

2C:7-6 to 2C:7-11

LEGISLATIVE HISTORY CHECKLIST
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("Megan's Law")

NJSA: 2C:7-6 to 2C7-11

LAWS OF: 1994 CHAPTER: 128

BILL NO: S14

SPONSOR(S): Inverso and Cardinale

DATE INTRODUCED: September 12, 1994

COMMITTEE: ASSEMBLY:

SENATE: Law & Public Safety

AMENDED DURING PASSAGE: No Senate committee substitute
S14/A65 enacted

DATE OF PASSAGE: ASSEMBLY: October 20, 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: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:

"Whitman makes Megan's law official," 11-1-94, Courier News.

"Kankas watch as Whitman signs 'Megan's Law'", 1-11-94, Home News.

"Megan's law becomes the State's law," 11-1-94, Philadelphia Inquirer.

"Whitman approves stringent restrictions on sex criminals," 11-1-94,
New York Times.

"Megan's Law now N.J. law," 11-1-94, Asbury Park Press.

KBG:pp

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SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 14 and ASSEMBLY, No. 85

STATE OF NEW JERSEY

ADOPTED SEPTEMBER 26, 1994

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Sponsored by Senators INVERSO, CARDINALE,
Assemblymen KRAMER and ARNONE

1 AN ACT providing for community notification concerning the
2 release of certain offenders and supplementing Title 2C of the
3 New Jersey Statutes.

4

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

7 1. Within 45 days after receiving notification pursuant to
8 section 1 of P.L. , c. (C.) (now pending before the
9 Legislature as Senate Bill No. 1211 or Assembly Bill No. 165 of
10 1994) that an inmate convicted of or adjudicated delinquent for a
11 sex offense as defined in section 2 of P.L. c. (C.) (now
12 pending before the Legislature as Assembly Bill No. 84 or Senate
13 Bill No. 13 of 1994) is to be released from incarceration and after
14 receipt of registration as required therein, the chief law
15 enforcement officer of the municipality where the inmate intends
16 to reside shall provide notification in accordance with the
17 provisions of section 3 of this act of that inmate's release to the
18 community. If the municipality does not have a police force, the
19 Superintendent of State Police shall provide notification.

20 2. After receipt of notification and registration pursuant to
21 P.L. . c. (C.)(now pending before the Legislature as
22 Assembly Bill No. 84 or Senate Bill No. 13 of 1994) that a person
23 required to register pursuant to that act intends to change his
24 address, the chief law enforcement officer of the municipality to
25 which the person is relocating shall provide notification of that
26 relocation to the community pursuant to section 3 of this act. If
27 the municipality does not have a police force, the Superintendent
28 of State Police shall provide notification.

29 3. a. After consultation with members of the advisory council
30 established pursuant to section 6 of this act and within 60 days of
31 the effective date, the Attorney General shall promulgate
32 guidelines and procedures for the notification required pursuant
33 to the provisions of this act. The guidelines shall identify factors
34 relevant to risk of re-offense and shall provide for three levels of
35 notification depending upon the degree of the risk of re-offense.

36 b. Factors relevant to risk of re-offense shall include, but not
37 be limited to, the following:

38 (1) Conditions of release that minimize risk of re-offense,
39 including but not limited to whether the offender is under
40 supervision of probation or parole; receiving counseling, therapy
41 or treatment; or residing in a home situation that provides
42 guidance and supervision;

43 (2) Physical conditions that minimize risk of re-offense,
44 including but not limited to advanced age or debilitating illness;

45 (3) Criminal history factors indicative of high risk of
46 re-offense, including:

1 (a) Whether the offender's conduct was found to be
2 characterized by repetitive and compulsive behavior;

3 (b) Whether the offender served the maximum term;

4 (c) Whether the offender committed the sex offense against a
5 child.

6 (4) Other criminal history factors to be considered in
7 determining risk, including:

8 (a) The relationship between the offender and the victim;

9 (b) Whether the offense involved the use of a weapon,
10 violence, or infliction of serious bodily injury;

11 (c) The number, date and nature of prior offenses;

12 (5) Whether psychological or psychiatric profiles indicate a
13 risk of recidivism;

14 (6) The offender's response to treatment;

15 (7) Recent behavior, including behavior while confined or while
16 under supervision in the community as well as behavior in the
17 community following service of sentence; and

18 (8) Recent threats against persons or expressions of intent to
19 commit additional crimes.

20 c. The regulations shall provide for three levels of notification
21 depending upon the risk of re-offense by the offender as follows:

22 (1) If risk of re-offense is low, law enforcement agencies
23 likely to encounter the person registered shall be notified;

24 (2) If risk of re-offense is moderate, organizations in the
25 community including schools, religious and youth organizations
26 shall be notified in accordance with the Attorney General's
27 guidelines, in addition to the notice required by paragraph (1) of
28 this subsection;

29 (3) If risk of re-offense is high, the public shall be notified
30 through means in accordance with the Attorney General's
31 guidelines designed to reach members of the public likely to
32 encounter the person registered, in addition to the notice
33 required by paragraphs (1) and (2) of this subsection.

34 d. In order to promote uniform application of the notification
35 guidelines required by this section, the Attorney General shall
36 develop procedures for evaluation of the risk of re-offense and
37 implementation of community notification. These procedures
38 shall require, but not be limited to, the following:

39 (1) The county prosecutor of the county where the person was
40 convicted and the county prosecutor of the county where the
41 registered person will reside, together with any law enforcement
42 officials that either deems appropriate, shall assess the risk of
43 re-offense by the registered person;

44 (2) The county prosecutor of the county in which the
45 registered person will reside, after consultation with local law
46 enforcement officials, shall determine the means of providing
47 notification; and

48 e. The Attorney General's guidelines shall provide for the
49 manner in which records of notification provided pursuant to this
50 act shall be maintained and disclosed.

51 4. Notwithstanding any other provision of law to the contrary,
52 any person who provides or fails to provide information relevant
53 to the procedures set forth in this act shall not be liable in any
54 civil or criminal action. Nothing herein shall be deemed to grant

1 any such immunity to any person for his willful or wanton act of
2 commission or omission.

3 5. Nothing in this act shall be construed to prevent law
4 enforcement officers from providing community notification
5 concerning any person who poses a danger under circumstances
6 that are not provided for in this act.

7 6. A notification advisory council is established to consult with
8 and provide recommendations to the Attorney General concerning
9 the guidelines to be promulgated pursuant to section 3 of this
10 act. The council shall consist of 12 persons who, by experience or
11 training, have a personal interest or professional expertise in law
12 enforcement, crime prevention, victim advocacy, criminology,
13 psychology, parole, public education or community relations. The
14 members of the council shall be appointed in the following
15 manner: four shall be appointed by the Governor, of whom no
16 more than two shall be of the same political party; four shall be
17 appointed by the President of the Senate, of whom no more than
18 two shall be of the same political party; and four shall be
19 appointed by the Speaker of the General Assembly, of whom no
20 more than two shall be of the same political party. Any
21 vacancies occurring in the membership shall be filled in the same
22 manner as the original appointments.

23 One year after the effective date of this act, the Attorney
24 General and the council shall conduct a comprehensive review of
25 the guidelines to determine whether any changes or revisions
26 should be promulgated. Upon completion of that review and the
27 submission of any recommendations thereon, the council shall
28 expire.

29 7. This act shall take effect immediately.

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33

34 Provides for community notification when sex offender is
35 released from correctional facility or moves into municipality.

ASSEMBLY, No. 85

STATE OF NEW JERSEY

INTRODUCED AUGUST 15, 1994

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By Assemblymen KRAMER and
ARNONE

1 AN ACT providing for community notification concerning the
2 release of certain offenders and supplementing Title 2C of the
3 New Jersey Statutes.

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

7 1. a. Within 45 days after receiving notification pursuant to
8 section 1 of P.L. , c. (C.) (now pending before the
9 Legislature as Senate Bill No. 1211 or Assembly Bill No. 165 of
10 1994) that an inmate convicted of or adjudicated delinquent for a
11 sex offense as defined in subsection b. of this section is to be
12 released from incarceration, the chief law enforcement officer of
13 the municipality where the inmate intends to reside shall provide
14 notification in accordance with the provisions of section 3 of this
15 act of that inmate's release to the community. If the
16 municipality does not have a police force, the Superintendent of
17 State Police shall provide notification.

18 b. As used in this section, "sex offense" means aggravated
19 sexual assault; sexual assault; aggravated criminal sexual
20 contact; kidnapping pursuant to paragraph (2) of subsection c. of
21 N.J.S.2C:13-1; endangering the welfare of a child by engaging in
22 sexual conduct which would impair or debauch the morals of the
23 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the
24 welfare of a child pursuant to paragraph (4) of subsection b. of
25 N.J.S.2C:24-4; or luring or enticing pursuant to section 1 of
26 P.L.1993, c.291 (C.2C:13-6); or an attempt to commit any such
27 offense.

28 2. Upon receiving notification pursuant to P.L. , c.
29 (C.)(now pending before the Legislature as Senate Bill No.
30 and Assembly Bill No. 84 of 1994) that a person required to
31 register pursuant to that act intends to change his address, the
32 chief law enforcement officer of the municipality to which the
33 offender is relocating shall provide notification of that relocation
34 to the community pursuant to section 3 of this act. If the
35 municipality does not have a police force, the Superintendent of
36 State Police shall provide notification.

37 3. As required by guidelines promulgated by the Attorney
38 General pursuant to section 4 of this act, the chief law
39 enforcement officer of the municipality or the superintendent, as
40 the case may be, shall notify residents and appropriate
41 organizations in the community, including but not limited to
42 school districts, churches, youth organizations and the media.

43 4. Within 30 days of the effective date of this act, the
44 Attorney General shall issue guidelines for municipal law
45 enforcement departments concerning the notification required

1 pursuant to this act.

2 5. Notwithstanding any other provision of law to the contrary,
3 any person who provides or fails to provide information relevant
4 to the procedures set forth in this act shall not be liable in any
5 civil or criminal action. Nothing herein shall be deemed to grant
6 any such immunity to any person for his willful or wanton act of
7 commission or omission.

8 6. Nothing in this act shall be construed to prevent law
9 enforcement officers from providing community notification of
10 any circumstances or individuals that pose a danger under
11 circumstances that are not enumerated in this act.

12 7. This act shall take effect immediately.
13
14

15 STATEMENT 16

17 This bill provides for community notification when a sex
18 offender is released from a correctional facility or when a sex
19 offender changes his address and moves into a municipality.

20 Pending legislation (Assembly Bill No. 165 and Senate Bill No.
21 1211 of 1994) requires the Department of Corrections to provide
22 written notification 90 days prior to the release of certain
23 inmates, including sex offenders. Other pending legislation
24 (Assembly Bill No. 84 and Senate Bill No. of 1994) requires sex
25 offenders to register their address and other pertinent
26 information with authorities and to notify them if the offender
27 changes his address and moves into a municipality.

28 As required by guidelines issued by the Attorney General, the
29 chief law enforcement officer of the municipality where the
30 inmate intends to reside, within 45 days after receiving the
31 notification from the Department of Corrections, would provide
32 notification to the community that a sex offender convicted of or
33 adjudicated delinquent for a sex offense as defined in the bill will
34 take up residence there. In accordance with the Attorney
35 General's guidelines, the chief law enforcement officer would
36 notify the appropriate organizations in the community, including
37 but not limited to school districts, churches, youth organizations
38 and the media. If required by the guidelines, notification also
39 would be given when a sex offender changes his address and
40 moves into a municipality. If the municipality does not have a
41 police force, notification will be provided by the Superintendent
42 of State Police.

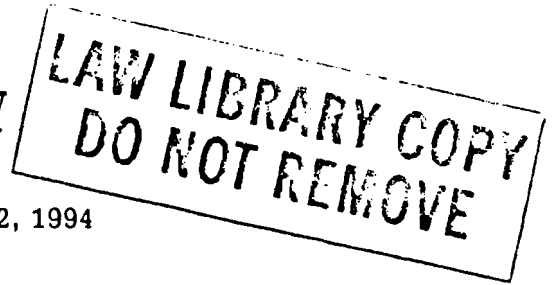
43 The Attorney General will have 30 days after the act's
44 effective date to issue guidelines for law enforcement officials to
45 follow in providing notification under the bill.

46 Heinous crimes have been committed against children by sex
47 offenders after their release from incarceration. The most
48 recent case involves the tragic rape and murder of
49 seven-year-old Megan Kanka of Hamilton Township by a neighbor
50 who had committed sex offenses against children. Residents of
51 the neighborhood had no knowledge of the man's criminal history.

52 Because sex offenders are likely to be unsusceptible to the
53 "cures" offered by the prison system, the urges that cause them
54 to commit offenses can never be eliminated but merely

1 controlled. The danger posed by the presence of a sex offender
2 who has committed violent acts against children requires a
3 system of notification to protect the public safety and welfare of
4 the community.
5
6
7 _____
8
9 Provides for community notification when sex offender is
10 released from correctional facility or moves into municipality.

SENATE, No. 14
STATE OF NEW JERSEY



INTRODUCED SEPTEMBER 12, 1994

By Senators INVERSO and CARDINALE

1 AN ACT providing for community notification concerning the
2 release of certain offenders and supplementing Title 2C of the
3 New Jersey Statutes.

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

7 1. a. Within 45 days after receiving notification pursuant to
8 section 1 of P.L. , c. (C.) (now pending before the
9 Legislature as Senate Bill No. 1211 or Assembly Bill No. 165 of
10 1994) that an inmate convicted of or adjudicated delinquent for a
11 sex offense as defined in subsection b. of this section is to be
12 released from incarceration, the chief law enforcement officer of
13 the municipality where the inmate intends to reside shall provide
14 notification in accordance with the provisions of section 3 of this
15 act of that inmate's release to the community. If the
16 municipality does not have a police force, the Superintendent of
17 State Police shall provide notification.

18 b. As used in this section, "sex offense" means aggravated
19 sexual assault; sexual assault; aggravated criminal sexual
20 contact; kidnapping pursuant to paragraph (2) of subsection c. of
21 N.J.S.2C:13-1; endangering the welfare of a child by engaging in
22 sexual conduct which would impair or debauch the morals of the
23 child pursuant to subsection a. of N.J.S.2C:24-4; endangering the
24 welfare of a child pursuant to paragraph (4) of subsection b. of
25 N.J.S.2C:24-4; or luring or enticing pursuant to section 1 of
26 P.L.1993, c.291 (C.2C:13-6); or an attempt to commit any such
27 offense.

28 2. Upon receiving notification pursuant to P.L. , c.
29 (C.)(now pending before the Legislature as Senate Bill No.
30 and Assembly Bill No. 84 of 1994) that a person required to
31 register pursuant to that act intends to change his address, the
32 chief law enforcement officer of the municipality to which the
33 offender is relocating shall provide notification of that relocation
34 to the community pursuant to section 3 of this act. If the
35 municipality does not have a police force, the Superintendent of
36 State Police shall provide notification.

37 3. As required by guidelines promulgated by the Attorney
38 General pursuant to section 4 of this act, the chief law
39 enforcement officer of the municipality or the superintendent, as
40 the case may be, shall notify residents and appropriate
41 organizations in the community, including but not limited to
42 school districts, churches, youth organizations and the media.

43 4. Within 30 days of the effective date of this act, the
44 Attorney General shall issue guidelines for municipal law
45 enforcement departments concerning the notification required
46 pursuant to this act.

1 5. Notwithstanding any other provision of law to the contrary,
2 any person who provides or fails to provide information relevant
3 to the procedures set forth in this act shall not be liable in any
4 civil or criminal action. Nothing herein shall be deemed to grant
5 any such immunity to any person for his willful or wanton act of
6 commission or omission.

7 6. Nothing in this act shall be construed to prevent law
8 enforcement officers from providing community notification of
9 any circumstances or individuals that pose a danger under
10 circumstances that are not enumerated in this act.

11 7. This act shall take effect immediately.

12

13

14

STATEMENT

15

16 This bill provides for community notification when a sex
17 offender is released from a correctional facility or when a sex
18 offender changes his address and moves into a municipality.

19 Pending legislation (Assembly Bill No. 165 and Senate Bill No.
20 1211 of 1994) requires the Department of Corrections to provide
21 written notification 90 days prior to the release of certain
22 inmates, including sex offenders. Other pending legislation
23 (Assembly Bill No. 84 and Senate Bill No. of 1994) requires sex
24 offenders to register their address and other pertinent
25 information with authorities and to notify them if the offender
26 changes his address and moves into a municipality.

27 As required by guidelines issued by the Attorney General, the
28 chief law enforcement officer of the municipality where the
29 inmate intends to reside, within 45 days after receiving the
30 notification from the Department of Corrections, would provide
31 notification to the community that a sex offender convicted of or
32 adjudicated delinquent for a sex offense as defined in the bill will
33 take up residence there. In accordance with the Attorney
34 General's guidelines, the chief law enforcement officer would
35 notify the appropriate organizations in the community, including
36 but not limited to school districts, churches, youth organizations
37 and the media. If required by the guidelines, notification also
38 would be given when a sex offender changes his address and
39 moves into a municipality. If the municipality does not have a
40 police force, notification will be provided by the Superintendent
41 of State Police.

42 The Attorney General will have 30 days after the act's
43 effective date to issue guidelines for law enforcement officials to
44 follow in providing notification under the bill.

45 Heinous crimes have been committed against children by sex
46 offenders after their release from incarceration. The most
47 recent case involves the tragic rape and murder of
48 seven-year-old Megan Kanka of Hamilton Township by a neighbor
49 who had committed sex offenses against children. Residents of
50 the neighborhood had no knowledge of the man's criminal history.

51 Because sex offenders are likely to be unsusceptible to the
52 "cures" offered by the prison system, the urges that cause them
53 to commit offenses can never be eliminated but merely
54 controlled. The danger posed by the presence of a sex offender

1 who has committed violent acts against children requires a
2 system of notification to protect the public safety and welfare of
3 the community.

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8 Provides for community notification when sex offender is
9 released from correctional facility or moves into municipality.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 14 and ASSEMBLY, No. 85

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 1994

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The Senate Law and Public Safety Committee favorably reports a Senate Committee Substitute for Senate Bill No. 14 and Assembly Bill No. 85.

This committee substitute provides for community notification when a sex offender is released from a correctional facility or when a sex offender changes his address and moves into a municipality.

Pending legislation (Assembly Bill No. 165 or Senate Bill No. 1211 of 1994) requires the Department of Corrections to provide written notification 90 days prior to the release of certain inmates, including sex offenders. Other pending legislation (Assembly Bill No. 84 or Senate Bill No. 14 of 1994) requires a sex offender to register his address and other pertinent information with authorities and to notify them if he changes his address and moves into a municipality.

As required by guidelines issued by the Attorney General, the chief law enforcement officer of the municipality where the inmate intends to reside, within 45 days after receiving the notification from the Department of Corrections, would notify the community that a sex offender plans to reside there. As required by the guidelines, notification also would be given when a sex offender changes his address and moves into a municipality. If the municipality does not have a police force, notification would be provided by the Superintendent of State Police.

The Attorney General will have 60 days after the committee substitute's effective date to issue guidelines for law enforcement officials to follow in providing notification. The committee substitute requires the establishment of a Notification Advisory Council to consult with and provide recommendations to the Attorney General concerning the guidelines to be promulgated under the substitute. The council would consist of 12 persons who, by experience or training, have a personal interest or professional expertise in law enforcement, crime prevention, victim advocacy, criminology, psychology, parole, public education or community relations.

After consultation with the advisory council, the Attorney General would promulgate guidelines and procedures for the notification required under the substitute. As set forth in the substitute, the guidelines would identify factors relevant to risk of re-offense and provide for three levels of notification depending upon the degree of the risk of re-offense. Law enforcement agencies likely to encounter the person registered would be notified in all instances. If risk of re-offense is moderate or high, organizations in the community including schools, religious and youth organizations also would be notified in accordance with the Attorney General's guidelines. If risk of re-offense is high, the

public also would be notified through means specified in the Attorney General's guidelines designed to reach members of the public likely to encounter the person.

In order to promote uniform application of the notification guidelines, the substitute requires the Attorney General to develop procedures for evaluation of the risk of re-offense and implementation of community notification.

Under the provisions of the substitute, any person who provides or fails to provide information relevant to its procedures would not be liable in any civil or criminal action. Nothing in the substitute would be deemed to grant any such immunity to any person for his willful or wanton act of commission or omission. In addition, nothing in the substitute could be construed to prevent law enforcement officers from providing community notification concerning any person who poses a danger under circumstances that are not provided for in the substitute.

One year after the effective date, the Attorney General and the council would conduct a comprehensive review of the guidelines to determine whether any changes or revisions should be promulgated. Upon completion of that review and the submission of any recommendations thereon, the council would expire.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact:

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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.