

LEGISLATIVE HISTORY CHECKLIST
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(Sex offenders--DNA testing)

NJSA: 53:1-20.29 to 53:1-20.33

LAWS OF: 1997 **CHAPTER:** 51

BILL NO: S226

SPONSOR(S): Sacco and others

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Judiciary
SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
 First reprint enacted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** February 27, 1996
SENATE: May 16, 1996

DATE OF APPROVAL: April 1, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[First Reprint]
SENATE, No. 226

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Senators SACCO, SCOTT and Bennett

1 AN ACT making sexual offenders responsible for the cost of DNA
2 testing and supplementing Title 53 of the New Jersey Statutes.

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

6
7 ¹[1. As used in this act:

8 "DNA" means deoxyribonucleic acid.

9 "DNA sample" means a blood sample provided by any person
10 required to submit a sample as a result of being convicted of an
11 offense enumerated in section 2 of this act.

12 "Offender" means the individual who is required to provide a DNA
13 sample pursuant to section 2 of this act and who is liable to the State
14 for the cost of the DNA tests conducted.]¹

15
16 ¹[2. On or after January 1, 1995 every person convicted of
17 aggravated sexual assault and sexual assault under N.J.S. 2C:14-2 or
18 aggravated criminal sexual contact and criminal sexual contact under
19 N.J.S. 2C:14-3 or any attempt to commit any of these crimes and who
20 is sentenced to a term of imprisonment shall have a blood sample
21 drawn for purposes of DNA testing upon commencement of the period
22 of confinement. In addition, every person convicted on or after
23 January 1, 1995 of these offenses, but who is not sentenced to a term
24 of confinement, shall provide a DNA sample as a condition of the
25 sentence imposed. A person who has been convicted and incarcerated
26 as a result of a conviction of one or more of these offenses prior to
27 January 1, 1995 shall have a DNA sample drawn before parole or
28 release from incarceration.]¹

29
30 ¹1. Any person required pursuant to the provisions of P.L.1994.
31 c.136 (C.53:1-20.17 et seq.) to have a blood sample drawn for

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted May 2, 1996.

1 purposes of DNA testing shall be liable for the costs of such testing.¹

2

3 ¹**[3.] 2.**¹ The State shall have a lien against the property and
4 income of each offender for whom DNA testing is conducted pursuant
5 to section ¹**[2]1**¹ of this act. The lien when properly filed as set forth
6 herein shall have priority over all unrecorded encumbrances except for
7 any restitutions, assessments or fines which the offender has been
8 sentenced to pay.

9

10 ¹**[4.] 3.**¹ The lien shall be in a form to be prescribed by the
11 Attorney General and shall contain the name of the offender who is the
12 owner of the real property which is the subject of the lien. The lien
13 shall be signed by the Attorney General or a designee assigned by the
14 Attorney General.

15

16 ¹**[5.] 4.**¹ The lien shall be filed with the clerk of the county or
17 register of deeds and mortgages, as the case may be, and shall
18 immediately attach to and become binding upon all real property in the
19 ownership of the offender.

20 If it is believed that the offender is the owner of real property
21 within the State, but the exact location of same is not known, then the
22 lien may be filed with the clerk of the Superior Court and shall become
23 binding upon all real property of the offender wherever situate within
24 the State.

25

26 ¹**[6.] 5.**¹ If it is found that the offender is possessed of any goods,
27 rights, credits, chattels, moneys or effects which are held by any
28 person, firm or corporation for the present or subsequent use of the
29 offender, then the lien provided for herein, or a notice of the existence
30 thereof, may be forwarded by registered mail to the person, firm, or
31 corporation and shall become binding upon any property rights so
32 held. The person, firm or corporation shall thereafter be precluded
33 from disposing of the property rights until the lien is satisfied or until
34 the holder of the lien consents thereto.

35 Any person, firm or corporation disposing of any such property or
36 moneys after receipt of notice of the lien shall be liable to the State for
37 the value of the property or moneys of which disposition has been
38 made.

39

40 ¹**[7.] 6.**¹ The clerk of the county or register of deeds and
41 mortgages, or clerk of the Superior Court, as the case may be, shall
42 provide suitable books in which he shall enter the liens filed hereunder
43 properly indexed in the name of the offender.

44 All liens and other papers incidental thereto required hereunder
45 shall be received and recorded by the clerk of the county, register of
46 deeds and mortgages, or clerk of the Superior Court, as the case may

1 be, without payment of fees.

2

3 ¹**[8.] 7.**¹ To discharge any lien or liens filed hereunder, the
4 Attorney General or an agent designated by the Attorney General shall
5 file with the clerk of the county, register of deeds and mortgages or
6 clerk of the Superior Court, as the case may be, a duly acknowledged
7 certificate setting forth the fact that the State desires to discharge the
8 lien of record.

9 The Attorney General or an agent designated by the Attorney
10 General is authorized to compromise for settlement any lien filed under
11 the provisions of this act. A memorandum of the compromise and
12 settlement signed by the commissioner shall be sufficient authorization
13 for a complete discharge of the lien.

14

15 ¹**[9.] 8.**¹ Any person desiring to secure immediate discharge of any
16 lien may deposit with the court cash in sufficient amount to cover the
17 amount of the lien or post a bond in an amount and with sureties to be
18 approved by said court. Upon proper notice of this fact being given
19 to the Attorney General a satisfaction of said lien shall be filed
20 forthwith with the county clerk or register of deeds and mortgages as
21 the case may be.

22

23 ¹**[10.] 9.**¹ This act shall take effect immediately.

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25

26

27

28 _____
Makes sexual offenders responsible for the cost of DNA testing.

1 General is authorized to compromise for settlement any lien filed under
2 the provisions of this act. A memorandum of the compromise and
3 settlement signed by the commissioner shall be sufficient authorization
4 for a complete discharge of the lien.

5
6 9. Any person desiring to secure immediate discharge of any lien
7 may deposit with the court cash in sufficient amount to cover the
8 amount of the lien or post a bond in an amount and with sureties to be
9 approved by said court. Upon proper notice of this fact being given
10 to the Attorney General a satisfaction of said lien shall be filed
11 forthwith with the county clerk or register of deeds and mortgages as
12 the case may be.

13
14 10. This act shall take effect immediately.

15
16
17 STATEMENT

18
19 This bill would make convicted sexual offenders responsible for the
20 cost of DNA testing. In order to ensure that the cost of this testing is
21 collected, the bill authorizes the State to place a lien against the
22 property and income of the sexual offender for the total cost of the
23 DNA testing. The bill sets forth the procedures for the filing of such
24 liens, which would have priority over all unrecorded encumbrances
25 except for any restitutions, assessments or fines imposed.

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30 _____
30 Makes sexual offenders responsible for the cost of DNA testing.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 226

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1997

The Assembly Judiciary Committee reports favorably Senate Bill No. 226 (1R).

Under the provisions of P.L.1994, c.136 (one of the package of bills known as "Megan's Law") persons convicted of certain sexual offenses are required to provide samples of blood for DNA profiling and use in connection with subsequent criminal investigations. This bill would make convicted sexual offenders responsible for the cost of DNA testing. In order to ensure that the cost of this testing is collected, this bill authorizes the State to place a lien against the property and income of the sexual offender for the total cost of the DNA testing. This bill also sets forth the procedures for the filing of such liens, which would have priority over all unrecorded encumbrances except for any restitution, assessments or fines imposed.

This bill is identical to Assembly Bill No. 351 (1R).

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 226

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 2, 1996

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 226.

Under the provisions of P.L.1994, c.136 (one of the package of bills known as "Megan's Law") persons convicted of certain sexual offenses are required to provide samples of blood for DNA profiling and use in connection with subsequent criminal investigations. S-226 would make convicted sexual offenders responsible for the cost of DNA testing. In order to ensure that the cost of this testing is collected, this bill authorizes the State to place a lien against the property and income of the sexual offender for the total cost of the DNA testing. This bill also sets forth the procedures for the filing of such liens, which would have priority over all unrecorded encumbrances except for any restitution, assessments or fines imposed.

The committee adopted amendments which are technical in nature and would delete language from the bill which is unnecessary in view of the enactment of P.L.1994, c.136. These amendments would also link the provisions of the bill to the existing procedures set forth in P.L.1994, c.136.

This bill was prefiled for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

FISCAL NOTE TO

[First Reprint]
SENATE, No. 226

STATE OF NEW JERSEY

DATED: May 17, 1996

Senate Bill No. 226(1R) of 1996 would make convicted sexual offenders responsible for the cost of DNA testing. DNA tests are required to be performed on blood samples of sexual offenders pursuant to P.L.1994, c.136. In order to ensure that the cost of this testing is collected, this bill authorizes the State to place a lien against the property and income of the sexual offender for the total cost of the DNA testing. The bill sets forth the procedures for the filing of such liens, which would have priority over all unrecorded encumbrances except for any restitution, assessments or fines imposed.

The Division of State Police, which is responsible for conducting DNA tests, informally estimates that DNA tests will be required for approximately 1,100 sexual offenders a year at a cost of about \$1,380 per laboratory test. According to the terms of the bill, each offender would be liable for this amount. Thus revenues of approximately \$1.5 million a year would be derived by the State under this bill if the full cost of DNA testing could be recovered.

The Department of Corrections (DOC) states that many State sentenced prison inmates are indigent and unable to meet the financial requirements currently imposed upon them for fees, fines and assessments. Therefore, it is not likely that a high percentage of the cost of the DNA testing will be recovered.

The Office of Legislative Services (OLS) concurs but notes that the DOC is in the process of replacing its present obsolete computer equipment. When the replacement is completed, the DOC estimates that it will be able to increase its inmate and parolee collections. Thus, the potential exists that DOC will collect an increasing portion of the amount owed by inmates for DNA testing. It also should be noted that certain types of sex offenders may have greater assets than the general prison population.

The OLS further observes that the State will incur collection costs in filing liens against the property and income of sexual offenders under this bill. Information provided by the Department of Law and Public Safety indicates the cost of placing a lien against the property and income of offenders subject to the provisions of this bill would be \$124,700 in the first year following enactment. A portion of this cost may be recoverable from the proceeds of the lien.

Information provided informally by the Administrative Office of the Courts indicates that the cost to the courts to implement this bill would be nominal.