

2C:43-6.6

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2007 **CHAPTER:** 219

NJSA: 2C:43-6.6 (Restricts certain sex offenders' access to the Internet)

BILL NO: S1979 (Substituted for A3905)

SPONSOR(S) Codey and Others

DATE INTRODUCED: June 12, 2006

COMMITTEE: **ASSEMBLY:** Judiciary

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

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** December 13, 2007

SENATE: December 17, 2007

DATE OF APPROVAL: December 27, 2007

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Second reprint enacted)

S1979

[SPONSOR'S STATEMENT:](#) (Begins on page 15 of original bill) [Yes](#)

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

SENATE: Yes [L & PS 2-26-07](#)
 [Budget 3-5-07](#)

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: Yes [4-25-07](#)
 [12-18-07](#)

A3905

[SPONSOR'S STATEMENT:](#) (Begins on page 15 of original bill) [Yes](#)

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

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL NOTE: Yes [4-25-07](#)
 [12-18-07](#)

VETO MESSAGE: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

- "N.J. pulls plug on internet use by convicted sex offenders," The Record, 12-18-07, p.A01
- "Tightening online restraints on convicted sex offenders," The Star-Ledger, 12-28-07, p.1
- "Codey signs law limiting sex offender internet use," The Press, 12-28-07, p.A1
- "Now web for sex offenders," The Philadelphia Inquirer, 12-28-07, p.B1
- "Sex offenders are barred from internet by New Jersey," The New York Times, 12-28-07, p.5
- "Sex cons banned from 'net," The Trentonian, 12-28-07, p.14
- "State cracks down on molesters' web use," Courier News, 12-28-07, p. __
- "Sex offenders' use of internet limited," Asbury Park Press, 12-28-07, p.A1
- "N.J. curbs sex offenders' web use," Courier-Post, 12-28-07, p.1A

§§1,7 -
C.2C:43-6.6 &
2C:43-6.7
§6 –
C.52:17B-77.11 &
Note to
C.30:4-123.59
§7 - Note to §§1-6

P.L. 2007, CHAPTER 219, *approved December 27, 2007*
Senate, No. 1979 (*Second Reprint*)

1 **AN ACT** concerning Internet use by certain sex offenders, amending
2 various sections of the statutory law and supplementing Title 2C
3 of the New Jersey Statutes.

4

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

7

8 1. (New section) a. In the case of a person who has been
9 convicted, adjudicated delinquent or found not guilty by reason of
10 insanity for the commission of a sex offense as defined in
11 subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2), and who
12 is required to register as provided in subsections c. and d. of section
13 2 of P.L.1994, c.133 (C.2C:7-2), or who is serving a special
14 sentence of community or parole supervision for life as provided in
15 section 2 of P.L.1994, c. 130 (C.2C:43-6.4), or who has been
16 convicted, adjudicated delinquent or found not guilty by reason of
17 insanity for a violation of N.J.S.2C:34-3, and where the trier of fact
18 makes a finding that a computer or any other device with Internet
19 capability was used to facilitate the commission of the crime the
20 court shall, in addition to any other disposition, order the following
21 Internet access conditions:

22 (1) Prohibit the person from accessing or using a computer or
23 any other device with Internet capability without the prior written
24 approval of the court except, if such person is on probation or
25 parole, the person may use a computer or any other device with
26 Internet capability in connection with that person's employment or
27 search for employment with the prior approval of the person's
28 probation or parole officer;

29 (2) Require the person to submit to periodic unannounced
30 examinations of the person's computer or any other device with
31 Internet capability by a probation officer, parole officer, law
32 enforcement officer or assigned computer or information
33 technology specialist, including the retrieval and copying of all data
34 from the computer or device and any internal or external peripherals
35 and removal of such information, equipment or device to conduct a
36 more thorough inspection;

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:

¹Senate SBA committee amendments adopted March 5, 2007.

²Assembly AJU committee amendments adopted May 21, 2007.

1 (3) Require the person to submit to the installation on the
2 person's computer or device with Internet capability, at the person's
3 expense, one or more hardware or software systems to monitor the
4 Internet use; and

5 (4) Require the person to submit to any other appropriate
6 restrictions concerning the person's use or access of a computer or
7 any other device with Internet capability.

8 b. A person who fails to comply with the Internet access
9 conditions set forth in this section shall be guilty of a crime of the
10 fourth degree.

11 ¹c. The ²Attorney General, in consultation with the Chairman
12 of the State Parole Board and the Administrative Director of the
13 Courts,] appropriate agency heads² shall promulgate guidelines
14 ²concerning] which set forth standards to guide agency action in
15 regard to² the specific Internet access conditions which may be
16 imposed on a person pursuant to the provisions of this act.

17 d. The Attorney General or the County Prosecutor may petition
18 the court to impose restrictions pursuant to this section upon any
19 person who is required to register as provided in section 2 of
20 P.L.1994, c.133 (C.2C:7-2) ²as a result of a conviction entered or
21 imposed under the laws of the United States and is under federal
22 parole supervision] for a sex offense set forth in paragraph (3) of
23 subsection b. of section 2 of P.L.1994, c. 133 (C.2C:7-2)² .¹

24
25 2. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read
26 as follows:

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

31 (2) A person who in another jurisdiction is required to register
32 as a sex offender and (a) is enrolled on a full-time or part-time basis
33 in any public or private educational institution in this State,
34 including any secondary school, trade or professional institution,
35 institution of higher education or other post-secondary school, or
36 (b) is employed or carries on a vocation in this State, on either a
37 full-time or a part-time basis, with or without compensation, for
38 more than 14 consecutive days or for an aggregate period exceeding
39 30 days in a calendar year, shall register in this State as provided in
40 subsections c. and d. of this section. A person who fails to register
41 as required under this act shall be guilty of a crime of the fourth
42 degree.

43 b. For the purposes of this act a sex offense shall include the
44 following:

45 (1) Aggravated sexual assault, sexual assault, aggravated
46 criminal sexual contact, kidnapping pursuant to paragraph (2) of
47 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these

1 crimes if the court found that the offender's conduct was
2 characterized by a pattern of repetitive, compulsive behavior,
3 regardless of the date of the commission of the offense or the date
4 of conviction;

5 (2) A conviction, adjudication of delinquency, or acquittal by
6 reason of insanity for aggravated sexual assault; sexual assault;
7 aggravated criminal sexual contact; kidnapping pursuant to
8 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
9 welfare of a child by engaging in sexual conduct which would
10 impair or debauch the morals of the child pursuant to subsection a.
11 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
12 paragraphs (3) or (4) or subparagraph (a) of paragraph (5) of
13 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to
14 section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact
15 pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping
16 pursuant to N.J.S.2C:13-1, criminal restraint pursuant to
17 N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if
18 the victim is a minor and the offender is not the parent of the
19 victim; knowingly promoting prostitution of a child pursuant to
20 paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; or
21 an attempt to commit any of these enumerated offenses if the
22 conviction, adjudication of delinquency or acquittal by reason of
23 insanity is entered on or after the effective date of this act or the
24 offender is serving a sentence of incarceration, probation, parole or
25 other form of community supervision as a result of the offense or is
26 confined following acquittal by reason of insanity or as a result of
27 civil commitment on the effective date of this act;

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

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

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

47 (2) A person confined in a correctional or juvenile facility or
48 involuntarily committed who is required to register shall register

1 prior to release in accordance with procedures established by the
2 Department of Corrections, the Department of Human Services or
3 the Juvenile Justice Commission;

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

11 (4) A person required to register on the basis of a conviction
12 prior to the effective date who is not confined or under supervision
13 on the effective date of this act shall register within 120 days of the
14 effective date of this act with the chief law enforcement officer of
15 the municipality in which the person will reside or, if the
16 municipality does not have a local police force, the Superintendent
17 of State Police;

18 (5) A person who in another jurisdiction is required to register
19 as a sex offender and who is enrolled on a full-time or part-time
20 basis in any public or private educational institution in this State,
21 including any secondary school, trade or professional institution,
22 institution of higher education or other post-secondary school shall,
23 within ten days of commencing attendance at such educational
24 institution, register with the chief law enforcement officer of the
25 municipality in which the educational institution is located or, if the
26 municipality does not have a local police force, the Superintendent
27 of State Police;

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

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

45 d. (1) Upon a change of address, a person shall notify the law
46 enforcement agency with which the person is registered and shall
47 re-register with the appropriate law enforcement agency no less
48 than 10 days before he intends to first reside at his new address.

1 Upon a change of employment or school enrollment status, a person
2 shall notify the appropriate law enforcement agency no later than
3 five days after any such change. A person who fails to notify the
4 appropriate law enforcement agency of a change of address or status
5 in accordance with this subsection is guilty of a crime of the fourth
6 degree.

7 (2) A person required to register under this act shall provide the
8 appropriate law enforcement agency with information as to whether
9 the person has ²routine² access to or use of a computer or any other
10 device with Internet capability. A person who fails to notify the
11 appropriate law enforcement agency of such information or of a
12 change in the person's access to or use of a computer or other
13 device with Internet capability or who provides false information
14 concerning the person's access to or use of a computer or any other
15 device with Internet capability is guilty of a crime of the fourth
16 degree.

17 e. A person required to register under paragraph (1) of
18 subsection b. of this section or under paragraph (3) of subsection b.
19 due to a sentence imposed on the basis of criteria similar to the
20 criteria set forth in paragraph (1) of subsection b. shall verify his
21 address with the appropriate law enforcement agency every 90 days
22 in a manner prescribed by the Attorney General. A person required
23 to register under paragraph (2) of subsection b. of this section or
24 under paragraph (3) of subsection b. on the basis of a conviction for
25 an offense similar to an offense enumerated in paragraph (2) of
26 subsection b. shall verify his address annually in a manner
27 prescribed by the Attorney General. One year after the effective
28 date of this act, the Attorney General shall review, evaluate and, if
29 warranted, modify pursuant to the "Administrative Procedure Act,"
30 P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement.

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

38 g. A person required to register under this section who has
39 been convicted of, adjudicated delinquent, or acquitted by reason of
40 insanity for more than one sex offense as defined in subsection b. of
41 this section or who has been convicted of, adjudicated delinquent,
42 or acquitted by reason of insanity for aggravated sexual assault
43 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault
44 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not
45 eligible under subsection f. of this section to make application to
46 the Superior Court of this State to terminate the registration
47 obligation.

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

1 3. Section 2 of P.L.1994, c.130 (C.2C:43-6.4) is amended to
2 read as follows:

3 2. a. Notwithstanding any provision of law to the contrary, a
4 judge imposing sentence on a person who has been convicted of
5 aggravated sexual assault, sexual assault, aggravated criminal
6 sexual contact, kidnapping pursuant to paragraph (2) of subsection
7 c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging
8 in sexual conduct which would impair or debauch the morals of the
9 child pursuant to subsection a. of N.J.S.2C:24-4, endangering the
10 welfare of a child pursuant to paragraph (3) of subsection b. of
11 N.J.S.2C:24-4, luring or an attempt to commit any of these offenses
12 shall include, in addition to any sentence authorized by this Code, a
13 special sentence of parole supervision for life.

14 b. The special sentence of parole supervision for life required
15 by this section shall commence immediately upon the defendant's
16 release from incarceration. If the defendant is serving a sentence of
17 incarceration for another offense at the time he completes the
18 custodial portion of the sentence imposed on the present offense,
19 the special sentence of parole supervision for life shall not
20 commence until the defendant is actually released from
21 incarceration for the other offense. Persons serving a special
22 sentence of parole supervision for life shall remain in the legal
23 custody of the Commissioner of Corrections, shall be supervised by
24 the Division of Parole of the State Parole Board, shall be subject to
25 the provisions and conditions set forth in subsection c. of section 3
26 of P.L.1997, c.117 (C.30:4-123.51b) and sections 15 through 19 and
27 21 of P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and
28 30:4-123.65), and shall be subject to conditions appropriate to
29 protect the public and foster rehabilitation. Such conditions may
30 include the requirement that the person comply with the conditions
31 set forth in subsection f. of this section concerning use of a
32 computer or other device with access to the Internet. If the
33 defendant violates a condition of a special sentence of parole
34 supervision for life, the defendant shall be subject to the provisions
35 of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60
36 through 30:4-123.63 and 30:4-123.65), and for the purpose of
37 calculating the limitation on time served pursuant to section 21 of
38 P.L.1979, c.441 (C.30:4-123.65) the custodial term imposed upon
39 the defendant related to the special sentence of parole supervision
40 for life shall be deemed to be a term of life imprisonment. When
41 the court suspends the imposition of sentence on a defendant who
42 has been convicted of any offense enumerated in subsection a. of
43 this section, the court may not suspend imposition of the special
44 sentence of parole supervision for life, which shall commence
45 immediately, with the Division of Parole of the State Parole Board
46 maintaining supervision over that defendant, including the
47 defendant's compliance with any conditions imposed by the court
48 pursuant to N.J.S.2C:45-1, in accordance with the provisions of this

1 subsection. Nothing contained in this subsection shall prevent the
2 court from at any time proceeding under the provisions of
3 N.J.S.2C:45-1 through 2C:45-4 against any such defendant for a
4 violation of any conditions imposed by the court when it suspended
5 imposition of sentence, or prevent the Division of Parole from
6 proceeding under the provisions of sections 16 through 19 and 21 of
7 P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-
8 123.65) against any such defendant for a violation of any conditions
9 of the special sentence of parole supervision for life, including the
10 conditions imposed by the court pursuant to N.J.S.2C:45-1.

11 In any such proceeding by the Division of Parole, the provisions
12 of subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b)
13 authorizing revocation and return to prison shall be applicable to
14 such a defendant, notwithstanding that the defendant may not have
15 been sentenced to or served any portion of a custodial term for
16 conviction of an offense enumerated in subsection a. of this section.

17 c. A person sentenced to a term of parole supervision for life
18 may petition the Superior Court for release from that parole
19 supervision. The judge may grant a petition for release from a
20 special sentence of parole supervision for life only upon proof by
21 clear and convincing evidence that the person has not committed a
22 crime for 15 years since the last conviction or release from
23 incarceration, whichever is later, and that the person is not likely to
24 pose a threat to the safety of others if released from parole
25 supervision. Notwithstanding the provisions of section 22 of
26 P.L.1979, c.441 (C.30:4-123.66), a person sentenced to a term of
27 parole supervision for life may be released from that parole
28 supervision term only by court order as provided in this subsection.

29 d. A person who violates a condition of a special sentence
30 imposed pursuant to this section without good cause is guilty of a
31 crime of the fourth degree. Notwithstanding any other law to the
32 contrary, a person sentenced pursuant to this subsection shall be
33 sentenced to a term of imprisonment, unless the court is clearly
34 convinced that the interests of justice so far outweigh the need to
35 deter this conduct and the interest in public safety that a sentence to
36 imprisonment would be a manifest injustice. Nothing in this
37 subsection shall preclude subjecting a person who violates any
38 condition of a special sentence of parole supervision for life to the
39 provisions of sections 16 through 19 and 21 of P.L.1979, c.441
40 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) pursuant to
41 the provisions of subsection c. of section 3 of P.L.1997, c.117
42 (C.30:4-123.51b).

43 e. A person who, while serving a special sentence of parole
44 supervision for life imposed pursuant to this section, commits a
45 violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5,
46 subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, N.J.S.2C:13-6,
47 N.J.S.2C:14-2, N.J.S.2C:14-3, N.J.S.2C:24-4, N.J.S.2C:18-2 when
48 the offense is a crime of the second degree, or subsection a. of

1 N.J.S.2C:39-4 shall be sentenced to an extended term of
2 imprisonment as set forth in N.J.S.2C:43-7, which term shall,
3 notwithstanding the provisions of N.J.S.2C:43-7 or any other law,
4 be served in its entirety prior to the person's resumption of the term
5 of parole supervision for life.

6 f. The special sentence of parole supervision for life required
7 by this section may include any of the following Internet access
8 conditions:

9 (1) Prohibit the person from accessing or using a computer or
10 any other device with Internet capability without the prior written
11 approval of the court except '[, if such person is on probation or
12 parole,]' the person may use a computer or any other device with
13 Internet capability in connection with that person's employment or
14 search for employment with the prior approval of the person's
15 '[probation or]' parole officer;

16 (2) Require the person to submit to periodic unannounced
17 examinations of the person's computer or any other device with
18 Internet capability by a '[probation officer,]' parole officer, law
19 enforcement officer or assigned computer or information
20 technology specialist, including the retrieval and copying of all data
21 from the computer or device and any internal or external peripherals
22 and removal of such information, equipment or device to conduct a
23 more thorough inspection;

24 (3) Require the person to submit to the installation on the
25 person's computer or device with Internet capability, at the person's
26 expense, one or more hardware or software systems to monitor the
27 Internet use; and

28 (4) Require the person to submit to any other appropriate
29 restrictions concerning the person's use or access of a computer or
30 any other device with Internet capability.

31 (cf: P.L.2003, c.267, s.1)

32

33 4. N.J.S.2C:45-1 is amended to read as follows:

34 2C:45-1. Conditions of Suspension or Probation.

35 a. When the court suspends the imposition of sentence on a
36 person who has been convicted of an offense or sentences him to be
37 placed on probation, it shall attach such reasonable conditions,
38 authorized by this section, as it deems necessary to insure that he
39 will lead a law-abiding life or is likely to assist him to do so. These
40 conditions may be set forth in a set of standardized conditions
41 promulgated by the county probation department and approved by
42 the court.

43 b. The court, as a condition of its order, may require the
44 defendant:

45 (1) To support his dependents and meet his family
46 responsibilities;

47 (2) To find and continue in gainful employment;

- 1 (3) To undergo available medical or psychiatric treatment and to
2 enter and remain in a specified institution, when required for that
3 purpose;
- 4 (4) To pursue a prescribed secular course of study or vocational
5 training;
- 6 (5) To attend or reside in a facility established for the
7 instruction, recreation or residence of persons on probation;
- 8 (6) To refrain from frequenting unlawful or disreputable places
9 or consorting with disreputable persons;
- 10 (7) Not to have in his possession any firearm or other dangerous
11 weapon unless granted written permission;
- 12 (8) (Deleted by amendment, P.L.1991, c.329);
- 13 (9) To remain within the jurisdiction of the court and to notify
14 the court or the probation officer of any change in his address or his
15 employment;
- 16 (10) To report as directed to the court or the probation officer, to
17 permit the officer to visit his home, and to answer all reasonable
18 inquiries by the probation officer;
- 19 (11) To pay a fine;
- 20 (12) To satisfy any other conditions reasonably related to the
21 rehabilitation of the defendant and not unduly restrictive of his
22 liberty or incompatible with his freedom of conscience;
- 23 (13) To require the performance of community-related service;
24 and
- 25 (14) To be subject to Internet access conditions pursuant to
26 paragraph (2) of subsection d. of this section.
- 27 c. The court, as a condition of its order, shall require the
28 defendant to pay any assessments required by section 2 of P.L.1979,
29 c.396 (C.2C:43-3.1) and shall, consistent with the applicable
30 provisions of N.J.S.2C:43-3, N.J.S.2C:43-4 and N.J.S.2C:44-2 or
31 section 1 of P.L.1983, c.411 (C.2C:43-2.1) require the defendant to
32 make restitution.
- 33 d. (1) In addition to any condition imposed pursuant to
34 subsection b. or c., the court shall order a person placed on
35 probation to pay a fee, not exceeding \$25.00 per month for the
36 probationary term, to probation services for use by the State, except
37 as provided in subsection g. of this section. This fee may be waived
38 in cases of indigency upon application by the chief probation officer
39 to the sentencing court.
- 40 (2) In addition to any conditions imposed pursuant to subsection
41 b. or c., the court may order a person who has been convicted '[.]
42 or' adjudicated delinquent '[or found not guilty by reason of
43 insanity for the commission]' of a sex offense as defined in
44 subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2), and who
45 is required to register as provided in subsections c. and d. of section
46 2 of P.L.1994, c.133 (C.2C:7-2), '[or who is serving a special
47 sentence of community or parole supervision for life as provided in

1 section 2 of P.L.1994, c. 130 (C.2C:43-6.4),]¹ or who has been
2 convicted ²[,] or² adjudicated delinquent ²[or found not guilty by
3 reason of insanity]² for a violation of N.J.S.2C:34-3 to be subject to
4 any of the following Internet access conditions:

5 (a) Prohibit the person from accessing or using a computer or
6 any other device with Internet capability without the prior written
7 approval of the court ^{2, 2} except ²[, if such person is on probation or
8 parole,]² the person may use a computer or any other device with
9 Internet capability in connection with that person's employment or
10 search for employment with the prior approval of the person's
11 probation ¹[or parole]¹ officer;

12 (b) Require the person to submit to periodic unannounced
13 examinations of the person's computer or any other device with
14 Internet capability by a probation officer, ¹[parole officer,]¹ law
15 enforcement officer or assigned computer or information
16 technology specialist, including the retrieval and copying of all data
17 from the computer or device and any internal or external peripherals
18 and removal of such information, equipment or device to conduct a
19 more thorough inspection;

20 (c) Require the person to submit to the installation on the
21 person's computer or device with Internet capability, at the person's
22 expense, one or more hardware or software systems to monitor the
23 Internet use; and

24 (d) Require the person to submit to any other appropriate
25 restrictions concerning the person's use or access of a computer or
26 any other device with Internet capability.

27 e. When the court sentences a person who has been convicted
28 of a crime to be placed on probation, it may require him to serve a
29 term of imprisonment not exceeding 364 days as an additional
30 condition of its order. When the court sentences a person convicted
31 of a disorderly persons offense to be placed on probation, it may
32 require him to serve a term of imprisonment not exceeding 90 days
33 as an additional condition of its order. In imposing a term of
34 imprisonment pursuant to this subsection, the sentencing court shall
35 specifically place on the record the reasons which justify the
36 sentence imposed. The term of imprisonment imposed hereunder
37 shall be treated as part of the sentence, and in the event of a
38 sentence of imprisonment upon the revocation of probation, the
39 term of imprisonment served hereunder shall be credited toward
40 service of such subsequent sentence. A term of imprisonment
41 imposed under this section shall be governed by the "Parole Act of
42 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

43 Whenever a person is serving a term of parole as a result of a
44 sentence of incarceration imposed as a condition of probation,
45 supervision over that person shall be maintained pursuant to the
46 provisions of the law governing parole. Upon termination of the
47 period of parole supervision provided by law, the county probation

1 department shall assume responsibility for supervision of the person
2 under sentence of probation. Nothing contained in this section shall
3 prevent the sentencing court from at any time proceeding under the
4 provisions of this chapter against any person for a violation of
5 probation.

6 f. The defendant shall be given a copy of the terms of his
7 probation or suspension of sentence and any requirements imposed
8 pursuant to this section, stated with sufficient specificity to enable
9 him to guide himself accordingly. The defendant shall
10 acknowledge, in writing, his receipt of these documents and his
11 consent to their terms.

12 g. Of the moneys collected under the provisions of subsection
13 d. of this section, \$15.00 of each monthly fee collected before
14 January 1, 1995 shall be deposited in the temporary reserve fund
15 created by section 25 of P.L.1993, c.275, and \$10.00 of each shall
16 be deposited into a "Community Service Supervision Fund" which
17 shall be established by each county. The moneys in the
18 "Community Service Supervision Fund" shall be expended only in
19 accordance with the provisions of State law as shall be enacted to
20 provide for expenditures from this fund for the purpose of
21 supervising and monitoring probationers performing community
22 service to ensure, by whatever means necessary and appropriate,
23 that probationers are performing the community service ordered by
24 the court and that the performance is in the manner and under the
25 terms ordered by the court.

26 (cf: P.L.1993, c.275, s.16)

27

28 5. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to
29 read as follows:

30 15. a. Each adult parolee shall at all times remain in the legal
31 custody of the Commissioner of Corrections and under the
32 supervision of the State Parole Board and each juvenile parolee
33 shall at all times remain in the legal custody of the Juvenile Justice
34 Commission established pursuant to section 2 of P.L.1995, c.284
35 (C.52:17B-170), except that the Commissioner of Corrections or the
36 Executive Director of the Juvenile Justice Commission, after
37 providing notice to the Attorney General, may consent to the
38 supervision of a parolee by the federal government pursuant to the
39 Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3251 et
40 seq.). An adult parolee, except those under the Witness Security
41 Reform Act, shall remain under the supervision of the State Parole
42 Board and in the legal custody of the Department of Corrections,
43 and a juvenile parolee, except those under the Witness Security
44 Reform Act, shall remain under the supervision of the Juvenile
45 Justice Commission, as appropriate, in accordance with the policies
46 and rules of the board.

47 b. (1) Each parolee shall agree, as evidenced by his signature to
48 abide by specific conditions of parole established by the appropriate

1 board panel which shall be enumerated in writing in a certificate of
2 parole and shall be given to the parolee upon release. Such
3 conditions shall include, among other things, a requirement that the
4 parolee conduct himself in society in compliance with all laws and
5 refrain from committing any crime, a requirement that the parolee
6 will not own or possess any firearm as defined in subsection f. of
7 N.J.S.2C:39-1 or any other weapon enumerated in subsection r. of
8 N.J.S.2C:39-1, a requirement that the parolee refrain from the use,
9 possession or distribution of a controlled dangerous substance,
10 controlled substance analog or imitation controlled dangerous
11 substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, a
12 requirement that the parolee obtain permission from his parole
13 officer for any change in his residence, ²[a requirement that the
14 parolee comply with the Internet access conditions set forth in
15 paragraph (2) of this subsection.]² and a requirement that the
16 parolee report at reasonable intervals to an assigned parole officer.
17 In addition, based on prior history of the parolee or information
18 provided by a victim or a member of the family of a murder victim,
19 the member or board panel certifying parole release pursuant to
20 section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any
21 other specific conditions of parole deemed reasonable in order to
22 reduce the likelihood of recurrence of criminal or delinquent
23 behavior ², including a requirement that the parolee comply with the
24 Internet access conditions set forth in paragraph (2) of this
25 subsection². Such special conditions may include, among other
26 things, a requirement that the parolee make full or partial
27 restitution, the amount of which restitution shall be set by the
28 sentencing court upon request of the board. In addition, the member
29 or board panel certifying parole release may, giving due regard to a
30 victim's request, impose a special condition that the parolee have no
31 contact with the victim, which special condition may include, but
32 need not be limited to, restraining the parolee from entering the
33 victim's residence, place of employment, business or school, and
34 from harassing or stalking the victim or victim's relatives in any
35 way. Further, the member, board panel or board certifying parole
36 release may impose a special condition that the person shall not
37 own or possess an animal for an unlawful purpose or to interfere in
38 the performance of duties by a parole officer.

39 (2) In addition, the member or board panel certifying parole
40 release may impose on any person who has been convicted ¹[.] or¹
41 adjudicated delinquent ¹[or found not guilty by reason of insanity]¹
42 for the commission of a sex offense as defined in subsection b. of
43 section 2 of P.L.1994, c.133 (C.2C:7-2), and who is required to
44 register as provided in subsections c. and d. of section 2 of
45 P.L.1994, c.133 (C.2C:7-2), ¹[or who is serving a special sentence
46 of community or parole supervision for life as provided in section 2
47 of P.L.1994, c. 130 (C.2C:43-6.4).]¹ or who has been convicted

1 ²[.] or² adjudicated delinquent ²[or found not guilty by reason of
2 insanity]² for a violation of N.J.S.2C:34-3 any of the following
3 Internet access conditions:

4 (a) Prohibit the person from accessing or using a computer or
5 any other device with Internet capability without the prior written
6 approval of the court ², ² except ¹[, if such person is on probation or
7 parole,]¹ the person may use a computer or any other device with
8 Internet capability in connection with that person's employment or
9 search for employment with the prior approval of the person's
10 ¹[probation or]¹ parole officer;

11 (b) Require the person to submit to periodic unannounced
12 examinations of the person's computer or any other device with
13 Internet capability by a ¹[probation officer,]¹ parole officer, law
14 enforcement officer or assigned computer or information
15 technology specialist, including the retrieval and copying of all data
16 from the computer or device and any internal or external peripherals
17 and removal of such information, equipment or device to conduct a
18 more thorough inspection;

19 (c) Require the person to submit to the installation on the
20 person's computer or device with Internet capability, at the person's
21 expense, one or more hardware or software systems to monitor the
22 Internet use; and

23 (d) Require the person to submit to any other appropriate
24 restrictions concerning the person's use or access of a computer or
25 any other device with Internet capability.

26 c. The appropriate board panel may in writing relieve a parolee
27 of any parole conditions, and may permit a parolee to reside outside
28 the State pursuant to the provisions of the Uniform Act for Out-of-
29 State Parolee Supervision (N.J.S.2A:168-14 et seq.), the Interstate
30 Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4), and,
31 with the consent of the Commissioner of the Department of
32 Corrections or the Executive Director of the Juvenile Justice
33 Commission after providing notice to the Attorney General, the
34 federal Witness Security Reform Act, if satisfied that such change
35 will not result in a substantial likelihood that the parolee will
36 commit an offense which would be a crime under the laws of this
37 State. The appropriate board panel may revoke such permission,
38 except in the case of a parolee under the Witness Security Reform
39 Act, or reinstate relieved parole conditions for any period of time
40 during which a parolee is under its jurisdiction.

41 d. The appropriate board panel may parole an inmate to any
42 residential facility funded in whole or in part by the State if the
43 inmate would not otherwise be released pursuant to section 9 of
44 P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the
45 residential facility provides treatment for mental illness or mental
46 retardation, the board panel only may parole the inmate to the
47 facility pursuant to the laws and admissions policies that otherwise

1 govern the admission of persons to that facility, and the facility
2 shall have the authority to discharge the inmate according to the
3 laws and policies that otherwise govern the discharge of persons
4 from the facility, on 10 days' prior notice to the board panel. The
5 board panel shall acknowledge receipt of this notice in writing prior
6 to the discharge. Upon receipt of the notice the board panel shall
7 resume jurisdiction over the inmate.

8 e. Parole officers shall provide assistance to the parolee in
9 obtaining employment, education or vocational training or in
10 meeting other obligations to assure the parolee's compliance with
11 meeting legal requirements related to sex offender notification,
12 address changes and participation in rehabilitation programs as
13 directed by the assigned parole officer.

14 f. The board panel on juvenile commitments and the assigned
15 parole officer shall insure that the least restrictive available
16 alternative is used for any juvenile parolee.

17 g. If the board has granted parole to any inmate from a State
18 correctional facility or juvenile facility and the court has imposed a
19 fine on such inmate, the appropriate board panel shall release such
20 inmate on condition that the parolee make specified fine payments
21 to the State Parole Board or the Juvenile Justice Commission. For
22 violation of such conditions, or for violation of a special condition
23 requiring restitution, parole may be revoked only for refusal or
24 failure to make a good faith effort to make such payment.

25 h. Upon collection of the fine the same shall be paid over by
26 the Department of Corrections or by the Juvenile Justice
27 Commission to the State Treasury.

28 (cf: P.L.2003, c.249)

29
30 ¹6. (New section) The ²[Attorney General] appropriate agency
31 head² shall approve appropriate training programs for law
32 enforcement officers, parole officers ²[, probation officers]² and
33 any other persons charged with the enforcement of P.L. _____, c.
34 (C. _____) (pending before the Legislature as this bill). Appropriate
35 programs shall include, at a minimum, instruction in conducting
36 investigations in which computers, telecommunications devices and
37 other high technology instruments are utilized in the commission of
38 sex offenses. The programs also ²[shall] may² include instruction
39 in techniques of forensic recovery, evidence preservation and
40 analysis of data in computer systems seized because of criminal or
41 unlawful activity.¹

42
43 ¹[6.] ¹7.¹ This act shall take effect on the 60th day following
44 enactment ¹and shall apply to any person who commits an offense
45 subject to sentencing under section 1 of this act after the effective
46 date of this act and to any person who is under probation or parole

1 supervision, including community or parole supervision ²**[or]** for²
2 life, on the effective date of this act¹.

3

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5

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7

Restricts certain sex offenders' access to the Internet.

SENATE, No. 1979

STATE OF NEW JERSEY

212th LEGISLATURE

INTRODUCED JUNE 12, 2006

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator JOHN A. GIRGENTI

District 35 (Bergen and Passaic)

Co-Sponsored by:

Senators Bark, Bucco, Buono, Coniglio, Doria, James, Kavanaugh, Kenny, Lance, Littell, Sarlo, Sweeney, Turner and Vitale

SYNOPSIS

Restricts certain sex offenders' access to the Internet.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/6/2007)

1 AN ACT concerning Internet use by certain sex offenders, amending
2 various sections of the statutory law and supplementing Title 2C
3 of the New Jersey Statutes.

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

7
8 1. (New section) a. In the case of a person who has been
9 convicted, adjudicated delinquent or found not guilty by reason of
10 insanity for the commission of a sex offense as defined in
11 subsection b. of section 2 of P.L. 1994, c.133 (C.2C:7-2), and who
12 is required to register as provided in subsections c. and d. of section
13 2 of P.L. 1994, c.133 (C.2C:7-2), or who is serving a special
14 sentence of community or parole supervision for life as provided in
15 section 2 of P.L.1994, c. 130 (C.2C:43-6.4), or who has been
16 convicted, adjudicated delinquent or found not guilty by reason of
17 insanity for a violation of N.J.S.2C:34-3, and where the trier of fact
18 makes a finding that a computer or any other device with Internet
19 capability was used to facilitate the commission of the crime the
20 court shall, in addition to any other disposition, order the following
21 Internet access conditions:

22 (1) Prohibit the person from accessing or using a computer or
23 any other device with Internet capability without the prior written
24 approval of the court except, if such person is on probation or
25 parole, the person may use a computer or any other device with
26 Internet capability in connection with that person's employment or
27 search for employment with the prior approval of the person's
28 probation or parole officer;

29 (2) Require the person to submit to periodic unannounced
30 examinations of the person's computer or any other device with
31 Internet capability by a probation officer, parole officer, law
32 enforcement officer or assigned computer or information
33 technology specialist, including the retrieval and copying of all data
34 from the computer or device and any internal or external peripherals
35 and removal of such information, equipment or device to conduct a
36 more thorough inspection;

37 (3) Require the person to submit to the installation on the
38 person's computer or device with Internet capability, at the person's
39 expense, one or more hardware or software systems to monitor the
40 Internet use; and

41 (4) Require the person to submit to any other appropriate
42 restrictions concerning the person's use or access of a computer or
43 any other device with Internet capability.

44 b. A person who fails to comply with the Internet access

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 conditions set forth in this section shall be guilty of a crime of the
2 fourth degree.

3

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

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

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

22 b. For the purposes of this act a sex offense shall include the
23 following:

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

31 (2) A conviction, adjudication of delinquency, or acquittal by
32 reason of insanity for aggravated sexual assault; sexual assault;
33 aggravated criminal sexual contact; kidnapping pursuant to
34 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
35 welfare of a child by engaging in sexual conduct which would
36 impair or debauch the morals of the child pursuant to subsection a.
37 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
38 paragraphs (3) or (4) or subparagraph (a) of paragraph (5) of
39 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to
40 section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact
41 pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping
42 pursuant to N.J.S.2C:13-1, criminal restraint pursuant to
43 N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if
44 the victim is a minor and the offender is not the parent of the
45 victim; knowingly promoting prostitution of a child pursuant to
46 paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; or
47 an attempt to commit any of these enumerated offenses if the
48 conviction, adjudication of delinquency or acquittal by reason of

1 insanity is entered on or after the effective date of this act or the
2 offender is serving a sentence of incarceration, probation, parole or
3 other form of community supervision as a result of the offense or is
4 confined following acquittal by reason of insanity or as a result of
5 civil commitment on the effective date of this act;

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

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

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

25 (2) A person confined in a correctional or juvenile facility or
26 involuntarily committed who is required to register shall register
27 prior to release in accordance with procedures established by the
28 Department of Corrections, the Department of Human Services or
29 the Juvenile Justice Commission;

30 (3) A person moving to or returning to this State from another
31 jurisdiction shall register with the chief law enforcement officer of
32 the municipality in which the person will reside or, if the
33 municipality does not have a local police force, the Superintendent
34 of State Police within 120 days of the effective date of this act or 10
35 days of first residing in or returning to a municipality in this State,
36 whichever is later;

37 (4) A person required to register on the basis of a conviction
38 prior to the effective date who is not confined or under supervision
39 on the effective date of this act shall register within 120 days of the
40 effective date of this act 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;

44 (5) A person who in another jurisdiction is required to register
45 as a sex offender and who is enrolled on a full-time or part-time
46 basis in any public or private educational institution in this State,
47 including any secondary school, trade or professional institution,
48 institution of higher education or other post-secondary school shall,

1 within ten days of commencing attendance at such educational
2 institution, register with the chief law enforcement officer of the
3 municipality in which the educational institution is located or, if the
4 municipality does not have a local police force, the Superintendent
5 of State Police;

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

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

23 d. (1) Upon a change of address, a person shall notify the law
24 enforcement agency with which the person is registered and shall
25 re-register with the appropriate law enforcement agency no less
26 than 10 days before he intends to first reside at his new address.
27 Upon a change of employment or school enrollment status, a person
28 shall notify the appropriate law enforcement agency no later than
29 five days after any such change. A person who fails to notify the
30 appropriate law enforcement agency of a change of address or status
31 in accordance with this subsection is guilty of a crime of the fourth
32 degree.

33 (2) A person required to register under this act shall provide the
34 appropriate law enforcement agency with information as to whether
35 the person has access to or use of a computer or any other device
36 with Internet capability. A person who fails to notify the
37 appropriate law enforcement agency of such information or of a
38 change in the person's access to or use of a computer or other
39 device with Internet capability or who provides false information
40 concerning the person's access to or use of a computer or any other
41 device with Internet capability is guilty of a crime of the fourth
42 degree.

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

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

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

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

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

27

28 3. Section 2 of P.L.1994, c.130 (C.2C:43-6.4) is amended to
29 read as follows:

30 2. a. Notwithstanding any provision of law to the contrary, a
31 judge imposing sentence on a person who has been convicted of
32 aggravated sexual assault, sexual assault, aggravated criminal
33 sexual contact, kidnapping pursuant to paragraph (2) of subsection
34 c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging
35 in sexual conduct which would impair or debauch the morals of the
36 child pursuant to subsection a. of N.J.S.2C:24-4, endangering the
37 welfare of a child pursuant to paragraph (3) of subsection b. of
38 N.J.S.2C:24-4, luring or an attempt to commit any of these offenses
39 shall include, in addition to any sentence authorized by this Code, a
40 special sentence of parole supervision for life.

41 b. The special sentence of parole supervision for life required
42 by this section shall commence immediately upon the defendant's
43 release from incarceration. If the defendant is serving a sentence of
44 incarceration for another offense at the time he completes the
45 custodial portion of the sentence imposed on the present offense,
46 the special sentence of parole supervision for life shall not
47 commence until the defendant is actually released from
48 incarceration for the other offense. Persons serving a special

1 sentence of parole supervision for life shall remain in the legal
2 custody of the Commissioner of Corrections, shall be supervised by
3 the Division of Parole of the State Parole Board, shall be subject to
4 the provisions and conditions set forth in subsection c. of section 3
5 of P.L.1997, c.117 (C.30:4-123.51b) and sections 15 through 19 and
6 21 of P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and
7 30:4-123.65), and shall be subject to conditions appropriate to
8 protect the public and foster rehabilitation. Such conditions may
9 include the requirement that the person comply with the conditions
10 set forth in subsection f. of this section concerning use of a
11 computer or other device with access to the Internet. If the
12 defendant violates a condition of a special sentence of parole
13 supervision for life, the defendant shall be subject to the provisions
14 of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60
15 through 30:4-123.63 and 30:4-123.65), and for the purpose of
16 calculating the limitation on time served pursuant to section 21 of
17 P.L.1979, c.441 (C.30:4-123.65)the custodial term imposed upon
18 the defendant related to the special sentence of parole supervision
19 for life shall be deemed to be a term of life imprisonment. When
20 the court suspends the imposition of sentence on a defendant who
21 has been convicted of any offense enumerated in subsection a. of
22 this section, the court may not suspend imposition of the special
23 sentence of parole supervision for life, which shall commence
24 immediately, with the Division of Parole of the State Parole Board
25 maintaining supervision over that defendant, including the
26 defendant's compliance with any conditions imposed by the court
27 pursuant to N.J.S.2C:45-1, in accordance with the provisions of this
28 subsection. Nothing contained in this subsection shall prevent the
29 court from at any time proceeding under the provisions of
30 N.J.S.2C:45-1 through 2C:45-4 against any such defendant for a
31 violation of any conditions imposed by the court when it suspended
32 imposition of sentence, or prevent the Division of Parole from
33 proceeding under the provisions of sections 16 through 19 and 21 of
34 P.L.1979. c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-
35 123.65) against any such defendant for a violation of any conditions
36 of the special sentence of parole supervision for life, including the
37 conditions imposed by the court pursuant to N.J.S.2C:45-1.

38 In any such proceeding by the Division of Parole, the provisions
39 of subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b)
40 authorizing revocation and return to prison shall be applicable to
41 such a defendant, notwithstanding that the defendant may not have
42 been sentenced to or served any portion of a custodial term for
43 conviction of an offense enumerated in subsection a. of this section.

44 c. A person sentenced to a term of parole supervision for life
45 may petition the Superior Court for release from that parole
46 supervision. The judge may grant a petition for release from a
47 special sentence of parole supervision for life only upon proof by
48 clear and convincing evidence that the person has not committed a

1 crime for 15 years since the last conviction or release from
2 incarceration, whichever is later, and that the person is not likely to
3 pose a threat to the safety of others if released from parole
4 supervision. Notwithstanding the provisions of section 22 of
5 P.L.1979, c.441 (C.30:4-123.66), a person sentenced to a term of
6 parole supervision for life may be released from that parole
7 supervision term only by court order as provided in this subsection.

8 d. A person who violates a condition of a special sentence
9 imposed pursuant to this section without good cause is guilty of a
10 crime of the fourth degree. Notwithstanding any other law to the
11 contrary, a person sentenced pursuant to this subsection shall be
12 sentenced to a term of imprisonment, unless the court is clearly
13 convinced that the interests of justice so far outweigh the need to
14 deter this conduct and the interest in public safety that a sentence to
15 imprisonment would be a manifest injustice. Nothing in this
16 subsection shall preclude subjecting a person who violates any
17 condition of a special sentence of parole supervision for life to the
18 provisions of sections 16 through 19 and 21 of P.L.1979, c.441
19 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) pursuant to
20 the provisions of subsection c. of section 3 of P.L.1997, c.117
21 (C.30:4-123.51b).

22 e. A person who, while serving a special sentence of parole
23 supervision for life imposed pursuant to this section, commits a
24 violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5,
25 subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, N.J.S.2C:13-6,
26 N.J.S.2C:14-2, N.J.S.2C:14-3, N.J.S.2C:24-4, N.J.S.2C:18-2 when
27 the offense is a crime of the second degree, or subsection a. of
28 N.J.S.2C:39-4 shall be sentenced to an extended term of
29 imprisonment as set forth in N.J.S.2C:43-7, which term shall,
30 notwithstanding the provisions of N.J.S.2C:43-7 or any other law,
31 be served in its entirety prior to the person's resumption of the term
32 of parole supervision for life.

33 f. The special sentence of parole supervision for life required by
34 this section may include any of the following Internet access
35 conditions:

36 (1) Prohibit the person from accessing or using a computer or
37 any other device with Internet capability without the prior written
38 approval of the court except, if such person is on probation or
39 parole, the person may use a computer or any other device with
40 Internet capability in connection with that person's employment or
41 search for employment with the prior approval of the person's
42 probation or parole officer;

43 (2) Require the person to submit to periodic unannounced
44 examinations of the person's computer or any other device with
45 Internet capability by a probation officer, parole officer, law
46 enforcement officer or assigned computer or information
47 technology specialist, including the retrieval and copying of all data
48 from the computer or device and any internal or external peripherals

1 and removal of such information, equipment or device to conduct a
2 more thorough inspection;

3 (3) Require the person to submit to the installation on the
4 person's computer or device with Internet capability, at the person's
5 expense, one or more hardware or software systems to monitor the
6 Internet use; and

7 (4) Require the person to submit to any other appropriate
8 restrictions concerning the person's use or access of a computer or
9 any other device with Internet capability.

10 (cf: P.L. 2003, c.267, s.1)

11

12 4. N.J.S.2C:45-1 is amended to read as follows:

13 2C:45-1. Conditions of Suspension or Probation.

14 a. When the court suspends the imposition of sentence on a
15 person who has been convicted of an offense or sentences him to be
16 placed on probation, it shall attach such reasonable conditions,
17 authorized by this section, as it deems necessary to insure that he
18 will lead a law-abiding life or is likely to assist him to do so. These
19 conditions may be set forth in a set of standardized conditions
20 promulgated by the county probation department and approved by
21 the court.

22 b. The court, as a condition of its order, may require the
23 defendant:

24 (1) To support his dependents and meet his family
25 responsibilities;

26 (2) To find and continue in gainful employment;

27 (3) To undergo available medical or psychiatric treatment and to
28 enter and remain in a specified institution, when required for that
29 purpose;

30 (4) To pursue a prescribed secular course of study or vocational
31 training;

32 (5) To attend or reside in a facility established for the instruction,
33 recreation or residence of persons on probation;

34 (6) To refrain from frequenting unlawful or disreputable places
35 or consorting with disreputable persons;

36 (7) Not to have in his possession any firearm or other dangerous
37 weapon unless granted written permission;

38 (8) (Deleted by amendment, P.L.1991, c.329);

39 (9) To remain within the jurisdiction of the court and to notify
40 the court or the probation officer of any change in his address or his
41 employment;

42 (10) To report as directed to the court or the probation officer, to
43 permit the officer to visit his home, and to answer all reasonable
44 inquiries by the probation officer;

45 (11) To pay a fine;

46 (12) To satisfy any other conditions reasonably related to the
47 rehabilitation of the defendant and not unduly restrictive of his
48 liberty or incompatible with his freedom of conscience;

1 (13) To require the performance of community-related service;
2 and

3 (14) To be subject to Internet access conditions pursuant to
4 paragraph (2) of subsection d. of this section.

5 c. The court, as a condition of its order, shall require the
6 defendant to pay any assessments required by section 2 of P.L.1979,
7 c.396 (C.2C:43-3.1) and shall, consistent with the applicable
8 provisions of N.J.S.2C:43-3, N.J.S.2C:43-4 and N.J.S.2C:44-2 or
9 section 1 of P.L. 1983, c.411 (C.2C:43-2.1) require the defendant to
10 make restitution.

11 d. (1) In addition to any condition imposed pursuant to
12 subsection b. or c., the court shall order a person placed on
13 probation to pay a fee, not exceeding \$25.00 per month for the
14 probationary term, to probation services for use by the State, except
15 as provided in subsection g. of this section. This fee may be waived
16 in cases of indigency upon application by the chief probation officer
17 to the sentencing court.

18 (2) In addition to any conditions imposed pursuant to subsection
19 b. or c., the court may order a person who has been convicted,
20 adjudicated delinquent or found not guilty by reason of insanity for
21 the commission of a sex offense as defined in subsection b. of
22 section 2 of P.L.1994, c.133 (C.2C:7-2), and who is required to
23 register as provided in subsections c. and d. of section 2 of P.L.
24 1994, c.133 (C.2C:7-2), or who is serving a special sentence of
25 community or parole supervision for life as provided in section 2 of
26 P.L.1994, c. 130 (C.2C:43-6.4), or who has been convicted,
27 adjudicated delinquent or found not guilty by reason of insanity for
28 a violation of N.J.S.2C:34-3 to be subject to any of the following
29 Internet access conditions:

30 (a) Prohibit the person from accessing or using a computer or
31 any other device with Internet capability without the prior written
32 approval of the court except, if such person is on probation or
33 parole, the person may use a computer or any other device with
34 Internet capability in connection with that person's employment or
35 search for employment with the prior approval of the person's
36 probation or parole officer;

37 (b) Require the person to submit to periodic unannounced
38 examinations of the person's computer or any other device with
39 Internet capability by a probation officer, parole officer, law
40 enforcement officer or assigned computer or information
41 technology specialist, including the retrieval and copying of all data
42 from the computer or device and any internal or external peripherals
43 and removal of such information, equipment or device to conduct a
44 more thorough inspection;

45 (c) Require the person to submit to the installation on the
46 person's computer or device with Internet capability, at the person's
47 expense, one or more hardware or software systems to monitor the
48 Internet use; and

1 (d) Require the person to submit to any other appropriate
2 restrictions concerning the person's use or access of a computer or
3 any other device with Internet capability.

4 e. When the court sentences a person who has been convicted of
5 a crime to be placed on probation, it may require him to serve a
6 term of imprisonment not exceeding 364 days as an additional
7 condition of its order. When the court sentences a person convicted
8 of a disorderly persons offense to be placed on probation, it may
9 require him to serve a term of imprisonment not exceeding 90 days
10 as an additional condition of its order. In imposing a term of
11 imprisonment pursuant to this subsection, the sentencing court shall
12 specifically place on the record the reasons which justify the
13 sentence imposed. The term of imprisonment imposed hereunder
14 shall be treated as part of the sentence, and in the event of a
15 sentence of imprisonment upon the revocation of probation, the
16 term of imprisonment served hereunder shall be credited toward
17 service of such subsequent sentence. A term of imprisonment
18 imposed under this section shall be governed by the "Parole Act of
19 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

20 Whenever a person is serving a term of parole as a result of a
21 sentence of incarceration imposed as a condition of probation,
22 supervision over that person shall be maintained pursuant to the
23 provisions of the law governing parole. Upon termination of the
24 period of parole supervision provided by law, the county probation
25 department shall assume responsibility for supervision of the person
26 under sentence of probation. Nothing contained in this section shall
27 prevent the sentencing court from at any time proceeding under the
28 provisions of this chapter against any person for a violation of
29 probation.

30 f. The defendant shall be given a copy of the terms of his
31 probation or suspension of sentence and any requirements imposed
32 pursuant to this section, stated with sufficient specificity to enable
33 him to guide himself accordingly. The defendant shall
34 acknowledge, in writing, his receipt of these documents and his
35 consent to their terms.

36 g. Of the moneys collected under the provisions of subsection d.
37 of this section, \$15.00 of each monthly fee collected before January
38 1, 1995 shall be deposited in the temporary reserve fund created by
39 section 25 of P.L.1993, c.275, and \$10.00 of each shall be deposited
40 into a "Community Service Supervision Fund" which shall be
41 established by each county. The moneys in the "Community
42 Service Supervision Fund" shall be expended only in accordance
43 with the provisions of State law as shall be enacted to provide for
44 expenditures from this fund for the purpose of supervising and
45 monitoring probationers performing community service to ensure,
46 by whatever means necessary and appropriate, that probationers are
47 performing the community service ordered by the court and that the

1 performance is in the manner and under the terms ordered by the
2 court.

3 (cf: P.L.1993, c.275, s.16)

4

5 5. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to
6 read as follows:

7 15. a. Each adult parolee shall at all times remain in the legal
8 custody of the Commissioner of Corrections and under the
9 supervision of the State Parole Board and each juvenile parolee
10 shall at all times remain in the legal custody of the Juvenile Justice
11 Commission established pursuant to section 2 of P.L.1995, c.284
12 (C.52:17B-170), except that the Commissioner of Corrections or the
13 Executive Director of the Juvenile Justice Commission, after
14 providing notice to the Attorney General, may consent to the
15 supervision of a parolee by the federal government pursuant to the
16 Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3251 et
17 seq.). An adult parolee, except those under the Witness Security
18 Reform Act, shall remain under the supervision of the State Parole
19 Board and in the legal custody of the Department of Corrections,
20 and a juvenile parolee, except those under the Witness Security
21 Reform Act, shall remain under the supervision of the Juvenile
22 Justice Commission, as appropriate, in accordance with the policies
23 and rules of the board.

24 b. (1) Each parolee shall agree, as evidenced by his signature to
25 abide by specific conditions of parole established by the appropriate
26 board panel which shall be enumerated in writing in a certificate of
27 parole and shall be given to the parolee upon release. Such
28 conditions shall include, among other things, a requirement that the
29 parolee conduct himself in society in compliance with all laws and
30 refrain from committing any crime, a requirement that the parolee
31 will not own or possess any firearm as defined in subsection f. of
32 N.J.S.2C:39-1 or any other weapon enumerated in subsection r. of
33 N.J.S.2C:39-1, a requirement that the parolee refrain from the use,
34 possession or distribution of a controlled dangerous substance,
35 controlled substance analog or imitation controlled dangerous
36 substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, a
37 requirement that the parolee obtain permission from his parole
38 officer for any change in his residence, a requirement that the
39 parolee comply with the Internet access conditions set forth in
40 paragraph (2) of this subsection, and a requirement that the parolee
41 report at reasonable intervals to an assigned parole officer. In
42 addition, based on prior history of the parolee or information
43 provided by a victim or a member of the family of a murder victim,
44 the member or board panel certifying parole release pursuant to
45 section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any
46 other specific conditions of parole deemed reasonable in order to
47 reduce the likelihood of recurrence of criminal or delinquent
48 behavior. Such special conditions may include, among other things,

1 a requirement that the parolee make full or partial restitution, the
2 amount of which restitution shall be set by the sentencing court
3 upon request of the board. In addition, the member or board panel
4 certifying parole release may, giving due regard to a victim's
5 request, impose a special condition that the parolee have no contact
6 with the victim, which special condition may include, but need not
7 be limited to, restraining the parolee from entering the victim's
8 residence, place of employment, business or school, and from
9 harassing or stalking the victim or victim's relatives in any way.
10 Further, the member, board panel or board certifying parole release
11 may impose a special condition that the person shall not own or
12 possess an animal for an unlawful purpose or to interfere in the
13 performance of duties by a parole officer.

14 (2) In addition, the member or board panel certifying parole
15 release may impose on any person who has been convicted,
16 adjudicated delinquent or found not guilty by reason of insanity for
17 the commission of a sex offense as defined in subsection b. of
18 section 2 of P.L. 1994, c.133 (C.2C:7-2), and who is required to
19 register as provided in subsections c. and d. of section 2 of P.L.
20 1994, c.133 (C.2C:7-2), or who is serving a special sentence of
21 community or parole supervision for life as provided in section 2 of
22 P.L.1994, c. 130 (C.2C:43-6.4), or who has been convicted,
23 adjudicated delinquent or found not guilty by reason of insanity for
24 a violation of N.J.S.2C:34-3 any of the following Internet access
25 conditions:

26 (a) Prohibit the person from accessing or using a computer or
27 any other device with Internet capability without the prior written
28 approval of the court except, if such person is on probation or
29 parole, the person may use a computer or any other device with
30 Internet capability in connection with that person's employment or
31 search for employment with the prior approval of the person's
32 probation or parole officer;

33 (b) Require the person to submit to periodic unannounced
34 examinations of the person's computer or any other device with
35 Internet capability by a probation officer, parole officer, law
36 enforcement officer or assigned computer or information
37 technology specialist, including the retrieval and copying of all data
38 from the computer or device and any internal or external peripherals
39 and removal of such information, equipment or device to conduct a
40 more thorough inspection;

41 (c) Require the person to submit to the installation on the
42 person's computer or device with Internet capability, at the person's
43 expense, one or more hardware or software systems to monitor the
44 Internet use; and

45 (d) Require the person to submit to any other appropriate
46 restrictions concerning the person's use or access of a computer or
47 any other device with Internet capability.

1 c. The appropriate board panel may in writing relieve a parolee
2 of any parole conditions, and may permit a parolee to reside outside
3 the State pursuant to the provisions of the Uniform Act for Out-of-
4 State Parolee Supervision (N.J.S.2A:168-14 et seq.), the Interstate
5 Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4), and,
6 with the consent of the Commissioner of the Department of
7 Corrections or the Executive Director of the Juvenile Justice
8 Commission after providing notice to the Attorney General, the
9 federal Witness Security Reform Act, if satisfied that such change
10 will not result in a substantial likelihood that the parolee will
11 commit an offense which would be a crime under the laws of this
12 State. The appropriate board panel may revoke such permission,
13 except in the case of a parolee under the Witness Security Reform
14 Act, or reinstate relieved parole conditions for any period of time
15 during which a parolee is under its jurisdiction.

16 d. The appropriate board panel may parole an inmate to any
17 residential facility funded in whole or in part by the State if the
18 inmate would not otherwise be released pursuant to section 9 of
19 P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the
20 residential facility provides treatment for mental illness or mental
21 retardation, the board panel only may parole the inmate to the
22 facility pursuant to the laws and admissions policies that otherwise
23 govern the admission of persons to that facility, and the facility
24 shall have the authority to discharge the inmate according to the
25 laws and policies that otherwise govern the discharge of persons
26 from the facility, on 10 days' prior notice to the board panel. The
27 board panel shall acknowledge receipt of this notice in writing prior
28 to the discharge. Upon receipt of the notice the board panel shall
29 resume jurisdiction over the inmate.

30 e. Parole officers shall provide assistance to the parolee in
31 obtaining employment, education or vocational training or in
32 meeting other obligations to assure the parolee's compliance with
33 meeting legal requirements related to sex offender notification,
34 address changes and participation in rehabilitation programs as
35 directed by the assigned parole officer.

36 f. The board panel on juvenile commitments and the assigned
37 parole officer shall insure that the least restrictive available
38 alternative is used for any juvenile parolee.

39 g. If the board has granted parole to any inmate from a State
40 correctional facility or juvenile facility and the court has imposed a
41 fine on such inmate, the appropriate board panel shall release such
42 inmate on condition that the parolee make specified fine payments
43 to the State Parole Board or the Juvenile Justice Commission. For
44 violation of such conditions, or for violation of a special condition
45 requiring restitution, parole may be revoked only for refusal or
46 failure to make a good faith effort to make such payment.

1 h. Upon collection of the fine the same shall be paid over by
2 the Department of Corrections or by the Juvenile Justice
3 Commission to the State Treasury.
4 (cf: P.L.2003, c.249)
5

6 6. This act shall take effect on the 60th day following enactment.
7
8

9 STATEMENT
10

11 This bill would limit Internet access for certain offenders who
12 are subject to Megan's Law registration, community supervision for
13 life and on probation or parole.

14 *Section 1* provides that in sentencing an offender, where a
15 finding is made that a computer or any other device with Internet
16 capability was used to facilitate the commission of the crime, the
17 court would be required to impose certain Internet access
18 restrictions to the following individuals: those who have been
19 convicted, adjudicated delinquent or found not guilty by reason of
20 insanity for the commission of a sex offense and are required to
21 register under "Megan's Law"; those who are serving a special
22 sentence of community or parole supervision due to the commission
23 of a sex offense; and those who have been convicted of promoting
24 or providing obscene material to persons under the age of 18. Any
25 person who fails to comply with Internet access conditions would
26 be guilty of a crime of the fourth degree.

27 *Section 2* amends "Megan's Law" to provide that a person
28 subject to the law's registration requirements in N.J.S.A. 2C:7-2
29 would be required to provide the appropriate law enforcement
30 agency with information as to whether the person has access to or
31 use of a computer or any other device with Internet capability.
32 Failure to notify the appropriate law enforcement agency of such
33 information or of a change in the person's access to or use of a
34 computer or other device with Internet capability or providing false
35 information concerning the person's access to or use of a computer
36 or any other device with Internet capability would be a crime of the
37 fourth degree. A crime of the fourth degree is punishable by a term
38 of imprisonment of up to 18 months or a fine of up to \$10,000 or
39 both.

40 *Section 3* amends N.J.S.A.2C:43-6.4 to provide that a person
41 subject to the special sentence of parole supervision for life *may be*
42 *subject* to the same Internet access conditions as may be ordered by
43 a court under the bill in imposing sentence on a newly convicted
44 offender.

45 *Section 4 and 5* amends N.J.S.A.2C:45-1, concerning probation,
46 and N.J.S.A.30:4-123.59, concerning parole, to provide that a
47 person who have been convicted, adjudicated delinquent or found
48 not guilty by reason of insanity for the commission of a sex offense

1 and are required to register under “Megan’s Law”; those who are
2 serving a special sentence of community or parole supervision due
3 to the commission of a sex offense; and those who have been
4 convicted of promoting or providing obscene material to persons
5 under the age of 18 *may also be subject* to the Internet access
6 restrictions as a condition of parole or probation.

7 The Internet access conditions would be as follows for all of the
8 sections of the bill:

- 9 • Prohibit the person from accessing or using a computer
10 or any other device with Internet capability without the
11 prior written approval of the court except, if such person
12 is on probation or parole, the person may use a computer
13 or any other device with Internet capability in connection
14 with that person’s employment or search for employment
15 with the prior approval of the person's probation or
16 parole officer;
- 17 • Require the person to submit to periodic unannounced
18 examinations of the person's computer or any other
19 device with Internet capability by a probation officer,
20 parole officer, law enforcement officer or assigned
21 computer or information technology specialist, including
22 the retrieval and copying of all data from the computer or
23 device and any internal or external peripherals and
24 removal of such information, equipment or device to
25 conduct a more thorough inspection;
- 26 • Require the person to submit to the installation on the
27 person's computer or device with Internet capability, at
28 the person's expense, one or more hardware or software
29 systems to monitor the Internet use; and
- 30 • Require the person to submit to any other appropriate
31 restrictions concerning the person’s use or access of a
32 computer or any other device with Internet capability.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1979

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 21, 2007

The Assembly Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1979 (1R).

This bill would limit Internet access for certain sex offenders who are subject to Megan's Law registration or community supervision for life or on probation or parole.

Section 1 provides that in sentencing an offender, where a finding is made that a computer or any other device with Internet capability was used to facilitate the commission of the crime, the court would be required to impose certain Internet access restrictions to the following individuals: those who have been convicted, adjudicated delinquent or found not guilty by reason of insanity for the commission of a sex offense and are required to register under "Megan's Law"; those who are serving a special sentence of community or parole supervision due to the commission of a sex offense; and those who have been convicted of promoting or providing obscene material to persons under the age of 18. Any person who fails to comply with Internet access conditions would be guilty of a crime of the fourth degree.

The committee amended section 1 of the bill to require the appropriate agency heads to promulgate guidelines concerning the specific Internet access conditions which may be imposed on an offender pursuant to the bill's provisions. In its original form, the bill required the Attorney General, in consultation with the Chairman of the State Parole Board and the Administrative Director of the Courts to promulgate the guidelines.

In addition, the amendments would clarify that the Attorney General or the County Prosecutor are authorized to petition the court to impose Internet access restrictions upon a sex offender who is required to register as provided in N.J.S.A.2C:7-2 for a conviction for a sex offense under state and federal law or the law of any other state as set forth in paragraph (3) of subsection b. of N.J.S.A.2C:7-2.

Section 2 amends "Megan's Law," specifically N.J.S.A.2C:7-2, to provide that a person subject to the law's registration requirements would be required to provide the appropriate law enforcement agency

with information as to whether the person has access to or use of a computer or any other device with Internet capability. The committee amended this section of the bill to clarify that a person subject to this requirements would be required to disclose whether he has “routine” access to a computer with Internet capability. Failure to notify the appropriate law enforcement agency of such information or of a change in the person’s access to or use of a computer or other device with Internet capability or providing false information concerning the person’s access to or use of a computer or any other device with Internet capability would be a crime of the fourth degree. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine of up to \$10,000 or both.

Section 3 amends N.J.S.A.2C:43-6.4 to provide that a person subject to the special sentence of parole supervision for life may be subject to the same Internet access conditions as may be ordered by a court under the bill in imposing a sentence on a newly convicted offender. Since this section concerns the duties of parole officers with regard to those individuals who are sentenced to community or parole supervision for life, references to probation officers were removed by the Senate committee.

Sections 4 and 5 amend N.J.S.A.2C:45-1, concerning probation, and N.J.S.A.30:4-123.59, concerning parole, to provide that persons who has been convicted or adjudicated delinquent for the commission of a sex offense and are required to register under “Megan’s Law” and those who have been convicted of promoting or providing obscene material to persons under the age of 18 may also be subject to the Internet access restrictions as a condition of parole or probation.

The committee amended sections 4 and 5 of the bill to eliminate the references to those person “found not guilty by reason of insanity” and those persons “who are serving the special sentence of community or parole supervision for life.” The committee amendments also eliminate the reference to parole officer in section 4 of the bill, N.J.S.A.2C:45-1, since this section concerns the duties of probation officers with regard to individuals who are placed on probation.

In addition, the committee amendments eliminate the reference to probation officers in section 5 of the bill, N.J.S.A.30:4-123.59, since this section concerns the duties of parole officers with regard to those individuals who are placed on parole.

Section 6 in its original form required the Attorney General to approve training programs for law enforcement officers, parole officers, probation officers and any other persons charged with the enforcement of the bill’s provisions. Appropriate programs are to include, at a minimum, instruction in conducting investigations in which computers, telecommunications devices and other high technology instruments are utilized in the commission of sex offenses. The program may include instruction on forensic recovery, evidence preservation and analysis of computer data seized as a result of

criminal activity. The committee amendments eliminate the requirement that the Attorney General approve of the training programs and instead require the appropriate agency head to approve such programs. The amendments would also exclude probation officers from this training. The training would then be for law enforcement officers, parole officers and any other persons charged with the enforcement of the bill's provisions. In addition, the amendments makes the requirements of the program curriculum permissive instead of mandatory.

The effective date of the bill provides that the bill's provisions take effect on the 60th day following enactment *and are applicable* to any person who commits an offense subject to sentencing pursuant to section 1 of the bill after the effective date and to any person who is under probation or parole supervision, including community or parole supervision for life, on the bill's effective date.

The Internet access conditions would be as follows for all of the sections of the bill:

- Prohibit the person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court except, if such person is on probation or parole, the person may use a computer or any other device with Internet capability in connection with that person's employment or search for employment with the prior approval of the person's probation or parole officer;
- Require the person to submit to periodic unannounced examinations of the person's computer or any other device with Internet capability by a probation officer, parole officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;
- Require the person to submit to the installation on the person's computer or device with Internet capability, at the person's expense, one or more hardware or software systems to monitor the Internet use; and
- Require the person to submit to any other appropriate restrictions concerning the person's use or access of a computer or any other device with Internet capability.

The committee amendments make this bill identical to Assembly Bill No. 3905 (1R).

PROPOSED COMMITTEE AMENDMENTS:

- 1) Amends section 1 of the bill to require the appropriate agency head to promulgate guidelines concerning the specific Internet access

conditions which may be imposed on a person pursuant to the bill's provisions;

2) Amends section 1 of the bill to permit the Attorney General or the County Prosecutor to petition the court to impose Internet access restrictions upon a sex offender who is required to register as provided in N.J.S.A.2C:7-2 for a sex offense under federal law or any other state law pursuant to paragraph (3) of subsection b. of N.J.S.A.2C:7-2;

3) Amends section 2 of the bill to require that a person whose required to comply with the provisions of the bill provide the appropriate law enforcement agency with the information as to whether he has routine access to a computer.

4) Amends section 4 of the bill to eliminate the reference to those person found not guilty by reason of insanity and those individuals who are serving the special sentence of community or parole supervision for life. In addition, amendment eliminates the reference to parole officer since this section concerns probation.

5) Amends section 5 of the bill to eliminate the references to those person found not guilty by reason of insanity and those individuals who are serving the special sentence of community or parole supervision for life. In addition, the amendments eliminate the reference to probation officers from this section since this section concerns parole.

6) Amends section 6 to require the appropriate agency head to approve appropriate training programs for law enforcement officers, parole officers, probation officers and any other persons charged with the enforcement of the bill's provisions. Appropriate programs are to include, at a minimum, instruction in conducting investigations in which computers, telecommunications devices and other high technology instruments are utilized in the commission of sex offenses. The program may include instruction on forensic recovery, evidence preservation and analysis of computer data seized as a result of criminal activity.

7) Revises the effective date so that the bill's provisions are effective on the 60th day following enactment *and are applicable* to any person who commits an offense subject to sentencing pursuant to section 1 after the bill's effective date and to any person who is under probation or parole supervision, including community or parole supervision for life, on the bill's effective date.

8) Makes other clarifying and technical amendments.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1979

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 2007

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 1979.

This bill would limit Internet access for certain offenders who are subject to Megan's Law registration, community supervision for life and on probation or parole.

Section 1 provides that in sentencing an offender, where a finding is made that a computer or any other device with Internet capability was used to facilitate the commission of the crime, the court would be required to impose certain Internet access restrictions to the following individuals: those who have been convicted, adjudicated delinquent or found not guilty by reason of insanity for the commission of a sex offense and are required to register under "Megan's Law"; those who are serving a special sentence of community or parole supervision due to the commission of a sex offense; and those who have been convicted of promoting or providing obscene material to persons under the age of 18. Any person who fails to comply with Internet access conditions would be guilty of a crime of the fourth degree.

Section 2 amends "Megan's Law" to provide that a person subject to the law's registration requirements would be required to provide the appropriate law enforcement agency with information as to whether the person has access to or use of a computer or any other device with Internet capability. Failure to notify the appropriate law enforcement agency of such information or of a change in the person's access to or use of a computer or other device with Internet capability or providing false information concerning the person's access to or use of a computer or any other device with Internet capability would be a crime of the fourth degree. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine of up to \$10,000 or both.

Section 3 provides that a person subject to the special sentence of parole supervision for life may be subject to the same Internet access conditions as may be ordered by a court under the bill in imposing sentence on a newly convicted offender.

Sections 4 and 5 amend N.J.S.A.2C:45-1, concerning probation, and section 15 of P.L.1979, c.441 (C.30:4-123.59), concerning parole,

to provide that a person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for the commission of a sex offense and are required to register under “Megan’s Law”; those who are serving a special sentence of community or parole supervision due to the commission of a sex offense; and those who have been convicted of promoting or providing obscene material to persons under the age of 18 may also be subject to the Internet access restrictions as a condition of parole or probation.

The Internet access conditions would be as follows for all of the sections of the bill:

- Prohibit the person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court except, if such person is on probation or parole, the person may use a computer or any other device with Internet capability in connection with that person’s employment or search for employment with the prior approval of the person's probation or parole officer;
- Require the person to submit to periodic unannounced examinations of the person's computer or any other device with Internet capability by a probation officer, parole officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;
- Require the person to submit to the installation on the person's computer or device with Internet capability, at the person's expense, one or more hardware or software systems to monitor the Internet use; and
- Require the person to submit to any other appropriate restrictions concerning the person’s use of or access to a computer or any other device with Internet capability.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1979

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 5, 2007

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1979, with committee amendments.

The bill would limit Internet access for certain offenders who are subject to Megan's Law registration, community supervision for life and on probation or parole.

Specifically, the bill provides that in sentencing an offender, where a finding is made that a computer or any other device with Internet capability was used to facilitate the commission of the crime, the court would be required to impose certain Internet access restrictions on those who have been convicted, adjudicated delinquent or found not guilty by reason of insanity for the commission of a sex offense and are required to register under "Megan's Law;" those who are serving a special sentence of community or parole supervision due to the commission of a sex offense; and those who have been convicted of promoting or providing obscene material to persons under the age of 18. Any person who fails to comply with Internet access conditions would be guilty of a crime of the fourth degree.

The bill amends "Megan's Law" to provide that a person subject to the law's registration requirements would be required to provide the appropriate law enforcement agency with information as to whether the person has access to or use of a computer or any other device with Internet capability. Failure to comply with the bill's provisions or providing false information concerning access to or use of a computer or any other device with Internet capability would be a crime of the fourth degree. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine of up to \$10,000 or both.

The bill further provides that a person subject to the special sentence of parole supervision for life may be subject to the same Internet access conditions as may be ordered by a court under the bill in imposing sentence on a newly convicted offender.

The bill amends current law concerning probation and parole to provide that a person who has been convicted or adjudicated delinquent for the commission of a sex offense and is required to register under "Megan's Law" and those who have been convicted of promoting or providing obscene material to persons under the age of

18 may also be subject to the Internet access restrictions as a condition of parole or probation.

The Internet access conditions would be as follows for all offenders subject to the provisions of this bill:

- Prohibit the person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court except, if such person is on probation or parole, the person may use a computer or any other device with Internet capability in connection with that person's employment or search for employment with the prior approval of the person's probation or parole officer;
- Require the person to submit to periodic unannounced examinations of the person's computer or any other device with Internet capability, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;
- Require the person to submit to the installation on the person's computer or device with Internet capability, at the person's expense, one or more hardware or software systems to monitor the Internet use; and
- Require the person to submit to any other appropriate restrictions concerning the person's use of or access to a computer or any other device with Internet capability.

COMMITTEE AMENDMENTS:

1) Require the Attorney General, in consultation with the Chairman of the State Parole Board and the Administrative Director of the Courts, to promulgate guidelines concerning the specific Internet access conditions which may be imposed on a person pursuant to the bill's provisions;

2) Permit the Attorney General or the County Prosecutor to petition the court to impose Internet access restrictions upon a sex offender who is required to register as provided in section 2 of P.L. 1994, c.133 (C.2C:7-2) for a conviction under federal law and who is under federal parole supervision;

3) Require the Attorney General to approve appropriate training programs for law enforcement officers, parole officers, probation officers and any other persons charged with the enforcement of the bill's provisions. Appropriate programs are to include, at a minimum, instruction in conducting investigations in which computers, telecommunications devices and other high technology instruments are utilized in the commission of sex offenses;

4) Revise the effective date so that the bill's provisions are applicable to any person who commits an offense subject to sentencing under section 1 after the bill's effective date and to any person who is under probation or parole supervision, including community or parole

supervision or life, on the bill's effective date. As introduced, the bill would have been effective on the 60th day following enactment;

- 5) Make other clarifying and technical amendments.

FISCAL IMPACT:

The Administrative Office of the Courts states that it is not possible to determine the number of cases which would fall under the provisions of the proposed legislation. Therefore, the Judiciary is unable to accurately determine the fiscal impact of this legislation.

In addition, the Office of Legislative Services notes that the State Parole Board would incur an undetermined cost for monitoring sex offenders for compliance with the provisions of the bill.

FISCAL NOTE
SENATE, No. 1979
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: APRIL 25, 2007

SUMMARY

Synopsis: Restricts certain sex offenders' access to Internet.

Type of Impact: General Fund expenditure

Agencies Affected: Judiciary, State Parole Board, Department of Law and Public Safety

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - See Comments Below		

- The Office of Legislative Services **concurs** with the Judiciary's and the Department of Law and Public Safety's estimates of cost for their agencies but adds that the State Parole Board would incur an undetermined cost of monitoring sex offenders for compliance with the law.
- The bill would limit Internet access for certain offenders who are subject to Megan's Law registration, community supervision for life and on probation or parole.
- The Administrative Office of the Courts states that it is not possible to determine the number of cases which would fall under the provisions of the proposed legislation. Therefore, the Judiciary is unable to accurately determine the fiscal impact of this legislation.
- The Department of Law and Public Safety states that this bill would have no impact upon the operations of the department

BILL DESCRIPTION

Senate Bill No. 1979 of 2006 would limit Internet access for certain offenders who are subject to Megan's Law registration, community supervision for life and on probation or parole.

Section 1 provides that in sentencing an offender, where a finding is made that a computer or any other device with Internet capability was used to facilitate the commission of the crime, the court would be required to impose certain Internet access restrictions to the following individuals: those who have been convicted, adjudicated delinquent or found not guilty

by reason of insanity for the commission of a sex offense and are required to register under “Megan’s Law”; those who are serving a special sentence of community or parole supervision due to the commission of a sex offense; and those who have been convicted of promoting or providing obscene material to persons under the age of 18. Any person who fails to comply with Internet access conditions would be guilty of a crime of the fourth degree.

Section 2 amends “Megan’s Law” to provide that a person subject to the law’s registration requirements would be required to provide the appropriate law enforcement agency with information as to whether the person has access to or use of a computer or any other device with Internet capability. Failure to notify the appropriate law enforcement agency of such information or of a change in the person’s access to or use of a computer or other device with Internet capability or providing false information concerning the person’s access to or use of a computer or any other device with Internet capability would be a crime of the fourth degree. Section 3 provides that a person subject to the special sentence of parole supervision for life may be subject to the same Internet access conditions as may be ordered by a court under the bill in imposing sentence on a newly convicted offender.

Sections 4 and 5 provide that a person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for the commission of a sex offense and is required to register under “Megan’s Law”; those who are serving a special sentence of community or parole supervision due to the commission of a sex offense; and those who have been convicted of promoting or providing obscene material to persons under the age of 18 may also be subject to the Internet access restrictions as a condition of parole or probation.

The Internet access conditions would be as follows for all of the sections of the bill:

- Prohibit the person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court except, if such person is on probation or parole, the person may use a computer or any other device with Internet capability in connection with that person’s employment or search for employment with the prior approval of the person’s probation or parole officer;
- Require the person to submit to periodic unannounced examinations of the person’s computer or any other device with Internet capability by a probation officer, parole officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;
- Require the person to submit to the installation on the person’s computer or device with Internet capability, at the person’s expense, one or more hardware or software systems to monitor the Internet use; and
- Require the person to submit to any other appropriate restrictions concerning the person’s use of or access to a computer or any other device with Internet capability.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

The Administrative Office of the Courts states that it is not possible to determine the number of cases which would fall under the provisions of the proposed legislation. Therefore, the Judiciary is unable to accurately determine the fiscal impact of this legislation.

State Parole Board

None received

Department of Law and Public Safety

The Department of Law and Public Safety states that this bill would have no impact upon the operations of the department.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Judiciary's and the Department of Law and Public Safety estimates of cost for their agencies but adds that the State Parole Board would incur an undetermined cost of monitoring sex offenders for compliance with the law.

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.

FISCAL NOTE
[Second Reprint]
SENATE, No. 1979
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: DECEMBER 18, 2007

SUMMARY

Synopsis: Restricts certain sex offenders' access to the Internet.

Type of Impact: General Fund expenditure.

Agencies Affected: Judiciary, State Parole Board, Department of Law and Public Safety.

Executive Estimate

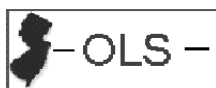
Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - See comments below		

- The Office of Legislative Services **concurs** with the Judiciary and the Department of Law and Public Safety cost estimates for their agencies and adds that the State Parole Board would incur an undetermined cost to monitor sex offenders for compliance with the law.
- The Administrative Office of the Courts states that it is not possible to extrapolate the number of cases which would fall under the provisions of the proposed legislation. Therefore, the Judiciary is unable to accurately determine the fiscal impact of this legislation.
- The Department of Law and Public Safety states that this bill would have no impact upon the operations of the department

BILL DESCRIPTION

Senate Bill No. 1979 (2R) of 2006 would limit Internet access for certain offenders who are on probation or parole and who are subject to Megan's Law registration and community supervision for life.

Section 1 provides that in sentencing an offender, where a finding is made that a computer or other device with Internet capability was used to facilitate the commission of the crime, the court would be required to impose certain Internet access restrictions to the following individuals:



those who have been convicted, adjudicated delinquent or found not guilty by reason of insanity for the commission of a sex offense and are required to register under “Megan’s Law”; those who are serving a special sentence of community or parole supervision due to the commission of a sex offense; and those who have been convicted of promoting or providing obscene material to persons under the age of 18. Any person who fails to comply with Internet access conditions would be guilty of a crime of the fourth degree.

Section 2 amends “Megan’s Law” to provide that a person subject to the law’s registration requirements would be required to provide the appropriate law enforcement agency with information as to whether the person has routine access to or use of a computer or any other device with Internet capability. Failure to notify the appropriate law enforcement agency of such information or of a change in the person’s access to or use of a computer or other device with Internet capability or providing false information concerning the person’s access would be a crime of the fourth degree.

Section 3 provides that a person subject to the special sentence of parole supervision for life may be subject to the same Internet access conditions as a newly convicted offender.

Sections 4 and 5 provide that persons who have been convicted or adjudicated delinquent for the commission of a sex offense and are required to register under “Megan’s Law”; and those who have been convicted of promoting or providing obscene material to persons under the age of 18 may also be subject to the Internet access restrictions as a condition of parole or probation.

Section 6 provides that the appropriate agency head shall approve appropriate training programs for law enforcement officers, parole officers and any other persons charged with enforcement. Appropriate programs include instruction in conducting investigations in which computers, telecommunications devices and other high technology instruments are utilized in the commission of sex offenses. The programs also may include instruction in techniques of forensic recovery, evidence preservation and analysis of data in computer systems seized because of criminal or unlawful activity.

The Internet access conditions would be as follows for all of the sections of the bill:

- Prohibit a person from accessing or using a computer or other device with Internet capability without the prior written approval of the court except, if such person is on probation or parole, the person may use a computer or other device with Internet capability in connection with that person’s employment or search for employment with the prior approval of a probation or parole officer;
- Require a person to submit to periodic unannounced examinations of a computer or device with Internet capability by a probation, parol, or law enforcement officer, or an assigned computer or information technology specialist. For the purpose of conducting a more thorough inspection, unannounced examinations would include the retrieval and copying of all data from a computer or device as well as the removal of any internal or external peripherals or other equipment;
- Require a person to submit to the installation, at the person's expense, one or more hardware or software systems to monitor the Internet use; and
- Require a person to submit to any other appropriate restrictions pertaining to computer use or access.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

The Administrative Office of the Courts states that it is not possible to extrapolate the number of cases which would fall under the provisions of the proposed legislation. Therefore, the Judiciary is unable to accurately determine the fiscal impact of this legislation.

State Parole Board

None received.

Department of Law and Public Safety

The Department of Law and Public Safety states that this bill would have no impact upon the operations of the department.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Judiciary and the Department of Law and Public Safety cost estimates for their agencies and adds that the State Parole Board would incur an undetermined cost to monitor sex offenders for compliance with the law.

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 (C. 52:13B-1 et seq.).

ASSEMBLY, No. 3905

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 9, 2007

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblywoman JOAN M. VOSS

District 38 (Bergen)

Assemblyman LOUIS M. MANZO

District 31 (Hudson)

Co-Sponsored by:

Assemblyman Baroni

SYNOPSIS

Restricts certain sex offenders' access to the Internet.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/22/2007)

1 AN ACT concerning Internet use by certain sex offenders, amending
2 various sections of the statutory law and supplementing Title 2C
3 of the New Jersey Statutes.

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

7
8 1. (New section) a. In the case of a person who has been
9 convicted, adjudicated delinquent or found not guilty by reason of
10 insanity for the commission of a sex offense as defined in
11 subsection b. of section 2 of P.L. 1994, c.133 (C.2C:7-2), and who
12 is required to register as provided in subsections c. and d. of section
13 2 of P.L. 1994, c.133 (C.2C:7-2), or who is serving a special
14 sentence of community or parole supervision for life as provided in
15 section 2 of P.L.1994, c. 130 (C.2C:43-6.4), or who has been
16 convicted, adjudicated delinquent or found not guilty by reason of
17 insanity for a violation of N.J.S.2C:34-3, and where the trier of fact
18 makes a finding that a computer or any other device with Internet
19 capability was used to facilitate the commission of the crime the
20 court shall, in addition to any other disposition, order the following
21 Internet access conditions:

22 (1) Prohibit the person from accessing or using a computer or
23 any other device with Internet capability without the prior written
24 approval of the court except, if such person is on probation or
25 parole, the person may use a computer or any other device with
26 Internet capability in connection with that person's employment or
27 search for employment with the prior approval of the person's
28 probation or parole officer;

29 (2) Require the person to submit to periodic unannounced
30 examinations of the person's computer or any other device with
31 Internet capability by a probation officer, parole officer, law
32 enforcement officer or assigned computer or information
33 technology specialist, including the retrieval and copying of all data
34 from the computer or device and any internal or external peripherals
35 and removal of such information, equipment or device to conduct a
36 more thorough inspection;

37 (3) Require the person to submit to the installation on the
38 person's computer or device with Internet capability, at the person's
39 expense, one or more hardware or software systems to monitor the
40 Internet use; and

41 (4) Require the person to submit to any other appropriate
42 restrictions concerning the person's use or access of a computer or
43 any other device with Internet capability.

44 b. A person who fails to comply with the Internet access

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 conditions set forth in this section shall be guilty of a crime of the
2 fourth degree.

3

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

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

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

22 b. For the purposes of this act a sex offense shall include the
23 following:

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

31 (2) A conviction, adjudication of delinquency, or acquittal by
32 reason of insanity for aggravated sexual assault; sexual assault;
33 aggravated criminal sexual contact; kidnapping pursuant to
34 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
35 welfare of a child by engaging in sexual conduct which would
36 impair or debauch the morals of the child pursuant to subsection a.
37 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
38 paragraphs (3) or (4) or subparagraph (a) of paragraph (5) of
39 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to
40 section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact
41 pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping
42 pursuant to N.J.S.2C:13-1, criminal restraint pursuant to
43 N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if
44 the victim is a minor and the offender is not the parent of the
45 victim; knowingly promoting prostitution of a child pursuant to
46 paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; or
47 an attempt to commit any of these enumerated offenses if the
48 conviction, adjudication of delinquency or acquittal by reason of

1 insanity is entered on or after the effective date of this act or the
2 offender is serving a sentence of incarceration, probation, parole or
3 other form of community supervision as a result of the offense or is
4 confined following acquittal by reason of insanity or as a result of
5 civil commitment on the effective date of this act;

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

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

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

25 (2) A person confined in a correctional or juvenile facility or
26 involuntarily committed who is required to register shall register
27 prior to release in accordance with procedures established by the
28 Department of Corrections, the Department of Human Services or
29 the Juvenile Justice Commission;

30 (3) A person moving to or returning to this State from another
31 jurisdiction shall register with the chief law enforcement officer of
32 the municipality in which the person will reside or, if the
33 municipality does not have a local police force, the Superintendent
34 of State Police within 120 days of the effective date of this act or 10
35 days of first residing in or returning to a municipality in this State,
36 whichever is later;

37 (4) A person required to register on the basis of a conviction
38 prior to the effective date who is not confined or under supervision
39 on the effective date of this act shall register within 120 days of the
40 effective date of this act 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;

44 (5) A person who in another jurisdiction is required to register
45 as a sex offender and who is enrolled on a full-time or part-time
46 basis in any public or private educational institution in this State,
47 including any secondary school, trade or professional institution,
48 institution of higher education or other post-secondary school shall,

1 within ten days of commencing attendance at such educational
2 institution, register with the chief law enforcement officer of the
3 municipality in which the educational institution is located or, if the
4 municipality does not have a local police force, the Superintendent
5 of State Police;

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

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

23 d. (1) Upon a change of address, a person shall notify the law
24 enforcement agency with which the person is registered and shall
25 re-register with the appropriate law enforcement agency no less
26 than 10 days before he intends to first reside at his new address.
27 Upon a change of employment or school enrollment status, a person
28 shall notify the appropriate law enforcement agency no later than
29 five days after any such change. A person who fails to notify the
30 appropriate law enforcement agency of a change of address or status
31 in accordance with this subsection is guilty of a crime of the fourth
32 degree.

33 (2) A person required to register under this act shall provide the
34 appropriate law enforcement agency with information as to whether
35 the person has access to or use of a computer or any other device
36 with Internet capability. A person who fails to notify the
37 appropriate law enforcement agency of such information or of a
38 change in the person's access to or use of a computer or other
39 device with Internet capability or who provides false information
40 concerning the person's access to or use of a computer or any other
41 device with Internet capability is guilty of a crime of the fourth
42 degree.

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

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

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

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

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

27

28 3. Section 2 of P.L.1994, c.130 (C.2C:43-6.4) is amended to
29 read as follows:

30 2. a. Notwithstanding any provision of law to the contrary, a
31 judge imposing sentence on a person who has been convicted of
32 aggravated sexual assault, sexual assault, aggravated criminal
33 sexual contact, kidnapping pursuant to paragraph (2) of subsection
34 c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging
35 in sexual conduct which would impair or debauch the morals of the
36 child pursuant to subsection a. of N.J.S.2C:24-4, endangering the
37 welfare of a child pursuant to paragraph (3) of subsection b. of
38 N.J.S.2C:24-4, luring or an attempt to commit any of these offenses
39 shall include, in addition to any sentence authorized by this Code, a
40 special sentence of parole supervision for life.

41 b. The special sentence of parole supervision for life required
42 by this section shall commence immediately upon the defendant's
43 release from incarceration. If the defendant is serving a sentence of
44 incarceration for another offense at the time he completes the
45 custodial portion of the sentence imposed on the present offense,
46 the special sentence of parole supervision for life shall not
47 commence until the defendant is actually released from
48 incarceration for the other offense. Persons serving a special

1 sentence of parole supervision for life shall remain in the legal
2 custody of the Commissioner of Corrections, shall be supervised by
3 the Division of Parole of the State Parole Board, shall be subject to
4 the provisions and conditions set forth in subsection c. of section 3
5 of P.L.1997, c.117 (C.30:4-123.51b) and sections 15 through 19 and
6 21 of P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and
7 30:4-123.65), and shall be subject to conditions appropriate to
8 protect the public and foster rehabilitation. Such conditions may
9 include the requirement that the person comply with the conditions
10 set forth in subsection f. of this section concerning use of a
11 computer or other device with access to the Internet. If the
12 defendant violates a condition of a special sentence of parole
13 supervision for life, the defendant shall be subject to the provisions
14 of sections 16 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60
15 through 30:4-123.63 and 30:4-123.65), and for the purpose of
16 calculating the limitation on time served pursuant to section 21 of
17 P.L.1979, c.441 (C.30:4-123.65)the custodial term imposed upon
18 the defendant related to the special sentence of parole supervision
19 for life shall be deemed to be a term of life imprisonment. When
20 the court suspends the imposition of sentence on a defendant who
21 has been convicted of any offense enumerated in subsection a. of
22 this section, the court may not suspend imposition of the special
23 sentence of parole supervision for life, which shall commence
24 immediately, with the Division of Parole of the State Parole Board
25 maintaining supervision over that defendant, including the
26 defendant's compliance with any conditions imposed by the court
27 pursuant to N.J.S.2C:45-1, in accordance with the provisions of this
28 subsection. Nothing contained in this subsection shall prevent the
29 court from at any time proceeding under the provisions of
30 N.J.S.2C:45-1 through 2C:45-4 against any such defendant for a
31 violation of any conditions imposed by the court when it suspended
32 imposition of sentence, or prevent the Division of Parole from
33 proceeding under the provisions of sections 16 through 19 and 21 of
34 P.L.1979. c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-
35 123.65) against any such defendant for a violation of any conditions
36 of the special sentence of parole supervision for life, including the
37 conditions imposed by the court pursuant to N.J.S.2C:45-1.

38 In any such proceeding by the Division of Parole, the provisions
39 of subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b)
40 authorizing revocation and return to prison shall be applicable to
41 such a defendant, notwithstanding that the defendant may not have
42 been sentenced to or served any portion of a custodial term for
43 conviction of an offense enumerated in subsection a. of this section.

44 c. A person sentenced to a term of parole supervision for life
45 may petition the Superior Court for release from that parole
46 supervision. The judge may grant a petition for release from a
47 special sentence of parole supervision for life only upon proof by
48 clear and convincing evidence that the person has not committed a

1 crime for 15 years since the last conviction or release from
2 incarceration, whichever is later, and that the person is not likely to
3 pose a threat to the safety of others if released from parole
4 supervision. Notwithstanding the provisions of section 22 of
5 P.L.1979, c.441 (C.30:4-123.66), a person sentenced to a term of
6 parole supervision for life may be released from that parole
7 supervision term only by court order as provided in this subsection.

8 d. A person who violates a condition of a special sentence
9 imposed pursuant to this section without good cause is guilty of a
10 crime of the fourth degree. Notwithstanding any other law to the
11 contrary, a person sentenced pursuant to this subsection shall be
12 sentenced to a term of imprisonment, unless the court is clearly
13 convinced that the interests of justice so far outweigh the need to
14 deter this conduct and the interest in public safety that a sentence to
15 imprisonment would be a manifest injustice. Nothing in this
16 subsection shall preclude subjecting a person who violates any
17 condition of a special sentence of parole supervision for life to the
18 provisions of sections 16 through 19 and 21 of P.L.1979, c.441
19 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) pursuant to
20 the provisions of subsection c. of section 3 of P.L.1997, c.117
21 (C.30:4-123.51b).

22 e. A person who, while serving a special sentence of parole
23 supervision for life imposed pursuant to this section, commits a
24 violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5,
25 subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, N.J.S.2C:13-6,
26 N.J.S.2C:14-2, N.J.S.2C:14-3, N.J.S.2C:24-4, N.J.S.2C:18-2 when
27 the offense is a crime of the second degree, or subsection a. of
28 N.J.S.2C:39-4 shall be sentenced to an extended term of
29 imprisonment as set forth in N.J.S.2C:43-7, which term shall,
30 notwithstanding the provisions of N.J.S.2C:43-7 or any other law,
31 be served in its entirety prior to the person's resumption of the term
32 of parole supervision for life.

33 f. The special sentence of parole supervision for life required by
34 this section may include any of the following Internet access
35 conditions:

36 (1) Prohibit the person from accessing or using a computer or
37 any other device with Internet capability without the prior written
38 approval of the court except, if such person is on probation or
39 parole, the person may use a computer or any other device with
40 Internet capability in connection with that person's employment or
41 search for employment with the prior approval of the person's
42 probation or parole officer;

43 (2) Require the person to submit to periodic unannounced
44 examinations of the person's computer or any other device with
45 Internet capability by a probation officer, parole officer, law
46 enforcement officer or assigned computer or information
47 technology specialist, including the retrieval and copying of all data
48 from the computer or device and any internal or external peripherals

1 and removal of such information, equipment or device to conduct a
2 more thorough inspection;

3 (3) Require the person to submit to the installation on the
4 person's computer or device with Internet capability, at the person's
5 expense, one or more hardware or software systems to monitor the
6 Internet use; and

7 (4) Require the person to submit to any other appropriate
8 restrictions concerning the person's use or access of a computer or
9 any other device with Internet capability.

10 (cf: P.L. 2003, c.267, s.1)

11

12 4. N.J.S.2C:45-1 is amended to read as follows:

13 2C:45-1. Conditions of Suspension or Probation.

14 a. When the court suspends the imposition of sentence on a
15 person who has been convicted of an offense or sentences him to be
16 placed on probation, it shall attach such reasonable conditions,
17 authorized by this section, as it deems necessary to insure that he
18 will lead a law-abiding life or is likely to assist him to do so. These
19 conditions may be set forth in a set of standardized conditions
20 promulgated by the county probation department and approved by
21 the court.

22 b. The court, as a condition of its order, may require the
23 defendant:

24 (1) To support his dependents and meet his family
25 responsibilities;

26 (2) To find and continue in gainful employment;

27 (3) To undergo available medical or psychiatric treatment and to
28 enter and remain in a specified institution, when required for that
29 purpose;

30 (4) To pursue a prescribed secular course of study or vocational
31 training;

32 (5) To attend or reside in a facility established for the instruction,
33 recreation or residence of persons on probation;

34 (6) To refrain from frequenting unlawful or disreputable places
35 or consorting with disreputable persons;

36 (7) Not to have in his possession any firearm or other dangerous
37 weapon unless granted written permission;

38 (8) (Deleted by amendment, P.L.1991, c.329);

39 (9) To remain within the jurisdiction of the court and to notify
40 the court or the probation officer of any change in his address or his
41 employment;

42 (10) To report as directed to the court or the probation officer, to
43 permit the officer to visit his home, and to answer all reasonable
44 inquiries by the probation officer;

45 (11) To pay a fine;

46 (12) To satisfy any other conditions reasonably related to the
47 rehabilitation of the defendant and not unduly restrictive of his
48 liberty or incompatible with his freedom of conscience;

1 (13) To require the performance of community-related service;
2 and

3 (14) To be subject to Internet access conditions pursuant to
4 paragraph (2) of subsection d. of this section.

5 c. The court, as a condition of its order, shall require the
6 defendant to pay any assessments required by section 2 of P.L.1979,
7 c.396 (C.2C:43-3.1) and shall, consistent with the applicable
8 provisions of N.J.S.2C:43-3, N.J.S.2C:43-4 and N.J.S.2C:44-2 or
9 section 1 of P.L. 1983, c.411 (C.2C:43-2.1) require the defendant to
10 make restitution.

11 d. (1) In addition to any condition imposed pursuant to
12 subsection b. or c., the court shall order a person placed on
13 probation to pay a fee, not exceeding \$25.00 per month for the
14 probationary term, to probation services for use by the State, except
15 as provided in subsection g. of this section. This fee may be waived
16 in cases of indigency upon application by the chief probation officer
17 to the sentencing court.

18 (2) In addition to any conditions imposed pursuant to subsection
19 b. or c., the court may order a person who has been convicted,
20 adjudicated delinquent or found not guilty by reason of insanity for
21 the commission of a sex offense as defined in subsection b. of
22 section 2 of P.L.1994, c.133 (C.2C:7-2), and who is required to
23 register as provided in subsections c. and d. of section 2 of P.L.
24 1994, c.133 (C.2C:7-2), or who is serving a special sentence of
25 community or parole supervision for life as provided in section 2 of
26 P.L.1994, c. 130 (C.2C:43-6.4), or who has been convicted,
27 adjudicated delinquent or found not guilty by reason of insanity for
28 a violation of N.J.S.2C:34-3 to be subject to any of the following
29 Internet access conditions:

30 (a) Prohibit the person from accessing or using a computer or
31 any other device with Internet capability without the prior written
32 approval of the court except, if such person is on probation or
33 parole, the person may use a computer or any other device with
34 Internet capability in connection with that person's employment or
35 search for employment with the prior approval of the person's
36 probation or parole officer;

37 (b) Require the person to submit to periodic unannounced
38 examinations of the person's computer or any other device with
39 Internet capability by a probation officer, parole officer, law
40 enforcement officer or assigned computer or information
41 technology specialist, including the retrieval and copying of all data
42 from the computer or device and any internal or external peripherals
43 and removal of such information, equipment or device to conduct a
44 more thorough inspection;

45 (c) Require the person to submit to the installation on the
46 person's computer or device with Internet capability, at the person's
47 expense, one or more hardware or software systems to monitor the
48 Internet use; and

1 (d) Require the person to submit to any other appropriate
2 restrictions concerning the person's use or access of a computer or
3 any other device with Internet capability.

4 e. When the court sentences a person who has been convicted of
5 a crime to be placed on probation, it may require him to serve a
6 term of imprisonment not exceeding 364 days as an additional
7 condition of its order. When the court sentences a person convicted
8 of a disorderly persons offense to be placed on probation, it may
9 require him to serve a term of imprisonment not exceeding 90 days
10 as an additional condition of its order. In imposing a term of
11 imprisonment pursuant to this subsection, the sentencing court shall
12 specifically place on the record the reasons which justify the
13 sentence imposed. The term of imprisonment imposed hereunder
14 shall be treated as part of the sentence, and in the event of a
15 sentence of imprisonment upon the revocation of probation, the
16 term of imprisonment served hereunder shall be credited toward
17 service of such subsequent sentence. A term of imprisonment
18 imposed under this section shall be governed by the "Parole Act of
19 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

20 Whenever a person is serving a term of parole as a result of a
21 sentence of incarceration imposed as a condition of probation,
22 supervision over that person shall be maintained pursuant to the
23 provisions of the law governing parole. Upon termination of the
24 period of parole supervision provided by law, the county probation
25 department shall assume responsibility for supervision of the person
26 under sentence of probation. Nothing contained in this section shall
27 prevent the sentencing court from at any time proceeding under the
28 provisions of this chapter against any person for a violation of
29 probation.

30 f. The defendant shall be given a copy of the terms of his
31 probation or suspension of sentence and any requirements imposed
32 pursuant to this section, stated with sufficient specificity to enable
33 him to guide himself accordingly. The defendant shall
34 acknowledge, in writing, his receipt of these documents and his
35 consent to their terms.

36 g. Of the moneys collected under the provisions of subsection d.
37 of this section, \$15.00 of each monthly fee collected before January
38 1, 1995 shall be deposited in the temporary reserve fund created by
39 section 25 of P.L.1993, c.275, and \$10.00 of each shall be deposited
40 into a "Community Service Supervision Fund" which shall be
41 established by each county. The moneys in the "Community
42 Service Supervision Fund" shall be expended only in accordance
43 with the provisions of State law as shall be enacted to provide for
44 expenditures from this fund for the purpose of supervising and
45 monitoring probationers performing community service to ensure,
46 by whatever means necessary and appropriate, that probationers are
47 performing the community service ordered by the court and that the

1 performance is in the manner and under the terms ordered by the
2 court.

3 (cf: P.L.1993, c.275, s.16)

4

5 5. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to
6 read as follows:

7 15. a. Each adult parolee shall at all times remain in the legal
8 custody of the Commissioner of Corrections and under the
9 supervision of the State Parole Board and each juvenile parolee
10 shall at all times remain in the legal custody of the Juvenile Justice
11 Commission established pursuant to section 2 of P.L.1995, c.284
12 (C.52:17B-170), except that the Commissioner of Corrections or the
13 Executive Director of the Juvenile Justice Commission, after
14 providing notice to the Attorney General, may consent to the
15 supervision of a parolee by the federal government pursuant to the
16 Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3251 et
17 seq.). An adult parolee, except those under the Witness Security
18 Reform Act, shall remain under the supervision of the State Parole
19 Board and in the legal custody of the Department of Corrections,
20 and a juvenile parolee, except those under the Witness Security
21 Reform Act, shall remain under the supervision of the Juvenile
22 Justice Commission, as appropriate, in accordance with the policies
23 and rules of the board.

24 b. (1) Each parolee shall agree, as evidenced by his signature to
25 abide by specific conditions of parole established by the appropriate
26 board panel which shall be enumerated in writing in a certificate of
27 parole and shall be given to the parolee upon release. Such
28 conditions shall include, among other things, a requirement that the
29 parolee conduct himself in society in compliance with all laws and
30 refrain from committing any crime, a requirement that the parolee
31 will not own or possess any firearm as defined in subsection f. of
32 N.J.S.2C:39-1 or any other weapon enumerated in subsection r. of
33 N.J.S.2C:39-1, a requirement that the parolee refrain from the use,
34 possession or distribution of a controlled dangerous substance,
35 controlled substance analog or imitation controlled dangerous
36 substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, a
37 requirement that the parolee obtain permission from his parole
38 officer for any change in his residence, a requirement that the
39 parolee comply with the Internet access conditions set forth in
40 paragraph (2) of this subsection, and a requirement that the parolee
41 report at reasonable intervals to an assigned parole officer. In
42 addition, based on prior history of the parolee or information
43 provided by a victim or a member of the family of a murder victim,
44 the member or board panel certifying parole release pursuant to
45 section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any
46 other specific conditions of parole deemed reasonable in order to
47 reduce the likelihood of recurrence of criminal or delinquent
48 behavior. Such special conditions may include, among other things,

1 a requirement that the parolee make full or partial restitution, the
2 amount of which restitution shall be set by the sentencing court
3 upon request of the board. In addition, the member or board panel
4 certifying parole release may, giving due regard to a victim's
5 request, impose a special condition that the parolee have no contact
6 with the victim, which special condition may include, but need not
7 be limited to, restraining the parolee from entering the victim's
8 residence, place of employment, business or school, and from
9 harassing or stalking the victim or victim's relatives in any way.
10 Further, the member, board panel or board certifying parole release
11 may impose a special condition that the person shall not own or
12 possess an animal for an unlawful purpose or to interfere in the
13 performance of duties by a parole officer.

14 (2) In addition, the member or board panel certifying parole
15 release may impose on any person who has been convicted,
16 adjudicated delinquent or found not guilty by reason of insanity for
17 the commission of a sex offense as defined in subsection b. of
18 section 2 of P.L. 1994, c.133 (C.2C:7-2), and who is required to
19 register as provided in subsections c. and d. of section 2 of P.L.
20 1994, c.133 (C.2C:7-2), or who is serving a special sentence of
21 community or parole supervision for life as provided in section 2 of
22 P.L.1994, c. 130 (C.2C:43-6.4), or who has been convicted,
23 adjudicated delinquent or found not guilty by reason of insanity for
24 a violation of N.J.S.2C:34-3 any of the following Internet access
25 conditions:

26 (a) Prohibit the person from accessing or using a computer or
27 any other device with Internet capability without the prior written
28 approval of the court except, if such person is on probation or
29 parole, the person may use a computer or any other device with
30 Internet capability in connection with that person's employment or
31 search for employment with the prior approval of the person's
32 probation or parole officer;

33 (b) Require the person to submit to periodic unannounced
34 examinations of the person's computer or any other device with
35 Internet capability by a probation officer, parole officer, law
36 enforcement officer or assigned computer or information
37 technology specialist, including the retrieval and copying of all data
38 from the computer or device and any internal or external peripherals
39 and removal of such information, equipment or device to conduct a
40 more thorough inspection;

41 (c) Require the person to submit to the installation on the
42 person's computer or device with Internet capability, at the person's
43 expense, one or more hardware or software systems to monitor the
44 Internet use; and

45 (d) Require the person to submit to any other appropriate
46 restrictions concerning the person's use or access of a computer or
47 any other device with Internet capability.

1 c. The appropriate board panel may in writing relieve a parolee
2 of any parole conditions, and may permit a parolee to reside outside
3 the State pursuant to the provisions of the Uniform Act for Out-of-
4 State Parolee Supervision (N.J.S.2A:168-14 et seq.), the Interstate
5 Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4), and,
6 with the consent of the Commissioner of the Department of
7 Corrections or the Executive Director of the Juvenile Justice
8 Commission after providing notice to the Attorney General, the
9 federal Witness Security Reform Act, if satisfied that such change
10 will not result in a substantial likelihood that the parolee will
11 commit an offense which would be a crime under the laws of this
12 State. The appropriate board panel may revoke such permission,
13 except in the case of a parolee under the Witness Security Reform
14 Act, or reinstate relieved parole conditions for any period of time
15 during which a parolee is under its jurisdiction.

16 d. The appropriate board panel may parole an inmate to any
17 residential facility funded in whole or in part by the State if the
18 inmate would not otherwise be released pursuant to section 9 of
19 P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the
20 residential facility provides treatment for mental illness or mental
21 retardation, the board panel only may parole the inmate to the
22 facility pursuant to the laws and admissions policies that otherwise
23 govern the admission of persons to that facility, and the facility
24 shall have the authority to discharge the inmate according to the
25 laws and policies that otherwise govern the discharge of persons
26 from the facility, on 10 days' prior notice to the board panel. The
27 board panel shall acknowledge receipt of this notice in writing prior
28 to the discharge. Upon receipt of the notice the board panel shall
29 resume jurisdiction over the inmate.

30 e. Parole officers shall provide assistance to the parolee in
31 obtaining employment, education or vocational training or in
32 meeting other obligations to assure the parolee's compliance with
33 meeting legal requirements related to sex offender notification,
34 address changes and participation in rehabilitation programs as
35 directed by the assigned parole officer.

36 f. The board panel on juvenile commitments and the assigned
37 parole officer shall insure that the least restrictive available
38 alternative is used for any juvenile parolee.

39 g. If the board has granted parole to any inmate from a State
40 correctional facility or juvenile facility and the court has imposed a
41 fine on such inmate, the appropriate board panel shall release such
42 inmate on condition that the parolee make specified fine payments
43 to the State Parole Board or the Juvenile Justice Commission. For
44 violation of such conditions, or for violation of a special condition
45 requiring restitution, parole may be revoked only for refusal or
46 failure to make a good faith effort to make such payment.

1 h. Upon collection of the fine the same shall be paid over by
2 the Department of Corrections or by the Juvenile Justice
3 Commission to the State Treasury.
4 (cf: P.L.2003, c.249)

5
6 6. This act shall take effect on the 60th day following enactment.
7

8
9 STATEMENT
10

11 This bill would limit Internet access for certain offenders who
12 are subject to Megan's Law registration, community supervision for
13 life and on probation or parole.

14 *Section 1* provides that in sentencing an offender, where a
15 finding is made that a computer or any other device with Internet
16 capability was used to facilitate the commission of the crime, the
17 court would be required to impose certain Internet access
18 restrictions to the following individuals: those who have been
19 convicted, adjudicated delinquent or found not guilty by reason of
20 insanity for the commission of a sex offense and are required to
21 register under "Megan's Law"; those who are serving a special
22 sentence of community or parole supervision due to the commission
23 of a sex offense; and those who have been convicted of promoting
24 or providing obscene material to persons under the age of 18. Any
25 person who fails to comply with Internet access conditions would
26 be guilty of a crime of the fourth degree.

27 *Section 2* amends "Megan's Law" to provide that a person
28 subject to the law's registration requirements in N.J.S.A. 2C:7-2
29 would be required to provide the appropriate law enforcement
30 agency with information as to whether the person has access to or
31 use of a computer or any other device with Internet capability.
32 Failure to notify the appropriate law enforcement agency of such
33 information or of a change in the person's access to or use of a
34 computer or other device with Internet capability or providing false
35 information concerning the person's access to or use of a computer
36 or any other device with Internet capability would be a crime of the
37 fourth degree. A crime of the fourth degree is punishable by a term
38 of imprisonment of up to 18 months or a fine of up to \$10,000 or
39 both.

40 *Section 3* amends N.J.S.A.2C:43-6.4 to provide that a person
41 subject to the special sentence of parole supervision for life *may be*
42 *subject* to the same Internet access conditions as may be ordered by
43 a court under the bill in imposing sentence on a newly convicted
44 offender.

45 *Section 4 and 5* amends N.J.S.A.2C:45-1, concerning probation,
46 and N.J.S.A.30:4-123.59, concerning parole, to provide that a
47 person who have been convicted, adjudicated delinquent or found
48 not guilty by reason of insanity for the commission of a sex offense

1 and are required to register under “Megan’s Law”; those who are
2 serving a special sentence of community or parole supervision due
3 to the commission of a sex offense; and those who have been
4 convicted of promoting or providing obscene material to persons
5 under the age of 18 *may also be subject* to the Internet access
6 restrictions as a condition of parole or probation.

7 The Internet access conditions would be as follows for all of the
8 sections of the bill:

- 9 • Prohibit the person from accessing or using a computer
10 or any other device with Internet capability without the
11 prior written approval of the court except, if such person
12 is on probation or parole, the person may use a computer
13 or any other device with Internet capability in connection
14 with that person’s employment or search for employment
15 with the prior approval of the person's probation or
16 parole officer;
- 17 • Require the person to submit to periodic unannounced
18 examinations of the person's computer or any other
19 device with Internet capability by a probation officer,
20 parole officer, law enforcement officer or assigned
21 computer or information technology specialist, including
22 the retrieval and copying of all data from the computer or
23 device and any internal or external peripherals and
24 removal of such information, equipment or device to
25 conduct a more thorough inspection;
- 26 • Require the person to submit to the installation on the
27 person's computer or device with Internet capability, at
28 the person's expense, one or more hardware or software
29 systems to monitor the Internet use; and
- 30 • Require the person to submit to any other appropriate
31 restrictions concerning the person’s use or access of a
32 computer or any other device with Internet capability.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3905

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 21, 2007

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 3905.

This bill would limit Internet access for certain sex offenders who are subject to Megan's Law registration or community supervision for life or on probation or parole.

Section 1 provides that in sentencing an offender, where a finding is made that a computer or any other device with Internet capability was used to facilitate the commission of the crime, the court would be required to impose certain Internet access restrictions to the following individuals: those who have been convicted, adjudicated delinquent or found not guilty by reason of insanity for the commission of a sex offense and are required to register under "Megan's Law"; those who are serving a special sentence of community or parole supervision due to the commission of a sex offense; and those who have been convicted of promoting or providing obscene material to persons under the age of 18. Any person who fails to comply with Internet access conditions would be guilty of a crime of the fourth degree.

The committee amended section 1 of the bill to require the appropriate agency heads to promulgate guidelines concerning the specific Internet access conditions which may be imposed on an offender pursuant to the bill's provisions.

In addition, the amendments would authorize the Attorney General or the County Prosecutor to petition the court to impose Internet access restrictions upon a sex offender who is required to register as provided in N.J.S.A.2C:7-2 for a conviction for a sex offense under state or federal law or any law of any other state as set forth in paragraph (3) of subsection b. of N.J.S.A.2C:7-2.

Section 2 amends "Megan's Law," specifically N.J.S.A.2C:7-2, to provide that a person subject to the law's registration requirements would be required to provide the appropriate law enforcement agency with information as to whether the person has access to or use of a computer or any other device with Internet capability. The committee amended this section of the bill to clarify that a person subject to this requirement would be required to disclose whether he has "routine" access to a computer with Internet capabilities. Failure to notify the

appropriate law enforcement agency of such information or of a change in the person's access to or use of a computer or other device with Internet capability or providing false information concerning the person's access to or use of a computer or any other device with Internet capability would be a crime of the fourth degree. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine of up to \$10,000 or both.

Section 3 amends N.J.S.A.2C:43-6.4 to provide that a person subject to the special sentence of parole supervision for life may be subject to the same Internet access conditions as may be ordered by a court under the bill in imposing sentence on a newly convicted offender. The committee amendments eliminate the references to probation officers from this section since this section concerns the duties of parole officers with regard to those individuals who are sentenced to community or parole supervision for life.

Sections 4 and 5 amend N.J.S.A.2C:45-1, concerning probation, and N.J.S.A.30:4-123.59, concerning parole, to provide that persons who have been convicted or adjudicated delinquent for the commission of a sex offense and are required to register under "Megan's Law" and those who have been convicted of promoting or providing obscene material to persons under the age of 18 may also be subject to the Internet access restrictions as a condition of parole or probation.

The committee amended sections 4 and 5 of the bill to eliminate the references to those persons "found not guilty by reason of insanity" and those persons "who are serving the special sentence of community or parole supervision for life." The committee amendments also eliminate the reference to parole officers in section 4 of the bill, N.J.S.A.2C:45-1, since this section concerns the duties of probation officers with regard to individuals who are placed on probation.

In addition, the committee amendments eliminate the reference to probation officers in section 5 of the bill, N.J.S.A.30:4-123.59, since this section concerns the duties of parole officers with regard to those individuals who are placed on parole.

The committee amended the bill to include a new section 6 which would require the appropriate agency head to approve training programs for law enforcement officers, parole officers and any other persons charged with the enforcement of the bill's provisions. Appropriate programs are to include, at a minimum, instruction in conducting investigations in which computers, telecommunications devices and other high technology instruments are utilized in the commission of sex offenses. The program also may include instruction on forensic recovery, evidence preservation and analysis of computer data seized as a result of criminal activity.

The effective date of the bill was amended to provide that the bill's provisions take effect on the 60th day following enactment *and are*

applicable to any person who commits an offense subject to sentencing pursuant to section 1 of the bill after the effective date and to any person who is under probation or parole supervision, including community or parole supervision for life, on the bill's effective date.

The Internet access conditions would be as follows for all of the sections of the bill:

- Prohibit the person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court except, if such person is on probation or parole, the person may use a computer or any other device with Internet capability in connection with that person's employment or search for employment with the prior approval of the person's probation or parole officer;
- Require the person to submit to periodic unannounced examinations of the person's computer or any other device with Internet capability by a probation officer, parole officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;
- Require the person to submit to the installation on the person's computer or device with Internet capability, at the person's expense, one or more hardware or software systems to monitor the Internet use; and
- Require the person to submit to any other appropriate restrictions concerning the person's use or access of a computer or any other device with Internet capability.

These amendments make this bill identical to Senate Bill No. 1979 (2R).

PROPOSED COMMITTEE AMENDMENTS:

1) Amends section 1 of the bill to require the appropriate agency head to promulgate guidelines concerning the specific Internet access conditions which may be imposed on a person pursuant to the bill's provisions;

2) Amends section 1 of the bill to permit the Attorney General or the County Prosecutor to petition the court to impose Internet access restrictions upon a sex offender who is required to register as provided in N.J.S.A.2C:7-2 for a sex offense under federal law or any other state law pursuant to paragraph (3) of subsection b. of N.J.S.A.2C:7-2;

3) Amends section 2 of the bill to require that a person who is required to comply with the provisions of this bill are required to provide the appropriate law enforcement agency with information as to whether he has routine access to a computer with Internet capability.

4) Amends section 3 of the bill to eliminate the references to probation officer from N.J.S.A.2C:43-6.4 since this section concerns the special sentence of community or parole supervision for life.

5) Amends section 4 of the bill to eliminate the reference to those persons found not guilty by reason of insanity and those individuals who are serving the special sentence of community or parole supervision for life. In addition, this amendment eliminates the reference to parole officer since this section concerns probation.

6) Amends section 5 of the bill to eliminate the references to those persons found not guilty by reason of insanity and those individuals who are serving the special sentence of community or parole supervision for life. In addition, the amendments eliminates the reference to probation officer from this section since this section concerns parole.

7) Insert a new section 6 which would require the appropriate agency head to approve appropriate training programs for law enforcement officers, parole officers, probation officers and any other persons charged with the enforcement of the bill's provisions. Appropriate programs are to include, at a minimum, instruction in conducting investigations in which computers, telecommunications devices and other high technology instruments are utilized in the commission of sex offenses. The program may include instruction on forensic recovery, evidence preservation and analysis of computer data seized as a result of criminal activity.

8) Revises the effective date so that the bill's provisions are effective on the 60th day following enactment *and are applicable* to any person who commits an offense subject to sentencing under section 1 after the bill's effective date and to any person who is under probation or parole supervision, including community or parole supervision or life, on the bill's effective date.

9) Makes other clarifying and technical amendments.

FISCAL NOTE
ASSEMBLY, No. 3905
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: APRIL 25, 2007

SUMMARY

Synopsis: Restricts certain sex offenders' access to Internet.

Type of Impact: General Fund expenditure

Agencies Affected: Judiciary, State Parole Board, Department of Law and Public Safety

Executive Estimate

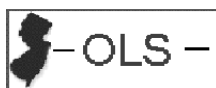
Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - See Comments Below		

- The Office of Legislative Services **concurs** with the Judiciary's and the Department of Law and Public Safety's estimates of cost for their agencies but adds that the State Parole Board would incur an undetermined cost of monitoring sex offenders for compliance with the law.
- The bill would limit Internet access for certain offenders who are subject to Megan's Law registration, community supervision for life and on probation or parole.
- The Administrative Office of the Courts states that it is not possible to determine the number of cases which would fall under the provisions of the proposed legislation. Therefore, the Judiciary is unable to accurately determine the fiscal impact of this legislation.
- The Department of Law and Public Safety states that this bill would have no impact upon the operations of the department.

BILL DESCRIPTION

Assembly Bill No. 3905 of 2006 would limit Internet access for certain offenders who are subject to Megan's Law registration, community supervision for life and on probation or parole.

Section 1 provides that in sentencing an offender, where a finding is made that a computer or any other device with Internet capability was used to facilitate the commission of the crime, the court would be required to impose certain Internet access restrictions to the following individuals: those who have been convicted, adjudicated delinquent or found not guilty by reason



of insanity for the commission of a sex offense and are required to register under “Megan’s Law”; those who are serving a special sentence of community or parole supervision due to the commission of a sex offense; and those who have been convicted of promoting or providing obscene material to persons under the age of 18. Any person who fails to comply with Internet access conditions would be guilty of a crime of the fourth degree.

Section 2 amends “Megan’s Law” to provide that a person subject to the law’s registration requirements would be required to provide the appropriate law enforcement agency with information as to whether the person has access to or use of a computer or any other device with Internet capability. Failure to notify the appropriate law enforcement agency of such information or of a change in the person’s access to or use of a computer or other device with Internet capability or providing false information concerning the person’s access to or use of a computer or any other device with Internet capability would be a crime of the fourth degree. Section 3 provides that a person subject to the special sentence of parole supervision for life may be subject to the same Internet access conditions as may be ordered by a court under the bill in imposing sentence on a newly convicted offender.

Sections 4 and 5 provide that a person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for the commission of a sex offense and is required to register under “Megan’s Law”; those who are serving a special sentence of community or parole supervision due to the commission of a sex offense; and those who have been convicted of promoting or providing obscene material to persons under the age of 18 may also be subject to the Internet access restrictions as a condition of parole or probation.

The Internet access conditions would be as follows for all of the sections of the bill:

- Prohibit the person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court except, if such person is on probation or parole, the person may use a computer or any other device with Internet capability in connection with that person’s employment or search for employment with the prior approval of the person’s probation or parole officer;
- Require the person to submit to periodic unannounced examinations of the person’s computer or any other device with Internet capability by a probation officer, parole officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;
- Require the person to submit to the installation on the person’s computer or device with Internet capability, at the person’s expense, one or more hardware or software systems to monitor the Internet use; and
- Require the person to submit to any other appropriate restrictions concerning the person’s use of or access to a computer or any other device with Internet capability.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

The Administrative Office of the Courts states that it is not possible to determine the number of cases which would fall under the provisions of the proposed legislation. Therefore, the Judiciary is unable to accurately determine the fiscal impact of this legislation.

State Parole Board

None received

Department of Law and Public Safety

The Department of Law and Public Safety states that this bill would have no impact upon the operations of the department.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Judiciary's and the Department of Law and Public Safety estimates of cost for their agencies but adds that the State Parole Board would incur an undetermined cost of monitoring sex offenders for compliance with the law.

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.

FISCAL NOTE
 [First Reprint]
ASSEMBLY, No. 3905
STATE OF NEW JERSEY
212th LEGISLATURE

DATED: DECEMBER 18, 2007

SUMMARY

Synopsis: Restricts certain sex offenders' access to the Internet.

Type of Impact: General Fund expenditure.

Agencies Affected: Judiciary, State Parole Board, Department of Law and Public Safety.

Executive Estimate

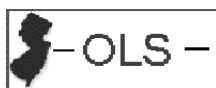
Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate - See comments below		

- The Office of Legislative Services **concurs** with the Judiciary and the Department of Law and Public Safety cost estimates for their agencies and adds that the State Parole Board would incur an undetermined cost to monitor sex offenders for compliance with the law.
- The Administrative Office of the Courts states that it is not possible to extrapolate the number of cases which would fall under the provisions of the proposed legislation. Therefore, the Judiciary is unable to accurately determine the fiscal impact of this legislation.
- The Department of Law and Public Safety states that this bill would have no impact upon the operations of the department.

BILL DESCRIPTION

Assembly Bill No. 3905 (1R) of 2007 would limit internet access for certain offenders who are on probation or parole and who are subject to Megan's Law registration and community supervision for life.

Section 1 provides that in sentencing an offender, where a finding is made that a computer or other device with Internet capability was used to facilitate the commission of the crime, the court would be required to impose certain Internet access restrictions to the following individuals:



those who have been convicted, adjudicated delinquent or found not guilty by reason of insanity for the commission of a sex offense and are required to register under “Megan’s Law”; those who are serving a special sentence of community or parole supervision due to the commission of a sex offense; and those who have been convicted of promoting or providing obscene material to persons under the age of 18. Any person who fails to comply with Internet access conditions would be guilty of a crime of the fourth degree.

Section 2 amends “Megan’s Law” to provide that a person subject to the law’s registration requirements would be required to provide the appropriate law enforcement agency with information as to whether the person has routine access to or use of a computer or any other device with Internet capability. Failure to notify the appropriate law enforcement agency of such information or of a change in the person’s access to or use of a computer or other device with Internet capability or providing false information concerning the person’s access would be a crime of the fourth degree.

Section 3 provides that a person subject to the special sentence of parole supervision for life may be subject to the same Internet access conditions as a newly convicted offender.

Sections 4 and 5 provide that persons who have been convicted or adjudicated delinquent for the commission of a sex offense and are required to register under “Megan’s Law”; and those who have been convicted of promoting or providing obscene material to persons under the age of 18 may also be subject to the Internet access restrictions as a condition of parole or probation.

Section 6 provides that the appropriate agency head shall approve appropriate training programs for law enforcement officers, parole officers and any other persons charged with enforcement. Appropriate programs include instruction in conducting investigations in which computers, telecommunications devices and other high technology instruments are utilized in the commission of sex offenses. The programs also may include instruction in techniques of forensic recovery, evidence preservation and analysis of data in computer systems seized because of criminal or unlawful activity.

The Internet access conditions would be as follows for all of the sections of the bill:

- Prohibit a person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court except, if such person is on probation or parole, the person may use a computer or any other device with Internet capability in connection with that person’s employment or search for employment with the prior approval of a probation or parole officer;
- Require a person to submit to periodic unannounced examinations of a computer or device with Internet capability by a probation, parole, or law enforcement officer, or an assigned computer or information technology specialist. For the purpose of conducting a more thorough inspection, unannounced examinations would include the retrieval and copying of all data from a computer or device as well as the removal of any internal or external peripherals or other equipment;
- Require a person to submit to the installation at the person's expense, one or more hardware or software systems to monitor the Internet use; and
- Require a person to submit to any other appropriate restrictions pertaining to computer use or access.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

The Administrative Office of the Courts states that it is not possible to extrapolate the number of cases which would fall under the provisions of the proposed legislation. Therefore, the Judiciary is unable to accurately determine the fiscal impact of this legislation.

State Parole Board

None received.

Department of Law and Public Safety

The Department of Law and Public Safety states that this bill would have no impact upon the operations of the department.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Judiciary and the Department of Law and Public Safety cost estimates for their agencies and adds that the State Parole Board would incur an undetermined cost to monitor sex offenders for compliance with the law.

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 (C. 52:13B-1 et seq.).

Dec-27-07 Governor Codey Signs Legislation Making New Jersey a Leader in Cracking Down on Internet Predators

NEWS RELEASE

Acting Governor Richard J. Codey
December 27, 2007

FOR MORE INFORMATION:

Press Office
609-777-2600

GOVERNOR CODEY SIGNS LEGISLATION MAKING NEW JERSEY A LEADER IN CRACKING DOWN ON INTERNET PREDATORS

WEST TRENTON - New Jersey now has a new set of weapons to fight the growing threat of Internet predators, as Governor Richard J. Codey today signed legislation that moves the state to the forefront in combating individuals who attempt to exploit children online.

"No matter how much you trust your kids, no matter how much you think you know what they're doing, there are some sick people out there that will stop at nothing to prey on them," said Governor Codey. "This legislation will give us some of the toughest tools in the nation to crack down on the growing threat of Internet predators. Hopefully this law will help a lot of parents sleep easier at night."

Signed in the presence of law enforcement officials and other supporters at the State Police Division Headquarters in West Trenton, bill S1979 will provide the state with nearly unparalleled authority to monitor or restrict Internet access by convicted sex offenders, effectively making New Jersey a national leader in the fight to crack down on online sexual predators.

Under bill S1979, anyone convicted of using a computer to help commit a sex offense will be strictly prohibited from using a computer or accessing the Internet, restrictions that could extend for their entire period of parole. The bill will also give the State Parole Board the discretion to impose Internet access restrictions on other sex offenders, regardless of whether they used a computer to facilitate their crime.

These restrictions will require the person to submit to periodic, unannounced examinations of their computer equipment; install hardware or software systems on their computer to monitor their use; inform law enforcement if they have

access to or use of a computer or Internet device; and receive written approval from the state before accessing or using a computer or the Internet.

"As a co-sponsor of 'Megan's Law,' I understand how important it is to protect ourselves and the children of this state from sex offenders," said Senator John Girgenti (D-Bergen/Passaic). "By taking computer and Internet access away from those who use these devices to commit sex crimes, we are reducing the risk of them being tempted to be a repeat offender."

Assemblywoman Linda Greenstein (D-Middlesex/Mercer), the bill's primary sponsor in the Assembly, emphasized the importance of this legislation and noted that currently there are no federal laws requiring the imposition of Internet restrictions on sex offenders. Only two other states - Florida and Nevada - have any such restrictions. Through passage of this bill, Greenstein said, New Jersey residents now have a greater safety net because the provisions cover a broader group of offenders and include more stringent guidelines for monitoring their computer use.

"When Megan's Law was enacted, few could even envision a day when a sex offender hiding behind a fake screen name would be a mouse-click away from new and unwitting victims," said Assemblywoman Greenstein. "Sex offenders cannot be given an opportunity to abuse the anonymity the Internet can provide as a means of opening a door to countless new potential victims."

The other primary sponsors in the Assembly echoed that sentiment.

"Megan's Law must keep pace with changing times and emerging technology," said Assemblywoman Joan Voss (D-Bergen). "Now, law enforcement will be able to remain a step ahead of an offender looking to strike again."

"Allowing Megan's Law to remain on the books blind to the realities of the Internet age would be detrimental to our over-arching goal of protecting our children," said Assemblyman Louis Manzo (D-Hudson).