

2C:7-1

LEGISLATIVE HISTORY CHECKLIST
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(Sex offenders--registration)

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BILL NO: A84
SPONSOR(S): Gregory-Socchi and others
DATE INTRODUCED: August 15, 1994
COMMITTEE: ASSEMBLY: ---
SENATE: Judiciary
AMENDED DURING PASSAGE: ~~No~~ Yes
DATE OF PASSAGE: ASSEMBLY: August 29, 1994
SENATE: October 3, 1994
DATE OF APPROVAL: October 31, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: ~~No~~ No

MESSAGE ON SIGNING: ~~No~~ Yes

FOLLOWING WERE PRINTED:

REPORTS: No

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P.L.1994, CHAPTER 133 approved October 31, 1994
1994 Assembly No. 84 (First Reprint)

1 AN ACT concerning registration of sex offenders ¹[and] ¹
2 supplementing Title 2C of the New Jersey Statutes ¹and
3 amending N.J.S.2C:52-2.¹
4

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

7 1. (New section) The Legislature finds and declares:

8 a. The danger of recidivism posed by sex offenders and
9 offenders who commit other predatory acts against children, and
10 the dangers posed by persons who prey on others as a result of
11 mental illness, require a system of registration that will permit
12 law enforcement officials to identify and alert the public when
13 necessary for the public safety.

14 b. A system of registration of sex offenders and offenders who
15 commit other predatory acts against children will provide law
16 enforcement with additional information critical to preventing
17 and promptly resolving incidents involving sexual abuse and
18 missing persons.

19 2. (New section) a. A person who has been convicted,
20 adjudicated delinquent or found not guilty by reason of insanity
21 for commission of a sex offense as defined in subsection b. of this
22 section shall register ¹[with the chief law enforcement officer of
23 the municipality in which the person resides, or if the
24 municipality does not have a local police force, the
25 Superintendent of State Police] as provided in subsections c. and
26 d. of this section¹. A person who fails to register as required
27 under this act shall be guilty of a crime of the fourth degree.

28 b. For the purposes of this act a sex offense shall include the
29 following:

30 (1) Aggravated sexual assault, sexual assault, aggravated
31 criminal sexual contact¹, kidnapping pursuant to paragraph (2) of
32 subsection c. of N.J.S.2C:13-1¹ or an attempt to commit any of
33 these crimes if the court found that the offender's conduct was
34 characterized by a pattern of repetitive, compulsive behavior,
35 regardless of the date of the commission of the offense or the
36 date of conviction;

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted September 26, 1994.

1 (2) A conviction, adjudication of delinquency, or acquittal by
2 reason of insanity for aggravated sexual assault; sexual assault;
3 aggravated criminal sexual contact; kidnapping pursuant to
4 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
5 welfare of a child by engaging in sexual conduct which would
6 impair or ¹[debauch] debauch¹ the morals of the child pursuant
7 to subsection a. of N.J.S.2C:24-4; endangering the welfare of a
8 child pursuant to paragraph (4) of subsection b. of N.J.S.2C:24-4;
9 luring or enticing pursuant to section 1 of P.L.1993, c.291
10 (C.2C:13-8); ¹criminal sexual contact pursuant to
11 N.J.S.2C:14-3b. if the victim is a minor; kidnapping pursuant to
12 N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or
13 false imprisonment pursuant to N.J.S.2C:13-3 if the victim is a
14 minor and the offender is not the parent of the victim;¹ or an
15 attempt to commit any ¹[such offense] of these enumerated
16 offenses¹ if the conviction, adjudication of delinquency or
17 acquittal by reason of insanity is entered on or after the
18 effective date of this act or the offender is serving a sentence of
19 incarceration, probation ¹[or],¹ parole ¹or other form of
20 community supervision¹ as a result of the offense ¹or is confined
21 following acquittal by reason of insanity or as a result of civil
22 commitment¹ on the effective date of this act¹];¹

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

29 c. A person required to register under the provisions of this
30 act shall do so on forms to be provided by the ¹[appropriate law
31 enforcement] designated registering¹ agency as follows:

32 (1) A person¹, other than a person confined in a correctional
33 facility or involuntarily committed on the basis of mental
34 illness,¹ who is required to register ¹[on the basis of a sex
35 offense for which a conviction, adjudication of delinquency or
36 acquittal by reason of insanity was entered prior to the effective
37 date of this act] and who is under supervision in the community
38 on probation, parole, furlough, work release, or a similar
39 program¹, shall register ¹at the time the person is placed under
40 supervision or¹ no later than 120 days after the effective date
41 of this act, whichever is later, in accordance with procedures
42 established by the Department of Corrections, the Department of
43 Human Services or the Administrative Office of the Courts,
44 whichever is responsible for supervision¹;

45 (2) A person confined in a correctional or juvenile facility or
46 involuntarily committed ¹[on the effective date of this act]¹ who
47 is required to register shall register prior to release in
48 accordance with procedures established by the Department of
49 Corrections or the Department of Human Services;

50 (3) A person moving to or returning to this State from another
51 jurisdiction shall ¹[(a) notify the appropriate law enforcement
52 agency 10 days before the person first resides in or returns to a
53 municipality in this State and (b) register with the appropriate
54 law enforcement agency] register with the chief law enforcement

1 officer of the municipality in which the person will reside or, if
2 the municipality does not have a local police force, the
3 Superintendent of State Police¹ within 120 days of the effective
4 date of this act or ¹[24 hours] 70 days¹ of first residing in or
5 returning to a municipality in this State, whichever is later;

6 (4) A person required to register on the basis of a conviction¹,
7 adjudication of delinquency or acquittal by reason of insanity
8 entered 120 days after] prior to¹ the effective date ¹who is not
9 confined or under supervision on the effective date¹ of this act
10 shall register within ¹[four days of the date of judgment unless
11 the person is immediately confined or committed, in which case
12 the person shall register when released in accordance with the
13 procedures established by the Department of Corrections or the
14 Department of Human Services] 120 days of the effective date of
15 this act with the chief law enforcement officer of the
16 municipality in which the person will reside or, if the
17 municipality does not have a local police force, the
18 Superintendent of State Police¹.

19 d. Upon a change of address, ¹[the] a¹ person ¹[must] shall¹
20 notify the law enforcement agency with which the person is
21 registered and must re-register with the appropriate law
22 enforcement agency no less than 10 days before he intends to
23 first reside at his new address.

24 e. A person required to register under ¹[this act] paragraph (1)
25 of subsection b. of this section or under paragraph (3) of
26 subsection b. due to a sentence imposed on the basis of criteria
27 similar to the criteria set forth in paragraph (1) of subsection b.¹
28 shall verify his address with the appropriate law enforcement
29 agency every 90 days in a manner prescribed by the Attorney
30 General ¹], unless a federal statute provides for a different
31 verification requirement, in which case the Attorney General
32 may modify the requirement; provided however, verification shall
33 be required not more often than every 30 days and not less often
34 than annually]. A person required to register under paragraph (2)
35 of subsection b. of this section or under paragraph (3) of
36 subsection b. on the basis of a conviction for an offense similar to
37 an offense enumerated in paragraph (2) of subsection b. shall
38 verify his address annually in a manner prescribed by the
39 Attorney General.¹ One year after the effective date of this act,
40 the Attorney General shall review, evaluate and, if warranted,
41 modify pursuant to the "Administrative Procedure Act,"
42 P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement.

43 f. A person required to register under this act may make
44 application to the Superior Court of this State to terminate the
45 obligation upon proof that the person has not committed an
46 offense within 15 years following conviction or release from a
47 correctional facility for any term of imprisonment imposed,
48 whichever is later, and is not likely to ¹[commit an offense in the
49 future] pose a threat to the safety of others¹.

50 3.(New section) Notice of the obligation to register shall be
51 provided as follows:

52 (1) A court imposing a sentence, disposition or order of
53 commitment following acquittal by reason of insanity shall notify
54 the defendant of the obligation to register pursuant to section 2
55 of this act.

1 (2) The Department of Corrections, the Administrative Office
2 of the Courts and the Department of Human Services shall (a)
3 establish procedures for notifying persons under their supervision
4 of the obligation to register pursuant to this act and (b) establish
5 procedures for registration by persons with the appropriate law
6 enforcement agency who are under supervision in the community
7 on probation, parole, furlough, work release or similar program
8 outside the facility, and registration with the appropriate law
9 enforcement agency of persons who are released from the facility
10 in which they are confined without supervision.

11 (3) The Division of Motor Vehicles in the Department of Law
12 and Public Safety shall provide notice of the obligation to
13 register pursuant to this section in connection with each
14 application for a license to operate a motor vehicle and each
15 application for an identification card issued pursuant to section 2
16 of P.L.1980, c.47 (C.39:3-29.3).

17 (4) The Attorney General shall cause notice of the obligation
18 to register to be published in a manner reasonably calculated to
19 reach the general public within 30 days of the effective date of
20 this act.

21 4. (New section) a. Within 60 days of the effective date of this
22 act, the Superintendent of State Police¹, with the approval of the
23 Attorney General¹ shall prepare the form of registration
24 statement as required in subsection b. of this section and shall
25 provide such forms to each organized full-time municipal police
26 department, the Department of Corrections, the Administrative
27 Office of the Courts and the Department of Human Services.

28 b. The form of registration required by this act shall include
29 ¹[a statement in writing signed by the person required to register
30 and shall include]¹:

31 (1) ¹[Name] A statement in writing signed by the person
32 required to register acknowledging that the person has been
33 advised of the duty to register and reregister imposed by this act
34 and including the person's name¹, social security number, age,
35 race, sex, date of birth, height, weight, hair and eye color,
36 ¹[photograph,]¹ address of legal residence, address of any current
37 temporary residence, date and place of ¹[any]¹ employment¹,
38 date];

39 (2) Date¹ and place of each conviction, adjudication or
40 acquittal by reason of insanity, ¹indictment number,¹
41 fingerprints, and a brief description of the crime or crimes for
42 which registration is required ¹[.]; and¹

43 ¹[(2)] (3)¹ Any other information that the Attorney General
44 deems necessary ¹to assess risk of future commission of a
45 crime¹, including criminal and corrections records, nonprivileged
46 personnel, treatment, and abuse registry records, and evidentiary
47 genetic markers when available.

48 c. Within three days of receipt ¹of a registration pursuant to
49 subsection c. of section 2 of this act¹, the registering ¹[law
50 enforcement]¹ agency shall forward the statement and any other
51 required information to the ¹prosecutor who shall, as soon as
52 practicable, transmit the form of registration to the¹
53 Superintendent of State Police¹, and, if the registrant will reside

1 in a different county, to the prosecutor of the county in which
2 the person will reside. The prosecutor of the county in which the
3 person will reside shall transmit the form of registration to the
4 law enforcement agency responsible for the municipality in which
5 the person will reside and other appropriate law enforcement
6 agencies. The superintendent shall promptly transmit the
7 conviction data and fingerprints to the Federal Bureau of
8 Investigation.¹

9 d. The Superintendent of State Police shall maintain a central
10 registry of registrations provided pursuant to this act.

11 5. (New section) a. Records maintained pursuant to this act
12 shall be open to ¹any¹ law enforcement ¹[agencies which] agency
13 in this State, the United States or any other state. Law
14 enforcement agencies in this State¹ shall be authorized to release
15 relevant and necessary information regarding sex offenders to the
16 public when the release of the information is necessary for public
17 protection ¹in accordance with the provisions of P.L.1994, c.
18 (C. ~~now pending before the Legislature as Assembly Bill No.~~
19 85 or Senate Bill No. 14 of 1994)¹.

20 b. An elected public official, public employee, or public
21 agency is immune from civil liability for damages for any
22 discretionary decision to release relevant and necessary
23 information, unless it is shown that the official, employee, or
24 agency acted with gross negligence or in bad faith. The immunity
25 provided under this section applies to the release of relevant
26 information to other employees or officials or to the general
27 public.

28 c. Nothing in this act shall be deemed to impose any liability
29 upon or to give rise to a cause of action against any public
30 official, public employee, or public agency for failing to release
31 information as authorized in subsection d. of this section.

32 d. Nothing in this section shall be construed to prevent law
33 enforcement officers from notifying members of the public
34 exposed to danger of any ¹[circumstances or individuals] persons¹
35 that pose a danger under circumstances that are not enumerated
36 in this ¹[section] act¹.

37 ¹6. R.S.2C:52-2 is amended to read as follows:

38 2C:52-2. Indictable Offenses. a. In all cases, except as herein
39 provided, wherein a person has been convicted of a crime under
40 the laws of this State and who has not been convicted of any prior
41 or subsequent crime, whether within this State or any other
42 jurisdiction, and has not been adjudged a disorderly person or
43 petty disorderly person on more than two occasions may, after
44 the expiration of a period of 10 years from the date of his
45 conviction, payment of fine, satisfactory completion of probation
46 or parole, or release from incarceration, whichever is later,
47 present a duly verified petition as provided in section 2C:52-7 to
48 the Superior Court in the county in which the conviction was
49 entered praying that such conviction and all records and
50 information pertaining thereto be expunged.

51 Although subsequent convictions for no more than two
52 disorderly or petty disorderly offenses shall not be an absolute
53 bar to relief, the nature of those conviction or convictions and
54 the circumstances surrounding them shall be considered by the

1 court and may be a basis for denial of relief if they or either of
2 them constitute a continuation of the type of unlawful activity
3 embodied in the criminal conviction for which expungement is
4 sought.

5 b. Records of conviction pursuant to statutes repealed by this
6 Code for the crimes of murder, manslaughter, treason, anarchy,
7 kidnapping, rape, forcible sodomy, arson, perjury, false swearing,
8 robbery, embracery, or a conspiracy or any attempt to commit
9 any of the foregoing, or aiding, assisting or concealing persons
10 accused of the foregoing crimes, shall not be expunged.

11 Records of conviction for the following crimes specified in the
12 New Jersey Code of Criminal Justice shall not be subject to
13 expungement: Section 2C:11-1 et seq. (Criminal Homicide),
14 except death by auto as specified in section 2C:11-5; section
15 2C:13-1 (Kidnapping); section 2C:13-5 (Luring or Enticing);
16 section 2C:14-2 (Aggravated Sexual Assault); section 2C:14-3a
17 (Aggravated Criminal Sexual Contact); if the victim is a minor,
18 section 2C:14-3b (Criminal Sexual Contact); if the victim is a
19 minor and the offender is not the parent of the victim, section
20 2C:13-2 (Criminal Restraint) or section 2C:13-3 (False
21 Imprisonment); section 2C:15-1 (Robbery); section 2C:17-1
22 (Arson and Related Offenses); section 2C:24-4a. (Endangering the
23 welfare of a child by engaging in sexual conduct which would
24 impair or debauch the morals of the child); section 2C:24-4b(4)
25 (Endangering the welfare of a child); section 2C:28-1 (Perjury);
26 section 2C:28-2 (False Swearing) and conspiracies or attempts to
27 commit such crimes.

28 Records of conviction for any crime committed by a person
29 holding any public office, position or employment, elective or
30 appointive, under the government of this State or any agency or
31 political subdivision thereof and any conspiracy or attempt to
32 commit such a crime shall not be subject to expungement if the
33 crime involved or touched such office, position or employment.

34 c. In the case of conviction for the sale or distribution of a
35 controlled dangerous substance or possession thereof with intent
36 to sell, expungement shall be denied except where the crimes
37 relate to:

38 (1) Marijuana, where the total quantity sold, distributed or
39 possessed with intent to sell was 25 grams or less, or

40 (2) Hashish, where the total quantity sold, distributed or
41 possessed with intent to sell was five grams or less.

42 d. In the case of a State licensed physician or podiatrist
43 convicted of an offense involving drugs or alcohol or pursuant to
44 section 14 or 15 of P.L.1989, c.300 (C.2C:21-20 or 2C:21-4.1),
45 the court shall notify the State Board of Medical Examiners upon
46 receipt of a petition for expungement of the conviction and
47 records and information pertaining thereto.¹

48 (cf: P.L.1993, c.301, s.1)

49 ¹[s.1].¹ This act shall take effect immediately.

50
51
52
53
54 Provides for registration of sex offenders.

ASSEMBLY, No. 84
STATE OF NEW JERSEY

INTRODUCED AUGUST 15, 1994

By Assemblywomen GREGORY-SCOCCHI, QUIGLEY and
Assemblyman Garrett

1 AN ACT concerning registration of sex offenders and
2 supplementing Title 2C of the New Jersey Statutes.

3

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

6 1. The Legislature finds and declares:

7 a. The danger of recidivism posed by sex offenders and
8 offenders who commit other predatory acts against children, and
9 the dangers posed by persons who prey on others as a result of
10 mental illness, require a system of registration that will permit
11 law enforcement officials to identify and alert the public when
12 necessary for the public safety.

13 b. A system of registration of sex offenders and offenders who
14 commit other predatory acts against children will provide law
15 enforcement with additional information critical to preventing
16 and promptly resolving incidents involving sexual abuse and
17 missing persons.

18 2. a. A person who has been convicted, adjudicated delinquent
19 or found not guilty by reason of insanity for commission of a sex
20 offense as defined in subsection b. of this section shall register
21 with the chief law enforcement officer of the municipality in
22 which the person resides, or if the municipality does not have a
23 local police force, the Superintendent of State Police. A person
24 who fails to register as required under this act shall be guilty of a
25 crime of the fourth degree.

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

28 (1) Aggravated sexual assault, sexual assault, aggravated
29 criminal sexual contact or an attempt to commit any of these
30 crimes if the court found that the offender's conduct was
31 characterized by a pattern of repetitive, compulsive behavior,
32 regardless of the date of the commission of the offense or the
33 date of conviction;

34 (2) A conviction, adjudication of delinquency, or acquittal by
35 reason of insanity for aggravated sexual assault; sexual assault;
36 aggravated criminal sexual contact; kidnapping pursuant to
37 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
38 welfare of a child by engaging in sexual conduct which would
39 impair or debauch the morals of the child pursuant to subsection
40 a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant
41 to paragraph (4) of subsection b. of N.J.S.2C:24-4; luring or
42 enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); or
43 an attempt to commit any such offense if the conviction,
44 adjudication of delinquency or acquittal by reason of insanity is
45 entered on or after the effective date of this act or the offender

1 is serving a sentence of incarceration, probation or parole as a
2 result of the offense on the effective date of this act.

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

9 c. A person required to register under the provisions of this
10 act shall do so on forms to be provided by the appropriate law
11 enforcement agency as follows:

12 (1) A person, other than a person confined in a correctional
13 facility or involuntarily committed on the basis of mental illness,
14 who is required to register on the basis of a sex offense for which
15 a conviction, adjudication of delinquency or acquittal by reason
16 of insanity was entered prior to the effective date of this act,
17 shall register no later than 120 days after the effective date;

18 (2) A person confined in a correctional or juvenile facility or
19 involuntarily committed on the effective date of this act who is
20 required to register shall register prior to release in accordance
21 with procedures established by the Department of Corrections or
22 the Department of Human Services;

23 (3) A person moving to or returning to this State from another
24 jurisdiction shall (a) notify the appropriate law enforcement
25 agency 10 days before the person first resides in or returns to a
26 municipality in this State and (b) register with the appropriate
27 law enforcement agency within 120 days of the effective date of
28 this act or 24 hours of first residing in or returning to a
29 municipality in this State, whichever is later;

30 (4) A person required to register on the basis of a conviction,
31 adjudication of delinquency or acquittal by reason of insanity
32 entered 120 days after the effective date of this act shall
33 register within four days of the date of judgment unless the
34 person is immediately confined or committed, in which case the
35 person shall register when released in accordance with the
36 procedures established by the Department of Corrections or the
37 Department of Human Services.

38 d. Upon a change of address, the person must notify the law
39 enforcement agency with which the person is registered and must
40 re-register with the appropriate law enforcement agency no less
41 than 10 days before he intends to first reside at his new address.

42 e. A person required to register under this act shall verify his
43 address with the appropriate law enforcement agency every 90
44 days in a manner prescribed by the Attorney General, unless a
45 federal statute provides for a different verification requirement,
46 in which case the Attorney General may modify the requirement;
47 provided however, verification shall be required not more often
48 than every 30 days and not less often than annually. One year
49 after the effective date of this act, the Attorney General shall
50 review, evaluate and, if warranted, modify pursuant to the
51 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
52 seq.) the verification requirement.

53 f. A person required to register under this act may make
54 application to the Superior Court of this State to terminate the

1 obligation upon proof that the person has not committed an
2 offense within 15 years following conviction or release from a
3 correctional facility for any term of imprisonment imposed,
4 whichever is later, and is not likely to commit an offense in the
5 future.

6 3. Notice of the obligation to register shall be provided as
7 follows:

8 (1) A court imposing a sentence, disposition or order of
9 commitment following acquittal by reason of insanity shall notify
10 the defendant of the obligation to register pursuant to section 2
11 of this act.

12 (2) The Department of Corrections, the Administrative Office
13 of the Courts and the Department of Human Services shall (a)
14 establish procedures for notifying persons under their supervision
15 of the obligation to register pursuant to this act and (b) establish
16 procedures for registration by persons with the appropriate law
17 enforcement agency who are under supervision in the community
18 on probation, parole, furlough, work release or similar program
19 outside the facility, and registration with the appropriate law
20 enforcement agency of persons who are released from the facility
21 in which they are confined without supervision.

22 (3) The Division of Motor Vehicles in the Department of Law
23 and Public Safety shall provide notice of the obligation to
24 register pursuant to this section in connection with each
25 application for a license to operate a motor vehicle and each
26 application for an identification card issued pursuant to section 2
27 of P.L.1980, c.47 (C.39:3-29.3).

28 (4) The Attorney General shall cause notice of the obligation
29 to register to be published in a manner reasonably calculated to
30 reach the general public within 30 days of the effective date of
31 this act.

32 4. a. Within 60 days of the effective date of this act, the
33 Superintendent of State Police shall prepare the form of
34 registration statement as required in subsection b. of this section
35 and shall provide such forms to each organized full-time
36 municipal police department, the Department of Corrections, the
37 Administrative Office of the Courts and the Department of
38 Human Services.

39 b. The form of registration required by this act shall include a
40 statement in writing signed by the person required to register and
41 shall include:

42 (1) Name, social security number, age, race, sex, date of birth,
43 height, weight, hair and eye color, photograph, address of legal
44 residence, address of any current temporary residence, date and
45 place of any employment, date and place of each conviction,
46 adjudication or acquittal by reason of insanity, fingerprints, and a
47 brief description of the crime or crimes for which registration is
48 required.

49 (2) Any other information that the Attorney General deems
50 necessary, including criminal and corrections records,
51 nonprivileged personnel, treatment, and abuse registry records,
52 and evidentiary genetic markers when available.

53 c. Within three days of receipt, the registering law
54 enforcement agency shall forward the statement and any other

1 required information to the Superintendent of State Police.

2 d. The Superintendent of State Police shall maintain a central
3 registry of registrations provided pursuant to this act.

4 5. a. Records maintained pursuant to this act shall be open to
5 law enforcement agencies which shall be authorized to release
6 relevant and necessary information regarding sex offenders to the
7 public when the release of the information is necessary for public
8 protection.

9 b. An elected public official, public employee, or public
10 agency is immune from civil liability for damages for any
11 discretionary decision to release relevant and necessary
12 information, unless it is shown that the official, employee, or
13 agency acted with gross negligence or in bad faith. The immunity
14 provided under this section applies to the release of relevant
15 information to other employees or officials or to the general
16 public.

17 c. Nothing in this act shall be deemed to impose any liability
18 upon or to give rise to a cause of action against any public
19 official, public employee, or public agency for failing to release
20 information as authorized in subsection d. of this section.

21 d. Nothing in this section shall be construed to prevent law
22 enforcement officers from notifying members of the public
23 exposed to danger of any circumstances or individuals that pose a
24 danger under circumstances that are not enumerated in this
25 section.

26 6. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill requires the registration of sex offenders. It also
32 provides for a central registry for law enforcement purposes of
33 information concerning sex offenders.

34 Under the provisions of the bill, a person who has been
35 convicted, adjudicated delinquent or found not guilty by reason of
36 insanity for commission of a sex offense as defined in the bill
37 would register with the chief law enforcement officer of the
38 municipality in which the person resides. If the municipality does
39 not have a local police force, the person would be required to
40 register with Superintendent of State Police. A person who fails
41 to register would be guilty of a crime of the fourth degree.

42 Under the bill's provisions, a sex offense includes the following:

43 (1) Regardless of the date of the commission of the offense or
44 the date of conviction, a conviction for aggravated sexual
45 assault, sexual assault, aggravated criminal sexual contact or an
46 attempt to commit any of these crimes if the court found that
47 the offender's conduct was characterized by a pattern of
48 repetitive, compulsive behavior;

49 (2) A conviction, adjudication of delinquency, or acquittal by
50 reason of insanity for aggravated sexual assault; sexual assault;
51 aggravated criminal sexual contact; kidnapping; endangering the
52 welfare of a child by engaging in sexual conduct which would
53 impair or debauch the morals of the child; endangering the
54 welfare of a child; luring or an attempt to commit any such

1 offense if the conviction, adjudication of delinquency or acquittal
2 by reason of insanity is entered on or after the effective date of
3 this act or the offender is serving a sentence of incarceration,
4 probation or parole as a result of the offense on the effective
5 date of the bill.

6 Under the bill's provisions, a person, other than a person
7 confined in a correctional facility or involuntarily committed on
8 the basis of mental illness, must register with the appropriate law
9 enforcement agency not later than 120 days after the bill's
10 effective date for a sex offense for which a conviction,
11 adjudication of delinquency or acquittal by reason of insanity was
12 entered prior to the bill's effective date. A person confined in a
13 correctional or juvenile facility or involuntarily committed on the
14 bill's effective date would register prior to release in accordance
15 with procedures established by the Department of Corrections or
16 the Department of Human Services. A person moving to or
17 returning to this state from another jurisdiction would also be
18 required to register upon returning to the State. If a conviction,
19 adjudication of delinquency or acquittal by reason of insanity is
20 entered 120 days after the bill's effective date, the person must
21 register within four days of the date of judgment.

22 Upon change of address, a person who has registered must
23 notify the law enforcement agency with which the person
24 registered and must re-register with the appropriate law
25 enforcement agency no less than 10 days before he intends to
26 first reside at his new address.

27 A person required to register under this act would be required
28 to verify his address with the appropriate law enforcement
29 agency every 90 days in a manner prescribed by the Attorney
30 General unless federal law provides for a different verification
31 requirement. In no case, however, would the verification
32 requirement be more often than every 30 days or less often than
33 annually. After one year, the Attorney General will review this
34 verification requirement and, if warranted, modify the
35 requirement.

36 A person required to register could make application to the
37 Superior Court to terminate that obligation upon proof that the
38 person has not committed an offense within 15 years following
39 conviction or release from a correctional facility and is not likely
40 to commit an offense in the future.

41 Notice of the obligation to register would be provided by the
42 court after the imposition of a sentence, other disposition or
43 order of commitment following acquittal by reason of insanity.
44 The Department of Corrections, the Administrative Office of the
45 Courts and the Department of Human Services would establish
46 procedures for notification of persons under their supervision.
47 The Division of Motor Vehicles would provide notice in
48 connection with each application for a license to operate a motor
49 vehicle and each application for an identification card.

50 The Superintendent of State Police would maintain a central
51 registry of information concerning sex offenders under the bill's
52 provisions.

53 Records maintained pursuant to the bill would be open to law
54 enforcement agencies which would be authorized to release

1 relevant and necessary information regarding sex offenders to the
2 public when the release of the information is necessary for public
3 protection.

4 The bill provides immunity for elected public officials, public
5 employees, or public agencies from civil liability for damages for
6 failure to release relevant and necessary information, unless
7 gross negligence or bad faith is established.

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12 Provides for registration of sex offenders.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 84

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 1994

The Senate Law and Public Safety Committee favorably reports with committee amendments Assembly Bill No. 84.

As amended and released by the committee, this bill requires the registration of sex offenders. It also provides for a central registry for law enforcement purposes of information concerning sex offenders.

Under the provisions of the bill, a person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for commission of a sex offense as defined in the bill would register with a designated registering agency or the chief law enforcement officer of the municipality in which the person resides. If the municipality does not have a local police force, the person would be required to register with Superintendent of State Police. A person who fails to register would be guilty of a crime of the fourth degree.

Under the bill's provisions, a sex offense includes the following:

(1) Regardless of the date of the commission of the offense or the date of conviction, a conviction for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, certain kidnapping offenses if the victim is under age 16, or an attempt to commit any of these crimes if the court found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior;

(2) A conviction, adjudication of delinquency, or acquittal by reason of insanity for aggravated sexual assault; sexual assault; aggravated criminal sexual contact; criminal sexual contact; kidnapping; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child; endangering the welfare of a child; luring; criminal restraint or false imprisonment if the victim is a minor and the offender is not the parent of the victim; or an attempt to commit any such offense if the conviction, adjudication of delinquency or acquittal by reason of insanity is entered on or after the effective date of the bill, the offender is serving a sentence of incarceration; has been placed on probation, or parole or other form of community supervision; or is confined following acquittal by reason of insanity or as a result of civil commitment on the effective date of the bill.

Under the bill's provisions, a person who is under supervision in the community on probation, parole, furlough, work release or a similar program must register with the designated registering agency at the time the person is placed under supervision or not later than 120 days after the bill's effective date, whichever is later, in accordance with procedures established by the Department of Corrections, the Department of Human Services or the

Administrative Office of the Courts, whichever is responsible for supervision. A person confined in a correctional or juvenile facility or involuntarily committed would register prior to release in accordance with procedures established by the Department of Corrections or the Department of Human Services. A person moving to or returning to this state from another jurisdiction would also be required to register within 120 days of the effective date or 70 days of first residing in this State, whichever is later. If a conviction is entered prior to the effective date and the person is not confined or under supervision on the effective date, the person must register within 120 days after the bill's effective date.

Upon change of address, a person who has registered must notify the law enforcement agency with which the person registered and must re-register with the appropriate law enforcement agency no less than 10 days before he intends to first reside at his new address.

A sex offender required to register who is compulsive and repetitive would be required to verify his address with the appropriate law enforcement agency every 90 days in a manner prescribed by the Attorney General. All other offenders required to register would be required to verify their addresses annually. After one year, the Attorney General will review this verification requirement and, if warranted, modify the requirement.

A person required to register could make application to the Superior Court to terminate that obligation upon proof that the person has not committed an offense within 15 years following conviction or release from a correctional facility and is not likely to pose a threat to the safety of others.

Notice of the obligation to register would be provided by the court after the imposition of a sentence, other disposition or order of commitment following acquittal by reason of insanity. The Department of Corrections, the Administrative Office of the Courts and the Department of Human Services would establish procedures for notification of persons under their supervision. The Division of Motor Vehicles would provide notice in connection with each application for a license to operate a motor vehicle and each application for an identification card. The bill requires a registering person to sign a statement acknowledging that he has been advised of the duty to register.

All registering agencies would be required to transmit registration information to the county prosecutor, who would transmit the information to the Superintendent of State Police for the maintenance of a central registry of information concerning sex offenders under the bill's provisions. If the registrant will reside in a different county, the information will be transmitted to the county prosecutor of the county where the person will reside and any appropriate law enforcement agencies. The superintendent would transmit all conviction data and fingerprints of registered persons to the Federal Bureau of Investigation.

Records maintained pursuant to the bill would be open to law enforcement agencies in this State, the United States or any other state. New Jersey law enforcement agencies would be authorized to release relevant and necessary information regarding sex offenders to the public when the release of the information is necessary for public protection.

The bill provides immunity for elected public officials, public employees, or public agencies from civil liability for damages for failure to release relevant and necessary information, unless gross negligence or bad faith is established.

The amended bill also provides that conviction records of offenses for which registration is required under the bill would not be subject to expungement.

The amendments also add certain crimes to the definition of "sex offender" to make the bill comport with federal law.

As amended and released by the committee, this bill is identical to Senate Bill No. 13, which also was amended and released by the committee on this date.

LEGISLATIVE FISCAL ESTIMATE TO
ASSEMBLY, No. 84
STATE OF NEW JERSEY

DATED: September 26, 1994

Assembly Bill No. 84 of 1994 requires persons convicted of certain sexual offenses to register with the chief law enforcement official in the municipalities where they reside. Sexual offenders required to register include: (1) those ever convicted of sex crimes whose behavior was determined to be repetitive and compulsive; (2) those convicted, adjudicated delinquent or acquitted by reason of insanity for certain sexual offenses after the effective date of the bill or incarcerated or serving probation or parole on the effective date; and (3) persons convicted, adjudicated delinquent or acquitted by reason of insanity for crimes similar to categories 1 and 2 under laws of the United States or another state. The bill further requires a person subject to its provisions to verify his address with the appropriate law enforcement authority every 90 days in a manner prescribed by the Attorney General.

The bill directs the Departments of Correction and Human Services and the Administrative Office of the Courts to establish procedures for notification of persons subject to this act under their supervision. In addition, the bill directs the Division of Motor Vehicles (DMV) in the Department of Law and Public Safety to provide notice of the bill's provisions in driver's license applications.

The bill requires the Superintendent of the State Police in the Department of Law and Public Safety to maintain a central registry of information concerning sexual offenders. The bill permits the State Police to make these records available to law enforcement agencies and the public when the release of this information is necessary for public protection.

The Department of Law and Public Safety estimates the cost of implementing this bill to maintain a central registry at \$196,016 in the first year following enactment. This estimate includes \$134,365 for salary and fringe benefits for three staff and for five day's services of one deputy attorney general to prepare and propose the notification and registration rules required in this bill. This estimate also includes \$37,500 for materials and supplies, and \$37,500 for one-time equipment costs. Assuming an annual inflation rate of approximately six percent in the second year for salaries and deducting one-time data processing equipment and other costs, the department estimates the bill's second and third year costs at \$176,383 and \$172,582, respectively.

The Office of Legislative Services (OLS) does not concur with the department's cost estimate. The department's salary estimate for three full-time staff comprised of a State Police sergeant at \$68,900, data entry operator at \$17,500 and clerk typist at \$16,700 appears overstated. The division's estimate also includes \$20,600 for a State Police vehicle equipped with a radio. This vehicle does not appear to be necessary to implement the provisions of this bill.

Information received from the state of Washington indicates that its State Patrol maintains a central registry for approximately 8,500 convicted sex offenders with three part-time civilian staff at a yearly cost of \$75,100, which includes fringe benefits. Preliminary information received by OLS indicates the number of persons subject to registration under this bill will not exceed this number. Therefore, OLS has reduced the department's estimate to include the salaries and fringe benefits of a half-time civilian director and clerk-typist. The salary of a full-time data entry operator is included for year one, with this position reduced to half time in the second and third years. The State Police car and radio have been eliminated. After these adjustments, OLS estimates the department's cost of administering this bill at \$114,597, \$96,632 and \$94,899 in the first three years following enactment, respectively.

OLS notes that this estimate does not include costs that would be incurred by municipalities in registering sex offenders. It also does not include any additional costs that may be incurred by the Departments of Correction and Human Services, the Administrative Office of the Courts or the DMV to carry out their responsibilities under this bill.

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



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
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Release: IMMEDIATE
OCT. 31, 1994

Gov. Christie Whitman today signed an 11-bill package of legislation establishing a comprehensive system for dealing with convicted sex offenders, ranging from community notification to extended prison sentences.

Whitman signed the legislation at a public ceremony in her office.

"This package represents a comprehensive and balanced response to a complex law enforcement and social issue," Whitman said. "Our priority in these efforts was to create a system of protection for the community at large as well as to enhance our ability to deal with individuals who commit crimes of this nature."

Whitman commended the Legislature for its reasoned response as embodied in the bill package.

"These bills are an outstanding example of what can be accomplished through bi-partisan cooperation and when there is a high level of coordination between the Executive and Legislative branches of government to solve problems," Whitman said.

The bills signed into law today are:

A-165, sponsored by Assemblymen Patrick Roma, R-Bergen, and Gary Stuhltrager, R-Salem, to require the Department of Corrections or the Department of Human Services to provide written notification to a county prosecutor prior to the release of an adult or juvenile who has been convicted or judged delinquent of certain offenses, including murder and sexual crimes. The prosecutor, in turn, is required to notify the Office of Victim-Witness Advocacy.

A-84, sponsored by Assemblywomen Joanna Gregory-Scocchi, R-Middlesex, and Joan Quigley, D-Bergen, to require the registration of sex offenders with a designated registration agency

or the chief law enforcement officer of the municipality in which the person resides.

S-14, sponsored by Sens. Peter Inverso, R-Mercer, and Gerald Cardinale, R-Bergen, to provide for community notification when a sex offender is released from an institution and moves into a municipality. The community notification is to be given in accordance with guidelines developed by the Attorney General.

S-320, sponsored by Sens. John Girgenti, D-Passaic, and Louis Kosco, R-Bergen, to establish community supervision for life for convicted sex offenders. Community supervision will begin upon the offender's release and the monitoring system is similar to that used for parolees.

S-1398, sponsored by Sens. Andrew Ciesla, R-Monmouth, and John Scott, R-Bergen, to establish victim notification procedures for victims of domestic violence when the offender is scheduled to appear for any court proceeding related to the offense. It also requires notification to a county prosecutor upon the offender's release from jail.

S-11, sponsored by Sens. Donald DiFrancesco, R-Union, and Robert Martin, R-Morris, to provide for an extended prison term for a sexual offender if the crime involved violence and if the victim was 16 years of age or under.

S-15, sponsored by Sens. Andrew Ciesla, R-Monmouth, and Jack Sinagra, R-Middlesex, to provide that no inmate at the Adult Diagnostic and Treatment Center at Avenel will be eligible for good behavior credit unless the individual cooperates with the treatment program offered at the institution.

A-1592, sponsored by Assemblywoman Joan Quigley, D-Bergen, and Assemblyman Nicholas Felice, R-Bergen, to require persons convicted of sexual offenses to provide samples of blood for DNA profiling and use in connection with criminal investigations.

A-81, sponsored by former Assemblyman Frank Catania, R-Passaic, and Assemblywoman Marion Crecco, R-Essex, to establish a victim's age of less than 14 years old as an aggravating factor in death penalty cases.

A-86, sponsored by Assemblymen Patrick Roma, R-Bergen, and Gary Stuhltrager, R-Salem, to provide for the involuntary commitment of sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior.

A-1602, sponsored by Assemblymen John Rocco and Lee Solomon, both R-Camden, to provide that a prosecuting agency must notify the victim of a domestic violence matter whenever a defendant charged with an offense involving domestic violence is released from custody.