligent application
9 to work and other institutional assignments for any year or fractional
10 part of a year following the date of the transfer; provided, however, if
11 the offender is at any time thereafter transferred back to the Adult
12 Diagnostic and Treatment Center pursuant to subsection b. of this
13 section, the sentence imposed on such offender shall be reduced by
14 commutation time for good behavior and credits for diligent
15 application to work and other institutional assignments for any year or
16 fractional part of a year that such offender is incarcerated at the Adult
17 Diagnostic and Treatment Center following the date of such transfer.

18
19 7. N.J.S.2C:47-4 is hereby repealed.

20
21 8. This act shall take effect on the first day of the fourth month
22 after enactment.

23
24
25 STATEMENT

26
27 This bill amends current law governing the sentencing and
28 incarceration of sex offenders at the Adult Diagnostic and Treatment
29 Center (ADTC), New Jersey's correctional and treatment facility for
30 convicted sex offenders. It is part of a two bill package to improve the
31 management and treatment of sex offenders and thereby increase
32 protection of the general public when sex offenders are ultimately
33 released.

34 The bill acknowledges that some convicted sex offenders will not
35 respond to, or successfully complete, a program of treatment. Thus,
36 the bill limits treatment at the ADTC to those sex offenders who are
37 determined to be amenable to sex offender treatment and who are
38 willing to participate in such treatment.

39 Under current law, the judge orders persons convicted of
40 aggravated sexual assault, sexual assault and aggravated criminal
41 sexual contact to undergo a psychological examination conducted by
42 the Department of Corrections (DOC). This bill would expand that
43 list of sex offenses to include (1) endangering the welfare of a child by
44 engaging in sexual conduct which would impair or debauch the morals
45 of the child pursuant to subsection a. of N.J.S. 2C:24-4 and (2)
46 endangering the welfare of a child pursuant to paragraph (4) of

1 subsection b. of N.J.S.2C:24-4. The bill provides that the sentencing
2 judge would not require a psychological examination of an offender
3 sentenced to a term of life imprisonment without eligibility for parole.
4 These offenders would not be confined at the ADTC.

5 Currently, the psychological examination is conducted to determine
6 whether the sex offender's conduct was characterized by a pattern of
7 repetitive, compulsive behavior. Under this bill, if a determination is
8 made that the sex offender is repetitive and compulsive, a further
9 determination would be made of the offender's amenability to sex
10 offender treatment and willingness to participate in such treatment.
11 An offender who is not placed on probation would, upon
12 recommendation of the DOC, be sentenced to the ADTC. If the
13 sentence imposed is greater than seven years, however, the DOC
14 would first confine the offender to a facility other than the ADTC.

15 If the court finds that the offender's conduct was characterized by
16 a pattern of repetitive, compulsive behavior and that the offender is
17 amenable, to sex offender treatment but is not willing to participate in
18 such treatment, the court would sentence the offender to a term of
19 incarceration to be served in a facility designated by the commissioner.

20 Current law provides that a sex offender whose conduct is not
21 characterized by a pattern of repetitive, compulsive behavior is to be
22 sentenced as any other offender in accordance with chapters 43, 44
23 and 45 of Title 2C of the New Jersey Statutes; they are not to be
24 sentenced to the ADTC. Under this bill, sex offenders who are not
25 amenable to sex offender treatment also would not be sentenced to the
26 ADTC.

27 The bill would require the commissioner to provide for the
28 treatment of a sex offender only when the offender is incarcerated in
29 the ADTC. This requirement shall not apply when the offender is
30 incarcerated in any other facility.

31 Any sex offender who is not confined in the ADTC because the
32 offender had been determined not to be amenable to sex offender
33 treatment or not willing to participate in such treatment would be
34 permitted, on a biennial basis, to request a transfer to the ADTC.
35 Within 90 days after receiving such a request, the DOC would conduct
36 a psychological examination. If the DOC determines that the offender
37 is amenable to sex offender treatment and is willing to participate in
38 such treatment, the offender would be transferred to the ADTC.

39 The bill would amend current law pertaining to the application of
40 credits in the computation of the expiration date of a sentence imposed
41 on a sex offender. A repetitive, compulsive sex offender who was
42 determined to be amenable to sex offender treatment, but not willing
43 to participate in such treatment or a sex offender who is determined to
44 be not amenable to sex offender treatment or not willing to participate
45 in such treatment would not receive commutation time for good
46 behavior or earn work credits for time served in a facility other than

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1 the ADTC. An offender who received a sentence of more than seven
2 years, is confined to a facility other than the ADTC and who, upon
3 becoming eligible for transfer to the ADTC, is determined to be not
4 amenable to sex offender treatment or not willing to participate in such
5 treatment also would not receive commutation time or work credits.
6 If the offender subsequently was transferred to the ADTC, he would
7 become eligible for those credits.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1109

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 11, 1998

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1109.

This bill amends current law governing the sentencing and incarceration of sex offenders at the Adult Diagnostic and Treatment Center (ADTC), New Jersey's correctional and treatment facility for convicted sex offenders. It is part of a two bill package to improve the management and treatment of sex offenders and thereby increase protection of the general public when sex offenders are ultimately released.

The bill acknowledges that some convicted sex offenders will not respond to, or successfully complete, a program of treatment. Thus, the bill limits treatment at the ADTC to those sex offenders who are determined to be amenable to sex offender treatment and who are willing to participate in such treatment.

Under current law, the judge orders persons convicted of aggravated sexual assault, sexual assault and aggravated criminal sexual contact to undergo a psychological examination conducted by the Department of Corrections (DOC). This bill would expand that list of sex offenses to include (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 and (2) endangering the welfare of a child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4. The bill provides that the sentencing judge would not require a psychological examination of an offender sentenced to a term of life imprisonment without eligibility for parole. These offenders would not be confined at the ADTC.

Currently, the psychological examination is conducted to determine whether the sex offender's conduct was characterized by a pattern of repetitive, compulsive behavior. Under this bill, if a determination is made that the sex offender is repetitive and compulsive, a further determination would be made of the offender's amenability to sex offender treatment and willingness to participate in such treatment. An offender who is not placed on probation would, upon recommendation of the DOC, be sentenced to the ADTC. If the sentence imposed is greater than seven years, however, the DOC

would first confine the offender to a facility other than the ADTC.

If the court finds that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior and that the offender is amenable to sex offender treatment but is not willing to participate in such treatment, the court would sentence the offender to a term of incarceration to be served in a facility designated by the commissioner.

Current law provides that a sex offender whose conduct is not characterized by a pattern of repetitive, compulsive behavior is to be sentenced as any other offender in accordance with chapters 43, 44 and 45 of Title 2C of the New Jersey Statutes; they are not to be sentenced to the ADTC. Under this bill, sex offenders who are not amenable to sex offender treatment also would not be sentenced to the ADTC.

The bill would require the commissioner to provide for the treatment of a sex offender only when the offender is incarcerated in the ADTC. This requirement shall not apply when the offender is incarcerated in any other facility.

Under certain circumstances, a sex offender who is not confined in the ADTC because the offender had been determined not to be amenable to sex offender treatment or not willing to participate in such treatment would be permitted, on a biennial basis, to request a transfer to the ADTC. Within 90 days after receiving such a request, the DOC would conduct a psychological examination. If the DOC determines that the offender is amenable to sex offender treatment and is willing to participate in such treatment, the offender would be transferred to the ADTC.

The bill would amend current law pertaining to the application of credits in the computation of the expiration date of a sentence imposed on a sex offender. A repetitive, compulsive sex offender who was determined not to be amenable to sex offender treatment, or to be amenable to sex offender treatment but not willing to participate in such treatment, would not receive commutation time for good behavior or earn work credits for time served in a facility other than the ADTC. An offender who received a sentence of more than seven years, is confined to a facility other than the ADTC and who, upon becoming eligible for transfer to the ADTC, is determined to be not amenable to sex offender treatment or not willing to participate in such treatment also would not receive commutation time or work credits. If the offender subsequently was transferred to the ADTC, he would become eligible for those credits.

The committee amended the bill to clarify that an offender who is found not to be amenable to sex offender treatment and who is sentenced pursuant to chapters 43, 44 and 45 of Title 2C would not receive commutation time or work credits. The amendments also clarify that when the sex offender is a female, confinement would be in a facility designated by the Commissioner of Corrections. The amendments further clarify that female sex offenders are subject to the same statutes and rules and regulations as male sex offenders.

Office of the Governor
NEWS RELEASE

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RELEASE: August 12, 1998

Governor Whitman Signs Bills Cracking Down on Sex Offenders

Gov. Christie Whitman today signed a package of bills that will ensure that sex offenders receive appropriate treatment and are not released into the community if there is a likelihood they will repeat their crimes.

"Earlier this year, I made a promise to the citizens of New Jersey. I said that we should make it easier to keep still-dangerous sex offenders away from our children, even after they have served their criminal sentences," the Governor said. "Megan's Law enabled us to keep more than 80 such predators in civil commitment beyond their initial prison terms. It is time to expand that authority."

Known as the New Jersey Sexually Violent Predator Act, S-895, sponsored by Senators Robert Martin (R-Essex/Morris/Passaic) and Anthony Bucco (R-Morris) and Assembly Members Guy Talarico (R-Bergen) and Rose Heck (R-Bergen), allows the state to involuntarily commit sex offenders who suffer from mental abnormalities or personality disorders which make them likely to re-offend.

Currently, only those offenders who meet the legal definition of "mentally ill" may be involuntarily committed.

Under A-2101, sponsored by Assembly Members James Holzapfel (R-Monmouth/Ocean) and Rose Heck (R-Bergen) and Senators John Bennett (R-Monmouth) and Louis Kosco (R-Bergen), sex offenders sent to the ADTC must be willing to participate in sex offender treatment. Those sex offenders who are not amenable to the treatment will not be sentenced to the ADTC.

The bill also requires that current inmates who are no longer participating or cooperating with sex offender treatment be transferred from the center into another Department of Corrections facility.

A-2102, sponsored by Assembly Members James Holzapfel (R-Monmouth/Ocean) and Rose Heck (R-Bergen) and Senators Louis Bassano (R-Essex/Union) and Louis Kosco (R-Bergen), will make it easier to keep a sex offender incarcerated if there is a likelihood that they will violate conditions of parole.

Under the current process, the standard for parole is that the offender must only "be capable of making an acceptable social adjustment in the community." The new standards will be that the offender has had progress in sex offender treatment and that the State Parole Board has determined there is not a reasonable expectation that the offender will violate conditions of parole.

The bills implement some of the recommendations of the Joint Task Force to Study the Adult Diagnostic and Treatment Center.

"When I first arrived in office, I knew that many changes had to be made in order to make New Jersey the safest and best place to start and raise a family," Gov. Whitman said. "To a community, crime is like a virus. If contracted and not attacked aggressively, it will devastate families and businesses alike, as well as weaken New Jersey's image."