

30:4-123.80

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 189

NJSA: 30:4-123.80 (Establishes pilot program for satellite-based monitoring of certain sex offenders)

BILL NO: S1889 (Substituted for A4016/4118/4067/4068)

SPONSOR(S): Sweeney and Madden

DATE INTRODUCED: October 4, 2004

COMMITTEE: **ASSEMBLY:** Budget

SENATE: Law and Public Safety and Veterans' Affairs; Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 30, 2005

SENATE: June 27, 2005

DATE OF APPROVAL: August 11, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Senate Committee Substitute (1R) for S1889/1929 enacted)

S1889/1929

[SPONSOR'S STATEMENT \(S1889\)](#): (Begins on page 3 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(S1929\)](#): (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: Yes [6-9-2005 \(L&PS &VA\)](#)
[6-23-2005 \(Bud & App\)](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL NOTE:](#) [Yes](#)

A4016/4118/4067/4068

[SPONSOR'S STATEMENT \(A4016\)](#): (Begins on page 3 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(A4118\)](#): (Begins on page 3 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(A4067\)](#): (Begins on page 2 of original bill) [Yes](#)

[SPONSOR'S STATEMENT \(A4068\)](#): (Begins on page 6 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [6-13-2005 \(Judiciary\)](#)
[6-27-2005 \(Budget\)](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL NOTE:](#) [Yes](#)

VETO MESSAGE: No

[GOVERNOR'S PRESS RELEASE ON SIGNING:](#) [Yes](#)

FOLLOWING WERE PRINTED:

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

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Eyes in sky to track sex offenders," 8-12-2005 The Record, p.A6

"Codey OKs law budgeting \$3M to track sex offenders," 8-12-2005 Asbury Park Press, p.A8

"Codey signs off on tracking sex offenders with satellites," 8-12-2005 Philadelphia Inquirer, p.B3

"Codey OKs program for tracking sex offenders," 8-12-2005 The Times, p.B5

"State to use high tech to keep tabs on sex offenders," 8-12-2005 The Star Ledger, p.15

IS 9/6/07

§§1-8,10 -
C.30:4-123.80
to 30:4-123.88
§9 - Approp.
§11 - Note to §§1-10

P.L. 2005, CHAPTER 189, *approved August 11, 2005*
Senate Committee Substitute (*First Reprint*) for
Senate, Nos. 1889 and 1929

1 **AN ACT** concerning the monitoring of certain sex offenders,
2 supplementing Title 30 of the Revised Statutes and making an
3 appropriation.

4

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

7

8 1. This act may be known and shall be cited as the "Sex Offender
9 Monitoring Pilot Project Act."

10

11 2. The Legislature finds and declares:

12 a. Offenders who commit serious and violent sex crimes have
13 demonstrated high recidivism rates and, according to some studies, are
14 four to five times more likely to commit a new sex offense than those
15 without such prior convictions, thereby posing an unacceptable level
16 of risk to the community.

17 b. Intensive supervision of serious and violent sex offenders is a
18 crucial element in both the rehabilitation of the released inmate and the
19 safety of the surrounding community.

20 c. Technological solutions currently exist to provide improved
21 supervision and behavioral control of sex offenders following their
22 release.

23 d. These solutions also provide law enforcement and correctional
24 professionals with new tools for electronic correlation of the
25 constantly updated geographic location of supervised sex offenders
26 following their release with the geographic location of reported
27 crimes, to possibly link released offenders to crimes or to exclude
28 them from ongoing criminal investigations.

29 e. Continuous 24 hours per day, seven days per week, monitoring
30 is a valuable and reasonable requirement for those offenders who are
31 determined to be a high risk to reoffend, were previously committed
32 as sexually violent predators and conditionally discharged, or received
33 or are serving a special sentence of community or parole supervision
34 for life. A pilot program should be established to study its
35 effectiveness.

36

37 3. a. As used in this act:

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted June 23, 2005.

1 "Chairman" means the Chairman of the State Parole Board.

2 "Monitored subject" means:

3 (1) a person whose risk of reoffense has been determined to be
4 high pursuant to section 3 of P.L.1994, c.128 (C.2C:7-8); and

5 (2) a person who the chairman deems appropriate for continuous
6 satellite-based monitoring pursuant to the provisions of this act and
7 who:

8 (a) was subject to civil commitment as a "sexually violent
9 predator" in accordance with the provisions of P.L.1998, c.71
10 (C.30:4-27.24 et seq.) and has been conditionally discharged or
11 discharged pursuant to section 13 of P.L.1998, c.71 (C.30:4-27.36);

12 (b) has been sentenced to a term of community or parole
13 supervision for life pursuant to section 2 of P.L.1994, c.130
14 (C.2C:43-6.4); or

15 (c) has been convicted of or adjudicated delinquent for a sex
16 offense enumerated in subsection b. of section 2 of P.L.1994, c. 133
17 (C.2C:7-2) and the victim of the offense was under 18 years of age or
18 60 years of age or older, regardless of the date of conviction.

19 b. In addition to those offenders whose risk of reoffense has been
20 determined to be high pursuant to section 3 of P.L.1994, c.128
21 (C.2C:7-8), the chairman, in exercising his discretion in determining
22 subjects to monitor ¹[electronically pursuant to] through time
23 correlated or continuous tracking of their geographic location¹ under
24 the pilot program authorized by this act, shall consider the risk to the
25 public posed by the subject, based on relevant risk factors such as the
26 seriousness of the offense, the age of the victim or victims, the degree
27 of force and contact, and any other factors the chairman deems
28 appropriate. ¹[Electronic monitoring] Time correlated or continuous
29 tracking of the offender's geographic location¹ shall not be provided
30 during the time a monitored subject is in custody due to arrest,
31 incarceration or civil commitment.

32 c. Nothing in this act shall be construed to preclude a judge from
33 ordering ¹time correlated or continuous tracking of the person's
34 geographic location or other¹ electronic monitoring as a condition of
35 discharge of a person committed pursuant to P.L.1998, c.71 (C.30:4-
36 27.24 et seq.), or as a condition or requirement of supervision ¹[,
37 release or discharge]¹ for any other person ¹[subject to probation or
38 parole supervision] sentenced pursuant to N.J.S.2C:45-1 or sentenced
39 to a term of community or parole supervision for life pursuant to
40 section 2 of P.L. 1994, c. 130 (2C:43-6.4)¹.

41

42 4. a. The chairman, in consultation with the Attorney General,
43 shall establish a two year pilot program for the continuous, satellite-
44 based monitoring of not more than 250 subjects. The system shall
45 provide for the capability of active and passive monitoring, or a
46 combination of both.

1 b. The monitoring system, at a minimum, shall provide:

2 (1) Time-correlated or continuous tracking of the geographic
3 location of the monitored subject using a global positioning system
4 based on satellite and other location technology; and

5 (2) An automated monitoring system that can be used to permit
6 law enforcement agencies to compare the geographic positions of
7 monitored subjects with reported crime incidents and whether the
8 subject was in the proximity of such reported crime incidents.

9 c. The State Parole Board shall develop procedures to determine,
10 investigate, and report on a 24 hours per day basis a monitored
11 subject's noncompliance with the terms and conditions of the pilot
12 program. All reports of noncompliance shall be investigated
13 immediately by a parole or law enforcement officer.

14 d. The chairman may promulgate guidelines to effectuate the
15 provisions of this act.

16

17 5. Notwithstanding any provision of law, rule or regulation to the
18 contrary, the chairman, Attorney General, Superintendent of State
19 Police and ¹federal, State,¹ county and municipal law enforcement
20 agencies may share criminal incident information with each other and
21 the vendor selected by the chairman to provide the monitoring
22 equipment for the pilot program. The chairman may direct the vendor
23 to use data obtained pursuant to this act in preparing correlation
24 reports for distribution and use by ¹federal,¹ State, county and
25 municipal law enforcement agencies.

26

27 6. A person who is monitored under the pilot program established
28 pursuant to this act and who fails to comply with its requirements is
29 guilty of a crime of the third degree. Nothing in this act shall be
30 construed to preclude a person who violates any condition of a special
31 sentence of community or parole supervision for life from being
32 subjected to the provisions of sections 16 through 19 and 21 of
33 P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-
34 123.65) pursuant to the provisions of subsection c. of section 3 of
35 P.L.1997, c.117 (C.30:4-123.51b). Nothing in this act shall be
36 construed to preclude a person on conditional discharge pursuant to
37 P.L.1998, c. 71 (C.30:4-27.24 et seq.) who violates any condition of
38 discharge imposed by the court from being subjected to the provisions
39 of paragraph (3) of subsection c. of section 9 of P.L.1998, c.71
40 (C.30:4-27.32).

41

42 7. ¹[A] Any¹ person who tampers with, removes or vandalizes a
43 device worn or utilized by a monitored subject pursuant to this act is
44 guilty of a crime of the third degree.

45

46 8. The chairman shall submit a report evaluating the effectiveness

1 of the pilot program to the Governor and the Legislature ¹within 90
2 days¹ upon completion of the pilot program. The report shall
3 recommend whether the pilot program should be continued ¹[and
4 expanded into] as¹ a Statewide program.

5
6 9. There is appropriated \$3,000,000 from the General Fund to the
7 State Parole Board for the purposes of implementing the two year
8 pilot program established pursuant to this act.

9
10 10. The State Parole Board, on at least an annual basis, may
11 administer to all offenders serving a special sentence of community or
12 parole supervision for life, imposed pursuant to section 2 of P.L.1994,
13 c.130 (C.2C:43-6.4), polygraph examinations in order to obtain
14 information necessary for risk management and treatment and to
15 reduce the offender's denial mechanisms. A polygraph examination
16 shall be conducted by a polygrapher trained specifically in the use of
17 the polygraph for the monitoring of sex offenders, where available, and
18 shall be paid for by the offender. The results of the polygraph
19 examination shall not be used as evidence in court to prove that a
20 violation of the special sentence of community or parole supervision
21 for life or condition of discharge has occurred.

22
23 11. This act shall take effect immediately, and sections 1 through
24 9 shall expire two years after enactment.

25
26
27 _____
28
29 Establishes pilot program for satellite-based monitoring of certain sex
30 offenders and authorizes certain sex offenders to submit to annual
31 polygraph; appropriates \$3 million.

SENATE, No. 1889

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED OCTOBER 4, 2004

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator FRED MADDEN

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senators T.Kean and Girgenti

SYNOPSIS

Requires DOC to create pilot program for continuous, satellite-based monitoring of certain sex offenders.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/10/2005)

1 AN ACT concerning a pilot program for satellite-based monitoring of
2 certain sex offenders, and supplementing Title 30 of the Revised
3 Statutes.

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

7
8 1. This act may be know and shall be cited as the "Sex Offender
9 Monitoring Pilot Project Act."

10
11 2. The Legislature finds and declares:

12 a. Offenders who commit serious and violent sex crimes have
13 demonstrated high recidivism rates, thereby posing an unacceptable
14 level of risk to the community.

15 b. Intensive supervision of serious and violent sex offenders is a
16 crucial element in both the rehabilitation of the released inmate and the
17 safety of the surrounding community.

18 c. Technological solutions currently exist to provide improved
19 supervision and behavioral control of high risk sex offenders following
20 their release.

21 d. These solutions also provide law enforcement and correctional
22 professionals with new tools for electronic correlation of the
23 constantly updated geographic location of supervised high risk sex
24 offenders following their release with the geographic location of
25 reported crimes, to possibly link released offenders to crimes or to
26 exclude them from ongoing criminal investigations.

27 e. Continuous 24 hours per day, seven days per week, monitoring
28 is a valuable and reasonable requirement for those offenders who
29 receive a special sentence of parole supervision for life and a pilot
30 program should be established to study its effectiveness.

31
32 3. a. As used in this act, "sex offender" means a sex offender
33 whose risk of reoffense has been determined to be high pursuant to
34 P.L.1994, c.128 (C.2C:7-8).

35 b. The Commissioner of Corrections, in consultation with the
36 Attorney General, shall establish a one year pilot program for the
37 continuous, satellite-based monitoring of sex offenders. The
38 commissioner shall select three counties to participate in the pilot
39 program, one each in the northern, central and southern counties of
40 the State. At a minimum, the system shall provide:

41 (1) Time-correlated and continuous tracking of the geographic
42 location of the subject using a global positioning system based on
43 satellite and other location technology; and

44 (2) An automated system that permits law enforcement agencies to
45 compare the geographic positions of monitored subjects with reported
46 crime incidents and whether the subject was in the proximity of such

1 reported crime incidents.

2 c. The commissioner may assess a reasonable fee on a sex offender
3 who is required to participate in the pilot program. This fee shall
4 offset only the costs associated with the time-correlated tracking of
5 the geographic location of subjects using the location tracking crime
6 correlation system. The commissioner may waive all or any portion of
7 the fees required by this section if it is determined that an offender is
8 indigent or unable to pay all or any portion of the fee.

9 d. The commissioner may promulgate guidelines to effectuate the
10 provisions of this act.

11

12 4. Notwithstanding any provision of law, rule or regulation to the
13 contrary, the Commissioner of Corrections, Attorney General,
14 Superintendent of State Police and county and municipal law
15 enforcement agencies may share criminal incident information, limited
16 to time, place and nature of the crime or offense, with each other and
17 the vendor selected by the commissioner to provide the monitoring
18 equipment for the pilot program. The commissioner may direct the
19 vendor to use data obtained pursuant to section 3 of this act in
20 preparing correlation reports for distribution and use by State, county
21 and municipal law enforcement agencies.

22

23 5. A sex offender who is enrolled in the pilot program established
24 pursuant to this act and who fails to comply with its requirements is
25 guilty of a crime of the fourth degree.

26

27 6. Any person who tampers with, removes or vandalizes a device
28 worn or utilized by a sex offender who is participating in the pilot
29 program established pursuant to this act is guilty of a crime of the
30 fourth degree.

31

32 7. The commissioner shall submit a report to the Governor,
33 Legislature and Attorney General upon completion of the pilot
34 program. The report shall recommend whether the monitoring
35 program should be expanded into a Statewide program.

36

37 8. This act shall take effect immediately and shall expire upon
38 submission of the report required pursuant to section 7 of this act.

39

40

41

STATEMENT

42

43 This bill requires the Commissioner of Corrections, in consultation
44 with the Attorney General, to establish a one year pilot program for
45 the continuous, satellite-based monitoring of high risk sex offenders.
46 Typically, these programs use a global positioning system and other

1 technologies which permit the tracking of persons. The commissioner
2 would select three counties to participate in the pilot program, one
3 each in the northern, central and southern counties of the State.

4 At a minimum, the system would provide: (1) time-correlated and
5 continuous tracking of the geographic location of the subject using a
6 global positioning system based on satellite and other location
7 technology; and (2) an automated system that permits law enforcement
8 agencies to compare the geographic positions of monitored subjects
9 with reported crime incidents and whether the subject was in the
10 proximity of such reported crime incidents.

11 The bill permits the commissioner to assess a reasonable fee on a
12 sex offender who is required to participate in the pilot program. This
13 fee would offset only the costs associated with the time-correlated
14 tracking of the geographic location of subjects using the location
15 tracking crime correlation system. The commissioner could waive all
16 or any portion of the fees required if it is determined that an offender
17 is indigent or unable to pay all or any portion of the fee.

18 The bill provides that the Commissioner of Corrections, Attorney
19 General, Superintendent of State Police and county and municipal law
20 enforcement agencies would be permitted to share criminal incident
21 information, limited to time, place and nature of the crime, with each
22 other and the vendor selected by the commissioner to provide the
23 monitoring equipment for the pilot program. The commissioner may
24 direct the vendor to use data obtained in preparing correlation reports
25 for distribution and use by State, county and municipal law
26 enforcement agencies.

27 A sex offender who is enrolled in the pilot program and who fails
28 to comply with its requirements would be guilty of a crime of the
29 fourth degree.

30 The bill provides that any person who tampers with, removes or
31 vandalizes a device worn or utilized by a sex offender who is
32 participating in the pilot program is guilty of a crime of the fourth
33 degree.

34 Finally, the bill requires the commissioner to submit a report to the
35 Governor, Legislature and Attorney General upon completion of the
36 pilot program. The report is to recommend whether the monitoring
37 program should be expanded into a Statewide program.

SENATE, No. 1929

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED OCTOBER 14, 2004

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator LEONARD T. CONNORS, JR.

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Provides for continuous, satellite-based monitoring and polygraph testing of high risk sex offenders; appropriates \$2 million.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/10/2005)

1 AN ACT concerning high risk sex offenders and supplementing chapter
2 7 of Title 2C of the New Jersey Statutes, and making an
3 appropriation.

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

7
8 1. The Legislature finds and declares:

9 a. Intensive supervision of high risk sex offenders is critical to the
10 offender's rehabilitation and the safety of community.

11 b. Modern technologies such as global positioning systems and
12 polygraph devices can provide enhanced supervision of high risk sex
13 offenders following their release from incarceration.

14 c. The use of these modern technologies to provide continuous
15 monitoring of sex offenders' behavior enhances the public safety and
16 is a valuable and reasonable requirement for offenders who have been
17 determined to be at high risk to reoffend.

18

19 2. As used in this act:

20 "Chairman" means the Chairman of the State Parole Board.

21 "Sex offender" means a sex offender whose risk of reoffense has
22 been determined to be high pursuant to section 3 of P.L.1994, c.128
23 (C.2C:7-8) who has been granted parole or released from
24 incarceration.

25

26 3. The chairman, in consultation with the Attorney General, shall
27 establish a program for the continuous, satellite-based monitoring of
28 sex offenders. At a minimum, the system shall provide:

29 a. Time-correlated and continuous tracking of the geographic
30 location of the subject using a global positioning system based on
31 satellite and other location technology; and

32 b. An automated system that permits law enforcement agencies to
33 compare the geographic positions of monitored subjects with reported
34 crime incidents and whether the subject was in the proximity of such
35 reported crime incidents.

36

37 4. Notwithstanding any provision of law, rule or regulation to the
38 contrary, the chairman, Attorney General, Superintendent of State
39 Police and county and municipal law enforcement agencies may share
40 criminal incident information, limited to time, place and nature of the
41 crime or offense, with each other and the provider of the monitoring
42 equipment for the monitoring program established pursuant to section
43 3 of this act. The chairman may direct the provider to use data
44 obtained pursuant to section 3 of this act in preparing correlation
45 reports for distribution and use by State, county and municipal law

1 enforcement agencies.

2

3 5. Any person who tampers with, removes or vandalizes a
4 monitoring device worn or utilized by a sex offender subject to the
5 requirements of this act is guilty of a crime of the fourth degree.

6

7 6. The chairman, in consultation with the Attorney General, may
8 establish a program for periodic polygraph testing of sex offenders
9 pursuant to a schedule set forth in guidelines. The testing shall be
10 administered by a person who has successfully completed a polygraph
11 course at an American Polygraph Association accredited school or a
12 polygraphist who has met the educational and professional standards
13 set forth in guidelines promulgated by the chairman.

14

15 7. A sex offender who is subject to monitoring or polygraph testing
16 pursuant to the requirements of this act and who fails to comply with
17 those requirements shall be guilty of a crime of the fourth degree.

18

19 8. The chairman, in consultation with the Attorney General, may
20 promulgate guidelines to effectuate the provisions of this act.

21

22 9. There is appropriated to the State Parole Board from the
23 General Fund \$2,000,000 to effectuate the purposes of this act.

24

25 10. This act shall take effect on the first day of the sixth month
26 following enactment; provided however, the chairman may take such
27 anticipatory action prior to the effective date as may be required for
28 the act's implementation.

29

30

31

STATEMENT

32

33 This bill requires the Chairman of the State Parole Board, in
34 consultation with the Attorney General, to establish a program to
35 monitor high risk sex offenders who have been released into the
36 community through the use of global positioning system (GPS) devices
37 and polygraphs.

38

39 At a minimum, the GPS would provide: (1) time-correlated and
40 continuous tracking of the geographic location of the sex offender
41 using a global positioning system based on satellite and other location
42 technology; and (2) an automated system that permits law enforcement
43 agencies to compare the geographic positions of monitored sex
44 offenders with reported crime incidents and whether a sex offender
45 was in the proximity of a reported crime incident.

45

46 The bill provides that the Chairman of the State Parole Board,
Attorney General, Superintendent of State Police and county and

1 municipal law enforcement agencies would be permitted to share
2 criminal incident information, limited to time, place and nature of the
3 crime, with each other and the provider of the monitoring equipment.
4 The chairman may direct the provider to use data obtained in preparing
5 correlation reports for distribution and use by State, county and
6 municipal law enforcement agencies.

7 This bill also authorizes the chairman, in consultation with the
8 Attorney General, to establish a program for periodic polygraph
9 testing of high risk sex offenders who have been released into the
10 community. Testing would be conducted pursuant to a schedule
11 established by the chairman. The polygraph test would be
12 administered by a person who has successfully completed a polygraph
13 training and internship program accredited by the American Polygraph
14 Association or a polygraphist who has met the educational and
15 professional qualifications set forth in guidelines promulgated by the
16 chairman.

17 The bill provides an appropriation of \$2,000,000 to the State Parole
18 Board for the implementation of these programs.

19 A sex offender who fails to comply with the provisions of the bill
20 would be guilty of a crime of the fourth degree. The bill also provides
21 that any person who tampers with, removes or vandalizes a monitoring
22 device worn or utilized by a sex offender is guilty of a crime of the
23 fourth degree.

24 The release of sex offenders into the community poses a threat to
25 the public's safety. Expert opinion indicates that sex offenders cannot
26 be "cured," but that their criminal sexual impulses can be controlled
27 with appropriate treatment and supervision. Using a global positioning
28 system and polygraph testing to monitor a sex offender's behavior will
29 enhance public safety by reducing the risk of reoffense.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 1889 and 1929**

STATE OF NEW JERSEY

DATED: JUNE 27, 2005

The Assembly Budget Committee reports favorably Senate Bill Nos. 1889 and 1929 SCS (1R).

Senate Bill Nos. 1889 and 1929 SCS (1R) requires the Chairman of the State Parole Board, in consultation with the Attorney General, to establish a two year pilot program for the continuous, satellite-based monitoring of certain sex offenders. The bill also authorizes certain sex offenders to submit to an annual polygraph examination.

Under the provisions of the bill, the monitoring system is to provide for the capability of active and passive monitoring of up to 250 sex offenders. At a minimum, the system is to provide (1) time-correlated and continuous tracking of the geographic location of the subject using a global positioning system based on satellite and other location technology; and (2) an automated system that permits law enforcement agencies to compare the geographic positions of monitored subjects with reported crime incidents and whether the subject was in the proximity of such reported crime incidents.

Offenders selected for the monitoring program would be (1) those whose risk of reoffense was determined to be high, and (2) those deemed by the chairman to be appropriate for continuous satellite-based monitoring and who (a) were subject to civil commitment as a “sexually violent predator” and have been conditionally discharged or discharged; (b) have been sentenced to a term of community or parole supervision for life; or (c) have been convicted of or adjudicated delinquent for a sex offense and the victim was under age 18 or over age 60, regardless of the date of conviction.

The bill does not preclude a judge from ordering electronic monitoring as a condition of discharge of a person committed as a sexually violent predator, or from ordering time correlated or continuous tracking of the offender's geographic location as a condition or requirement of supervision, release or discharge for any other person subject to probation or parole supervision.

The bill provides that the chairman, Attorney General, Superintendent of State Police and State, county and municipal law enforcement agencies would be permitted to share criminal incident information, limited to time, place and nature of the crime, with each other and the vendor selected by the commissioner to provide the monitoring equipment for the pilot program. The chairman may direct the vendor to use data obtained in preparing correlation reports for distribution and use by State, county, municipal and federal law enforcement agencies.

A monitored subject who fails to comply with the bill's requirements will be guilty of a crime of the third degree. The bill further provides that any person who tampers with, removes or vandalizes a device worn or utilized by a monitored subject is guilty of a crime of the third degree.

Within 90 days upon completion of the pilot program, the bill requires the chairman to submit a report to the Governor and the Legislature. The report will recommend whether the monitoring program should be continued as a Statewide program. The provisions of the bill creating the pilot program expire two years after enactment.

The bill provides that the State Parole Board may administer polygraph examinations to all offenders serving a special sentence of community or parole supervision for life. The examination is to be administered on at least an annual basis and is to be used to obtain information necessary for risk management and treatment and to reduce the offender's denial mechanisms. The bill also provides that the polygraph examination is to be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and is to be paid for by the offender. The bill further provides that the results of the polygraph examination are not to be used as evidence in court to prove that a violation of the special sentence of community or parole supervision for life or condition of discharge has occurred.

As reported by the committee, this bill is identical to Assembly Bill Nos. 4016, 4118, 4067 and 4068 ACS as amended and also reported by the committee.

FISCAL IMPACT:

The bill appropriates \$3.0 million from the General Fund for the purposes of the pilot program.

In the fiscal note to the bill, the New Jersey State Parole Board estimates the total costs for the two-year pilot program to be \$3.19 million.

According to the board, assuming a cost of \$12 per offender per day for active monitoring and \$7 per offender per day for passive monitoring, the cost of monitoring sex offenders is projected to total \$259,650 during the first year of the program, increasing to \$726,300 during the second year. The cost estimates are based on the board actively monitoring 34 offenders and passively monitoring 216

offenders during the first year of program operation. During the second year of the pilot program, 70 offenders would be monitored actively, and 180 monitored passively.

In addition to the direct expense of monitoring, other first year costs include \$580,000 for one time operating expenses (vehicles, PC's, and protective vests) plus \$524,164 for ongoing operating expenses (parole officer salaries and support staff), resulting in total first year costs of \$1.36 million. Second year operating costs are expected to total \$1.1 million, for total second year cost of \$1.83 million.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1889 and 1929

STATE OF NEW JERSEY

DATED: JUNE 9, 2005

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 1889 and 1992.

This committee substitute requires the Chairman of the State Parole Board, in consultation with the Attorney General, to establish a two year pilot program for the continuous, satellite-based monitoring of certain sex offenders. The substitute also authorizes certain sex offenders to submit to an annual polygraph examination.

Under the provisions of the substitute, the monitoring system is to provide for the capability of active and passive monitoring of up to 250 sex offenders. At a minimum, the system is to provide (1) time-correlated and continuous tracking of the geographic location of the subject using a global positioning system based on satellite and other location technology; and (2) an automated system that permits law enforcement agencies to compare the geographic positions of monitored subjects with reported crime incidents and whether the subject was in the proximity of such reported crime incidents.

Offenders selected for the monitoring program would be (1) those whose risk of reoffense was determined to be high, and (2) those deemed by the chairman to be appropriate for continuous satellite-based monitoring and who (a) were subject to civil commitment as a "sexually violent predator" and have been conditionally discharged or discharged; (b) have been sentenced to a term of community or parole supervision for life; or (c) have been convicted of or adjudicated delinquent for a sex offense and the victim was under age 18 or over age 60, regardless of the date of conviction.

The substitute does not preclude a judge from ordering electronic monitoring as a condition of discharge of a person committed as a sexually violent predator, or as a condition or requirement of supervision, release or discharge for any other person subject to probation or parole supervision.

The substitute provides that the chairman, Attorney General, Superintendent of State Police and county and municipal law

enforcement agencies would be permitted to share criminal incident information, limited to time, place and nature of the crime, with each other and the vendor selected by the commissioner to provide the monitoring equipment for the pilot program. The chairman may direct the vendor to use data obtained in preparing correlation reports for distribution and use by State, county and municipal law enforcement agencies.

A monitored subject who fails to comply with the substitute's requirements would be guilty of a crime of the third degree. The substitute further provides that any person who tampers with, removes or vandalizes a device worn or utilized by a monitored subject is guilty of a crime of the third degree.

Upon completion of the pilot program, the chairman is required to submit a report to the Governor and the Legislature. The report will recommend whether the monitoring program should be expanded into a Statewide program. The provisions of the substitute creating the pilot program expire two years after enactment.

The substitute appropriates \$3,000,000 from the General Fund to the State Parole Board for the purposes of implementing the pilot program.

Finally, the substitute provides that the State Parole Board may administer polygraph examinations to all offenders serving a special sentence of community or parole supervision for life. The examination is to be administered on at least an annual basis and is to be used to obtain information necessary for risk management and treatment and to reduce the offender's denial mechanisms. The substitute also provides that the polygraph examination is to be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and is to be paid for by the offender. The substitute further provides that the results of the polygraph examination are not to be used as evidence in court to prove that a violation of the special sentence of community or parole supervision for life or condition of discharge has occurred.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 1889 and 1929**

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2005

The Senate Budget Committee reports favorably Senate Committee Substitute for Senate Bill Nos. 1889 and 1929, with committee amendments.

This substitute requires the Chairman of the State Parole Board, in consultation with the Attorney General, to establish a two year pilot program for the continuous, satellite-based monitoring of certain sex offenders. The substitute also authorizes certain sex offenders to submit to an annual polygraph examination.

Under the provisions of the substitute, the monitoring system is to provide for the capability of active and passive monitoring of up to 250 sex offenders. At a minimum, the system is to provide (1) time-correlated and continuous tracking of the geographic location of the subject using a global positioning system based on satellite and other location technology; and (2) an automated system that permits law enforcement agencies to compare the geographic positions of monitored subjects with reported crime incidents and whether the subject was in the proximity of such reported crime incidents.

Offenders selected for the monitoring program would be (1) those whose risk of reoffense was determined to be high, and (2) those deemed by the chairman to be appropriate for continuous satellite-based monitoring and who (a) were subject to civil commitment as a “sexually violent predator” and have been conditionally discharged or discharged; (b) have been sentenced to a term of community or parole supervision for life; or (c) have been convicted of or adjudicated delinquent for a sex offense and the victim was under age 18 or over age 60, regardless of the date of conviction.

As amended, the substitute does not preclude a judge from ordering electronic monitoring as a condition of discharge of a person committed as a sexually violent predator, or from ordering time correlated or continuous tracking of the offender's geographic location as a condition or requirement of supervision, release or discharge for any other person subject to probation or parole supervision.

The substitute provides that the chairman, Attorney General,

Superintendent of State Police and State, county and municipal law enforcement agencies would be permitted to share criminal incident information, limited to time, place and nature of the crime, with each other and the vendor selected by the commissioner to provide the monitoring equipment for the pilot program. As amended, the chairman may direct the vendor to use data obtained in preparing correlation reports for distribution and use by State, county, municipal and federal law enforcement agencies.

A monitored subject who fails to comply with the substitute's requirements would be guilty of a crime of the third degree. The substitute further provides that any person who tampers with, removes or vandalizes a device worn or utilized by a monitored subject is guilty of a crime of the third degree.

As amended, within 90 days upon completion of the pilot program, the chairman is required to submit a report to the Governor and the Legislature. The report will recommend whether the monitoring program should be continued as a Statewide program. The provisions of the substitute creating the pilot program expire two years after enactment.

The substitute appropriates \$3,000,000 from the General Fund to the State Parole Board for the purposes of implementing the pilot program.

Finally, the substitute provides that the State Parole Board may administer polygraph examinations to all offenders serving a special sentence of community or parole supervision for life. The examination is to be administered on at least an annual basis and is to be used to obtain information necessary for risk management and treatment and to reduce the offender's denial mechanisms. The substitute also provides that the polygraph examination is to be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and is to be paid for by the offender. The substitute further provides that the results of the polygraph examination are not to be used as evidence in court to prove that a violation of the special sentence of community or parole supervision for life or condition of discharge has occurred.

COMMITTEE AMENDMENTS:

The amendments to the substitute:

1) Clarify that the substitute would not preclude a judge from ordering time correlated or continuous tracking of the offender's geographic location or other electronic monitoring for any person sentenced pursuant to N.J.S.2C:45-1 (Conditions of Suspension or Probation) or sentenced to a term of community or parole supervision for life pursuant to N.J.S.2C:43-6.4;

2) Clarify that the criminal incident information would also be shared with federal law enforcement agencies; and

3) Require that the report evaluating the program be submitted within 90 days upon completion of the pilot program, and include a

recommendation about whether the pilot program should be continued as a Statewide program

FISCAL IMPACT:

In the fiscal note to the substitute, the New Jersey State Parole Board estimates the total costs for the two-year pilot program to be \$3.19 million.

According to the board, assuming a cost of \$12 per offender per day for active monitoring and \$7 per offender per day for passive monitoring, the cost of monitoring sex offenders is projected to total \$259,650 during the first year of the program, increasing to \$726,300 during the second year. The cost estimates are based on the board actively monitoring 34 offenders and passively monitoring 216 offenders during the first year of program operation. During the second year of the pilot program, 70 offenders would be monitored actively, and 180 monitored passively.

In addition to the direct expense of monitoring, other first year costs include \$580,000 for one time operating expenses (vehicles, PC's, and protective vests) plus \$524,164 for ongoing operating expenses (parole officer salaries and support staff), resulting in total first year costs of \$1.36 million. Second year operating costs are expected to total \$1.1 million, for total second year cost of \$1.83 million.

The substitute appropriates \$3.0 million from the General Fund for the purposes of the pilot program.

FISCAL NOTE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 1889 and 1929
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: JULY 8, 2005

SUMMARY

Synopsis: Establishes pilot program for satellite-based monitoring of certain sex offenders and authorizes certain sex offenders to submit to annual polygraph; appropriates \$3 million.

Type of Impact: General Fund expenditure

Agencies Affected: State Parole Board

Executive Estimate

Fiscal Impact	Year 1	Year 2	2 Year Total
State Cost	\$1,360,000	\$1,830,000	\$3,190,000

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate and adds that if the program is extended beyond the two year pilot, costs would increase annually based upon the number of individuals placed in the program and employee salary increases.
- ! The OLS also notes that the cost estimates are based on the Parole Board actively monitoring 34 offenders and passively monitoring 216 offenders during the first year of program operation. During the second year of the pilot program, 70 offenders would be monitored actively, and 180 monitored passively.
- ! The committee substitute requires the Chairman of the State Parole Board, in consultation with the Attorney General, to establish a two year pilot program for the continuous, satellite-based monitoring of not more than 250 sex offenders. The substitute also authorizes certain sex offenders to submit to an annual polygraph examination.
- ! The substitute does not preclude a judge from ordering electronic monitoring as a condition of discharge of a person committed as a sexually violent predator, or as a condition or requirement of supervision, release or discharge for any other person subject to probation or parole supervision.
- ! A monitored subject who fails to comply with the substitute's requirements would be guilty of a crime of the third degree. The substitute further provides that any person who tampers with, removes or vandalizes a device worn or utilized by a monitored subject is guilty of a crime of the third degree.

- ! Upon completion of the pilot program, the chairman is required to submit a report to the Governor and the Legislature. The report will recommend whether the monitoring program should be expanded into a Statewide program. The provisions of the substitute creating the pilot program expire two years after enactment.
- ! Finally, the substitute provides that the State Parole Board may administer polygraph examinations to all offenders serving a special sentence of community or parole supervision for life. The substitute further provides that the results of the polygraph examination are not to be used as evidence in court to prove that a violation of the special sentence of community or parole supervision for life or condition of discharge has occurred. The polygraph is to be paid for by the offender.
- ! The New Jersey State Parole Board states that at a cost of \$12 per offender per day for active monitoring and \$7 per offender per day for passive monitoring, the cost of monitoring sex offenders would total \$259,650 during the first year of program operation, increasing to \$726,300 during the second year.
- ! The substitute appropriates \$3,000,000 from the General Fund to the State Parole Board for the purposes of implementing the pilot program.
- ! One time operating expenses for vehicles, PC's, and protective vests, total \$580,000. Ongoing operating expenses for parole officer salaries and support staff total's \$524,167 during the first year of program operation, for a total first year cost of \$1.36 million. Second year operating costs would total \$1.1 million, for a total second year cost of \$1.83 million. Total program costs for the two-year pilot program would amount to \$3.19 million.

BILL DESCRIPTION

Senate Committee Substitute for Senate Bill Nos. 1889 and 1929 of 2004 requires the Chairman of the State Parole Board, in consultation with the Attorney General, to establish a two year pilot program for the continuous, satellite-based monitoring of certain sex offenders. The substitute also authorizes certain sex offenders to submit to an annual polygraph examination.

Under the provisions of the substitute, the monitoring system is to provide for the capability of active and passive monitoring of up to 250 sex offenders. At a minimum, the system is to provide: (1) time correlated and continuous tracking of the geographic location of the subject using a global positioning system based on satellite and other location technology; and (2) an automated system that permits law enforcement agencies to compare the geographic positions of monitored subjects with reported crime incidents and whether the subject was in the proximity of such reported crime incidents.

Offenders selected for the monitoring program would be: (1) those whose risk of reoffense was determined to be high; and (2) those deemed by the chairman to be appropriate for continuous satellite based monitoring and who; (a) were subject to civil commitment as a "sexually violent predator" and have been conditionally discharged or discharged; (b) have been sentenced to a term of community or parole supervision for life; or (c) have been convicted of or adjudicated delinquent for a sex offense and the victim was under age 18 or over age 60, regardless of the date of conviction.

The substitute does not preclude a judge from ordering electronic monitoring as a condition of discharge of a person committed as a sexually violent predator, or as a condition or requirement of supervision, release or discharge for any other person subject to probation or

parole supervision.

The substitute provides that the chairman, Attorney General, Superintendent of State Police and county and municipal law enforcement agencies would be permitted to share criminal incident information, limited to time, place and nature of the crime, with each other and the vendor selected by the commissioner to provide the monitoring equipment for the pilot program. The chairman may direct the vendor to use data obtained in preparing correlation reports for distribution and use by State, county and municipal law enforcement agencies.

A monitored subject who fails to comply with the substitute's requirements would be guilty of a crime of the third degree. The substitute further provides that any person who tampers with, removes or vandalizes a device worn or utilized by a monitored subject is guilty of a crime of the third degree.

Upon completion of the pilot program, the chairman is required to submit a report to the Governor and the Legislature. The report will recommend whether the monitoring program should be expanded into a Statewide program. The provisions of the substitute creating the pilot program expire two years after enactment.

Finally, the substitute provides that the State Parole Board may administer polygraph examinations to all offenders serving a special sentence of community or parole supervision for life. The examination is to be administered on at least an annual basis and is to be used to obtain information necessary for risk management and treatment and to reduce the offender's denial mechanisms. The substitute also provides that the polygraph examination is to be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and is to be paid for by the offender. The substitute further provides that the results of the polygraph examination are not to be used as evidence in court to prove that a violation of the special sentence of community or parole supervision for life or condition of discharge has occurred.

The substitute appropriates \$3,000,000 from the General Fund to the State Parole Board for the purposes of implementing the pilot program.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The New Jersey State Parole Board states that at a cost of \$12 per offender per day for active monitoring and \$7 per offender per day for passive monitoring, the cost of monitoring sex offenders would total \$259,650 during the first year of program operation, increasing to \$726,300 during the second year.

One time operating expenses for vehicles, PC's, and protective vests, total \$580,000. Ongoing operating expenses for parole officer salaries and support staff total's \$524,167 during the first year of program operation, for a total first year cost of \$1.36 million. Second year operating costs would total \$1.1 million, for a total second year cost of \$1.83 million. Total program costs for the two-year pilot program would amount to \$3.19 million.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate and adds that if the program is extended beyond the two year pilot, costs would increase annually based upon the number of individuals placed in the program and employee salary increases.

The OLS also notes that the cost estimates are based on the Parole Board actively monitoring 34 offenders and passively monitoring 216 offenders during the first year of program operation. During the second year of the pilot program, 70 offenders would be monitored actively, and 180 monitored passively.

Section: *Judiciary*

Analyst: *Anne C. Raughley*
Principal Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

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

ASSEMBLY, No. 4016

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 5, 2005

Sponsored by:

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Co-Sponsored by:

Assemblymen R.Smith, Chivukula, Assemblywoman Previte,

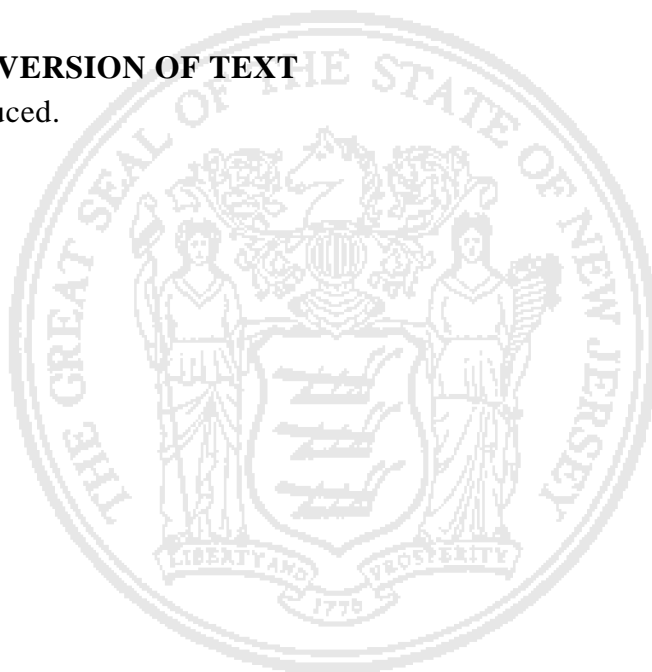
Assemblymen Roberts and Mayer

SYNOPSIS

Requires DOC to create pilot program for continuous, satellite-based monitoring of certain sex offenders.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/20/2005)

1 AN ACT concerning a pilot program for satellite-based monitoring of
2 certain sex offenders, and supplementing Title 30 of the Revised
3 Statutes.

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

7
8 1. This act may be know and shall be cited as the "Sex Offender
9 Monitoring Pilot Project Act."

10
11 2. The Legislature finds and declares:

12 a. Offenders who commit serious and violent sex crimes have
13 demonstrated high recidivism rates, thereby posing an unacceptable
14 level of risk to the community.

15 b. Intensive supervision of serious and violent sex offenders is a
16 crucial element in both the rehabilitation of the released inmate and the
17 safety of the surrounding community.

18 c. Technological solutions currently exist to provide improved
19 supervision and behavioral control of high risk sex offenders following
20 their release.

21 d. These solutions also provide law enforcement and correctional
22 professionals with new tools for electronic correlation of the
23 constantly updated geographic location of supervised high risk sex
24 offenders following their release with the geographic location of
25 reported crimes, to possibly link released offenders to crimes or to
26 exclude them from ongoing criminal investigations.

27 e. Continuous 24 hours per day, seven days per week, monitoring
28 is a valuable and reasonable requirement for those offenders who
29 receive a special sentence of parole supervision for life and a pilot
30 program should be established to study its effectiveness.

31
32 3. a. As used in this act, "sex offender" means a sex offender
33 whose risk of reoffense has been determined to be high pursuant to
34 P.L.1994, c.128 (C.2C:7-8).

35 b. The Commissioner of Corrections, in consultation with the
36 Attorney General, shall establish a one year pilot program for the
37 continuous, satellite-based monitoring of sex offenders. The
38 commissioner shall select three counties to participate in the pilot
39 program, one each in the northern, central and southern counties of
40 the State. At a minimum, the system shall provide:

41 (1) Time-correlated and continuous tracking of the geographic
42 location of the subject using a global positioning system based on
43 satellite and other location technology; and

44 (2) An automated system that permits law enforcement agencies to
45 compare the geographic positions of monitored subjects with reported
46 crime incidents and whether the subject was in the proximity of such

1 reported crime incidents.

2 c. The commissioner may assess a reasonable fee on a sex offender
3 who is required to participate in the pilot program. This fee shall
4 offset only the costs associated with the time-correlated tracking of
5 the geographic location of subjects using the location tracking crime
6 correlation system. The commissioner may waive all or any portion of
7 the fees required by this section if it is determined that an offender is
8 indigent or unable to pay all or any portion of the fee.

9 d. The commissioner may promulgate guidelines to effectuate the
10 provisions of this act.

11

12 4. Notwithstanding any provision of law, rule or regulation to the
13 contrary, the Commissioner of Corrections, Attorney General,
14 Superintendent of State Police and county and municipal law
15 enforcement agencies may share criminal incident information, limited
16 to time, place and nature of the crime or offense, with each other and
17 the vendor selected by the commissioner to provide the monitoring
18 equipment for the pilot program. The commissioner may direct the
19 vendor to use data obtained pursuant to section 3 of this act in
20 preparing correlation reports for distribution and use by State, county
21 and municipal law enforcement agencies.

22

23 5. A sex offender who is enrolled in the pilot program established
24 pursuant to this act and who fails to comply with its requirements is
25 guilty of a crime of the fourth degree.

26

27 6. Any person who tampers with, removes or vandalizes a device
28 worn or utilized by a sex offender who is participating in the pilot
29 program established pursuant to this act is guilty of a crime of the
30 fourth degree.

31

32 7. The commissioner shall submit a report to the Governor,
33 Legislature and Attorney General upon completion of the pilot
34 program. The report shall recommend whether the monitoring
35 program should be expanded into a Statewide program.

36

37 8. This act shall take effect immediately and shall expire upon
38 submission of the report required pursuant to section 7 of this act.

39

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41

STATEMENT

42

43 This bill requires the Commissioner of Corrections, in consultation
44 with the Attorney General, to establish a one year pilot program for
45 the continuous, satellite-based monitoring of high risk sex offenders.
46 Typically, these programs use a global positioning system and other

1 technologies which permit the tracking of persons. The commissioner
2 would select three counties to participate in the pilot program, one
3 each in the northern, central and southern counties of the State.

4 At a minimum, the system would provide: (1) time-correlated and
5 continuous tracking of the geographic location of the subject using a
6 global positioning system based on satellite and other location
7 technology; and (2) an automated system that permits law enforcement
8 agencies to compare the geographic positions of monitored subjects
9 with reported crime incidents and whether the subject was in the
10 proximity of such reported crime incidents.

11 The bill permits the commissioner to assess a reasonable fee on a
12 sex offender who is required to participate in the pilot program. This
13 fee would offset only the costs associated with the time-correlated
14 tracking of the geographic location of subjects using the location
15 tracking crime correlation system. The commissioner could waive all
16 or any portion of the fees required if it is determined that an offender
17 is indigent or unable to pay all or any portion of the fee.

18 The bill provides that the Commissioner of Corrections, Attorney
19 General, Superintendent of State Police and county and municipal law
20 enforcement agencies would be permitted to share criminal incident
21 information, limited to time, place and nature of the crime, with each
22 other and the vendor selected by the commissioner to provide the
23 monitoring equipment for the pilot program. The commissioner may
24 direct the vendor to use data obtained in preparing correlation reports
25 for distribution and use by State, county and municipal law
26 enforcement agencies.

27 A sex offender who is enrolled in the pilot program and who fails
28 to comply with its requirements would be guilty of a crime of the
29 fourth degree.

30 The bill provides that any person who tampers with, removes or
31 vandalizes a device worn or utilized by a sex offender who is
32 participating in the pilot program is guilty of a crime of the fourth
33 degree.

34 Finally, the bill requires the commissioner to submit a report to the
35 Governor, Legislature and Attorney General upon completion of the
36 pilot program. The report is to recommend whether the monitoring
37 program should be expanded into a Statewide program.

ASSEMBLY, No. 4016

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED MAY 5, 2005

Sponsored by:

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

Co-Sponsored by:

Assemblymen R.Smith, Chivukula, Assemblywoman Previte,

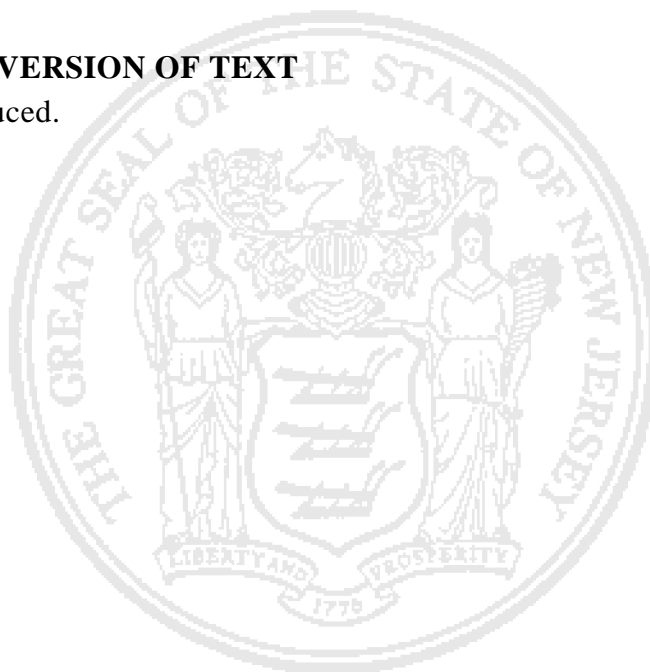
Assemblymen Roberts and Mayer

SYNOPSIS

Requires DOC to create pilot program for continuous, satellite-based monitoring of certain sex offenders.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/20/2005)

1 AN ACT concerning a pilot program for satellite-based monitoring of
2 certain sex offenders, and supplementing Title 30 of the Revised
3 Statutes.

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

7
8 1. This act may be know and shall be cited as the "Sex Offender
9 Monitoring Pilot Project Act."

10
11 2. The Legislature finds and declares:

12 a. Offenders who commit serious and violent sex crimes have
13 demonstrated high recidivism rates, thereby posing an unacceptable
14 level of risk to the community.

15 b. Intensive supervision of serious and violent sex offenders is a
16 crucial element in both the rehabilitation of the released inmate and the
17 safety of the surrounding community.

18 c. Technological solutions currently exist to provide improved
19 supervision and behavioral control of high risk sex offenders following
20 their release.

21 d. These solutions also provide law enforcement and correctional
22 professionals with new tools for electronic correlation of the
23 constantly updated geographic location of supervised high risk sex
24 offenders following their release with the geographic location of
25 reported crimes, to possibly link released offenders to crimes or to
26 exclude them from ongoing criminal investigations.

27 e. Continuous 24 hours per day, seven days per week, monitoring
28 is a valuable and reasonable requirement for those offenders who
29 receive a special sentence of parole supervision for life and a pilot
30 program should be established to study its effectiveness.

31
32 3. a. As used in this act, "sex offender" means a sex offender
33 whose risk of reoffense has been determined to be high pursuant to
34 P.L.1994, c.128 (C.2C:7-8).

35 b. The Commissioner of Corrections, in consultation with the
36 Attorney General, shall establish a one year pilot program for the
37 continuous, satellite-based monitoring of sex offenders. The
38 commissioner shall select three counties to participate in the pilot
39 program, one each in the northern, central and southern counties of
40 the State. At a minimum, the system shall provide:

41 (1) Time-correlated and continuous tracking of the geographic
42 location of the subject using a global positioning system based on
43 satellite and other location technology; and

44 (2) An automated system that permits law enforcement agencies to
45 compare the geographic positions of monitored subjects with reported
46 crime incidents and whether the subject was in the proximity of such

1 reported crime incidents.

2 c. The commissioner may assess a reasonable fee on a sex offender
3 who is required to participate in the pilot program. This fee shall
4 offset only the costs associated with the time-correlated tracking of
5 the geographic location of subjects using the location tracking crime
6 correlation system. The commissioner may waive all or any portion of
7 the fees required by this section if it is determined that an offender is
8 indigent or unable to pay all or any portion of the fee.

9 d. The commissioner may promulgate guidelines to effectuate the
10 provisions of this act.

11

12 4. Notwithstanding any provision of law, rule or regulation to the
13 contrary, the Commissioner of Corrections, Attorney General,
14 Superintendent of State Police and county and municipal law
15 enforcement agencies may share criminal incident information, limited
16 to time, place and nature of the crime or offense, with each other and
17 the vendor selected by the commissioner to provide the monitoring
18 equipment for the pilot program. The commissioner may direct the
19 vendor to use data obtained pursuant to section 3 of this act in
20 preparing correlation reports for distribution and use by State, county
21 and municipal law enforcement agencies.

22

23 5. A sex offender who is enrolled in the pilot program established
24 pursuant to this act and who fails to comply with its requirements is
25 guilty of a crime of the fourth degree.

26

27 6. Any person who tampers with, removes or vandalizes a device
28 worn or utilized by a sex offender who is participating in the pilot
29 program established pursuant to this act is guilty of a crime of the
30 fourth degree.

31

32 7. The commissioner shall submit a report to the Governor,
33 Legislature and Attorney General upon completion of the pilot
34 program. The report shall recommend whether the monitoring
35 program should be expanded into a Statewide program.

36

37 8. This act shall take effect immediately and shall expire upon
38 submission of the report required pursuant to section 7 of this act.

39

40

41

STATEMENT

42

43 This bill requires the Commissioner of Corrections, in consultation
44 with the Attorney General, to establish a one year pilot program for
45 the continuous, satellite-based monitoring of high risk sex offenders.
46 Typically, these programs use a global positioning system and other

1 technologies which permit the tracking of persons. The commissioner
2 would select three counties to participate in the pilot program, one
3 each in the northern, central and southern counties of the State.

4 At a minimum, the system would provide: (1) time-correlated and
5 continuous tracking of the geographic location of the subject using a
6 global positioning system based on satellite and other location
7 technology; and (2) an automated system that permits law enforcement
8 agencies to compare the geographic positions of monitored subjects
9 with reported crime incidents and whether the subject was in the
10 proximity of such reported crime incidents.

11 The bill permits the commissioner to assess a reasonable fee on a
12 sex offender who is required to participate in the pilot program. This
13 fee would offset only the costs associated with the time-correlated
14 tracking of the geographic location of subjects using the location
15 tracking crime correlation system. The commissioner could waive all
16 or any portion of the fees required if it is determined that an offender
17 is indigent or unable to pay all or any portion of the fee.

18 The bill provides that the Commissioner of Corrections, Attorney
19 General, Superintendent of State Police and county and municipal law
20 enforcement agencies would be permitted to share criminal incident
21 information, limited to time, place and nature of the crime, with each
22 other and the vendor selected by the commissioner to provide the
23 monitoring equipment for the pilot program. The commissioner may
24 direct the vendor to use data obtained in preparing correlation reports
25 for distribution and use by State, county and municipal law
26 enforcement agencies.

27 A sex offender who is enrolled in the pilot program and who fails
28 to comply with its requirements would be guilty of a crime of the
29 fourth degree.

30 The bill provides that any person who tampers with, removes or
31 vandalizes a device worn or utilized by a sex offender who is
32 participating in the pilot program is guilty of a crime of the fourth
33 degree.

34 Finally, the bill requires the commissioner to submit a report to the
35 Governor, Legislature and Attorney General upon completion of the
36 pilot program. The report is to recommend whether the monitoring
37 program should be expanded into a Statewide program.

ASSEMBLY, No. 4067

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 12, 2005

Sponsored by:

Assemblyman JOSEPH AZZOLINA

District 13 (Middlesex and Monmouth)

Assemblyman PETER J. BARNES, JR.

District 18 (Middlesex)

SYNOPSIS

Requires Parole Board to establish electronic monitoring system for high risk sex offenders whose victims were children.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain high risk sex offenders and supplementing
2 chapter 4 of Title 30 of the Revised Statutes.

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

6
7 1. a. The Chairman of the State Parole Board shall establish and
8 implement an electronic monitoring system utilizing global positioning
9 system technology that tracks all sex offenders whose risk of reoffense
10 is determined to be high pursuant to section 3 of P.L.1994, c.128
11 (C.2C:7-8) and where the victim of the sex offense was under 13 years
12 of age. The system shall provide for lifetime tracking of such
13 offenders upon their release from incarceration.

14 As used in this act, "sex offense" shall have the same definition as
15 the definition set forth in section 2 of P.L.1994, c.133 (C.2C:7-2).

16 b. A sex offender who fails to comply with the requirements of the
17 electronic monitoring system shall be guilty of a crime of the fourth
18 degree.

19 c. The chairman may promulgate guidelines to effectuate the
20 provisions of this act.

21
22 2. This act shall take effect on the first day of the second month
23 after enactment.

24
25
26 STATEMENT

27
28 This bill requires the Chairman of the State Parole Board to
29 establish and implement an electronic monitoring system utilizing
30 global positioning system technology that tracks all tier three (high
31 risk) sex offenders registered under Megan's Law whose victim was
32 under 13 years of age. The system is to provide for lifetime tracking
33 of such offenders upon their release from incarceration.

34 The bill provides that a sex offender who fails to comply with the
35 requirements of the electronic monitoring system would be guilty of
36 a crime of the fourth degree, which is punishable by up to 18 months
37 in prison, a fine of up to \$10,000, or both.

38 This bill is modeled on a portion of the Jessica Lunsford Act, which
39 was recently enacted by the State of Florida.

ASSEMBLY, No. 4068

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 12, 2005

Sponsored by:

Assemblyman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

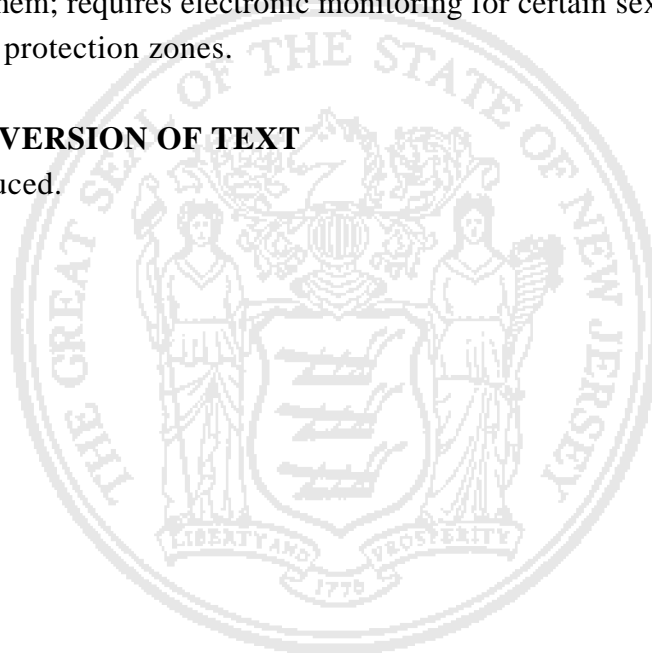
Assemblymen DiGaetano, Chivukula, DeCroce, Dancer, Diegnan, Doherty, Merkt, Biondi, Bramnick, Chatzidakis, Bodine, Assemblywoman Cruz-Perez, Assemblymen S.Kean, Stack, Vas, Assemblywoman Vandervalk, Assemblymen Rooney, Prieto, Green, Assemblywoman McHose, Assemblymen Corodemus, McKeon, Wolfe and Manzo

SYNOPSIS

"Jessica Lunsford Act;" concerns sentencing of sex offenders and persons who harbor them; requires electronic monitoring for certain sex offenders and creates child protection zones.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/10/2005)

1 AN ACT concerning certain sex offenders, supplementing Title 2B of
2 the New Jersey Statutes, chapter 4 of Title 30 of the Revised
3 Statutes, P.L.1994, c.133 (C.2C:7-1 et seq.), and amending
4 N.J.S.2C:14-2 and N.J.S.2C:29-3.

5

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

8

9 1. (New section) This act shall be known and may be cited as the
10 "Jessica Lunsford Act."

11

12 2. (New section) a. The Administrative Director of the Courts
13 shall establish and implement an electronic monitoring system utilizing
14 global positioning system technology for persons who have been
15 charged with a sex offense as defined in section 2 of P.L.1994, c.133
16 (C.2C:7-2) and where the victim is under 18 years of age. The
17 monitoring requirement shall be imposed by the judge at the time that
18 bail is imposed, and the person shall be subject to the requirement
19 until he is acquitted of or incarcerated for the sex offense.

20 b. The director may promulgate guidelines to effectuate the
21 provisions of this act.

22 c. A person who fails to comply with the requirements of electronic
23 monitoring imposed pursuant to subsection a. of this section is guilty
24 of a crime of the third degree.

25

26 3. (New section) a. The Chairman of the State Parole Board shall
27 establish and implement an electronic monitoring system utilizing
28 global positioning system technology that tracks all persons convicted
29 of or adjudicated delinquent for a sex offense as defined in section 2
30 of P.L.1994, c.133 (C.2C:7-2) whose risk of reoffense is determined
31 to be high pursuant to section 3 of P.L.1994, c.128 (C.2C:7-8) and
32 where the victim of the sex offense was under 18 years of age. The
33 system shall provide for lifetime tracking of such offenders upon their
34 release from incarceration.

35 b. The chairman may promulgate guidelines to effectuate the
36 provisions of this act.

37 c. A sex offender who fails to comply with the requirements of
38 electronic monitoring shall be guilty of a crime of the third degree.

39

40 4. (New section) a . It shall be a crime of the fourth degree for a
41 person subject to the registration requirements set forth in P.L.1994,
42 c.133 (C.2C:7-1 et seq.) whose risk of re-offense has been assessed as
43 high pursuant to section 3 of P.L.1994, c.128 (C.2C:7-8) to reside

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 within 2,500 feet of the real property comprising an elementary or
2 secondary school, child care center as defined in section 3 of
3 P.L.1983, c.492 (C.30:5B-3) or playground as defined in section 1 of
4 P.L.1999, c.50 (C.52:27D-123.9), which shall be known as Child
5 Protection Zones, unless:

6 (1) The person is required to serve a sentence at a jail, prison,
7 juvenile facility or other correctional institution or facility which is
8 located within 2,500 feet of the real property comprising an
9 elementary or secondary school, child care center or playground;

10 (2) The person is receiving treatment at a mental health facility
11 located within 2,500 feet of the real property comprising an
12 elementary or secondary school, child care center or playground; or

13 (3) An elementary or secondary school, child care center or
14 playground is built or established within 2,500 feet of the person's
15 existing residence.

16 b. If a person who is subject to the prohibition set forth in
17 subsection a. of this section established a residence within the child
18 protection zone prior to the effective date of this act, the person shall
19 cease to reside with the child protection zone within 90 days of the
20 effective date of this act.

21

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

23 2C:14-2. Sexual assault. a. An actor is guilty of aggravated sexual
24 assault if he commits an act of sexual penetration with another person
25 under any one of the following circumstances:

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

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

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

30 (b) The actor has supervisory or disciplinary power over the victim
31 by virtue of the actor's legal, professional, or occupational status, or

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

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

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

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

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

45 (7) The victim is one whom the actor knew or should have known
46 was physically helpless, mentally defective or mentally incapacitated.

1 Aggravated sexual assault is a crime of the first degree.

2 Notwithstanding the provisions of any other law, a person
3 convicted under paragraph (1) or (2) of this subsection shall be
4 sentenced to a specific term of years which shall be fixed by the court
5 and shall be between 25 years and life imprisonment of which the
6 person must serve 25 years before being eligible for parole. A person
7 convicted under paragraph (3), (4), (5), (6) or (7) where the victim
8 was less than 18 years old shall be sentenced to a specific term of
9 years which shall be fixed by the court and shall be between 25 years
10 and life imprisonment of which the person must serve 25 years before
11 being eligible for parole.

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

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

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

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

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

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

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

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

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

33 Sexual assault is a crime of the second degree.

34 If the victim of an offense committed pursuant to paragraph (1) or
35 paragraph (2) of this subsection is less than 18 years old, sexual
36 assault is a crime of the first degree and a person convicted of such
37 offense shall be sentenced to a specific term of years which shall be
38 fixed by the court and shall be between 25 years and life imprisonment
39 of which the person must serve 25 years before being eligible for
40 parole.

41 (cf: P.L.2004, c.130, s.13)

42

43 6. N.J.S.2C:29-3 is amended to read as follows:

44 2C:29-3. Hindering Apprehension or Prosecution.

45 a. A person commits an offense if, with purpose to hinder the
46 detention, apprehension, investigation, prosecution, conviction or

1 punishment of another for an offense or violation of Title 39 of the
2 New Jersey Statutes or a violation of chapter 33A of Title 17 of the
3 Revised Statutes he:

4 (1) Harbors or conceals the other;

5 (2) Provides or aids in providing a weapon, money, transportation,
6 disguise or other means of avoiding discovery or apprehension or
7 effecting escape;

8 (3) Suppresses, by way of concealment or destruction, any evidence
9 of the crime, or tampers with a witness, informant, document or other
10 source of information, regardless of its admissibility in evidence, which
11 might aid in the discovery or apprehension of such person or in the
12 lodging of a charge against him;

13 (4) Warns the other of impending discovery or apprehension, except
14 that this paragraph does not apply to a warning given in connection
15 with an effort to bring another into compliance with law;

16 (5) Prevents or obstructs, by means of force, intimidation or
17 deception, anyone from performing an act which might aid in the
18 discovery or apprehension of such person or in the lodging of a charge
19 against him;

20 (6) Aids such person to protect or expeditiously profit from an
21 advantage derived from such crime; or

22 (7) Gives false information to a law enforcement officer or a civil
23 State investigator assigned to the Office of the Insurance Fraud
24 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-16).

25 [The] (a) Except as provided in subparagraph (b) of this paragraph,
26 the offense is a crime of the third degree if the conduct which the actor
27 knows has been charged or is liable to be charged against the person
28 aided would constitute a crime of the second degree or greater, unless
29 the actor is a spouse, parent or child of the person aided, in which case
30 the offense is a crime of the fourth degree. The offense is a crime of
31 the fourth degree if such conduct would constitute a crime of the third
32 degree. Otherwise it is a disorderly persons offense.

33 (b) The offense is a crime of the third degree and the actor shall be
34 sentenced to a minimum term of imprisonment of two years without
35 eligibility for parole if the actor harbored or concealed a person who
36 has been convicted, adjudicated delinquent or found not guilty by
37 reason of insanity for the commission of a sex offense. As used in this
38 subparagraph, "sex offense" has the meaning as defined in subsection
39 b. of section 2 of P.L.1994, c.133 (C.2C:7-2).

40 b. A person commits an offense if, with purpose to hinder his own
41 detention, apprehension, investigation, prosecution, conviction or
42 punishment for an offense or violation of Title 39 of the New Jersey
43 Statutes or a violation of chapter 33A of Title 17 of the Revised
44 Statutes, he:

45 (1) Suppresses, by way of concealment or destruction, any evidence
46 of the crime or tampers with a document or other source of

1 information, regardless of its admissibility in evidence, which might aid
2 in his discovery or apprehension or in the lodging of a charge against
3 him; or

4 (2) Prevents or obstructs by means of force or intimidation anyone
5 from performing an act which might aid in his discovery or
6 apprehension or in the lodging of a charge against him; or

7 (3) Prevents or obstructs by means of force, intimidation or
8 deception any witness or informant from providing testimony or
9 information, regardless of its admissibility, which might aid in his
10 discovery or apprehension or in the lodging of a charge against him;
11 or

12 (4) Gives false information to a law enforcement officer or a civil
13 State investigator assigned to the Office of the Insurance Fraud
14 Prosecutor established by section 32 of P.L.1998, c.21 (C.17:33A-16).

15 The offense is a crime of the third degree if the conduct which the
16 actor knows has been charged or is liable to be charged against him
17 would constitute a crime of the second degree or greater. The offense
18 is a crime of the fourth degree if such conduct would constitute a
19 crime of the third degree. Otherwise it is a disorderly persons offense.

20 (cf: P.L.1999, c.297, s.1)

21

22 7. This act shall take effect on the first day of the sixth month after
23 enactment.

24

25

26

STATEMENT

27

28 This bill, the "Jessica Lunsford Act," revises the sentencing of
29 certain sex offenders and persons who harbor them, requires electronic
30 monitoring for certain sex offenders and creates child protection
31 zones.

32 The bill requires electronic monitoring for sex offenders who prey
33 on minors if the offender has been released on bail or from
34 incarceration.

35 The bill requires the Administrative Director of the Courts to
36 establish and implement an electronic monitoring system utilizing
37 global positioning system technology for persons who have been
38 charged with a sex offense as defined in Megan's Law where the victim
39 is under 18 years of age. The monitoring requirement is to be imposed
40 by the judge at the time that bail is imposed, and the person would be
41 subject to the requirement until he is acquitted of or incarcerated for
42 the sex offense.

43 The bill also requires the Chairman of the State Parole Board also
44 to establish and implement such a system for sex offenders whose
45 victim was under 18 years of age. The system is to provide for lifetime
46 tracking of such offenders upon their release from incarceration.

1 A person who fails to comply with the requirements of the
2 electronic monitoring system would be guilty of a crime of the third
3 degree, which is punishable by three to five years in prison, a fine of
4 up to \$15,000, or both.

5 Additionally, this bill expands Megan's Law to restrict sex offenders
6 from residing in areas frequented by children.

7 The bill also establishes child protection zones by making it a crime
8 of the fourth degree for a sex offender whose risk of re-offense has
9 been assessed as high to reside within 2,500 feet of an elementary or
10 secondary school, playground or child care center. The residential ban
11 would not cover a sex offender that resides at a prison or mental
12 health facility within 2,500 feet of an elementary or secondary school,
13 playground or child care center; or a sex offender that has a school,
14 playground or child care center established or built within 2,500 feet
15 of his existing residence. A sex offender that resides at a residence
16 established before the bill's enactment within the zone would be
17 required to move within 90 days of the bill's effective date.

18 This bill also imposes increased penalties on persons who commit
19 sex crimes against minors. Under the bill, a person convicted of
20 aggravated sexual assault of a minor under the age of 18 or the new
21 crime of first degree sexual assault of a minor under the age of 18
22 would be sentenced to a specific term of years fixed by the court
23 which would be between 25 years and life imprisonment, of which the
24 person must serve 25 years before being eligible for parole.

25 Under current law, a person who commits an act of sexual
26 penetration with a victim under the age of 13 is guilty of aggravated
27 sexual assault, a crime of the first degree (punishable by a term of
28 imprisonment of 10 to 20 years, a fine of up to \$200,000, or both). A
29 person who commits an act of sexual penetration with a victim who is
30 at least 13 but less than 16 years old under certain specified
31 circumstances is also guilty of a crime of the first degree. A person
32 who commits an act of sexual penetration with a victim who is at least
33 16 but less than 18 under certain circumstances is guilty of sexual
34 assault, a crime of the second degree (punishable by a term of
35 imprisonment of five to 10 years, a fine of up to \$150,000, or both).
36 Under the bill, all of these acts would be punishable as crimes of the
37 first degree, with terms of imprisonment of 25 years to life.

38 The bill also increases the penalties for harboring or concealing a
39 sex offender. Under the bill, a violation of N.J.S.2C:29-3, Hindering
40 Apprehension or Prosecution, would constitute a crime of the third
41 degree with a mandatory minimum term of two years without
42 eligibility for parole if the person harbored or concealed a person who
43 has been convicted, adjudicated delinquent or found not guilty by
44 reason of insanity for the commission of a sex offense.

45 This bill is named for Jessica Lunsford, the Florida girl who was
46 sexually assaulted and murdered by a sex offender, and is modeled on
47 legislation which was recently enacted by the State of Florida.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, Nos. 4016, 4118, 4067 and 4068

STATE OF NEW JERSEY

DATED: JUNE 13, 2005

The Assembly Judiciary Committee reports favorably a committee substitute for Assembly Bill Nos. 4016, 4118, 4067 and 4068.

This committee substitute requires the Chairman of the State Parole Board, in consultation with the Attorney General, to establish a two year pilot program for the continuous, satellite-based monitoring of certain sex offenders. The substitute also authorizes certain sex offenders to submit to an annual polygraph examination.

Under the provisions of the substitute, the monitoring system is to provide for the capability of active and passive monitoring of up to 250 sex offenders. At a minimum, the system is to provide (1) time-correlated and continuous tracking of the geographic location of the subject using a global positioning system based on satellite and other location technology; and (2) an automated system that permits law enforcement agencies to compare the geographic positions of monitored subjects with reported crime incidents and whether the subject was in the proximity of such reported crime incidents.

Offenders selected for the monitoring program would be (1) those whose risk of reoffense was determined to be high, and (2) those deemed by the chairman to be appropriate for continuous satellite-based monitoring and who (a) were subject to civil commitment as a "sexually violent predator" and have been conditionally discharged or discharged; (b) have been sentenced to a term of community or parole supervision for life; or (c) have been convicted of or adjudicated delinquent for a sex offense and the victim was under age 18 or over age 60, regardless of the date of conviction.

The substitute does not preclude a judge from ordering electronic monitoring as a condition of discharge of a person committed as a sexually violent predator, or as a condition or requirement of supervision, release or discharge for any other person subject to probation or parole supervision.

The substitute provides that the chairman, Attorney General, Superintendent of State Police and county and municipal law enforcement agencies would be permitted to share criminal incident information, limited to time, place and nature of the crime, with each other and the vendor selected by the commissioner to provide the

monitoring equipment for the pilot program. The chairman may direct the vendor to use data obtained in preparing correlation reports for distribution and use by State, county and municipal law enforcement agencies.

A monitored subject who fails to comply with the substitute's requirements would be guilty of a crime of the third degree. The substitute further provides that any person who tampers with, removes or vandalizes a device worn or utilized by a monitored subject is guilty of a crime of the third degree.

Upon completion of the pilot program, the chairman is required to submit a report to the Governor and the Legislature. The report will recommend whether the monitoring program should be expanded into a Statewide program. The provisions of the substitute creating the pilot program expire two years after enactment.

The substitute appropriates \$3,000,000 from the General Fund to the State Parole Board for the purposes of implementing the pilot program.

Finally, the substitute provides that the State Parole Board may administer polygraph examinations to all offenders serving a special sentence of community or parole supervision for life. The examination is to be administered on at least an annual basis and is to be used to obtain information necessary for risk management and treatment and to reduce the offender's denial mechanisms. The substitute also provides that the polygraph examination is to be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and is to be paid for by the offender. The substitute further provides that the results of the polygraph examination are not to be used as evidence in court to prove that a violation of the special sentence of community or parole supervision for life or condition of discharge has occurred.

This substitute is identical to Senate Committee Substitute for Senate Bill No. 1889/1929.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, Nos. 4016, 4118, 4067 and 4068**

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 27, 2005

The Assembly Budget Committee reports favorably Assembly Bill Nos. 4016, 4118, 4067 and 4068 (ACS), with committee amendments.

Assembly Bill Nos. 4016, 4118, 4067 and 4068 (ACS), as amended, requires the Chairman of the State Parole Board, in consultation with the Attorney General, to establish a two year pilot program for the continuous, satellite-based monitoring of certain sex offenders. The bill also authorizes certain sex offenders to submit to an annual polygraph examination.

Under the provisions of the bill, the monitoring system is to provide for the capability of active and passive monitoring of up to 250 sex offenders. At a minimum, the system is to provide (1) time-correlated and continuous tracking of the geographic location of the subject using a global positioning system based on satellite and other location technology; and (2) an automated system that permits law enforcement agencies to compare the geographic positions of monitored subjects with reported crime incidents and whether the subject was in the proximity of such reported crime incidents.

Offenders selected for the monitoring program would be (1) those whose risk of reoffense was determined to be high, and (2) those deemed by the chairman to be appropriate for continuous satellite-based monitoring and who (a) were subject to civil commitment as a "sexually violent predator" and have been conditionally discharged or discharged; (b) have been sentenced to a term of community or parole supervision for life; or (c) have been convicted of or adjudicated delinquent for a sex offense and the victim was under age 18 or over age 60, regardless of the date of conviction.

The bill does not preclude a judge from ordering electronic monitoring as a condition of discharge of a person committed as a sexually violent predator, or from ordering time correlated or continuous tracking of the offender's geographic location as a condition or requirement of supervision, release or discharge for any other person subject to probation or parole supervision.

The bill provides that the chairman, Attorney General, Superintendent of State Police and State, county and municipal law enforcement agencies would be permitted to share criminal incident information, limited to time, place and nature of the crime, with each other and the vendor selected by the commissioner to provide the monitoring equipment for the pilot program. The chairman may direct the vendor to use data obtained in preparing correlation reports for distribution and use by State, county, municipal and federal law enforcement agencies.

A monitored subject who fails to comply with the bill's requirements will be guilty of a crime of the third degree. The bill further provides that any person who tampers with, removes or vandalizes a device worn or utilized by a monitored subject is guilty of a crime of the third degree.

Within 90 days upon completion of the pilot program, the bill requires the chairman to submit a report to the Governor and the Legislature. The report will recommend whether the monitoring program should be continued as a Statewide program. The provisions of the bill creating the pilot program expire two years after enactment.

The bill provides that the State Parole Board may administer polygraph examinations to all offenders serving a special sentence of community or parole supervision for life. The examination is to be administered on at least an annual basis and is to be used to obtain information necessary for risk management and treatment and to reduce the offender's denial mechanisms. The bill also provides that the polygraph examination is to be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and is to be paid for by the offender. The bill further provides that the results of the polygraph examination are not to be used as evidence in court to prove that a violation of the special sentence of community or parole supervision for life or condition of discharge has occurred.

As amended and reported by the committee, this bill is identical to Senate Bill Nos. 1889 and 1929 SCS (1R) as also reported by the committee.

FISCAL IMPACT:

In the fiscal note to the bill, the New Jersey State Parole Board estimates the total costs for the two-year pilot program to be \$3.19 million.

According to the board, assuming a cost of \$12 per offender per day for active monitoring and \$7 per offender per day for passive monitoring, the cost of monitoring sex offenders is projected to total \$259,650 during the first year of the program, increasing to \$726,300 during the second year. The cost estimates are based on the board actively monitoring 34 offenders and passively monitoring 216 offenders during the first year of program operation. During the

second year of the pilot program, 70 offenders would be monitored actively, and 180 monitored passively.

In addition to the direct expense of monitoring, other first year costs include \$580,000 for one time operating expenses (vehicles, PC's, and protective vests) plus \$524,164 for ongoing operating expenses (parole officer salaries and support staff), resulting in total first year costs of \$1.36 million. Second year operating costs are expected to total \$1.1 million, for total second year cost of \$1.83 million.

The bill appropriates \$3.0 million from the General Fund for the purposes of the pilot program.

COMMITTEE AMENDMENTS:

The amendments:

1) Clarify that the bill will not preclude a judge from ordering time correlated or continuous tracking of the offender's geographic location or other electronic monitoring for any person sentenced pursuant to N.J.S.2C:45-1 (Conditions of Suspension or Probation) or sentenced to a term of community or parole supervision for life pursuant to N.J.S.2C:43-6.4;

2) Clarify that the criminal incident information will also be shared with federal law enforcement agencies; and

3) Require that the report evaluating the program be submitted within 90 days upon completion of the pilot program and include a recommendation about whether the pilot program should be continued as a Statewide program.

FISCAL NOTE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 4016, 4118, 4067, and 4068
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: JULY 8, 2005

SUMMARY

Synopsis: Establishes pilot program for satellite-based monitoring of certain sex offenders and authorizes certain sex offenders to submit to annual polygraph; appropriates \$3 million.

Type of Impact: General Fund expenditure

Agencies Affected: State Parole Board

Executive Estimate

Fiscal Impact	Year 1	Year 2	2 Year Total
State Cost	\$1,360,000	\$1,830,000	\$3,190,000

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate and adds that if the program is extended beyond the two year pilot, costs would increase annually based upon the number of individuals placed in the program and employee salary increases.
- ! The OLS also notes that the cost estimates are based on the Parole Board actively monitoring 34 offenders and passively monitoring 216 offenders during the first year of program operation. During the second year of the pilot program, 70 offenders would be monitored actively, and 180 monitored passively.
- ! The committee substitute requires the Chairman of the State Parole Board, in consultation with the Attorney General, to establish a two year pilot program for the continuous, satellite-based monitoring of not more than 250 sex offenders. The substitute also authorizes certain sex offenders to submit to an annual polygraph examination.
- ! The substitute does not preclude a judge from ordering electronic monitoring as a condition of discharge of a person committed as a sexually violent predator, or as a condition or requirement of supervision, release or discharge for any other person subject to probation or parole supervision.
- ! A monitored subject who fails to comply with the substitute's requirements would be guilty of a crime of the third degree. The substitute further provides that any person who tampers with, removes or vandalizes a device worn or utilized by a monitored subject is guilty of a crime of the third degree.

- ! Upon completion of the pilot program, the chairman is required to submit a report to the Governor and the Legislature. The report will recommend whether the monitoring program should be expanded into a Statewide program. The provisions of the substitute creating the pilot program expire two years after enactment.
- ! Finally, the substitute provides that the State Parole Board may administer polygraph examinations to all offenders serving a special sentence of community or parole supervision for life. The substitute further provides that the results of the polygraph examination are not to be used as evidence in court to prove that a violation of the special sentence of community or parole supervision for life or condition of discharge has occurred. The polygraph is to be paid for by the offender.
- ! The New Jersey State Parole Board states that at a cost of \$12 per offender per day for active monitoring and \$7 per offender per day for passive monitoring, the cost of monitoring sex offenders would total \$259,650 during the first year of program operation, increasing to \$726,300 during the second year.
- ! The substitute appropriates \$3,000,000 from the General Fund to the State Parole Board for the purposes of implementing the pilot program.
- ! One time operating expenses for vehicles, PC's, and protective vests, total \$580,000. Ongoing operating expenses for parole officer salaries and support staff total's \$524,167 during the first year of program operation, for a total first year cost of \$1.36 million. Second year operating costs would total \$1.1 million, for a total second year cost of \$1.83 million. Total program costs for the two-year pilot program would amount to \$3.19 million.

BILL DESCRIPTION

Assembly Committee Substitute for Assembly Bill Nos. 4016, 4118, 4067, and 4068 of 2005 requires the Chairman of the State Parole Board, in consultation with the Attorney General, to establish a two year pilot program for the continuous, satellite-based monitoring of certain sex offenders. The substitute also authorizes certain sex offenders to submit to an annual polygraph examination.

Under the provisions of the substitute, the monitoring system is to provide for the capability of active and passive monitoring of up to 250 sex offenders. At a minimum, the system is to provide: (1) time correlated and continuous tracking of the geographic location of the subject using a global positioning system based on satellite and other location technology; and (2) an automated system that permits law enforcement agencies to compare the geographic positions of monitored subjects with reported crime incidents and whether the subject was in the proximity of such reported crime incidents.

Offenders selected for the monitoring program would be: (1) those whose risk of reoffense was determined to be high; and (2) those deemed by the chairman to be appropriate for continuous satellite based monitoring and who; (a) were subject to civil commitment as a "sexually violent predator" and have been conditionally discharged or discharged; (b) have been sentenced to a term of community or parole supervision for life; or (c) have been convicted of or adjudicated delinquent for a sex offense and the victim was under age 18 or over age 60, regardless of the date of conviction.

The substitute does not preclude a judge from ordering electronic monitoring as a condition of discharge of a person committed as a sexually violent predator, or as a condition or requirement of supervision, release or discharge for any other person subject to probation or

parole supervision.

The substitute provides that the chairman, Attorney General, Superintendent of State Police and county and municipal law enforcement agencies would be permitted to share criminal incident information, limited to time, place and nature of the crime, with each other and the vendor selected by the commissioner to provide the monitoring equipment for the pilot program. The chairman may direct the vendor to use data obtained in preparing correlation reports for distribution and use by State, county and municipal law enforcement agencies.

A monitored subject who fails to comply with the substitute's requirements would be guilty of a crime of the third degree. The substitute further provides that any person who tampers with, removes or vandalizes a device worn or utilized by a monitored subject is guilty of a crime of the third degree.

Upon completion of the pilot program, the chairman is required to submit a report to the Governor and the Legislature. The report will recommend whether the monitoring program should be expanded into a Statewide program. The provisions of the substitute creating the pilot program expire two years after enactment.

Finally, the substitute provides that the State Parole Board may administer polygraph examinations to all offenders serving a special sentence of community or parole supervision for life. The examination is to be administered on at least an annual basis and is to be used to obtain information necessary for risk management and treatment and to reduce the offender's denial mechanisms. The substitute also provides that the polygraph examination is to be conducted by a polygrapher trained specifically in the use of the polygraph for the monitoring of sex offenders, where available, and is to be paid for by the offender. The substitute further provides that the results of the polygraph examination are not to be used as evidence in court to prove that a violation of the special sentence of community or parole supervision for life or condition of discharge has occurred.

The substitute appropriates \$3,000,000 from the General Fund to the State Parole Board for the purposes of implementing the pilot program.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The New Jersey State Parole Board states that at a cost of \$12 per offender per day for active monitoring and \$7 per offender per day for passive monitoring, the cost of monitoring sex offenders would total \$259,650 during the first year of program operation, increasing to \$726,300 during the second year.

One time operating expenses for vehicles, PC's, and protective vests, total \$580,000. Ongoing operating expenses for parole officer salaries and support staff total's \$524,167 during the first year of program operation, for a total first year cost of \$1.36 million. Second year operating costs would total \$1.1 million, for a total second year cost of \$1.83 million. Total program costs for the two-year pilot program would amount to \$3.19 million.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate and adds that if the program is extended beyond the two year pilot, costs would increase annually based upon the number of individuals placed in the program and employee salary increases.

The OLS also notes that the cost estimates are based on the Parole Board actively monitoring 34 offenders and passively monitoring 216 offenders during the first year of program operation. During the second year of the pilot program, 70 offenders would be monitored actively, and 180 monitored passively.

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

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Codey Signs Landmark Legislation for GPS Tracking of Sex Offenders

New Jersey Continues to Lead Country in Safeguarding Children

(WOODBURY) – Acting Governor Richard J. Codey today signed landmark legislation that establishes the use of Global Positioning System technology in the fight to protect children from sex offenders.

“This bill we are signing today lets use real technology to protect our children from real predators,” Codey said. “These predators try to find creative ways to get past a parent’s defenses and exploit our children. We are going to stay a step ahead of them.

“Let us be clear,” Codey continued, “From day one, New Jersey has led the nation in working to protect our children, and we will continue to do all we can to keep our children safe.”

Codey signed Senate bill S1889 during a news conference at the Gloucester County Criminal Justice Complex. Codey, one of the bill’s primary sponsors, was joined by bill sponsors Sens. Stephen M. Sweeney and Fred H. Madden as well as Assembly members Douglas H. Fisher and Joseph Azzolina.

Other sponsors include Sen. Leonard T. Connors, Jr., and Assembly members Linda R. Greenstein, Peter J. Barnes, Jr., Christopher J. Connors and Eric Munoz.

“I am proud to have sponsored a measure that works so hard to protect the state's children,” said Sweeney (D-Gloucester, Cumberland, Salem) “This law will help us work to keep our children safe, from the sexual predators looking to hurt them. By placing harsher restrictions on convicted sex offenders, we are sending them a clear message that we will fight for the rights and safety of our children.”

Madden (D-Camden, Gloucester) said the following: “As parents and grandparents, our children are our most prized possessions, and we should do whatever we can to keep them safe. This new law puts in place another safeguard to help protect our children from sexual predators looking to harm them, but it's just the beginning. I am committed to continuing the fight to help New Jersey's children.”

The new law requires the chairman of the State Parole Board, in consultation with the

Attorney General, to establish a two-year pilot program for the continuous, satellite-based monitoring of certain sex offenders. It also authorizes annual polygraph examinations of certain offenders.

Ninety days after completion of the pilot program, the Parole Board chairman will submit a report to the Governor and Legislature recommending whether the monitoring should be continued as a statewide program.

“Local officials need all tools possible to monitor the whereabouts of known pedophiles so they never again can victimize another child,” said Fisher (D-Cumberland, Gloucester, Salem). “We cannot leave any stone unturned. The less we leave to chance in combating pedophiles, the greater assurance we have that children will be spared a tragic fate.”

Up to 250 sex offenders will be monitored under the pilot program. They would include those sex offenders determined to have a high risk of offending again.

“Taking sex offenders at their word that they are not going to prey on children again is no longer enough to consider our kids safe,” said Greenstein (D-Middlesex, Mercer). “As recent tragedies in other states have shown, local notification laws are not fail safe. If a family can use a GPS device to find its way to a playground or soccer field, surely law enforcement can use a GPS device to ensure a sex offender stays far away.”

GPS monitoring includes equipment that communicates with overhead satellites to determine the equipment’s precise location on the earth. Under this program, GPS devices worn by sex offenders would continually record and update their location.

The use of global positioning technology will allow law enforcement officials to know precisely where the monitored sex offenders spend their time and ensure that they keep out of areas restricted to them. The technology will also permit officers to compare their movements to reports of new crimes.

Any sex offender who fails to comply with the measure or tampers with tracking equipment would be guilty of a third-degree crime, punishable by up to five years in prison and \$15,000 in fines. The measure appropriates \$3 million to administer the pilot program.

“This is a get-tough measure that will give law enforcement enhanced abilities to keep pedophiles away from our kids,” said Barnes (D-Middlesex). “Requiring the depraved individuals who prey on children to wear these GPS devices will send a clear message that nothing is more important than ensuring the safety of our kids.”

As the first state to conceive and enact Megan’s Law over a decade ago, New Jersey has been at the forefront in the fight to protect children from sex offenders. In establishing this program, Codey has reaffirmed the state’s commitment to safeguarding its children through all available means and the latest technologies.