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No

P.L. 2003, CHAPTER 219, *approved January 9, 2004*  
Assembly, No. 2433

1 **AN ACT** concerning child pornography and amending P.L.1994,  
2 c.133.

3

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

6

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

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

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

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

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

**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 following acquittal by reason of insanity or as a result of civil  
2 commitment on the effective date of this act;

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

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

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

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

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

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

37 d. Upon a change of address, a person shall notify the law  
38 enforcement agency with which the person is registered and must  
39 re-register with the appropriate law enforcement agency no less than  
40 10 days before he intends to first reside at his new address.

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

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

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

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

25 (cf: P.L.2001, c.392)

26  
27 2. This act shall take effect on the 90th day following enactment.  
28  
29

### 30 STATEMENT

31  
32 Currently, persons convicted of N.J.S.A.2C:24-4b.(4),  
33 photographing or filming a child in a prohibited sexual act, must  
34 register as sex offenders under Megan's Law.

35 Under the bill, persons would also be required to register under  
36 Megan's Law upon conviction of N.J.S.A.2C:24-4b.(3), causing or  
37 permitting a child to engage in a prohibited sexual act if the person  
38 knows or intends that the act may be photographed, filmed,  
39 reproduced or reconstructed.  
40

41 \_\_\_\_\_  
42  
43 Requires persons convicted of certain child pornography crimes to  
44 register under Megan's Law.

# ASSEMBLY, No. 2433

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JUNE 13, 2002

**Sponsored by:**

**Assemblyman GARY L. GUEAR, SR.**

**District 14 (Mercer and Middlesex)**

**Assemblyman ANTHONY IMPREVEDUTO**

**District 32 (Bergen and Hudson)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

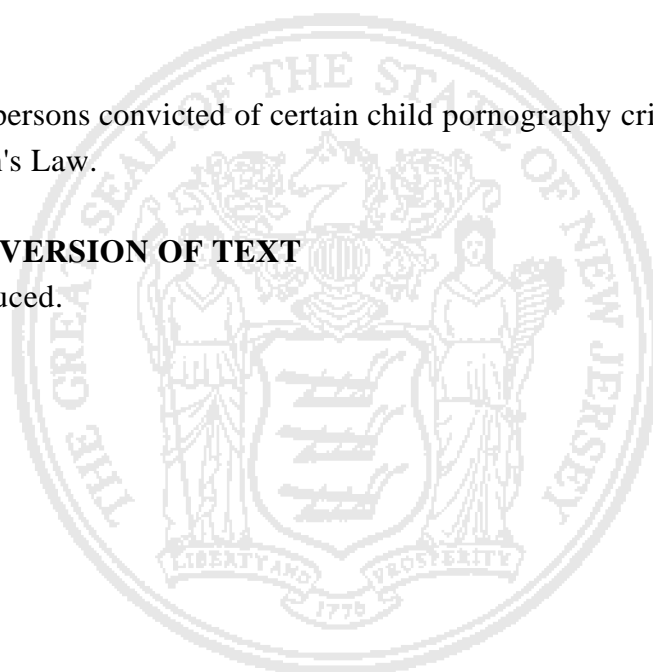
**Assemblymen Burzichelli, Conaway, Dancer, Eagler, Fisher,  
Assemblywoman Heck, Assemblyman S.Kean, Assemblywoman McHose,  
Assemblymen Munoz, Sarlo, R.Smith, Van Drew, Senators Inverso,  
Matheussen and Allen**

**SYNOPSIS**

Requires persons convicted of certain child pornography crimes to register under Megan's Law.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/12/2003)

A2433 GUEAR, IMPREVEDUTO

2

1 AN ACT concerning child pornography and amending P.L.1994,  
2 c.133.

3

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

6

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

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

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

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

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

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

**Matter underlined thus is new matter.**

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

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

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

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

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

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

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

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



A2433 GUEAR, IMPREVEDUTO

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

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

14 g. A person required to register under this section who has been  
15 convicted of, adjudicated delinquent, or acquitted by reason of insanity  
16 for more than one sex offense as defined in subsection b. of this  
17 section or who has been convicted of, adjudicated delinquent, or  
18 acquitted by reason of insanity for aggravated sexual assault pursuant  
19 to subsection a. of N.J.S.2C:14-2 or sexual assault pursuant to  
20 paragraph (1) of subsection c. of N.J.S.2C:14-2 is not eligible under  
21 subsection f. of this section to make application to the Superior Court  
22 of this State to terminate the registration obligation.  
23 (cf: P.L.2001, c.392)

24

25 2. This act shall take effect on the 90th day following enactment.

26

27

28

STATEMENT

29

30 Currently, persons convicted of N.J.S.A.2C:24-4b.(4),  
31 photographing or filming a child in a prohibited sexual act, must  
32 register as sex offenders under Megan's Law.

33 Under the bill, persons would also be required to register under  
34 Megan's Law upon conviction of N.J.S.A.2C:24-4b.(3), causing or  
35 permitting a child to engage in a prohibited sexual act if the person  
36 knows or intends that the act may be photographed, filmed,  
37 reproduced or reconstructed.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2433**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 13, 2003

The Assembly Judiciary Committee reports favorably Assembly Bill No. 2433.

Currently, persons convicted of N.J.S.A.2C:24-4b.(4), photographing or filming a child in a prohibited sexual act or simulation of such an act, must register as sex offenders under Megan's Law, N.J.S.A.2C:7-7-1 et seq.. This bill would amend N.J.S.A.2C:7-2 to require persons who cause or permit a child to engage in a prohibited sexual act when the person knows or intends that the act may be photographed, filmed, reproduced or reconstructed, in violation of N.J.S.A. 2C:24-4b.(3), to register under Megan's Law.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2433

# STATE OF NEW JERSEY

DATED: NOVEMBER 24, 2003

The Senate Judiciary Committee reports favorably Assembly Bill No. 2433.

The bill amends “Megan’s Law” to require persons convicted, adjudicated delinquent or acquitted by reason of insanity of endangering the welfare of a child by causing or permitting a child to engage in a prohibited sexual act where the person knows that the prohibited act may be photographed, filmed, reproduced or reconstructed in any manner or may be part of an exhibition or performance in violation of paragraph (3) of subsection b. of N.J.S. 2C:24-4 to comply with the State’s sex offender registration requirements.

In the context of Megan’s Law, as the Legislature has previously declared and the courts have acknowledged, the utility of providing law enforcement with registration information has been recognized as serving the remedial purpose helping prevent and resolve incidents of criminal misconduct. Application of the registration requirements of Megan’s Law to those responsible for causing or permitting children to be exploited in pornographic material will enable law enforcement to track and remain aware of those who have committed acts of exploitation of children, and the notification requirements may enable members of the public to take appropriate precautions to protect their children and those in their care from exploitation by a person with a demonstrated history of such misconduct.

This bill amends the State’s sex offender registration statute into accordance with recent amendments to the federal “Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act” which were instituted by the “Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act of 2003.” Generally, the Wetterling Act sets minimum standards for state sex offender registration and community notification programs, and directs the United States Attorney General to issue guidelines for such programs. States that fail to comply with the Wetterling Act’s requirements, as implemented in the Attorney General’s guidelines, are subject to a mandatory 10% reduction of the formula grant funding available under the “Edward Byrne Memorial State and Local Law Enforcement Assistance Program,” (42 U.S.C. Section 3756). On April 30, 2003, the President signed the PROTECT Act into law,

which among other things amended the Wetterling Act to induce states to include various child pornography offenses among the enumerated criminal offenses for which the state requires sex offender registration. Thus, in order to maintain full Byrne grant funding eligibility, the addition of paragraph (3) of subsection b. of N.J.S.2C:24-4 to the list of crimes for which a sex offender must register pursuant to “Megan’s Law” is warranted.

This bill is identical to Senate, No. 1546.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 2433**  
**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

DATED: JANUARY 6, 2004

**SUMMARY**

**Synopsis:** Requires persons convicted of certain child pornography crimes to register under Megan's Law

**Type of Impact:** General Fund expenditure

**Agencies Affected:** State Police, Local law enforcement agencies

**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 Cost</b>	Minimal	Minimal	Minimal
<b>Local Cost</b>	Minimal	Minimal	Minimal

- \* The Office of Legislative Services (OLS) notes that under Megan's Law, individuals are required to register with the local law enforcement agency in the community within which they reside. If no local law enforcement agency exists in their community, these individuals must register with the State Police. The OLS further notes that because the number of individuals convicted under this statute would be minimal, and because the sexual registry is currently operating Statewide, the addition of the small number of offenders to the registry would incur a very small cost to the participating agencies.
- \* The bill requires that offenders convicted of N.J.S.A.2C:24-4b.(3), causing or permitting a child to engage in a prohibited sexual act if the person knows or intends that the act may be photographed, filmed, reproduced or reconstructed, must register as sex offenders under Megan's Law.

**BILL DESCRIPTION**

Assembly Bill No. 2433 of 2002 requires that offenders convicted of N.J.S.A.2C:24-4b.(3), causing or permitting a child to engage in a prohibited sexual act if the person knows or intends that the act may be photographed, filmed, reproduced or reconstructed, must register as sex offenders under Megan's Law. Current law requires that individuals convicted under N.J.S.A.2C:24-4b.(4), photographing or filming a child in a prohibited sexual act, must register as sex offenders under Megan's Law.

## FISCAL ANALYSIS

### ***EXECUTIVE BRANCH***

Information obtained from the Department of Corrections indicates that very few individuals are convicted and incarcerated for the offense listed in the bill. Therefore, the fiscal impact would be minimal.

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

The Office of Legislative Services (OLS) notes that under Megan's Law, individuals are required to register with the local law enforcement agency in the community within which they reside. If no local law enforcement agency exists in their community, these individuals must register with the State Police. The OLS further notes that because the number of individuals convicted under this statute would be minimal, and because the sexual registry is currently operating Statewide, the addition of the small number of offenders to the registry would incur a very small cost to the participating agencies.

Section: *Judiciary*

Analyst: *Anne C. Raughley*  
*Lead Fiscal Analyst*

Approved: *Frank W. Haines III*  
*Assistant Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

# SENATE, No. 1546

## STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 30, 2002

**Sponsored by:**

**Senator PETER A. INVERSO**

**District 14 (Mercer and Middlesex)**

**Senator JOHN J. MATHEUSSEN**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

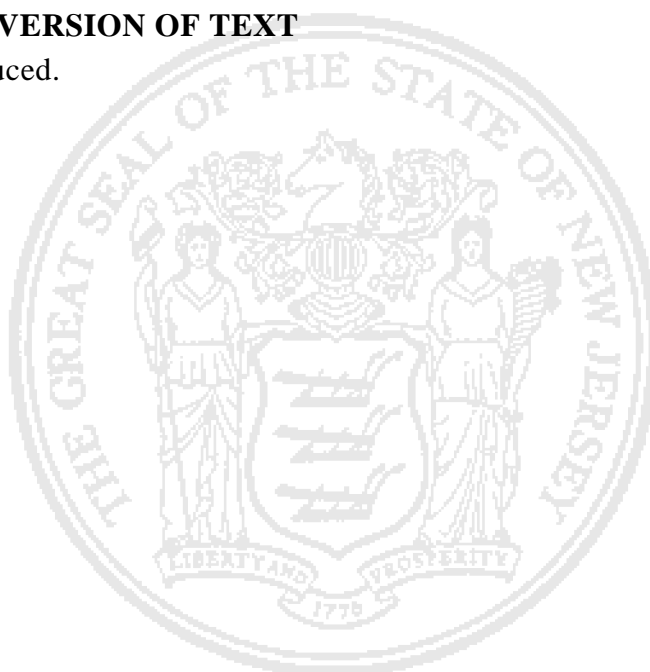
**Senator Allen**

**SYNOPSIS**

Requires persons convicted of certain child pornography crimes to register under Megan's Law.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/12/2003)

1 AN ACT concerning child pornography and amending P.L.1994, c.133.

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3 **BE IT ENACTED** by the Senate and General Assembly of the State  
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8 2. a. A person who has been convicted, adjudicated delinquent or  
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10 as defined in subsection b. of this section shall register as provided in  
11 subsections c. and d. of this section. A person who fails to register as  
12 required under this act shall be guilty of a crime of the fourth degree.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (cf: P.L.2001, c.392)

23

24 2. This act shall take effect on the 90th day following enactment.

25

26

27

#### STATEMENT

28

29 Currently, persons convicted of N.J.S.A.2C:24-4b.(4),  
30 photographing or filming a child in a prohibited sexual act, must  
31 register as sex offenders under Megan's Law.

32 Under the bill, persons would also be required to register under  
33 Megan's Law upon conviction of N.J.S.A.2C:24-4b.(3), causing or  
34 permitting a child to engage in a prohibited sexual act if the person  
35 knows or intends that the act may be photographed, filmed,  
36 reproduced or reconstructed.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE, No. 1546

# STATE OF NEW JERSEY

DATED: NOVEMBER 24, 2003

The Senate Judiciary Committee reports favorably Senate Bill No. 1546.

The bill amends “Megan’s Law” to require persons convicted, adjudicated delinquent or acquitted by reason of insanity of endangering the welfare of a child by causing or permitting a child to engage in a prohibited sexual act where the person knows that the prohibited act may be photographed, filmed, reproduced or reconstructed in any manner or may be part of an exhibition or performance in violation of paragraph (3) of subsection b. of N.J.S.2C:24-4 to comply with the State’s sex offender registration requirements.

In the context of Megan’s Law, as the Legislature has previously declared and the courts have acknowledged, the utility of providing law enforcement with registration information has been recognized as serving the remedial purpose helping prevent and resolve incidents of criminal misconduct. Application of the registration requirements of Megan’s Law to those responsible for causing or permitting children to be exploited in pornographic material will enable law enforcement to track and remain aware of those who have committed acts of exploitation of children, and the notification requirements may enable members of the public to take appropriate precautions to protect their children and those in their care from exploitation by a person with a demonstrated history of such misconduct.

This bill amends the State’s sex offender registration statute into accordance with recent amendments to the federal “Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act” which were instituted by the “Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act of 2003.” Generally, the Wetterling Act sets minimum standards for state sex offender registration and community notification programs, and directs the United States Attorney General to issue guidelines for such programs. States that fail to comply with the Wetterling Act’s requirements, as implemented in the Attorney General’s guidelines, are subject to a mandatory 10% reduction of the formula grant funding available under the “Edward Byrne Memorial State and Local Law Enforcement Assistance Program,” (42 U.S.C. Section 3756). On April 30, 2003, the President signed the PROTECT Act into law,

which among other things amended the Wetterling Act to induce states to include various child pornography offenses among the enumerated criminal offenses for which the state requires sex offender registration. Thus, in order to maintain full Byrne grant funding eligibility, the addition of paragraph (3) of subsection b. of N.J.S.2C:24-4 to the list of crimes for which a sex offender must register pursuant to “Megan’s Law” is warranted.

This bill is identical to Assembly, No. 2433.