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[First Reprint]
SENATE, No. 532

STATE OF NEW JERSEY
213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

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Angelini, Assemblyman Biondi, Assemblywoman Greenstein and
Assemblyman Diegnan**

SYNOPSIS

Bars certain sex offenders from positions in youth serving organizations.

CURRENT VERSION OF TEXT

As reported by the Assembly Law and Public Safety Committee on October 23, 2008, with amendments.

(Sponsorship Updated As Of: 5/22/2009)

1 AN ACT concerning prohibitions on the acts of certain sex
2 offenders, supplementing chapter 7 of Title 2C of the New Jersey
3 Statutes, and amending P.L.1999, c.432.

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

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8 1. As used in this act:

9 "Excluded sex offender" means a person who has been
10 convicted, adjudicated delinquent or found not guilty by reason of
11 insanity for the commission of a sex offense, as defined in
12 subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2), which
13 involves a victim under 18 years of age.

14 "Youth serving organization" means a sports team, league,
15 athletic association or any other corporation, association or
16 organization, excluding public and nonpublic schools, which
17 provides recreational, educational, cultural, social, charitable or
18 other activities or services to persons under 18 years of age.

19

20 2. a. Except as otherwise provided in subsection e. of this
21 section, it shall be unlawful for an excluded sex offender to hold a
22 position or otherwise participate, in a paid or unpaid capacity, in a
23 youth serving organization.

24 b. A person who violates subsection a. of this section is guilty of
25 a crime of the third degree.

26 c. A person who knowingly hires, engages or appoints an
27 excluded sex offender to serve in a youth serving organization in
28 violation of subsection a. of this section is guilty of a crime of the
29 fourth degree.

30 d. The provisions of this act shall not apply to participation by
31 an excluded sex offender under 18 years of age in a youth serving
32 organization which provides rehabilitative or other services to
33 juvenile sex offenders.

34 e. It shall not be a violation of subsection a. of this section for
35 an excluded sex offender to serve in a youth serving organization if
36 the excluded sex offender is under Parole Board supervision and the
37 Parole Board has given express written permission for the excluded
38 sex offender to hold a position or otherwise participate in that
39 particular youth serving organization.

40 ¹f. Nothing herein shall be construed to authorize an excluded
41 sex offender, as defined in section 1 of P.L. _____, c. _____ (C. _____)
42 (pending before the Legislature as this bill), to hold a position or
43 otherwise participate, in a paid or unpaid capacity, in a youth

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:

¹Assembly ALP committee amendments adopted October 23, 2008.

1 serving organization or any other entity from which the excluded
2 sex offender is otherwise statutorily disqualified.¹

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4 3. Section 3 of P.L.1999, c.432 (C.15A:3A-3) is amended to
5 read as follows:

6 3. **[A]** Except as provided in P.L. , c. (C.) (pending
7 before the Legislature as this bill), a person may be disqualified
8 from serving as an employee or volunteer of a nonprofit youth
9 serving organization if that person's criminal history record
10 background check reveals a record of conviction of any of the
11 following crimes and offenses:

12 a. In New Jersey, any crime or disorderly persons offense:

13 (1) involving danger to the person, meaning those crimes and
14 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
15 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
16 or N.J.S.2C:15-1 et seq.;

17 (2) against the family, children or incompetents, meaning those
18 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
19 seq.;

20 (3) involving theft as set forth in chapter 20 of Title 2C of the
21 New Jersey Statutes;

22 (4) involving any controlled dangerous substance or controlled
23 substance analog as set forth in chapter 35 of Title 2C of the New
24 Jersey Statutes except paragraph (4) of subsection a. of
25 N.J.S.2C:35-10.

26 b. In any other state or jurisdiction, conduct which, if committed
27 in New Jersey, would constitute any of the crimes or disorderly
28 persons offenses described in subsection a. of this section.

29 ¹c. Nothing herein shall be construed to authorize an excluded
30 sex offender, as defined in section 1 of P.L. , c. (C.)
31 (pending before the Legislature as this bill), to serve as an employee
32 or volunteer in a youth serving organization or any other entity
33 from which the excluded sex offender is otherwise statutorily
34 disqualified.¹

35 (cf: P.L.1999, c.432, s.3)

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37 4. This act shall take effect immediately.

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1 disqualified from serving as an employee or volunteer of a
2 nonprofit youth serving organization if that person's criminal
3 history record background check reveals a record of conviction of
4 any of the following crimes and offenses:

5 a. In New Jersey, any crime or disorderly persons offense:

6 (1) involving danger to the person, meaning those crimes and
7 disorderly persons offenses set forth in N.J.S.2C:11-1 et seq.,
8 N.J.S.2C:12-1 et seq., N.J.S.2C:13-1 et seq., N.J.S.2C:14-1 et seq.
9 or N.J.S.2C:15-1 et seq.;

10 (2) against the family, children or incompetents, meaning those
11 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
12 seq.;

13 (3) involving theft as set forth in chapter 20 of Title 2C of the
14 New Jersey Statutes;

15 (4) involving any controlled dangerous substance or controlled
16 substance analog as set forth in chapter 35 of Title 2C of the New
17 Jersey Statutes except paragraph (4) of subsection a. of
18 N.J.S.2C:35-10.

19 b. In any other state or jurisdiction, conduct which, if
20 committed in New Jersey, would constitute any of the crimes or
21 disorderly persons offenses described in subsection a. of this
22 section.

23 (cf: P.L.1999, c.432, s.3)

24
25 4. This act shall take effect immediately.

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28 *S. Viscardi* STATEMENT

29
30 This bill is intended to protect the children and youth of this
31 State by prohibiting sex-offenders from holding positions in youth
32 serving organizations.

33 This bill defines a "youth serving organization" as a sports team,
34 league, athletic association or any other corporation, association or
35 organization, excluding public and nonpublic schools, which
36 provides recreational, educational, cultural, social, charitable or
37 other activities or services to persons under 18 years of age. The
38 bill does not apply to employees and volunteers of public and
39 nonpublic schools, as criminal background checks and employment
40 restrictions of these persons are governed under separate law.
41 (N.J.S.18A:6-4.13 et seq., N.J.S.18A:6-7.1 et seq.)

42 "Sex offender" is defined as a person who has been convicted,
43 adjudicated delinquent or found not guilty by reason of insanity for
44 committing a broad range of sexual offenses as defined in the sex
45 offender registration (Megan's) law, which involves a victim under
46 18 years of age.

47 Under the bill, it would be unlawful for a sex offender to hold a
48 position or otherwise serve, in a paid or unpaid capacity, in a youth

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1 serving organization. A violator would be guilty of a crime of the
2 third degree, which carries a penalty of three to five years
3 imprisonment, a fine of up to \$15,000, or both.

4 A person who knowingly hires, engages or appoints a sex
5 offender to serve in a youth serving organization in violation of this
6 act would be guilty of a crime of the fourth degree. The penalty for
7 a crime of the fourth degree is imprisonment for up to 18 months, a
8 fine of up to \$10,000, or both. Current State law allows nonprofit
9 youth serving organizations to request criminal history record
10 background checks for their employees and volunteers.

11 The bill excludes from its provisions participation by sex
12 offenders who are under 18 years of age in youth serving
13 organizations which provide rehabilitative or other services to
14 juvenile sex offenders.

15 The bill's prohibitions do not apply to excluded sex offenders
16 who are under Parole Board supervision and to whom the Parole
17 Board has given express written permission that the particular
18 excluded sex offender may hold a position or otherwise participate
19 in a youth serving organization.

20 Finally, the bill removes sex offenders who are subject to this
21 bill's provisions, which are mandatory, from the provisions of the
22 statute which provides for background checks for nonprofit youth-
23 serving organizations at the option of that organization.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 532

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 2008

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably Senate Bill No. 532.

This bill is intended to protect the children and youth of this State by prohibiting sex-offenders from holding positions in youth serving organizations.

This bill defines a "youth serving organization" as a sports team, league, athletic association or any other corporation, association or organization, excluding public and nonpublic schools, which provides recreational, educational, cultural, social, charitable or other activities or services to persons under 18 years of age. The bill does not apply to employees and volunteers of public and nonpublic schools, as criminal background checks and employment restrictions of these persons are governed under separate laws. (N.J.S.A.18A:6-4.13 et seq. and N.J.S.A.18A:6-7.1 et seq.)

"Sex offender" is defined as a person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for committing a broad range of sexual offenses as defined in the sex offender registration (Megan's) law, which involves a victim under 18 years of age.

Under the bill, it would be unlawful for a sex offender to hold a position or otherwise serve, in a paid or unpaid capacity, in a youth serving organization. A violator would be guilty of a crime of the third degree, which carries a penalty of three to five years imprisonment, a fine of up to \$15,000, or both.

A person who knowingly hires, engages or appoints a sex offender to serve in a youth serving organization in violation of the bill's provisions would be guilty of a crime of the fourth degree. The penalty for a crime of the fourth degree is imprisonment for up to 18 months, a fine of up to \$10,000, or both. Current State law allows nonprofit youth serving organizations to request criminal history record background checks for their employees and volunteers.

The bill excludes from its provisions participation by sex offenders who are under 18 years of age in youth serving organizations which provide rehabilitative or other services to juvenile sex offenders.

The bill's prohibitions do not apply to excluded sex offenders who

are under Parole Board supervision and to whom the Parole Board has given express written permission that the particular excluded sex offender may hold a position or otherwise participate in a youth serving organization.

Finally, the bill removes sex offenders who are subject to this bill's provisions, which are mandatory, from the provisions of the statute which provides for background checks for nonprofit youth-serving organizations at the option of that organization.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 532

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 23, 2008

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 532.

As amended and reported by the committee, Senate Bill No. 532 protects the children and youth of this State by prohibiting sex-offenders from holding positions in youth serving organizations.

This bill defines a "youth serving organization" as a sports team, league, athletic association or any other corporation, association or organization, excluding public and nonpublic schools, which provides recreational, educational, cultural, social, charitable or other activities or services to persons under 18 years of age. The bill does not apply to employees and volunteers of public and nonpublic schools, as criminal background checks and employment restrictions of these persons are governed under separate laws (N.J.S.A.18A:6-4.13 et seq. and N.J.S.A.18A:6-7.1 et seq.)

"Excluded Sex offender" is defined as a person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for committing a broad range of sexual offenses as defined in the sex offender registration law (Megan's law), which involves a victim under 18 years of age.

Under the bill as amended, it would be unlawful for an excluded sex offender to hold a position or otherwise serve, in a paid or unpaid capacity, in a youth serving organization. A violator would be guilty of a crime of the third degree, which carries a penalty of three to five years imprisonment, a fine of up to \$15,000, or both.

A person who knowingly hires, engages or appoints an excluded sex offender to serve in a youth serving organization in violation of the bill's provisions would be guilty of a crime of the fourth degree. The penalty for a crime of the fourth degree is imprisonment for up to 18 months, a fine of up to \$10,000, or both. Current State law allows nonprofit youth serving organizations to request criminal history record background checks for their employees and volunteers.

The bill excludes from its provisions participation by sex offenders who are under 18 years of age in youth serving organizations which provide rehabilitative or other services to juvenile sex offenders.

The bill's prohibitions do not apply to excluded sex offenders who

are under Parole Board supervision and to whom the Parole Board has given express written permission to hold a position or otherwise participate in a youth serving organization.

The bill also removes sex offenders who are subject to its mandatory provisions from provisions governing background checks for nonprofit youth serving organizations at the option of an organization.

As amended and reported by the committee, S-532 is identical to A-1731, also amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that excluded sex offenders would not be able to volunteer or work for a youth serving organization or other entity if they are otherwise statutorily disqualified from that position.

1 (2) against the family, children or incompetents, meaning those
2 crimes and disorderly persons offenses set forth in N.J.S.2C:24-1 et
3 seq.;

4 (3) involving theft as set forth in chapter 20 of Title 2C of the
5 New Jersey Statutes;

6 (4) involving any controlled dangerous substance or controlled
7 substance analog as set forth in chapter 35 of Title 2C of the New
8 Jersey Statutes except paragraph (4) of subsection a. of
9 N.J.S.2C:35-10.

10 b. In any other state or jurisdiction, conduct which, if committed
11 in New Jersey, would constitute any of the crimes or disorderly
12 persons offenses described in subsection a. of this section.

13 (cf: P.L.1999, c.432, s.3)

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15 4. This act shall take effect immediately.

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SPONSOR STATEMENT

This bill is intended to protect the children and youth of this State by prohibiting sex-offenders from holding positions in youth serving organizations.

This bill defines a "youth serving organization" as a sports team, league, athletic association or any other corporation, association or organization, excluding public and nonpublic schools, which provides recreational, educational, cultural, social, charitable or other activities or services to persons under 18 years of age. The bill does not apply to employees and volunteers of public and nonpublic schools, as criminal background checks and employment restrictions of these persons are governed under separate law. (N.J.S.18A:6-4.13 et seq., N.J.S.18A:6-7.1 et seq.)

"Sex offender" is defined as a person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for committing a broad range of sexual offenses as defined in the sex offender registration (Megan's) law.

Under the bill, it would be unlawful for a sex offender to hold a position or otherwise serve, in a paid or unpaid capacity, in a youth serving organization. A violator would be guilty of a crime of the third degree, which carries a penalty of three to five years imprisonment, a fine of up to \$15,000, or both.

A person who knowingly hires, engages or appoints a sex offender to serve in a youth serving organization in violation of this act would be guilty of a crime of the fourth degree. The penalty for a crime of the fourth degree is imprisonment for up to 18 months, a fine of up to \$10,000, or both. Current State law allows nonprofit youth serving organizations to request criminal history record background checks for their employees and volunteers.

The bill excludes from its provisions participation by sex

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1 offenders who are under 18 years of age in youth serving
2 organizations which provide rehabilitative or other services to
3 juvenile sex offenders.

4 The bill also removes sex offenders who are subject to its
5 provisions, which are mandatory, from the provisions of the statute
6 which provides for background checks for nonprofit youth-serving
7 organizations at the option of that organization.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1731

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 23, 2008

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1731.

As amended and reported, Assembly Bill No. 1731 protects the children and youth of this State by prohibiting sex-offenders from holding positions in youth serving organizations.

This bill defines a "youth serving organization" as a sports team, league, athletic association or any other corporation, association or organization, excluding public and nonpublic schools, which provides recreational, educational, cultural, social, charitable or other activities or services to persons under 18 years of age. The bill does not apply to employees and volunteers of public and nonpublic schools, as criminal background checks and employment restrictions of these persons are governed under separate laws (N.J.S.18A:6-4.13 et seq. and N.J.S.18A:6-7.1 et seq.).

"Excluded Sex offender" is defined as a person who has been convicted, adjudicated delinquent, or found not guilty by reason of insanity for committing a broad range of sexual offenses as defined in the sex offender registration law (Megan's law) and who's victim is under 18 years of age.

Under the amended bill, it would be unlawful for an excluded sex offender to hold a position or otherwise serve, in a paid or unpaid capacity, in a youth serving organization. A violator would be guilty of a crime of the third degree, which carries a penalty of three to five years imprisonment, a fine of up to \$15,000, or both.

A person who knowingly hires, engages or appoints an excluded sex offender to serve in a youth serving organization in violation of this act would be guilty of a crime of the fourth degree. The penalty for a crime of the fourth degree is imprisonment for up to 18 months, a fine of up to \$10,000, or both. Current State law allows nonprofit youth serving organizations to request criminal history record background checks for their employees and volunteers.

The bill excludes from its provisions participation by sex offenders who are under 18 years of age in youth serving organizations which provide rehabilitative or other services to juvenile sex offenders.

The bill also removes sex offenders who are subject to its provisions, which are mandatory, from provisions governing background checks for nonprofit youth serving organizations at the option of that organization.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended and reported by the committee, this bill is identical to S-532, also amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee made the following amendments to make the bill identical to Senate Bill No. 532:

1. substituted the term “sex offender” for the term “excluded sex offender”; and
2. adds a provision that exempts certain persons under the supervision of the Parole Board from the provisions of the bill, provided that the Parole Board provides express permission for an exempted person to hold certain positions.

The committee also amended the bill to clarify that excluded sex offenders would not be able to volunteer or work for a youth serving organization or other entity if they are otherwise statutorily disqualified from that position.