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P.L. 2007, CHAPTER 19, *approved January 26, 2007*
Senate Committee Substitute (*First Reprint*) for
Senate, Nos. 716 and 832

1 AN ACT concerning the registration of sex offenders and amending
2 and supplementing P.L.1994, c.133.

3

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

6

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

9 2. a. (1) A person who has been convicted, adjudicated
10 delinquent or found not guilty by reason of insanity for commission
11 of a sex offense as defined in subsection b. of this section shall
12 register as provided in subsections c. and d. of this section.

13 (2) A person who in another jurisdiction is required to register as
14 a sex offender and (a) is enrolled on a full-time or part-time basis in
15 any public or private educational institution in this State, including
16 any secondary school, trade or professional institution, institution of
17 higher education or other post-secondary school, or (b) is employed
18 or carries on a vocation in this State, on either a full-time or a part-
19 time basis, with or without compensation, for more than 14
20 consecutive days or for an aggregate period exceeding 30 days in a
21 calendar year, shall register in this State as provided in subsections
22 c. and d. of this section.

23 (3) A person who fails to register as required under this act shall
24 be guilty of a crime of the **[fourth]** third degree.

25 b. For the purposes of this act a sex offense shall include the
26 following:

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

34 (2) A conviction, adjudication of delinquency, or acquittal by
35 reason of insanity for aggravated sexual assault; sexual assault;
36 aggravated criminal sexual contact; kidnapping pursuant to
37 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
38 welfare of a child by engaging in sexual conduct which would
39 impair or debauch the morals of the child pursuant to subsection a.
40 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
41 paragraphs (3) or (4) or subparagraph (a) of paragraph (5) of

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted June 19, 2006.

1 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to
2 section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact
3 pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping
4 pursuant to N.J.S.2C:13-1, criminal restraint pursuant to
5 N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if
6 the victim is a minor and the offender is not the parent of the
7 victim; knowingly promoting prostitution of a child pursuant to
8 paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; or
9 an attempt to commit any of these enumerated offenses if the
10 conviction, adjudication of delinquency or acquittal by reason of
11 insanity is entered on or after the effective date of this act or the
12 offender is serving a sentence of incarceration, probation, parole or
13 other form of community supervision as a result of the offense or is
14 confined following acquittal by reason of insanity or as a result of
15 civil commitment on the effective date of this act;

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

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

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

35 (2) A person confined in a correctional or juvenile facility or
36 involuntarily committed who is required to register shall register
37 prior to release in accordance with procedures established by the
38 Department of Corrections, the Department of Human Services or
39 the Juvenile Justice Commission and, within 48 hours of release,
40 shall also register with the chief law enforcement officer of the
41 municipality in which the person resides or, if the municipality does
42 not have a local police force, the Superintendent of State Police;

43 (3) A person moving to or returning to this State from another
44 jurisdiction shall register with the chief law enforcement officer of
45 the municipality in which the person will reside or, if the
46 municipality does not have a local police force, the Superintendent
47 of State Police within 120 days of the effective date of this act or 10
48 days of first residing in or returning to a municipality in this State,
49 whichever is later;

1 (4) A person required to register on the basis of a conviction
2 prior to the effective date who is not confined or under supervision
3 on the effective date of this act shall register within 120 days of the
4 effective date of this act with the chief law enforcement officer of
5 the municipality in which the person will reside or, if the
6 municipality does not have a local police force, the Superintendent
7 of State Police;

8 (5) A person who in another jurisdiction is required to register as
9 a sex offender and who is enrolled on a full-time or part-time basis
10 in any public or private educational institution in this State,
11 including any secondary school, trade or professional institution,
12 institution of higher education or other post-secondary school shall,
13 within ten days of commencing attendance at such educational
14 institution, register with the chief law enforcement officer of the
15 municipality in which the educational institution is located or, if the
16 municipality does not have a local police force, the Superintendent
17 of State Police;

18 (6) A person who in another jurisdiction is required to register as
19 a sex offender and who is employed or carries on a vocation in this
20 State, on either a full-time or a part-time basis, with or without
21 compensation, for more than 14 consecutive days or for an
22 aggregate period exceeding 30 days in a calendar year, shall, within
23 ten days after commencing such employment or vocation, register
24 with the chief law enforcement officer of the municipality in which
25 the employer is located or where the vocation is carried on, as the
26 case may be, or, if the municipality does not have a local police
27 force, the Superintendent of State Police;

28 (7) In addition to any other registration requirements set forth in
29 this section, a person required to register under this act who is
30 enrolled at, employed by or carries on a vocation at an institution of
31 higher education or other post-secondary school in this State shall,
32 within ten days after commencing such attendance, employment or
33 vocation, register with the law enforcement unit of the educational
34 institution, if the institution has such a unit.

35 d. Upon a change of address, a person shall notify the law
36 enforcement agency with which the person is registered and shall
37 re-register with the appropriate law enforcement agency no less
38 than 10 days before he intends to first reside at his new address.
39 Upon a change of employment or school enrollment status, a person
40 shall notify the appropriate law enforcement agency no later than
41 five days after any such change. A person who fails to notify the
42 appropriate law enforcement agency of a change of address or status
43 in accordance with this subsection is guilty of a crime of the fourth
44 degree.

45 e. A person required to register under paragraph (1) of
46 subsection b. of this section or under paragraph (3) of subsection b.
47 due to a sentence imposed on the basis of criteria similar to the
48 criteria set forth in paragraph (1) of subsection b. shall verify his
49 address with the appropriate law enforcement agency every 90 days

1 in a manner prescribed by the Attorney General. A person required
2 to register under paragraph (2) of subsection b. of this section or
3 under paragraph (3) of subsection b. on the basis of a conviction for
4 an offense similar to an offense enumerated in paragraph (2) of
5 subsection b. shall verify his address annually in a manner
6 prescribed by the Attorney General. One year after the effective
7 date of this act, the Attorney General shall review, evaluate and, if
8 warranted, modify pursuant to the "Administrative Procedure Act,"
9 P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement.
10 Any person who knowingly provides false information concerning
11 his place of residence or who fails to verify his address with the
12 appropriate law enforcement agency or other entity, as prescribed
13 by the Attorney General in accordance with this subsection, is
14 guilty of a crime of the fourth degree.

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

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

32 (cf: P.L.2003, c.220, s.1)

33

34 2. (New section) a. No person confined in a correctional or
35 juvenile facility or involuntarily committed who is required to
36 register under the provisions of P.L.1994, c.133 (C.2C:7-1 et seq.)
37 shall be released from that confinement prior to expiration of
38 sentence or termination from supervision or of custody, as the case
39 may be, until the address set forth on his form of registration as his
40 proposed place of residence has been verified as valid in
41 accordance with procedures established by the Attorney General,
42 which shall include provisions governing written notification of
43 appropriate State and local officials. The address verification shall
44 take place prior to the scheduled date of release and shall be
45 provided to the department to which the individual is confined or
46 committed or the commission, as appropriate. ¹[Notwithstanding
47 any other provisions of] Nothing in¹ this section ¹[, the Department
48 of Corrections shall not hold] shall be construed to require¹ a
49 person ¹[after] to be held in confinement or involuntary

1 commitment beyond¹ the date of expiration of that person's
2 sentence ¹, termination from supervision, or judicially ordered
3 termination of custody, as the case may be¹.

4 b. No person under supervision in the community on probation,
5 parole, furlough, work release or any similar program who is
6 required to register under the provisions of P.L.1994, c.133
7 (C.2C:7-1 et seq.) shall be released from that supervision until the
8 address set forth on his form of registration as his proposed place of
9 residence has been verified as valid. The address verification shall
10 take place prior to the scheduled date of release.

11
12 3. This act shall take effect on the first day of the second month
13 following enactment.

14

15

16

17

18 Upgrades penalty for failure to register as sex offender; imposes
19 penalty for failure to verify address and requires verification prior
20 to release.

SENATE, No. 716

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

Senator DIANE B. ALLEN

District 7 (Burlington and Camden)

Co-Sponsored by:

Senator Palaia

SYNOPSIS

Establishes criminal penalty for Megan's Law registrant who gives false address; requires verification of address before registrant is released.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the registration of certain sex offenders and
2 amending and supplementing P.L.1994, c.133.

3

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

6

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

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

20 (2) A person confined in a correctional or juvenile facility or
21 involuntarily committed who is required to register shall register
22 prior to release in accordance with procedures established by the
23 Department of Corrections, the Department of Human Services or
24 the Juvenile Justice Commission and, within 48 hours of the
25 person's release, shall also register with the chief law enforcement
26 officer of the municipality in which the person resides or, if the
27 municipality does not have a local police force, the Superintendent
28 of State Police;

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

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

43 d. Upon a change of address, a person shall notify the law
44 enforcement agency with which the person is registered and must
45 re-register with the appropriate law enforcement agency no less
46 than 10 days before he intends to first reside at his new address. A
47 person who fails to notify the appropriate law enforcement agency

1 of a change of address in accordance with this subsection is guilty
2 of a crime of the fourth degree.

3 e. A person required to register under paragraph (1) of
4 subsection b. of this section or under paragraph (3) of subsection b.
5 due to a sentence imposed on the basis of criteria similar to the
6 criteria set forth in paragraph (1) of subsection b. shall verify his
7 address with the appropriate law enforcement agency every 90 days
8 in a manner prescribed by the Attorney General. A person required
9 to register under paragraph (2) of subsection b. of this section or
10 under paragraph (3) of subsection b. on the basis of a conviction for
11 an offense similar to an offense enumerated in paragraph (2) of
12 subsection b. shall verify his address annually in a manner
13 prescribed by the Attorney General. Any person who knowingly
14 provides false information concerning his place of residence or who
15 fails to verify his address with the appropriate law enforcement
16 agency or other entity, as prescribed by the Attorney General in
17 accordance with this subsection, is guilty of a crime of the fourth
18 degree. One year after the effective date of this act, the Attorney
19 General shall review, evaluate and, if warranted, modify pursuant to
20 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
21 seq.) the verification requirement.

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

29 g. A person required to register under this section who has been
30 convicted of, adjudicated delinquent, or acquitted by reason of
31 insanity for more than one sex offense as defined in subsection b. of
32 this section or who has been convicted of, adjudicated delinquent,
33 or acquitted by reason of insanity for aggravated sexual assault
34 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault
35 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not
36 eligible under subsection f. of this section to make application to
37 the Superior Court of this State to terminate the registration
38 obligation.

39 (cf: P.L.2001, c.392, s.1)

40

41 2. (New section) a. No person confined in a correctional or
42 juvenile facility or involuntarily committed who is required to
43 register under the provisions of P.L.1994, c.133 (C.2C:7-1 et seq.)
44 shall be released from that confinement prior to expiration of
45 sentence or termination from supervision or of custody, as the case
46 may be, until the address set forth on his form of registration as his
47 proposed place of residence has been verified as valid in
48 accordance with procedures established by the Attorney General,

1 which shall include provisions governing written notification of
2 appropriate State and local officials. The address verification shall
3 take place prior to the scheduled date of release.

4 b. No person under supervision in the community on probation,
5 parole, furlough, work release or any similar program who is
6 required to register under the provisions of P.L.1994, c.133
7 (C.2C:7-1 et seq.) shall be released from that supervision until the
8 address set forth on his form of registration as his proposed place of
9 residence has been verified as valid. The address verification shall
10 take place prior to the scheduled date of release.

11

12 3. This act shall take effect on the first day of the second month
13 following enactment.

14

15

16

STATEMENT

17

18 This bill amends the registration requirements of "Megan's Law"
19 (P.L.1994, c.133; C.2C:7-1 et seq.) to establish that registrants who
20 provide false information concerning their residence or fail to verify
21 their address as required commit a crime of the fourth degree. A
22 crime of the fourth degree is punishable by a fine of not more than
23 \$10,000, imprisonment for a term of not more than 18 months, or
24 both. Under current law, sex offenders who have been
25 characterized as repetitive and compulsive are required to verify
26 their address every 90 days; other sex offenders are required to
27 verify their address annually.

28 The bill also supplements "Megan's Law" to require that the
29 address a registrant reports on his form of registration as his
30 proposed place of residence must be verified by the appropriate
31 authority before he is released from confinement or supervision, as
32 the case may be.

33 Under the provisions of the bill, persons required to register as
34 sex offenders with the Department of Corrections, the Department
35 of Human Services or the Juvenile Justice Commission also would
36 be required to register, within 48 hours of their release, with the
37 chief law enforcement officer of the municipality where they reside.

SENATE, No. 832

STATE OF NEW JERSEY 212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator ELLEN KARCHER

District 12 (Mercer and Monmouth)

Senator BARBARA BUONO

District 18 (Middlesex)

SYNOPSIS

Upgrades crime of failing to register as a sex offender.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/27/2006)

1 AN ACT concerning registration of sex offenders and amending
2 P.L.1994, c.133.

3

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

6

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

9 2. a. (1) A person who has been convicted, adjudicated
10 delinquent or found not guilty by reason of insanity for commission
11 of a sex offense as defined in subsection b. of this section shall
12 register as provided in subsections c. and d. of this section.

13 (2) A person who in another jurisdiction is required to register
14 as a sex offender and (a) is enrolled on a full-time or part-time basis
15 in any public or private educational institution in this State,
16 including any secondary school, trade or professional institution,
17 institution of higher education or other post-secondary school, or
18 (b) is employed or carries on a vocation in this State, on either a
19 full-time or a part-time basis, with or without compensation, for
20 more than 14 consecutive days or for an aggregate period exceeding
21 30 days in a calendar year, shall register in this State as provided in
22 subsections c. and d. of this section. A person who fails to register
23 as required under this act shall be guilty of a crime of the [fourth]
24 third degree.

25 b. For the purposes of this act a sex offense shall include the
26 following:

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

34 (2) A conviction, adjudication of delinquency, or acquittal by
35 reason of insanity for aggravated sexual assault; sexual assault;
36 aggravated criminal sexual contact; kidnapping pursuant to
37 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
38 welfare of a child by engaging in sexual conduct which would
39 impair or debauch the morals of the child pursuant to subsection a.
40 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
41 paragraphs (3) or (4) or subparagraph (a) of paragraph (5) of
42 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to
43 section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact
44 pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping

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

Matter underlined thus is new matter.

1 pursuant to N.J.S.2C:13-1, criminal restraint pursuant to
2 N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if
3 the victim is a minor and the offender is not the parent of the
4 victim; knowingly promoting prostitution of a child pursuant to
5 paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; or
6 an attempt to commit any of these enumerated offenses if the
7 conviction, adjudication of delinquency or acquittal by reason of
8 insanity is entered on or after the effective date of this act or the
9 offender is serving a sentence of incarceration, probation, parole or
10 other form of community supervision as a result of the offense or is
11 confined following acquittal by reason of insanity or as a result of
12 civil commitment on the effective date of this act;

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

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

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

32 (2) A person confined in a correctional or juvenile facility or
33 involuntarily committed who is required to register shall register
34 prior to release in accordance with procedures established by the
35 Department of Corrections, the Department of Human Services or
36 the Juvenile Justice Commission;

37 (3) A person moving to or returning to this State from another
38 jurisdiction shall register with the chief law enforcement officer of
39 the municipality in which the person will reside or, if the
40 municipality does not have a local police force, the Superintendent
41 of State Police within 120 days of the effective date of this act or 10
42 days of first residing in or returning to a municipality in this State,
43 whichever is later;

44 (4) A person required to register on the basis of a conviction
45 prior to the effective date who is not confined or under supervision
46 on the effective date of this act shall register within 120 days of the
47 effective date of this act with the chief law enforcement officer of

1 the municipality in which the person will reside or, if the
2 municipality does not have a local police force, the Superintendent
3 of State Police;

4 (5) A person who in another jurisdiction is required to register
5 as a sex offender and who is enrolled on a full-time or part-time
6 basis in any public or private educational institution in this State,
7 including any secondary school, trade or professional institution,
8 institution of higher education or other post-secondary school shall,
9 within ten days of commencing attendance at such educational
10 institution, register with the chief law enforcement officer of the
11 municipality in which the educational institution is located or, if the
12 municipality does not have a local police force, the Superintendent
13 of State Police;

14 (6) A person who in another jurisdiction is required to register
15 as a sex offender and who is employed or carries on a vocation in
16 this State, on either a full-time or a part-time basis, with or without
17 compensation, for more than 14 consecutive days or for an
18 aggregate period exceeding 30 days in a calendar year, shall, within
19 ten days after commencing such employment or vocation, register
20 with the chief law enforcement officer of the municipality in which
21 the employer is located or where the vocation is carried on, as the
22 case may be, or, if the municipality does not have a local police
23 force, the Superintendent of State Police;

24 (7) In addition to any other registration requirements set forth in
25 this section, a person required to register under this act who is
26 enrolled at, employed by or carries on a vocation at an institution of
27 higher education or other post-secondary school in this State shall,
28 within ten days after commencing such attendance, employment or
29 vocation, register with the law enforcement unit of the educational
30 institution, if the institution has such a unit.

31 d. Upon a change of address, a person shall notify the law
32 enforcement agency with which the person is registered and shall
33 re-register with the appropriate law enforcement agency no less
34 than 10 days before he intends to first reside at his new address.
35 Upon a change of employment or school enrollment status, a person
36 shall notify the appropriate law enforcement agency no later than
37 five days after any such change. A person who fails to notify the
38 appropriate law enforcement agency of a change of address or status
39 in accordance with this subsection is guilty of a crime of the
40 [fourth] third degree.

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

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

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

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

25 (cf: P.L. 2003, c.220)

26

27 2. This act shall take effect immediately.

28

29

30

STATEMENT

31

32 This bill amends N.J.S.A. 2C:7-2 to increase the criminal penalty
33 for failure to register as a sex offender. A person who in another
34 jurisdiction is required to register as a sex offender and (a) is a
35 student or (b) is employed under certain circumstances in this State
36 must register in this State. A person who fails to register under
37 these circumstances currently is guilty of a crime of the fourth
38 degree. This bill raises this offense to a crime of the third degree.
39 See paragraph (2) of subsection a. of N.J.S.A. 2C:7-2.

40 Currently it is a crime of the fourth degree for a person to fail to
41 notify the appropriate law enforcement agency of a change of
42 address or status. This bill raises this offense to a crime of the third
43 degree. See subsection d. of N.J.S.A. 2C:7-2.

44 A crime of the fourth degree ordinarily is punishable by a term
45 of imprisonment not to exceed 18 months, a fine not to exceed
46 \$10,000.00 or both. A crime of the third degree ordinarily is

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- 1 punishable by a term of imprisonment between three to five years, a
- 2 fine not to exceed \$15,000.00 or both.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 716 and 832**

STATE OF NEW JERSEY

DATED: OCTOBER 23, 2006

The Assembly Judiciary Committee reports favorably SCS for Senate Bill Nos.716/832(1R).

This substitute upgrades the penalty for failure to register as a sex offender under "Megan's Law," N.J.S.A.2C:7-1 et seq. Current law provides that failure to register is a crime of the fourth degree, which is punishable by a fine of \$10,000, up to 18 months imprisonment, or both. Under the provisions of this substitute, failure to register is a crime of the third degree, which is punishable by a fine of up to \$15,000, three to five years imprisonment, or both.

The substitute provides that persons who are required to register as sex offenders with the Department of Corrections, the Department of Human Services or the Juvenile Justice Commission are also required to register, within 48 hours of their release, with the chief law enforcement officer of the municipality where they reside.

The substitute amends the registration requirements to provide that registrants who provide false information concerning their residence or who fail to verify their address with the appropriate law enforcement agency are guilty of a crime of the fourth degree. Under current law, sex offenders who have been characterized as repetitive and compulsive are required to verify their address every 90 days. Other sex offenders are required to verify their address annually.

In addition, the substitute supplements "Megan's Law" to require that the address a registrant reports on his form of registration as his proposed place of residence must be verified by the appropriate authority before the scheduled date for release from confinement or supervision in accordance with procedures established by the Attorney General. The address verification is to be provided to the department to which the individual is confined or committed. Nothing in the substitute shall be construed to require a person to be held in confinement or involuntary commitment beyond the date of expiration of that person's sentence, termination from supervision or judicially ordered termination of custody.

This committee substitute is identical to Assembly Bill No. 2380
(1R).

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, Nos. 716 and 832

STATE OF NEW JERSEY

DATED: JANUARY 26, 2006

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 716 and 832.

This committee substitute upgrades the penalty for failure to register as a sex offender under "Megan's Law" (P.L.1994, c.133; C.2C:7-1 et seq.). Current law provides that failure to register is a crime of the fourth degree, which is punishable by a fine of \$10,000, up to 18 months imprisonment, or both. Under the provisions of this committee substitute, failure to register is a crime of the third degree, which is punishable by a fine of up to \$15,000, three to five years imprisonment, or both.

The committee substitute also amends the registration requirements to establish that registrants who provide false information concerning their residence commit a crime of the fourth degree. The substitute also clarifies that registrants who fail to verify their address as required commit a crime of the fourth degree. Under current law, sex offenders who have been characterized as repetitive and compulsive are required to verify their address every 90 days; other sex offenders are required to verify their address annually.

The committee substitute further provides that persons required to register as sex offenders with the Department of Corrections, the Department of Human Services or the Juvenile Justice Commission also are required to register, within 48 hours of their release, with the chief law enforcement officer of the municipality where they reside.

The committee substitute also supplements "Megan's Law" to require that the address a registrant reports on his form of registration as his proposed place of residence must be verified by the appropriate authority before he is released from confinement or supervision, as the case may be. The address verification is to take place prior to the scheduled date of release and be provided to the department to which the individual is confined or committed or the Juvenile Justice Commission, as appropriate. The substitute also clarifies that the Department of Corrections may not hold a person after the date of expiration of that person's sentence.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 716 and 832**

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 19, 2006

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Committee Substitute for Senate Bill Nos. 716 and 832.

This committee substitute, as amended, upgrades the penalty for failure to register as a sex offender under "Megan's Law" (P.L.1994, c.133; C.2C:7-1 et seq.). Current law provides that failure to register is a crime of the fourth degree, which is punishable by a fine of \$10,000, up to 18 months imprisonment, or both. Under the provisions of this committee substitute, failure to register is a crime of the third degree, which is punishable by a fine of up to \$15,000, three to five years imprisonment, or both.

The committee substitute also amends the registration requirements to establish that registrants who provide false information concerning their residence commit a crime of the fourth degree. The substitute also clarifies that registrants who fail to verify their address as required commit a crime of the fourth degree. Under current law, sex offenders who have been characterized as repetitive and compulsive are required to verify their address every 90 days; other sex offenders are required to verify their address annually.

The committee substitute further provides that persons required to register as sex offenders with the Department of Corrections, the Department of Human Services or the Juvenile Justice Commission also are required to register, within 48 hours of their release, with the chief law enforcement officer of the municipality where they reside.

The committee substitute also supplements "Megan's Law" to require that the address a registrant reports on his form of registration as his proposed place of residence must be verified by the appropriate authority before the scheduled date for release from confinement or supervision, as the case may be. The address verification is provided to the department to which the individual is confined or committed or the Juvenile Justice Commission, as appropriate. The substitute also clarifies that a person may not be held after the date of

expiration of that person's sentence, term of supervision or judicially ordered custody.

COMMITTEE AMENDMENTS:

The committee amendment clarifies that no custodial authority may continue to hold an individual beyond their authorized custodial term because the authority has failed to verify the proposed residence address of the individual before the scheduled release date. Prior to the amendment this provision referenced only the Department of Corrections.

FISCAL IMPACT:

According to the Administrative Office of the Courts (AOC), a \$5,000 increase in the fine that may be imposed for a third degree conviction for failure to register may yield an additional \$725,000 in annual fine collections if previous rates of conviction for the offense (145 in fiscal year 2005) continue. The Department of Corrections has noted that expenditures may increase for the costs of longer custodial sentences that may be imposed under a third degree crime. The AOC has noted that if the increase to a third degree crime discourages the incidence of guilty pleas, an increase in expenditures in the court system due to increased trial rates may occur. If two new judge teams are required to handle additional trials an additional annual cost of approximately \$1 million may be incurred.

FISCAL NOTE

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR SENATE, Nos. 716 and 832 STATE OF NEW JERSEY 212th LEGISLATURE

DATED: JULY 11, 2006

SUMMARY

- Synopsis:** Upgrades penalty for failure to register as sex offender; imposes penalty for failure to verify address and requires verification prior to release.
- Type of Impact:** General Fund expenditure and revenue
- Agencies Affected:** Department of Corrections, Department of Human Services, Juvenile Justice Commission, Judiciary.

Executive Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|-----------------------------|---|----------------------|----------------------|
| State Cost | | | |
| Department of Corrections | Cannot Be Determined - See Comments Below | | |
| Juvenile Justice Commission | Minimal - See Comments Below | | |
| Judiciary | \$1.14 million | \$990,058 | \$1.04 million |
| State Revenue | \$725,000 | \$725,000 | \$725,000 |

- The Office of Legislative Services (OLS) **concurs** with the Department of Corrections (DOC) and Juvenile Justice Commission estimates but notes that the Judiciary is assuming that all of the defendants will plead not guilty of this offense. Since it is likely that a portion of these offenders will plead guilty, a trial will not be necessary, and costs will be less. The OLS also notes that convictions for third and fourth degree offenses carry with them the presumption of non-incarceration for first time offenders.
- The committee substitute upgrades the penalty for failure to register as a sex offender under "Megan's Law" from a crime of the fourth degree crime to a crime of the third degree.
- The committee substitute establishes that registrants who provide false information concerning their residence commit a crime of the fourth degree and clarifies that registrants who fail to verify their address as required commit a crime of the fourth degree.

- The committee substitute further provides that persons required to register as sex offenders with the DOC, the Department of Human Services or the Juvenile Justice Commission also are required to register, within 48 hours of their release, with the chief law enforcement officer of the municipality where they reside.
- The committee substitute requires that the address a registrant reports on his form of registration as his proposed place of residence must be verified by the appropriate authority before he is released from confinement or supervision, as the case may be.
- In a fiscal note to a prior legislative session, the DOC stated that there are no data available with which to assess the potential impact of this bill. The incidence of such occurrences is not known. Because a fourth degree crime is punishable by a custody term of 18 months or less, but with no presumption of incarceration, there could be an increase in admission volume to the DOC.
- Information obtained from the Department of Law and Public Safety indicates that this committee substitute would have no fiscal impact on the Juvenile Justice Commission. Data obtained from the Division of State Police indicates that there are currently 10,952 registered sex offenders. This number includes both adult and juvenile offenders.
- The Administrative Office of the Courts (AOC) states that for the period from July 1, 2004 through June 30, 2005, there were a total of 145 defendants convicted of failing to register as a sex offender. If each of these offenders pays the increased fine of \$15,000, (over the current \$10,000 fine) the State would collect an additional \$725,000.
- The AOC notes that the increased penalties associated with a third-degree crime would provide less incentive to plead guilty and result in an increase in the trial rate requiring two new judge teams needed to handle the additional trials.
- Total annual costs to the Judiciary would be \$1.14 million in the first year, \$990,058 in the second year, and \$1.04 million in the third year after the bill's enactment.

BILL DESCRIPTION

Senate Committee Substitute for Senate Bill Nos. 716 and 832 (1R) of 2006 upgrades the penalty for failure to register as a sex offender under "Megan's Law" (P.L.1994, c.133; C.2C:7-1 et seq.). Current law provides that failure to register is a crime of the fourth degree, which is punishable by a fine of \$10,000, up to 18 months imprisonment, or both. Under the provisions of this committee substitute, failure to register is a crime of the third degree, which is punishable by a fine of up to \$15,000, three to five years imprisonment, or both.

The committee substitute amends the registration requirements to establish that registrants who provide false information concerning their residence commit a crime of the fourth degree. The substitute also clarifies that registrants who fail to verify their address as required commit a crime of the fourth degree. Under current law, sex offenders who have been characterized as repetitive and compulsive are required to verify their address every 90 days; other sex offenders are required to verify their address annually.

The committee substitute further provides that persons required to register as sex offenders with the DOC, the Department of Human Services or the Juvenile Justice Commission also are required to register, within 48 hours of their release, with the chief law enforcement officer of the municipality where they reside.

The committee substitute supplements "Megan's Law" to require that the address a registrant reports on his form of registration as his proposed place of residence must be verified by the appropriate authority before he is released from confinement or supervision, as the case may be. The address verification is to take place prior to the scheduled date of release and be provided to the department to which the individual is confined or committed or the Juvenile Justice Commission, as appropriate. The substitute as amended also clarifies that it shall not be construed that a person is to be held in confinement or involuntary commitment beyond the date of expiration of that person's sentence, termination from supervision, or judicially ordered termination of custody, as the case may be.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Corrections

In a fiscal note to a prior legislative session, the DOC stated that there are no data available with which to assess the potential impact of this committee substitute. The incidence of such occurrences is not known. Because a fourth degree crime is punishable by a custody term of 18 months or less, but with no presumption of incarceration, there could be an increase in admission volume to the DOC.

Juvenile Justice Commission

Information obtained from the Department of Law and Public Safety indicates that this committee substitute would have minimal impact on the Juvenile Justice Commission. Data obtained from the Division of State Police indicates that there are currently 10,952 registered sex offenders. This number includes both adult and juvenile offenders.

Department of Human Services

None Received.

Judiciary

Revenue

The Administrative Office of the Courts (AOC) states that for the period from July 1, 2004 through June 30, 2005, there were a total of 145 defendants convicted of failing to register as a sex offender. If each of these offenders pays the increased fine of \$15,000, (over the current \$10,000 fine) the State would collect an additional \$725,000.

Expenditures

The AOC notes that the increased penalties associated with a third-degree crime would provide less incentive to plead guilty and result in an increase in the trial rate.

The AOC states that if all 145 defendants pled not guilty to the charges as a result of the increased penalties, and as the average trial length is approximately 3 days, there would be an additional 435 trial days needed to dispose of the cases (145 defendants x 3 days). Assuming a

judge sits for 215 days a year, there would be 2 new judge teams needed to handle the additional trials.

According to the AOC, each judge team consists of a Superior Court Judge, a Judge's Secretary, a Law Clerk, a Court Clerk, and an Official Court Reporter costing \$816,660 in salary expenses in the first full year after enactment. Second and third year salary costs would total \$857,496 and \$900,372, respectively.

The AOC noted that one-time start-up costs of \$98,090 per court room or \$196,180 would be generated to fund office furniture, video court room capability, computers, law books, etc. Continuing operating expenses (office supplies, telephone bills, postage, office machine rentals, etc.) are estimated at \$22,252 during the first year of operation. Second- and third year program costs would total \$27,562 and \$28,940. In addition, the AOC noted that although not included in the cost projection as it is beyond the projection period, after 2 years, the maintenance of the video court capability is approximately \$3,675 per court room, or \$7,350 per year.

Finally, the AOC stated that for the purpose of this fiscal note, it is assumed that the Judiciary would have to rent 100 percent of the office and courtroom space necessary to facilitate the judge team. Assuming that a 2,000 square foot space is necessary, at a cost of \$25 per square foot, the annual facility rental cost would total \$100,000 in the first year, \$105,000 in the second year, and \$110,250 in the third year after implementation.

Total annual costs to the Judiciary would be \$1.14 million in the first year, \$990,058 in the second year, and \$1.04 million in the third year after the bill's enactment.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Department of Corrections and Juvenile Justice Commission estimates but notes that the Judiciary is assuming that all of the defendants will plead not guilty of this offense. Since it is likely that a portion of these offenders will plead guilty, a trial will not be necessary, and costs will be less. The OLS also notes that convictions for third and fourth degree offenses carry with them the presumption of non-incarceration for first time offenders.

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

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

CORRECTED COPY

FISCAL NOTE

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR SENATE, Nos. 716 and 832 STATE OF NEW JERSEY 212th LEGISLATURE

DATED: AUGUST 1, 2006

SUMMARY

- Synopsis:** Upgrades penalty for failure to register as sex offender; imposes penalty for failure to verify address and requires verification prior to release.
- Type of Impact:** General Fund expenditure and revenue
- Agencies Affected:** Department of Corrections, Department of Human Services, Juvenile Justice Commission, Judiciary.

Executive Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|-----------------------------|------------------------------|----------------------|----------------------|
| State Cost | | | |
| Department of Corrections | \$3,598,784 | \$3,598,784 | \$3,598,784 |
| Juvenile Justice Commission | Minimal - See Comments Below | | |
| Judiciary | \$1.14 million | \$990,058 | \$1.04 million |
| State Revenue | \$725,000 | \$725,000 | \$725,000 |

- The Office of Legislative Services (OLS) **concurs** with the Department of Corrections (DOC) and Juvenile Justice Commission estimates but notes that the Judiciary is assuming that all of the defendants will plead not guilty of this offense. Since it is likely that a portion of these offenders will plead guilty, a trial will not be necessary, and costs will be less. The OLS also notes that convictions for third and fourth degree offenses carry with them the presumption of non-incarceration for first time offenders.
- The committee substitute upgrades the penalty for failure to register as a sex offender under "Megan's Law" from a crime of the fourth degree crime to a crime of the third degree.

- The committee substitute establishes that registrants who provide false information concerning their residence commit a crime of the fourth degree and clarifies that registrants who fail to verify their address as required commit a crime of the fourth degree.
- The committee substitute further provides that persons required to register as sex offenders with the DOC, the Department of Human Services or the Juvenile Justice Commission also are required to register, within 48 hours of their release, with the chief law enforcement officer of the municipality where they reside.
- The committee substitute requires that the address a registrant reports on his form of registration as his proposed place of residence must be verified by the appropriate authority before he is released from confinement or supervision, as the case may be.
- The DOC notes that there were 146 offenders in calendar year 2005 who had convictions for the offense of failing to register under Megan's Law, as their only offense. Another 20 had convictions for multiple offenses which included another offense more serious than failure to register. Of the 146, sentencing information was available for 143. Of those, 69 received non-custodial terms, 50 received county jail terms or split county jail/probation sentences and 24 were sentenced to the DOC.
- The DOC states that enactment of this committee substitute would require an additional 112 bed spaces at a total cost of \$3,598,784.
- The Administrative Office of the Courts (AOC) states that for the period from July 1, 2004 through June 30, 2005, there were a total of 145 defendants convicted of failing to register as a sex offender. If each of these offenders pays the increased fine of \$15,000, (over the current \$10,000 fine) the State would collect an additional \$725,000.
- Information obtained from the Department of Law and Public Safety indicates that this committee substitute would have no fiscal impact on the Juvenile Justice Commission. Data obtained from the Division of State Police indicates that there are currently 10,952 registered sex offenders. This number includes both adult and juvenile offenders.
- The AOC states that for the period from July 1, 2004 through June 30, 2005, there were a total of 145 defendants convicted of failing to register as a sex offender. If each of these offenders pays the increased fine of \$15,000, (over the current \$10,000 fine) the State would collect an additional \$725,000.
- The AOC notes that the increased penalties associated with a third-degree crime would provide less incentive to plead guilty and result in an increase in the trial rate requiring two new judge teams needed to handle the additional trials.
- Total annual costs to the Judiciary would be \$1.14 million in the first year, \$990,058 in the second year, and \$1.04 million in the third year after the bill's enactment.

BILL DESCRIPTION

Senate Committee Substitute for Senate Bill Nos. 716 and 832 (1R) of 2006 upgrades the penalty for failure to register as a sex offender under "Megan's Law" (P.L.1994, c.133; C.2C:7-1 et seq.). Current law provides that failure to register is a crime of the fourth degree, which is punishable by a fine of \$10,000, up to 18 months imprisonment, or both. Under the provisions of this committee substitute, failure to register is a crime of the third degree, which is punishable by a fine of up to \$15,000, three to five years imprisonment, or both.

The committee substitute amends the registration requirements to establish that registrants who provide false information concerning their residence commit a crime of the fourth degree. The substitute also clarifies that registrants who fail to verify their address as required commit a crime of the fourth degree. Under current law, sex offenders who have been characterized as repetitive and compulsive are required to verify their address every 90 days; other sex offenders are required to verify their address annually.

The committee substitute further provides that persons required to register as sex offenders with the DOC, the Department of Human Services or the Juvenile Justice Commission also are required to register, within 48 hours of their release, with the chief law enforcement officer of the municipality where they reside.

The committee substitute supplements "Megan's Law" to require that the address a registrant reports on his form of registration as his proposed place of residence must be verified by the appropriate authority before he is released from confinement or supervision, as the case may be. The address verification is to take place prior to the scheduled date of release and be provided to the department to which the individual is confined or committed or the Juvenile Justice Commission, as appropriate. The substitute as amended also clarifies that it shall not be construed that a person is to be held in confinement or involuntary commitment beyond the date of expiration of that person's sentence, termination from supervision, or judicially ordered termination of custody, as the case may be.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Corrections

The DOC states that fourth degree offenses carry no presumption of incarceration and carry a maximum term of 18 months. Most who are incarcerated to that maximum would be eligible for release after service of nine months in custody. A third degree offense also carries no presumption of incarceration, but the custodial term which might be imposed is three to five years, with a presumptive term of four years. Those with a four year term would likely face release after serving approximately 17 months in custody (35 percent), but could serve a longer period. If it is assumed that release does occur after 17 months, this would constitute an increase of 8 months over a fourth degree offense.

The department notes that there were 146 offenders in calendar year 2005 who had convictions for the offense of failing to register under Megan's Law, as their only offense. Another 20 had convictions for multiple offenses which included another offense more serious than failure to register. Of the 146, sentencing information was available for 143. Of those, 69 received non-custodial terms, 50 received county jail terms or split county jail/probation sentences and 24 were sentenced to the DOC.

The department states that assuming that the 24 offenders sentenced to the department served an average of 9 months, if the offense is upgraded and the average length of stay is 17 months, an additional 16 beds would be required. At an average bed space cost of \$32,132, this would increase costs by \$514,112.

The department notes that in addition to those above, under the bill some or all of those currently serving county jail terms would be sentenced to the Department to a presumptive term of 48 months. If all 50 were so sentenced, admission of 50 offenders each year serving an average of 17 months (estimated 35 percent of total term) would require 71 additional beds at a cost of \$2,281,372. The department states that it also is likely that some portion of those now receiving non-custodial terms would instead be sentenced to the department. If 25 percent, or 17 offenders were so sentenced, another 25 beds would be required at a cost of \$803,300. In sum, enactment of this bill would require an addition 112 bed spaces at a total cost of \$3,598,784.

The department adds that unknown and unaccounted for is the potential for a reduction in the incidence of those who fail to register as a result of the increase in potential custodial terms, both in terms of increased custodial volume and time served.

Juvenile Justice Commission

Information obtained from the Department of Law and Public Safety indicates that this committee substitute would have minimal impact on the Juvenile Justice Commission. Data obtained from the Division of State Police indicates that there are currently 10,952 registered sex offenders. This number includes both adult and juvenile offenders.

Department of Human Services

None Received.

Judiciary

Revenue

The AOC states that for the period from July 1, 2004 through June 30, 2005, there were a total of 145 defendants convicted of failing to register as a sex offender. If each of these offenders pays the increased fine of \$15,000, (over the current \$10,000 fine) the State would collect an additional \$725,000.

Expenditures

The AOC notes that the increased penalties associated with a third-degree crime would provide less incentive to plead guilty and result in an increase in the trial rate.

The AOC states that if all 145 defendants pled not guilty to the charges as a result of the increased penalties, and as the average trial length is approximately 3 days, there would be an additional 435 trial days needed to dispose of the cases (145 defendants x 3 days). Assuming a judge sits for 215 days a year, there would be 2 new judge teams needed to handle the additional trials.

According to the AOC, each judge team consists of a Superior Court Judge, a Judge's Secretary, a Law Clerk, a Court Clerk, and an Official Court Reporter costing \$816,660 in salary expenses in the first full year after enactment. Second and third year salary costs would total \$857,496 and \$900,372, respectively.

The AOC noted that one-time start-up costs of \$98,090 per court room or \$196,180 would be generated to fund office furniture, video court room capability, computers, law books, etc. Continuing operating expenses (office supplies, telephone bills, postage, office machine rentals, etc.) are estimated at \$22,252 during the first year of operation. Second- and third year program costs would total \$27,562 and \$28,940. In addition, the AOC noted that although not included in

the cost projection as it is beyond the projection period, after 2 years, the maintenance of the video court capability is approximately \$3,675 per court room, or \$7,350 per year.

Finally, the AOC stated that for the purpose of this fiscal note, it is assumed that the Judiciary would have to rent 100 percent of the office and courtroom space necessary to facilitate the judge team. Assuming that a 2,000 square foot space is necessary, at a cost of \$25 per square foot, the annual facility rental cost would total \$100,000 in the first year, \$105,000 in the second year, and \$110,250 in the third year after implementation.

Total annual costs to the Judiciary would be \$1.14 million in the first year, \$990,058 in the second year, and \$1.04 million in the third year after the bill's enactment.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the DOC and Juvenile Justice Commission estimates but notes that the Judiciary is assuming that all of the defendants will plead not guilty of this offense. Since it is likely that a portion of these offenders will plead guilty, a trial will not be necessary, and costs will be less. The OLS also notes that convictions for third and fourth degree offenses carry with them the presumption of non-incarceration for first time offenders.

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

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

ASSEMBLY, No. 2380

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 6, 2006

Sponsored by:

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

Assemblyman ERIC MUNOZ

District 21 (Essex, Morris, Somerset and Union)

Assemblyman CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

Co-Sponsored by:

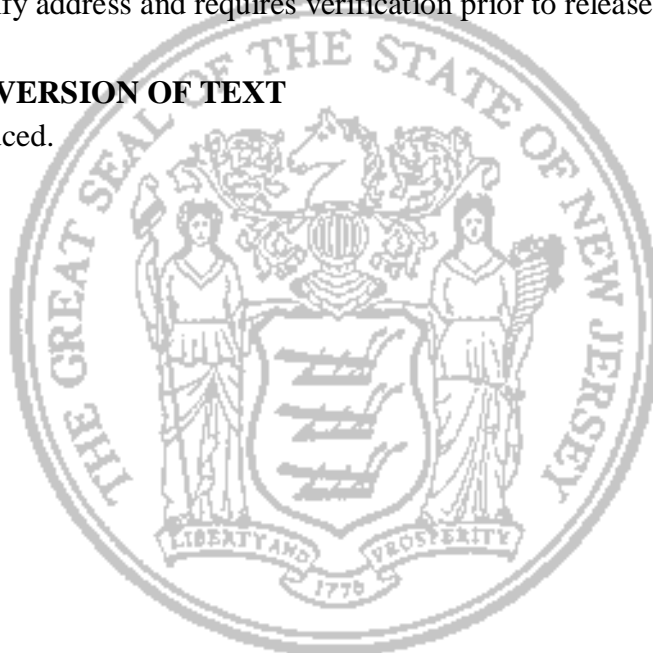
**Assemblyman Corodemus, Assemblywoman Handlin, Assemblymen Blee
and Bramnick**

SYNOPSIS

Upgrades penalty for failure to register as sex offender; imposes penalty for failure to verify address and requires verification prior to release.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/7/2006)

1 AN ACT concerning the registration of sex offenders and amending
2 and supplementing P.L.1994, c.133.

3

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

6

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

9 2. a. (1) A person who has been convicted, adjudicated
10 delinquent or found not guilty by reason of insanity for commission
11 of a sex offense as defined in subsection b. of this section shall
12 register as provided in subsections c. and d. of this section.

13 (2) A person who in another jurisdiction is required to register
14 as a sex offender and (a) is enrolled on a full-time or part-time basis
15 in any public or private educational institution in this State,
16 including any secondary school, trade or professional institution,
17 institution of higher education or other post-secondary school, or
18 (b) is employed or carries on a vocation in this State, on either a
19 full-time or a part-time basis, with or without compensation, for
20 more than 14 consecutive days or for an aggregate period exceeding
21 30 days in a calendar year, shall register in this State as provided in
22 subsections c. and d. of this section.

23 (3) A person who fails to register as required under this act shall
24 be guilty of a crime of the [fourth] third degree.

25 b. For the purposes of this act a sex offense shall include the
26 following:

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

34 (2) A conviction, adjudication of delinquency, or acquittal by
35 reason of insanity for aggravated sexual assault; sexual assault;
36 aggravated criminal sexual contact; kidnapping pursuant to
37 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
38 welfare of a child by engaging in sexual conduct which would
39 impair or debauch the morals of the child pursuant to subsection a.
40 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
41 paragraphs (3) or (4) or subparagraph (a) of paragraph (5) of
42 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to
43 section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact
44 pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping
45 pursuant to N.J.S.2C:13-1, criminal restraint pursuant to

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 N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if
2 the victim is a minor and the offender is not the parent of the
3 victim; knowingly promoting prostitution of a child pursuant to
4 paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; or
5 an attempt to commit any of these enumerated offenses if the
6 conviction, adjudication of delinquency or acquittal by reason of
7 insanity is entered on or after the effective date of this act or the
8 offender is serving a sentence of incarceration, probation, parole or
9 other form of community supervision as a result of the offense or is
10 confined following acquittal by reason of insanity or as a result of
11 civil commitment on the effective date of this act;

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

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

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

31 (2) A person confined in a correctional or juvenile facility or
32 involuntarily committed who is required to register shall register
33 prior to release in accordance with procedures established by the
34 Department of Corrections, the Department of Human Services or
35 the Juvenile Justice Commission and, within 48 hours of release,
36 shall also register with the chief law enforcement officer of the
37 municipality in which the person resides or, if the municipality does
38 not have a local police force, the Superintendent of State Police;

39 (3) A person moving to or returning to this State from another
40 jurisdiction shall register with the chief law enforcement officer of
41 the municipality in which the person will reside or, if the
42 municipality does not have a local police force, the Superintendent
43 of State Police within 120 days of the effective date of this act or 10
44 days of first residing in or returning to a municipality in this State,
45 whichever is later;

46 (4) A person required to register on the basis of a conviction
47 prior to the effective date who is not confined or under supervision
48 on the effective date of this act shall register within 120 days of the

1 effective date of this act with the chief law enforcement officer of
2 the municipality in which the person will reside or, if the
3 municipality does not have a local police force, the Superintendent
4 of State Police;

5 (5) A person who in another jurisdiction is required to register
6 as a sex offender and who is enrolled on a full-time or part-time
7 basis in any public or private educational institution in this State,
8 including any secondary school, trade or professional institution,
9 institution of higher education or other post-secondary school shall,
10 within ten days of commencing attendance at such educational
11 institution, register with the chief law enforcement officer of the
12 municipality in which the educational institution is located or, if the
13 municipality does not have a local police force, the Superintendent
14 of State Police;

15 (6) A person who in another jurisdiction is required to register
16 as a sex offender and who is employed or carries on a vocation in
17 this State, on either a full-time or a part-time basis, with or without
18 compensation, for more than 14 consecutive days or for an
19 aggregate period exceeding 30 days in a calendar year, shall, within
20 ten days after commencing such employment or vocation, register
21 with the chief law enforcement officer of the municipality in which
22 the employer is located or where the vocation is carried on, as the
23 case may be, or, if the municipality does not have a local police
24 force, the Superintendent of State Police;

25 (7) In addition to any other registration requirements set forth in
26 this section, a person required to register under this act who is
27 enrolled at, employed by or carries on a vocation at an institution of
28 higher education or other post-secondary school in this State shall,
29 within ten days after commencing such attendance, employment or
30 vocation, register with the law enforcement unit of the educational
31 institution, if the institution has such a unit.

32 d. Upon a change of address, a person shall notify the law
33 enforcement agency with which the person is registered and shall
34 re-register with the appropriate law enforcement agency no less
35 than 10 days before he intends to first reside at his new address.
36 Upon a change of employment or school enrollment status, a person
37 shall notify the appropriate law enforcement agency no later than
38 five days after any such change. A person who fails to notify the
39 appropriate law enforcement agency of a change of address or status
40 in accordance with this subsection is guilty of a crime of the fourth
41 degree.

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

1 under paragraph (3) of subsection b. on the basis of a conviction for
2 an offense similar to an offense enumerated in paragraph (2) of
3 subsection b. shall verify his address annually in a manner
4 prescribed by the Attorney General. One year after the effective
5 date of this act, the Attorney General shall review, evaluate and, if
6 warranted, modify pursuant to the "Administrative Procedure Act,"
7 P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement.
8 Any person who knowingly provides false information concerning
9 his place of residence or who fails to verify his address with the
10 appropriate law enforcement agency or other entity, as prescribed
11 by the Attorney General in accordance with this subsection, is
12 guilty of a crime of the fourth degree.

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

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

30 (cf: P.L.2003, c.220, s.1)

31

32 2. (New section) a. No person confined in a correctional or
33 juvenile facility or involuntarily committed who is required to
34 register under the provisions of P.L.1994, c.133 (C.2C:7-1 et seq.)
35 shall be released from that confinement prior to expiration of
36 sentence or termination from supervision or of custody, as the case
37 may be, until the address set forth on his form of registration as his
38 proposed place of residence has been verified as valid in
39 accordance with procedures established by the Attorney General,
40 which shall include provisions governing written notification of
41 appropriate State and local officials. The address verification shall
42 take place prior to the scheduled date of release and shall be
43 provided to the department to which the individual is confined or
44 committed or the commission, as appropriate. Notwithstanding any
45 other provisions of this section, the Department of Corrections shall
46 not hold a person after the date of expiration of that person's
47 sentence.

48 b. No person under supervision in the community on probation,

1 parole, furlough, work release or any similar program who is
2 required to register under the provisions of P.L.1994, c.133
3 (C.2C:7-1 et seq.) shall be released from that supervision until the
4 address set forth on his form of registration as his proposed place of
5 residence has been verified as valid. The address verification shall
6 take place prior to the scheduled date of release.

7
8 3. This act shall take effect on the first day of the second month
9 following enactment.

10
11
12 STATEMENT

13
14 This bill would upgrade the penalty for failure to register as a sex
15 offender under "Megan's Law" (P.L.1994, c.133; C.2C:7-1 et seq.).
16 Current law provides that failure to register is a crime of the fourth
17 degree, which is punishable by a fine of \$10,000, up to 18 months
18 imprisonment, or both. Under the provisions of the bill, failure to
19 register is a crime of the third degree, which is punishable by a fine
20 of up to \$15,000, three to five years imprisonment, or both.

21 The bill also amends the registration requirements to establish
22 that registrants who provide false information concerning their
23 residence commit a crime of the fourth degree. The bill also
24 clarifies that registrants who fail to verify their address as required
25 commit a crime of the fourth degree. Under current law, sex
26 offenders who have been characterized as repetitive and compulsive
27 are required to verify their address every 90 days; other sex
28 offenders are required to verify their address annually.

29 The bill further provides that persons required to register as sex
30 offenders with the Department of Corrections, the Department of
31 Human Services or the Juvenile Justice Commission also are
32 required to register, within 48 hours of their release, with the chief
33 law enforcement officer of the municipality where they reside.

34 The bill also supplements "Megan's Law" to require that the
35 address a registrant reports on his form of registration as his
36 proposed place of residence must be verified by the appropriate
37 authority before he is released from confinement or supervision, as
38 the case may be. The address verification is to take place prior to
39 the scheduled date of release and be provided to the department to
40 which the individual is confined or committed or the Juvenile
41 Justice Commission, as appropriate. Under the bill, the Department
42 of Corrections may not hold a person after the date of expiration of
43 that person's sentence.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2380

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 23, 2006

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 2380.

The bill upgrades the penalty for failure to register as a sex offender under "Megan's Law," N.J.S.A.2C:7-1 et seq. Current law provides that failure to register is a crime of the fourth degree, which is punishable by a fine of \$10,000, up to 18 months imprisonment, or both. Under the provisions of this bill, failure to register is a crime of the third degree, which is punishable by a fine of up to \$15,000, three to five years imprisonment, or both.

The bill provides that persons who are required to register prior to their release as sex offenders with the Department of Corrections, the Department of Human Services or the Juvenile Justice Commission are also required to register, within 48 hours of their release, with the chief law enforcement officer of the municipality where they reside.

The bill amends the registration requirements to provide that registrants who provide false information concerning their residence or who fail to verify their address with the appropriate law enforcement agency are guilty of a crime of the fourth degree. Under current law, sex offenders who have been characterized as repetitive and compulsive are required to verify their address every 90 days. Other sex offenders are required to verify their address annually.

In addition, the bill supplements "Megan's Law" to require that the address a registrant reports on his form of registration as his proposed place of residence must be verified by the appropriate authority before the scheduled date for release from confinement or supervision in accordance with procedures established by the Attorney General. The address verification is to be provided to the department to which the individual is confined or committed. As amended, the bill also provides that the provisions of the bill shall not be construed to require a person to be held in confinement or involuntary commitment beyond the date of expiration of that person's sentence, termination from supervision or judicially ordered termination of custody.

These amendments make this bill identical to SCS for Senate Bill No. 716/832 (1R).

COMMITTEE AMENDMENTS:

This committee amendment provides that the provisions of the bill shall not be construed to require a person to be held in confinement or involuntary commitment beyond the date of expiration of that person's sentence, termination from supervision or judicially ordered termination of custody.

FISCAL NOTE
ASSEMBLY, No. 2380
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: AUGUST 1, 2006

SUMMARY

Synopsis: Upgrades penalty for failure to register as sex offender; imposes penalty for failure to verify address and requires verification prior to release.

Type of Impact: General Fund expenditure and revenue

Agencies Affected: Department of Corrections, Department of Human Services, Juvenile Justice Commission, Judiciary.

Executive Estimate

| Fiscal Impact | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> |
|-----------------------------|------------------------------|----------------------|----------------------|
| State Cost | | | |
| Department of Corrections | \$3,598,784 | \$3,598,784 | \$3,598,784 |
| Juvenile Justice Commission | Minimal - See Comments Below | | |
| Judiciary | \$1.14 Million | \$990,058 | \$1.04 Million |
| State Revenue | \$725,000 | \$725,000 | \$725,000 |

- The Office of Legislative Services (OLS) **concurs** with the Department of Corrections (DOC) and Juvenile Justice Commission estimates but notes that the Judiciary is assuming that all of the defendants will plead not guilty of this offense. Since it is likely that a portion of these offenders will plead guilty, a trial will not be necessary, and costs will be less. The OLS also notes that convictions for third and fourth degree offenses carry with them the presumption of non-incarceration for first time offenders.
- The committee substitute upgrades the penalty for failure to register as a sex offender under “Megan’s Law” from a crime of the fourth degree crime to a crime of the third degree.
- The committee substitute establishes that registrants who provide false information concerning their residence commit a crime of the fourth degree and clarifies that registrants who fail to verify their address as required commit a crime of the fourth degree.
- The committee substitute further provides that persons required to register as sex offenders with the DOC, the Department of Human Services or the Juvenile Justice Commission also

are required to register, within 48 hours of their release, with the chief law enforcement officer of the municipality where they reside.

- The committee substitute requires that the address a registrant reports on his form of registration as his proposed place of residence must be verified by the appropriate authority before he is released from confinement or supervision, as the case may be.
- The DOC notes that there were 146 offenders in calendar year 2005 who had convictions for the offense of failing to register under Megan's Law, as their only offense. Another 20 had convictions for multiple offenses which included another offense more serious than failure to register. Of the 146, sentencing information was available for 143. Of those, 69 received non-custodial terms, 50 received county jail terms or split county jail/probation sentences and 24 were sentenced to the DOC.
- The DOC states that enactment of this bill would require an additional 112 bed spaces at a total cost of \$3,598,784.
- The Administrative Office of the Courts (AOC) states that for the period from July 1, 2004 through June 30, 2005, there were a total of 145 defendants convicted of failing to register as a sex offender. If each of these offenders pays the increased fine of \$15,000, (over the current \$10,000 fine) the State would collect an additional \$725,000.
- Information obtained from the Department of Law and Public Safety indicates that this bill would have no fiscal impact on the Juvenile Justice Commission. Data obtained from the Division of State Police indicates that there are currently 10,952 registered sex offenders. This number includes both adult and juvenile offenders.
- The AOC states that for the period from July 1, 2004 through June 30, 2005, there were a total of 145 defendants convicted of failing to register as a sex offender. If each of these offenders pays the increased fine of \$15,000, (over the current \$10,000 fine) the State would collect an additional \$725,000.
- The AOC notes that the increased penalties associated with a third-degree crime would provide less incentive to plead guilty and result in an increase in the trial rate requiring two new judge teams needed to handle the additional trials.
- Total annual costs to the Judiciary would be \$1.14 million in the first year, \$990,058 in the second year, and \$1.04 million in the third year after the bill's enactment.

BILL DESCRIPTION

Assembly Bill No. 2380 of 2006 upgrades the penalty for failure to register as a sex offender under "Megan's Law" (P.L.1994, c.133; C.2C:7-1 et seq.). Current law provides that failure to register is a crime of the fourth degree, which is punishable by a fine of \$10,000, up to 18 months imprisonment, or both. Under the provisions of this bill, failure to register is a crime of the third degree, which is punishable by a fine of up to \$15,000, three to five years imprisonment, or both.

The committee substitute amends the registration requirements to establish that registrants who provide false information concerning their residence commit a crime of the fourth degree. The substitute also clarifies that registrants who fail to verify their address as required commit a crime of the fourth degree. Under current law, sex offenders who have been characterized as repetitive and compulsive are required to verify their address every 90 days; other sex offenders are required to verify their address annually.

The committee substitute further provides that persons required to register as sex offenders with the DOC, the Department of Human Services or the Juvenile Justice Commission also are required to register, within 48 hours of their release, with the chief law enforcement officer of the municipality where they reside.

The committee substitute supplements "Megan's Law" to require that the address a registrant reports on his form of registration as his proposed place of residence must be verified by the appropriate authority before he is released from confinement or supervision, as the case may be. The address verification is to take place prior to the scheduled date of release and be provided to the department to which the individual is confined or committed or the Juvenile Justice Commission, as appropriate. The substitute as amended also clarifies that it shall not be construed that a person is to be held in confinement or involuntary commitment beyond the date of expiration of that person's sentence, termination from supervision, or judicially ordered termination of custody, as the case may be.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Corrections

The DOC states that fourth degree offenses carry no presumption of incarceration and carry a maximum term of 18 months. Most who are incarcerated to that maximum would be eligible for release after service of nine months in custody. A third degree offense also carries no presumption of incarceration, but the custodial term which might be imposed is three to five years, with a presumptive term of four years. Those with a four year term would likely face release after serving approximately 17 months in custody (35 percent), but could serve a longer period. If it is assumed that release does occur after 17 months, this would constitute an increase of 8 months over a fourth degree offense.

The department notes that there were 146 offenders in calendar year 2005 who had convictions for the offense of failing to register under Megan's Law, as their only offense. Another 20 had convictions for multiple offenses which included another offense more serious than failure to register. Of the 146, sentencing information was available for 143. Of those, 69 received non-custodial terms, 50 received county jail terms or split county jail/probation sentences and 24 were sentenced to the DOC.

The department states that assuming that the 24 offenders sentenced to the department served an average of 9 months, if the offense is upgraded and the average length of stay is 17 months, an additional 16 beds would be required. At an average bed space cost of \$32,132, this would increase costs by \$514,112.

The department notes that in addition to those above, under the bill some or all of those currently serving county jail terms would be sentenced to the Department to a presumptive term of 48 months. If all 50 were so sentenced, admission of 50 offenders each year serving an average of 17 months (estimated 35 percent of total term) would require 71 additional beds at a cost of \$2,281,372. The department states that it also is likely that some portion of those now

receiving non-custodial terms would instead be sentenced to the department. If 25 percent, or 17 offenders were so sentenced, another 25 beds would be required at a cost of \$803,300. In sum, enactment of this bill would require an addition 112 bed spaces at a total cost of \$3,598,784.

The department adds that unknown and unaccounted for is the potential for a reduction in the incidence of those who fail to register as a result of the increase in potential custodial terms, both in terms of increased custodial volume and time served.

Juvenile Justice Commission

Information obtained from the Department of Law and Public Safety indicates that this bill would have minimal fiscal impact on the Juvenile Justice Commission. Data obtained from the Division of State Police indicates that there are currently 10,952 registered sex offenders. This number includes both adult and juvenile offenders.

Department of Human Services

None Received.

Judiciary

Revenue

The AOC states that for the period from July 1, 2004 through June 30, 2005, there were a total of 145 defendants convicted of failing to register as a sex offender. If each of these offenders pays the increased fine of \$15,000, (over the current \$10,000 fine) the State would collect an additional \$725,000.

Expenditures

The AOC notes that the increased penalties associated with a third-degree crime would provide less incentive to plead guilty and result in an increase in the trial rate.

The AOC states that if all 145 defendants pled not guilty to the charges as a result of the increased penalties, and as the average trial length is approximately 3 days, there would be an additional 435 trial days needed to dispose of the cases (145 defendants x 3 days). Assuming a judge sits for 215 days a year, there would be 2 new judge teams needed to handle the additional trials.

According to the AOC, each judge team consists of a Superior Court Judge, a Judge's Secretary, a Law Clerk, a Court Clerk, and an Official Court Reporter costing \$816,660 in salary expenses in the first full year after enactment. Second and third year salary costs would total \$857,496 and \$900,372, respectively.

The AOC noted that one-time start-up costs of \$98,090 per court room or \$196,180 would be generated to fund office furniture, video court room capability, computers, law books, etc. Continuing operating expenses (office supplies, telephone bills, postage, office machine rentals, etc.) are estimated at \$22,252 during the first year of operation. Second- and third year program costs would total \$27,562 and \$28,940. In addition, the AOC noted that although not included in the cost projection as it is beyond the projection period, after 2 years, the maintenance of the video court capability is approximately \$3,675 per court room, or \$7,350 per year.

Finally, the AOC stated that for the purpose of this fiscal note, it is assumed that the Judiciary would have to rent 100 percent of the office and courtroom space necessary to facilitate the judge team. Assuming that a 2,000 square foot space is necessary, at a cost of \$25 per square foot, the annual facility rental cost would total \$100,000 in the first year, \$105,000 in the second year, and \$110,250 in the third year after implementation.

Total annual costs to the Judiciary would be \$1.14 million in the first year, \$990,058 in the second year, and \$1.04 million in the third year after the bill's enactment.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the DOC and Juvenile Justice Commission estimates but notes that the Judiciary is assuming that all of the defendants will plead not guilty of this offense. Since it is likely that a portion of these offenders will plead guilty, a trial will not be necessary, and costs will be less. The OLS also notes that convictions for third and fourth degree offenses carry with them the presumption of non-incarceration for first time offenders.

Section: Judiciary

Analyst: Anne Raughley
Principal Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

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