

30:4-123.97 to 30:4-123.99 et al.

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2013 **CHAPTER:** 214

NJSA: 30:4-123.97 to 30:4-123.99 et al. (Revises certain provisions of Megan's Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board)

BILL NO: S2636 (Substituted for A3886)

SPONSOR(S) Greenstein and others

DATE INTRODUCED: March 4, 2013

COMMITTEE: **ASSEMBLY:** Law and Public Safety
Appropriations

SENATE: Law and Public Safety
Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 13, 2014

SENATE: January 13, 2014

DATE OF APPROVAL: January 17, 2014

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Fourth reprint enacted)

S2636

SPONSOR'S STATEMENT: (Begins on page 17 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes Law and Public
Appropriations

SENATE: Yes Law and Public
Budget and Approp.

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

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL NOTE: Yes

LEGISLATIVE FISCAL ESTIMATE: Yes 7-5-13
12-16-13
1-16-14

(continued)

A3886

SPONSOR'S STATEMENT: (Begins on page 17 of introduced bill)	Yes	
COMMITTEE STATEMENT:	ASSEMBLY:	Yes Law and Public Appropriations
	SENATE:	No
FLOOR AMENDMENT STATEMENT:	No	
LEGISLATIVE FISCAL ESTIMATE:	Yes	12-16-13
VETO MESSAGE:	No	
GOVERNOR'S PRESS RELEASE ON SIGNING:	No	

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	Yes

"Updated Megan's Law heads to Christie's desk," The Times, 1-15-14
"Christie signs 100 bills," Burlington County Times, 1-23-14

LAW/RWH

P.L.2013, CHAPTER 214, *approved January 17, 2014*
Senate, No. 2636 (*Fourth Reprint*)

1 **AN ACT** concerning sex offenders, revising various parts of the
2 statutory law, and supplementing Title 30 of the Revised
3 Statutes.

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

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

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

14 (2) A person who in another jurisdiction is required to register
15 as a sex offender and (a) is enrolled on a full-time or part-time basis
16 in any public or private educational institution in this State,
17 including any secondary school, trade or professional institution,
18 institution of higher education or other post-secondary school, or
19 (b) is employed or carries on a vocation in this State, on either a
20 full-time or a part-time basis, with or without compensation, for
21 more than 14 consecutive days or for an aggregate period exceeding
22 30 days in a calendar year, shall register in this State as provided in
23 subsections c. and d. of this section.

24 (3) A person who fails to register as required under this act shall
25 be guilty of a crime of the third 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, kidnapping pursuant to paragraph (2) of
30 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these
31 crimes if the court found that the offender's conduct was
32 characterized by a pattern of repetitive, compulsive behavior,
33 regardless of the date of the commission of the offense or the date
34 of conviction;

35 (2) A conviction, adjudication of delinquency, or acquittal by
36 reason of insanity for aggravated sexual assault; sexual assault;

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted June 6, 2013.

²Senate SBA committee amendments adopted June 24, 2013.

³Assembly ALP committee amendments adopted November 18, 2013.

⁴Assembly floor amendments adopted January 6, 2014.

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

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

28 (4) ²**[A]** Notwithstanding the provisions of paragraph (1), (2) or
29 (3) of this subsection, a² sex offense shall not include ²[any offense
30 in which] an adjudication of delinquency for endangering the
31 welfare of a child pursuant to paragraph (4) or (5) of subsection b.
32 of N.J.S.2C:24-4, provided that the actor demonstrates that² :

33 (a) the facts of the case ¹[involve] are limited to¹ the creation,
34 exhibition or distribution of a photograph depicting nudity as
35 defined in N.J.S.2C:24-4 through the use of an electronic
36 communication device, an interactive wireless communications
37 device, or a computer; ²[and]²

38 (b) the creator and subject of the photograph are juveniles or
39 were juveniles at the time of its making ²; and

40 (c) the subject of the photograph whose nudity is depicted
41 knowingly consented to the making of the photograph².

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

45 (1) A person who is required to register and who is under
46 supervision in the community on probation, parole, furlough, work
47 release, or a similar program, shall register at the time the person is
48 placed under supervision or no later than 120 days after the

1 effective date of this act, whichever is later, in accordance with
2 procedures established by the Department of Corrections, the
3 Department of Human Services, the Juvenile Justice Commission
4 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
5 or the Administrative Office of the Courts, whichever is responsible
6 for supervision;

7 (2) A person confined in a correctional or juvenile facility or
8 involuntarily committed who is required to register shall register
9 prior to release in accordance with procedures established by the
10 Department of Corrections, the Department of Human Services or
11 the Juvenile Justice Commission and, within 48 hours of release,
12 shall also register with the chief law enforcement officer of the
13 municipality in which the person resides or, if the municipality does
14 not have a local police force, the Superintendent of State Police;

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

22 (4) A person required to register on the basis of a conviction
23 prior to the effective date who is not confined or under supervision
24 on the effective date of this act shall register within 120 days of the
25 effective date of this act with the chief law enforcement officer of
26 the municipality in which the person will reside or, if the
27 municipality does not have a local police force, the Superintendent
28 of State Police;

29 (5) A person who in another jurisdiction is required to register
30 as a sex offender and who is enrolled on a full-time or part-time
31 basis in any public or private educational institution in this State,
32 including any secondary school, trade or professional institution,
33 institution of higher education or other post-secondary school shall,
34 within ten days of commencing attendance at such educational
35 institution, register with the chief law enforcement officer of the
36 municipality in which the educational institution is located or, if the
37 municipality does not have a local police force, the Superintendent
38 of State Police;

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

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

8 d. (1) Upon a change of address, a person shall notify the law
9 enforcement agency with which the person is registered and shall
10 re-register with the appropriate law enforcement agency no less
11 than 10 days before he intends to first reside at his new address.
12 Upon a change of employment or school enrollment status, a person
13 shall notify the appropriate law enforcement agency no later than
14 five days after any such change. A person who fails to notify the
15 appropriate law enforcement agency of a change of address or status
16 in accordance with this subsection is guilty of a crime of the
17 **【fourth】** third degree.

18 (2) A person required to register under this act shall provide the
19 appropriate law enforcement agency with information as to whether
20 the person has routine access to or use of a computer or any other
21 device with Internet capability. A person who fails to notify the
22 appropriate law enforcement agency of such information or of a
23 change in the person's access to or use of a computer or other
24 device with Internet capability or who provides false information
25 concerning the person's access to or use of a computer or any other
26 device with Internet capability is guilty of a crime of the **【fourth】**
27 third degree.

28 e. A person required to register under paragraph (1) of
29 subsection b. of this section or under paragraph (3) of subsection b.
30 due to a sentence imposed on the basis of criteria similar to the
31 criteria set forth in paragraph (1) of subsection b. shall verify his
32 address with the appropriate law enforcement agency every 90 days
33 in a manner prescribed by the Attorney General. A person required
34 to register under paragraph (2) of subsection b. of this section or
35 under paragraph (3) of subsection b. on the basis of a conviction for
36 an offense similar to an offense enumerated in paragraph (2) of
37 subsection b. shall verify his address annually in a manner
38 prescribed by the Attorney General. ⁴In addition to address
39 information, the person shall provide as part of the verification
40 process any additional information the Attorney General may
41 require.⁴ One year after the effective date of this act, the Attorney
42 General shall review, evaluate and, if warranted, modify pursuant to
43 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
44 seq.) the verification requirement. Any person who knowingly
45 provides false information concerning his place of residence or who
46 fails to verify his address with the appropriate law enforcement
47 agency or other entity, as prescribed by the Attorney General in

1 accordance with this subsection, is guilty of a crime of the **[fourth]**
2 third degree.

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

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

20 (cf: P.L.2007, c.219, s.2)

21

22 2. Section 2 of P.L.2001, c.167 (C.2C:7-13) is amended to read
23 as follows:

24 2. a. Pursuant to the provisions of this section, the
25 Superintendent of State Police shall develop and maintain a system
26 for making certain information in the central registry established
27 pursuant to subsection d. of section 4 of P.L.1994, c.133 (C.2C:7-4)
28 publicly available by means of electronic Internet technology.

29 b. The public may, without limitation, obtain access to the
30 Internet registry to view an individual registration record, any part
31 of, or the entire Internet registry concerning all offenders:

32 (1) whose risk of re-offense is high;

33 (2) whose risk of re-offense is moderate or low and whose
34 conduct was found to be characterized by a pattern of repetitive,
35 compulsive behavior pursuant to the provisions of N.J.S.2C:47-3; or

36 (3) for whom the court has ordered notification in accordance
37 with paragraph (3) of subsection c. of section 3 of P.L.1994, c.128
38 (C.2C:7-8), regardless of the age of the offender.

39 c. Except as provided in subsection d. of this section, the
40 public may, without limitation, obtain access to the Internet registry
41 to view an individual registration record, any part of, or the entire
42 Internet registry concerning offenders whose risk of re-offense is
43 moderate and for whom the court has ordered notification in
44 accordance with paragraph (2) of subsection c. of section 3 of
45 P.L.1994, c.128 (C.2C:7-8).

46 d. The individual registration record of an offender whose risk
47 of re-offense has been determined to be moderate and for whom the
48 court has ordered notification in accordance with paragraph (2) of
49 subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not be

1 made available to the public on the Internet registry if the sole sex
2 offense committed by the offender which renders him subject to the
3 requirements of P.L.1994, c.133 (C.2C:7-1 et seq.) is one of the
4 following:

5 (1) An adjudication of delinquency for any sex offense as
6 defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2);

7 (2) A conviction or acquittal by reason of insanity for a
8 violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 under circumstances in
9 which the offender was related to the victim by blood or affinity to
10 the third degree or was a resource family parent, a guardian, or
11 stood in loco parentis within the household; or

12 (3) A conviction or acquittal by reason of insanity for a
13 violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 in any case in which
14 the victim assented to the commission of the offense but by reason
15 of age was not capable of giving lawful consent.

16 For purposes of this subsection, "sole sex offense" means a
17 single conviction, adjudication of guilty or acquittal by reason of
18 insanity, as the case may be, for a sex offense which involved no
19 more than one victim, no more than one occurrence or, in the case
20 of an offense which meets the criteria of paragraph (2) of this
21 subsection, members of no more than a single household.

22 e. Notwithstanding the provisions of paragraph d. of this
23 subsection, the individual registration record of an offender to
24 whom an exception enumerated in paragraph (1), (2) or (3) of
25 subsection d. of this section applies shall be made available to the
26 public on the Internet registry if the offender's conduct was
27 characterized by a pattern of repetitive, compulsive behavior, or the
28 State establishes by clear and convincing evidence that, given the
29 particular facts and circumstances of the offense and the
30 characteristics and propensities of the offender, the risk to the
31 general public posed by the offender is substantially similar to that
32 posed by offenders whose risk of re-offense is moderate and who
33 do not qualify under the enumerated exceptions.

34 f. **【The】** Unless the offender's conduct was characterized by a
35 pattern of repetitive, compulsive behavior, the individual
36 registration records of offenders whose risk of re-offense is low or
37 of offenders whose risk of re-offense is moderate but for whom the
38 court has not ordered notification in accordance with paragraph (2)
39 of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not
40 be available to the public on the Internet registry.

41 g. The information concerning a registered offender to be made
42 publicly available on the Internet shall include: the offender's name
43 and any aliases the offender has used or under which the offender
44 may be or may have been known; any sex offense as defined in
45 subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2) for which
46 the offender was convicted, adjudicated delinquent or acquitted by
47 reason of insanity, as the case may be; the date and location of
48 disposition; a brief description of any such offense, including the
49 victim's gender and indication of whether the victim was less than

1 18 years old or less than 13 years old; a general description of the
2 offender's modus operandi, if any; the determination of whether the
3 risk of re-offense by the offender is moderate or high; the offender's
4 age, race, sex, date of birth, height, weight, hair, eye color and any
5 distinguishing scars or tattoos; a photograph of the offender and the
6 date on which the photograph was entered into the registry; the
7 make, model, color, year and license plate number of any vehicle
8 operated by the offender; and the street address, zip code,
9 municipality and county in which the offender resides.
10 (cf: P.L.2004, c.151, s.1)

11

12 ¹§3. N.J.S.2C:14-1 is amended to read as follows:

13 2C:14-1. Definitions. The following definitions apply to this
14 chapter:

15 a. "Actor" means a person accused of an offense proscribed
16 under this act;

17 b. "Victim" means a person alleging to have been subjected to
18 offenses proscribed by this act;

19 c. "Sexual penetration" means vaginal intercourse, cunnilingus,
20 fellatio or anal intercourse between persons or insertion of the hand,
21 finger or object into the anus or vagina either by the actor or upon
22 the actor's instruction. The depth of insertion shall not be relevant
23 as to the question of commission of the crime;

24 d. "Sexual contact" means an intentional touching by the victim
25 or actor, either directly or through clothing, of the victim's or actor's
26 intimate parts for the purpose of degrading or humiliating the victim
27 or sexually arousing or sexually gratifying the actor. Sexual contact
28 of the actor with himself must be in view of the victim whom the
29 actor knows to be present;

30 e. "Intimate parts" means the following body parts: sexual
31 organs, genital area, anal area, inner thigh, groin, buttock or breast
32 of a person;

33 f. "Severe personal injury" means severe bodily injury,
34 disfigurement, disease, incapacitating mental anguish or chronic
35 pain;

36 g. "Physically helpless" means that condition in which a person
37 is unconscious or is physically unable to flee or is physically unable
38 to communicate unwillingness to act;

39 h. (Deleted by amendment, P.L.2011, c.232)

40 i. "Mentally incapacitated" means that condition in which a
41 person is rendered temporarily incapable of understanding or
42 controlling his conduct due to the influence of a narcotic,
43 anesthetic, intoxicant, or other substance administered to that
44 person without his prior knowledge or consent, or due to any other
45 act committed upon that person which rendered that person
46 incapable of appraising or controlling his conduct;

47 j. "Coercion" as used in this chapter shall refer to those acts
48 which are defined as criminal coercion in section 2C:13-5(1), (2),
49 (3), (4), (6) and (7)

1 k. “Intellectual disability” means a significant subaverage
2 general intellectual functioning existing concurrently with deficits
3 in adaptive behavior, which are manifested during the development
4 period.

5 l. “Permanent physical disability” means a severe impairment
6 of a permanent nature which so restricts a person's ability to
7 perform essential activities of daily living that the person needs
8 assistance to maintain the person's independence and health.

9 (cf: P.L.2011, c.232, s.3)]¹

10

11 ¹[4.] 3.¹ N.J.S.2C:14-2 is amended to read as follows:

12 2C:14-2. Sexual assault. a. An actor is guilty of aggravated
13 sexual assault if he commits an act of sexual penetration with
14 another person under any one of the following circumstances:

15 (1) The victim is less than 13 years old;

16 (2) The victim is at least 13 but less than 16 years old; and

17 (a) The actor is related to the victim by blood or affinity to the
18 third degree, or

19 (b) The actor has supervisory or disciplinary power over the
20 victim by virtue of the actor's legal, professional, or occupational
21 status, or

22 (c) The actor is a resource family parent, a guardian, or stands
23 in loco parentis within the household;

24 (3) The act is committed during the commission, or attempted
25 commission, whether alone or with one or more other persons, of
26 robbery, kidnapping, homicide, aggravated assault on another,
27 burglary, arson or criminal escape;

28 (4) The actor is armed with a weapon or any object fashioned in
29 such a manner as to lead the victim to reasonably believe it to be a
30 weapon and threatens by word or gesture to use the weapon or
31 object;

32 (5) The actor is aided or abetted by one or more other persons
33 and the actor uses physical force or coercion;

34 (6) The actor uses physical force or coercion and severe
35 personal injury is sustained by the victim;

36 (7) The victim is one whom the actor knew or should have
37 known was physically helpless ¹or incapacitated¹, ¹intellectually or¹
38 mentally incapacitated, or had a mental disease or defect which
39 rendered the victim temporarily or permanently incapable of
40 understanding the nature of his conduct, including, but not limited
41 to, being incapable of providing consent ¹];

42 (8) The victim is one whom the actor knew or should have
43 known has an intellectual disability or a permanent physical
44 disability]¹.

45 Aggravated sexual assault is a crime of the first degree.

46 b. An actor is guilty of sexual assault if he commits an act of
47 sexual contact with a victim who is less than 13 years old and the
48 actor is at least four years older than the victim.

1 c. An actor is guilty of sexual assault if he commits an act of
2 sexual penetration with another person under any one of the
3 following circumstances:

4 (1) The actor uses physical force or coercion, but the victim
5 does not sustain severe personal injury;

6 (2) The victim is on probation or parole, or is detained in a
7 hospital, prison or other institution and the actor has supervisory or
8 disciplinary power over the victim by virtue of the actor's legal,
9 professional or occupational status;

10 (3) The victim is at least 16 but less than 18 years old and:

11 (a) The actor is related to the victim by blood or affinity to the
12 third degree; or

13 (b) The actor has supervisory or disciplinary power of any
14 nature or in any capacity over the victim; or

15 (c) The actor is a resource family parent, a guardian, or stands
16 in loco parentis within the household;

17 (4) The victim is at least 13 but less than 16 years old and the
18 actor is at least four years older than the victim.

19 Sexual assault is a crime of the second degree.

20 (cf: P.L.2011, c.232, s.4)

21

22 ¹~~5.~~ ³~~4.~~¹ Section 2 of P.L.1994, c.130 (C.2C:43-6.4) is
23 amended to read as follows:

24 2. a. Notwithstanding any provision of law to the contrary, a
25 judge imposing sentence on a person who has been convicted of
26 aggravated sexual assault, sexual assault, aggravated criminal
27 sexual contact, kidnapping pursuant to paragraph (2) of subsection
28 c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging
29 in sexual conduct which would impair or debauch the morals of the
30 child pursuant to subsection a. of N.J.S.2C:24-4, endangering the
31 welfare of a child pursuant to paragraph (3) of subsection b. of
32 N.J.S.2C:24-4, luring or an attempt to commit any of these offenses
33 shall include, in addition to any sentence authorized by this Code, a
34 special sentence of parole supervision for life. A person who was
35 sentenced to a special sentence of community supervision for life
36 and who is convicted of a subsequent ¹sex¹ offense ¹[pursuant to
37 the provisions of this subsection] as defined in section 2 of
38 P.L.1994, c.133 (C.2C:7-2)¹ shall receive a special sentence of
39 parole supervision for life ¹[for the subsequent offense]¹.

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

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

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

43 c. A person sentenced to a term of parole supervision for life
44 may petition the Superior Court for release from that parole
45 supervision. The judge may grant a petition for release from a
46 special sentence of parole supervision for life only upon proof by
47 clear and convincing evidence that the person has not committed a
48 crime for 15 years since the last conviction or release from
49 incarceration, whichever is later, and that the person is not likely to

1 pose a threat to the safety of others if released from parole
2 supervision. Notwithstanding the provisions of section 22 of
3 P.L.1979, c.441 (C.30:4-123.66), a person sentenced to a term of
4 parole supervision for life may be released from that parole
5 supervision term only by court order as provided in this subsection.

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

21 e. A person who, while serving a special sentence of parole
22 supervision for life imposed pursuant to this section, commits a
23 violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5,
24 subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, section 1 of
25 P.L.1993, c.291 (C.2C:13-6), N.J.S.2C:14-2, N.J.S.2C:14-3,
26 N.J.S.2C:24-4, N.J.S.2C:18-2 when the offense is a crime of the
27 second degree, or subsection a. of N.J.S.2C:39-4 shall be sentenced
28 to an extended term of imprisonment as set forth in N.J.S.2C:43-7,
29 which term shall, notwithstanding the provisions of N.J.S.2C:43-7
30 or any other law, be served in its entirety prior to the person's
31 resumption of the term of parole supervision for life.

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

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

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

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

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

8 (cf: P.L.2007, c.219, s.3)】³

9

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

12 2. a. Notwithstanding any provision of law to the contrary, a
13 judge imposing sentence on a person who has been convicted of
14 aggravated sexual assault, sexual assault, aggravated criminal
15 sexual contact, kidnapping pursuant to paragraph (2) of subsection
16 c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging
17 in sexual conduct which would impair or debauch the morals of the
18 child pursuant to subsection a. of N.J.S.2C:24-4, endangering the
19 welfare of a child pursuant to paragraph (3) of subsection b. of
20 N.J.S.2C:24-4, luring, violating a condition of a special sentence of
21 community supervision for life pursuant to subsection d. of this
22 section, or an attempt to commit any of these offenses shall include,
23 in addition to any sentence authorized by this Code, a special
24 sentence of parole supervision for life. Notwithstanding any
25 provision of law to the contrary, a court imposing sentence on a
26 person who has been convicted of endangering the welfare of a
27 child pursuant to paragraph (4) or (5) of subsection b. of
28 N.J.S.2C:24-4, or an attempt to commit either of these offenses
29 shall include, upon motion of the prosecutor, a special sentence of
30 parole supervision for life in addition to any sentence authorized by
31 Title 2C of the New Jersey Statutes, unless the court finds on the
32 record that the special sentence is not needed to protect the
33 community or deter the defendant from future criminal activity.

34 b. The special sentence of parole supervision for life required
35 by this section shall commence immediately upon the defendant's
36 release from incarceration. If the defendant is serving a sentence of
37 incarceration for another offense at the time he completes the
38 custodial portion of the sentence imposed on the present offense,
39 the special sentence of parole supervision for life shall not
40 commence until the defendant is actually released from
41 incarceration for the other offense. Persons serving a special
42 sentence of parole supervision for life shall remain in the legal
43 custody of the Commissioner of Corrections, shall be supervised by
44 the Division of Parole of the State Parole Board, shall be subject to
45 the provisions and conditions set forth in subsection c. of section 3
46 of P.L.1997, c.117 (C.30:4-123.51b) and sections 15 through 19 and
47 21 of P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and
48 30:4-123.65), and shall be subject to conditions appropriate to
49 protect the public and foster rehabilitation. Such conditions may

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

36 c. A person sentenced to a term of parole supervision for life
37 may petition the Superior Court for release from that parole
38 supervision. The judge may grant a petition for release from a
39 special sentence of parole supervision for life only upon proof by
40 clear and convincing evidence that the person has not committed a
41 crime for 15 years since the last conviction or release from
42 incarceration, whichever is later, and that the person is not likely to
43 pose a threat to the safety of others if released from parole
44 supervision. Notwithstanding the provisions of section 22 of
45 P.L.1979, c.441 (C.30:4-123.66), a person sentenced to a term of
46 parole supervision for life may be released from that parole
47 supervision term only by court order as provided in this subsection.

48 d. A person who violates a condition of a special sentence of
49 community supervision for life or parole supervision for life

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

14 e. A person who, while serving a special sentence of parole
15 supervision for life imposed pursuant to this section, commits a
16 violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5,
17 subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, section 1 of
18 P.L.1993, c.291 (C.2C:13-6), N.J.S.2C:14-2, N.J.S.2C:14-3,
19 N.J.S.2C:24-4, N.J.S.2C:18-2 when the offense is a crime of the
20 second degree, or subsection a. of N.J.S.2C:39-4 shall be sentenced
21 to an extended term of imprisonment as set forth in N.J.S.2C:43-7,
22 which term shall, notwithstanding the provisions of N.J.S.2C:43-7
23 or any other law, be served in its entirety prior to the person's
24 resumption of the term of parole supervision for life.

25 f. The special sentence of parole supervision for life required
26 by this section may include any of the following Internet access
27 conditions:

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

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

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

46 (4) Require the person to submit to any other appropriate
47 restrictions concerning the person's use or access of a computer or
48 any other device with Internet capability; and

1 (5) Require the person to disclose all passwords used by the
 2 person to access any data, information, image, program, signal or
 3 file on the person's computer or any other device with Internet
 4 capability.³

5 (cf: P.L.2013, c.136, s.2)

6
 7 ¹~~6.~~ 5.¹ Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended
 8 to read as follows:

9 3. a. All fines, assessments imposed pursuant to section 2 of
 10 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
 11 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
 12 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
 13 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
 14 penalties imposed pursuant to section 1 of P.L.2009, c.143
 15 (C.2C:43-3.8), all penalties imposed pursuant to section ³~~9~~ 8³ of
 16 P.L. , c. (C.) (pending before the Legislature as this bill)
 17 and restitution shall be collected as follows:

18 (1) All fines, assessments imposed pursuant to section 2 of
 19 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
 20 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
 21 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
 22 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
 23 penalties imposed pursuant to section 1 of P.L.2009, c.143
 24 (C.2C:43-3.8) , all penalties imposed pursuant to section ³~~9~~ 8³ of
 25 P.L. , c. (C.) (pending before the Legislature as this bill)
 26 and restitution imposed by the Superior Court or otherwise imposed
 27 at the county level, shall be collected by the county probation
 28 division except when such fine, assessment or restitution is imposed
 29 in conjunction with a custodial sentence to a State correctional
 30 facility or in conjunction with a term of incarceration imposed
 31 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) in which
 32 event such fine, assessment or restitution shall be collected by the
 33 Department of Corrections or the Juvenile Justice Commission
 34 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-
 35 170). An adult prisoner of a State correctional institution or a
 36 juvenile serving a term of incarceration imposed pursuant to section
 37 25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an assessment
 38 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a
 39 penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-
 40 3.5), a penalty imposed pursuant to section 1 of P.L.2005, c.73
 41 (C.2C:14-10), a penalty imposed pursuant to section 1 of P.L.2009,
 42 c.143 (C.2C:43-3.8) , a penalty imposed pursuant to section ³~~9~~ 8³
 43 of P.L. , c. (C.) (pending before the Legislature as this bill)
 44 or restitution shall have the assessment, penalty, fine or restitution
 45 deducted from any income the inmate receives as a result of labor
 46 performed at the institution or on any type of work release program
 47 or, pursuant to regulations promulgated by the Commissioner of the
 48 Department of Corrections or the Juvenile Justice Commission,

1 from any personal account established in the institution for the
2 benefit of the inmate.

3 (2) All fines, assessments imposed pursuant to section 2 of
4 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
5 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
6 by a municipal court shall be collected by the municipal court
7 administrator except if such fine, assessments imposed pursuant to
8 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
9 as a condition of probation in which event it shall be collected by
10 the county probation division.

11 b. Except as provided in subsection c. with respect to fines
12 imposed on appeals following convictions in municipal courts and
13 except as provided in subsection i. with respect to restitution
14 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
15 al.), all fines imposed by the Superior Court or otherwise imposed
16 at the county level, shall be paid over by the officer entitled to
17 collect same to:

18 (1) The county treasurer with respect to fines imposed on
19 defendants who are sentenced to and serve a custodial term,
20 including a term as a condition of probation, in the county jail,
21 workhouse or penitentiary except where such county sentence is
22 served concurrently with a sentence to a State institution; or

23 (2) The State Treasurer with respect to all other fines.

24 c. All fines imposed by municipal courts, except a central
25 municipal court established pursuant to N.J.S.2B:12-1 on
26 defendants convicted of crimes, disorderly persons offenses and
27 petty disorderly persons offenses, and all fines imposed following
28 conviction on appeal therefrom, and all forfeitures of bail shall be
29 paid over by the officer entitled to collect same to the treasury of
30 the municipality wherein the municipal court is located.

31 In the case of an intermunicipal court, fines shall be paid into the
32 municipal treasury of the municipality in which the offense was
33 committed, and costs, fees, and forfeitures of bail shall be
34 apportioned among the several municipalities to which the court's
35 jurisdiction extends according to the ratios of the municipalities'
36 contributions to the total expense of maintaining the court.

37 In the case of a central municipal court, established by a county
38 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of
39 bail shall be paid into the county treasury of the county where the
40 central municipal court is located.

41 d. All assessments imposed pursuant to section 2 of P.L.1979,
42 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
43 in that section.

44 e. All mandatory Drug Enforcement and Demand Reduction
45 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
46 and deposited as provided for in that section.

47 f. All forensic laboratory fees assessed pursuant to
48 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
49 that section.

1 g. All restitution ordered to be paid to the Victims of Crime
2 Compensation Agency pursuant to N.J.S.2C:44-2 shall be
3 forwarded to the agency for deposit in the Victims of Crime
4 Compensation Agency Account.

5 h. All assessments imposed pursuant to section 11 of P.L.1993,
6 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
7 in that section.

8 i. All restitution imposed on defendants under the provisions
9 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
10 enforcement entity in extraditing the defendant from another
11 jurisdiction shall be paid over by the officer entitled to collect same
12 to the law enforcement entities which participated in the extradition
13 of the defendant.

14 j. All penalties imposed pursuant to section 1 of P.L.1999,
15 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
16 in that section.

17 k. All penalties imposed pursuant to section 11 of P.L.2001,
18 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
19 that section.

20 l. All mandatory penalties imposed pursuant to section 1 of
21 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
22 provided in that section.

23 m. All mandatory Computer Crime Prevention penalties
24 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
25 shall be forwarded and deposited as provided in that section.

26 n. All mandatory Sex Offender Supervision penalties imposed
27 pursuant to section ³[9] ⁸ of P.L. , c. (C.) (pending
28 before the Legislature as this bill) shall be forwarded and deposited
29 as provided in that section.

30 (cf: P.L.2009, c.143, s.2)

31
32 ¹[7.] 6.¹ Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is
33 amended to read as follows:

34 13. Moneys that are collected in satisfaction of any assessment
35 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
36 in satisfaction of restitution or fines imposed in accordance with the
37 provisions of Title 2C of the New Jersey Statutes or with the
38 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be
39 applied in the following order:

40 a. first, in satisfaction of all assessments imposed pursuant to
41 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

42 b. second, except as provided in subsection f. of this section, in
43 satisfaction of any restitution ordered;

44 c. third, in satisfaction of all assessments imposed pursuant to
45 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

46 d. fourth, in satisfaction of any forensic laboratory fee assessed
47 pursuant to N.J.S.2C:35-20;

- 1 e. fifth, in satisfaction of any mandatory Drug Enforcement
2 and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-
3 15;
- 4 f. sixth, in satisfaction of any anti-drug profiteering penalty
5 imposed pursuant to N.J.S.2C:35A-1 et seq.;
- 6 g. seventh, in satisfaction of any anti-money laundering
7 profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25
8 (C.2C:21-27.2);
- 9 h. eighth, in satisfaction of restitution for any extradition costs
10 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);
- 11 i. ninth, in satisfaction of any penalty imposed pursuant to
12 section 1 of P.L.1999, c.295 (C.2C:43-3.5);
- 13 j. tenth, in satisfaction of any penalty imposed pursuant to
14 section 11 of P.L.2001, c.81 (C.2C:43-3.6);
- 15 k. eleventh, in satisfaction of the mandatory penalty imposed
16 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10);
- 17 l. twelfth, in satisfaction of any mandatory Computer Crime
18 Prevention penalty assessed pursuant to section 1 of P.L.2009,
19 c.143 (C.2C:43-3.8); **[and]**
- 20 m. thirteenth, in satisfaction of any mandatory Sex Offender
21 Supervision penalty assessed pursuant to section ³**[9]** ⁸ of P.L. ,
22 c. (C.) (pending before the Legislature as this bill); and
- 23 n. in satisfaction of any fine.
24 (cf: P.L.2009, c.143, s.3)

25

26 ¹**[8.]** ⁴**[7.1]** (New section) The Chairman of the State Parole
27 Board shall provide that the caseload of any parole officer with
28 supervision over ¹**[a]** persons who have been released from
29 incarceration for the commission of a sex offense, as defined in
30 section 2 of P.L.1994, c.133 (C.2C:7-2), shall not exceed 40
31 persons. If the caseload of any parole officer exceeds this
32 limitation, the chairman shall provide for the hiring or training of
33 additional parole officers for the supervision of sex offenders until
34 the caseload of each such parole officer is 40 persons or less.⁴

35

36 ¹**[9.]** ⁴**[8.1]** ^{7.4} (New section) a. In addition to any fine, fee,
37 assessment or penalty authorized under the provisions of Title 2C of
38 the New Jersey Statutes, a person convicted of or adjudicated
39 delinquent for a sex offense, as defined in section 2 of P.L.1994,
40 c.133 (C.2C:7-2), shall be assessed a penalty of \$30 per month.

41 b. All penalties provided for in this section, collected as
42 provided for the collection of fines and restitutions in section 3 of
43 P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department
44 of the Treasury to be deposited in the "Sex Offender Supervision
45 Fund" established pursuant to section ³**[10]** ⁹ of P.L. ,
46 c. (C.) (pending before the Legislature as this bill).

47 ⁴**[2c.]** If the ³**[family]**³ income of a person required to pay the
48 penalty established by this section does not exceed 100% of the

1 federal poverty level, the person shall pay 50% of the monthly
2 penalty. If the ³family³ income of the person required to pay the
3 penalty does not exceed 149% of the federal poverty level, the
4 person shall pay 75% of the monthly penalty.² A person shall not
5 be assessed the penalty established in subsection a. of this section if
6 the person's income does not exceed 149 percent of the federal
7 poverty level. ⁴

8
9 ¹10. ⁴9. ¹8. ⁴ (New section) There is hereby established the
10 "Sex Offender Supervision Fund" as a nonlapsing, revolving fund.
11 This fund shall be administered by the Chairman of the State Parole
12 Board, and all moneys deposited therein pursuant to section ³9 ⁸
13 of P.L. , c. (C.) shall be used for operational expenses
14 incurred by the board in supervising sex offenders who have been
15 released from incarceration. These operational expenses shall
16 include, but not be limited to, ²the cost of salary and benefits for the
17 hiring of² additional ²staff² parole officers²; ²the acquisition and
18 operation of² equipment utilized for continuous monitoring of sex
19 offenders pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.); and
20 ²the² purchasing ²of² equipment to expand the board's capabilities
21 to supervise released sex offenders, including motor vehicles and
22 computer equipment for parole officers. ²Operational expenses
23 shall not include increments, cost of living increases, or
24 administrative expenses.²

25
26 ¹11. ⁴10. ¹9. ⁴ (New section) a. The Chairman of the State
27 Parole Board shall develop a program for parole officers who
28 supervise sex offenders to utilize computer and other high
29 technology instruments to detect crimes or violations of conditions
30 of parole.

31 b. Training for officers who participate in the program shall
32 include, but not be limited to, instruction in the following subjects:

33 (1) conducting investigations to determine if supervised sex
34 offenders have illegally used computers, telecommunications
35 devices and other high technology instruments or have used these
36 instruments to commit unlawful or criminal acts;

37 (2) forensic recovery, evidence preservation and analysis of data
38 in computer systems that are seized because of suspected
39 involvement in unlawful activity;

40 (3) monitoring the use of interactive computer services by
41 supervised sex offenders, especially those offenders who are
42 suspected of contacting or seeking to contact children under the age
43 of 18 for the purpose of engaging in unlawful activity; and

44 (4) cooperation with other law enforcement agencies at the
45 local, State and federal level in order to coordinate efforts in
46 investigating and prosecuting unlawful activity by supervised sex
47 offenders involving computers and other high technology
48 instruments.

1 ¹~~12.~~ ⁴~~11.1~~ 10.⁴ This act shall take effect on the first day of
2 the sixth month after enactment; provided however, the Chairman
3 of the State Parole Board may take any anticipatory action prior to
4 the effective date needed for the timely implementation of this act.

5
6
7
8

9 Revises certain provisions of Megan's Law and imposes monthly
10 penalty on sex offenders to fund their monitoring and supervision
11 by the parole board.

SENATE, No. 2636

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MARCH 4, 2013

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator KEVIN J. O'TOOLE

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Revises certain provisions of Megan's Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/5/2013)

1 AN ACT concerning sex offenders, revising various parts of the
2 statutory law, and supplementing Title 30 of the Revised
3 Statutes.

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

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

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

14 (2) A person who in another jurisdiction is required to register
15 as a sex offender and (a) is enrolled on a full-time or part-time basis
16 in any public or private educational institution in this State,
17 including any secondary school, trade or professional institution,
18 institution of higher education or other post-secondary school, or
19 (b) is employed or carries on a vocation in this State, on either a
20 full-time or a part-time basis, with or without compensation, for
21 more than 14 consecutive days or for an aggregate period exceeding
22 30 days in a calendar year, shall register in this State as provided in
23 subsections c. and d. of this section.

24 (3) A person who fails to register as required under this act shall
25 be guilty of a crime of the third 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, kidnapping pursuant to paragraph (2) of
30 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these
31 crimes if the court found that the offender's conduct was
32 characterized by a pattern of repetitive, compulsive behavior,
33 regardless of the date of the commission of the offense or the date
34 of conviction;

35 (2) A conviction, adjudication of delinquency, or acquittal by
36 reason of insanity for aggravated sexual assault; sexual assault;
37 aggravated criminal sexual contact; kidnapping pursuant to
38 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
39 welfare of a child by engaging in sexual conduct which would
40 impair or debauch the morals of the child pursuant to subsection a.
41 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
42 paragraph (3) or (4) or subparagraph (a) of paragraph (5) of
43 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to
44 section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact
45 pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping

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

Matter underlined thus is new matter.

1 pursuant to N.J.S.2C:13-1, criminal restraint pursuant to
2 N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if
3 the victim is a minor and the offender is not the parent of the
4 victim; knowingly promoting prostitution of a child pursuant to
5 paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; or
6 an attempt to commit any of these enumerated offenses if the
7 conviction, adjudication of delinquency or acquittal by reason of
8 insanity is entered on or after the effective date of this act or the
9 offender is serving a sentence of incarceration, probation, parole or
10 other form of community supervision as a result of the offense or is
11 confined following acquittal by reason of insanity or as a result of
12 civil commitment on the effective date of this act;

13 (3) A conviction, adjudication of delinquency or acquittal by
14 reason of insanity for an offense similar to any offense enumerated
15 in paragraph (2) or a sentence on the basis of criteria similar to the
16 criteria set forth in paragraph (1) of this subsection entered or
17 imposed under the laws of the United States, this State or another
18 state.

19 (4) A sex offense shall not include any offense in which:

20 (a) the facts of the case involve the creation, exhibition or
21 distribution of a photograph depicting nudity as defined in
22 N.J.S.2C:24-4 through the use of an electronic communication
23 device, an interactive wireless communications device, or a
24 computer; and

25 (b) the creator and subject of the photograph are juveniles or
26 were juveniles at the time of its making.

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

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

40 (2) A person confined in a correctional or juvenile facility or
41 involuntarily committed who is required to register shall register
42 prior to release in accordance with procedures established by the
43 Department of Corrections, the Department of Human Services or
44 the Juvenile Justice Commission and, within 48 hours of release,
45 shall also register with the chief law enforcement officer of the
46 municipality in which the person resides or, if the municipality does
47 not have a local police force, the Superintendent of State Police;

48 (3) A person moving to or returning to this State from another
49 jurisdiction shall register with the chief law enforcement officer of

1 the municipality in which the person will reside or, if the
2 municipality does not have a local police force, the Superintendent
3 of State Police within 120 days of the effective date of this act or 10
4 days of first residing in or returning to a municipality in this State,
5 whichever is later;

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

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

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

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

40 d. (1) Upon a change of address, a person shall notify the law
41 enforcement agency with which the person is registered and shall
42 re-register with the appropriate law enforcement agency no less
43 than 10 days before he intends to first reside at his new address.
44 Upon a change of employment or school enrollment status, a person
45 shall notify the appropriate law enforcement agency no later than
46 five days after any such change. A person who fails to notify the
47 appropriate law enforcement agency of a change of address or status
48 in accordance with this subsection is guilty of a crime of the
49 **【fourth】** third degree.

1 (2) A person required to register under this act shall provide the
2 appropriate law enforcement agency with information as to whether
3 the person has routine access to or use of a computer or any other
4 device with Internet capability. A person who fails to notify the
5 appropriate law enforcement agency of such information or of a
6 change in the person's access to or use of a computer or other
7 device with Internet capability or who provides false information
8 concerning the person's access to or use of a computer or any other
9 device with Internet capability is guilty of a crime of the **【fourth】**
10 third degree.

11 e. A person required to register under paragraph (1) of
12 subsection b. of this section or under paragraph (3) of subsection b.
13 due to a sentence imposed on the basis of criteria similar to the
14 criteria set forth in paragraph (1) of subsection b. shall verify his
15 address with the appropriate law enforcement agency every 90 days
16 in a manner prescribed by the Attorney General. A person required
17 to register under paragraph (2) of subsection b. of this section or
18 under paragraph (3) of subsection b. on the basis of a conviction for
19 an offense similar to an offense enumerated in paragraph (2) of
20 subsection b. shall verify his address annually in a manner
21 prescribed by the Attorney General. One year after the effective
22 date of this act, the Attorney General shall review, evaluate and, if
23 warranted, modify pursuant to the "Administrative Procedure Act,"
24 P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement.
25 Any person who knowingly provides false information concerning
26 his place of residence or who fails to verify his address with the
27 appropriate law enforcement agency or other entity, as prescribed
28 by the Attorney General in accordance with this subsection, is
29 guilty of a crime of the **【fourth】** third degree.

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

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

47 (cf: P.L.2007, c.219, s.2)

1 2. Section 2 of P.L.2001, c.167 (C.2C:7-13) is amended to read
2 as follows:

3 2. a. Pursuant to the provisions of this section, the
4 Superintendent of State Police shall develop and maintain a system
5 for making certain information in the central registry established
6 pursuant to subsection d. of section 4 of P.L.1994, c.133 (C.2C:7-4)
7 publicly available by means of electronic Internet technology.

8 b. The public may, without limitation, obtain access to the
9 Internet registry to view an individual registration record, any part
10 of, or the entire Internet registry concerning all offenders:

11 (1) whose risk of re-offense is high;

12 (2) whose risk of re-offense is moderate or low and whose
13 conduct was found to be characterized by a pattern of repetitive,
14 compulsive behavior pursuant to the provisions of N.J.S.2C:47-3; or

15 (3) for whom the court has ordered notification in accordance
16 with paragraph (3) of subsection c. of section 3 of P.L.1994, c.128
17 (C.2C:7-8), regardless of the age of the offender.

18 c. Except as provided in subsection d. of this section, the
19 public may, without limitation, obtain access to the Internet registry
20 to view an individual registration record, any part of, or the entire
21 Internet registry concerning offenders whose risk of re-offense is
22 moderate and for whom the court has ordered notification in
23 accordance with paragraph (2) of subsection c. of section 3 of
24 P.L.1994, c.128 (C.2C:7-8).

25 d. The individual registration record of an offender whose risk
26 of re-offense has been determined to be moderate and for whom the
27 court has ordered notification in accordance with paragraph (2) of
28 subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not be
29 made available to the public on the Internet registry if the sole sex
30 offense committed by the offender which renders him subject to the
31 requirements of P.L.1994, c.133 (C.2C:7-1 et seq.) is one of the
32 following:

33 (1) An adjudication of delinquency for any sex offense as
34 defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2);

35 (2) A conviction or acquittal by reason of insanity for a
36 violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 under circumstances in
37 which the offender was related to the victim by blood or affinity to
38 the third degree or was a resource family parent, a guardian, or
39 stood in loco parentis within the household; or

40 (3) A conviction or acquittal by reason of insanity for a
41 violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 in any case in which
42 the victim assented to the commission of the offense but by reason
43 of age was not capable of giving lawful consent.

44 For purposes of this subsection, "sole sex offense" means a
45 single conviction, adjudication of guilty or acquittal by reason of
46 insanity, as the case may be, for a sex offense which involved no
47 more than one victim, no more than one occurrence or, in the case
48 of an offense which meets the criteria of paragraph (2) of this
49 subsection, members of no more than a single household.

1 e. Notwithstanding the provisions of paragraph d. of this
2 subsection, the individual registration record of an offender to
3 whom an exception enumerated in paragraph (1), (2) or (3) of
4 subsection d. of this section applies shall be made available to the
5 public on the Internet registry if the offender's conduct was
6 characterized by a pattern of repetitive, compulsive behavior, or the
7 State establishes by clear and convincing evidence that, given the
8 particular facts and circumstances of the offense and the
9 characteristics and propensities of the offender, the risk to the
10 general public posed by the offender is substantially similar to that
11 posed by offenders whose risk of re-offense is moderate and who
12 do not qualify under the enumerated exceptions.

13 f. **【The】** Unless the offender's conduct was characterized by a
14 pattern of repetitive, compulsive behavior, the individual
15 registration records of offenders whose risk of re-offense is low or
16 of offenders whose risk of re-offense is moderate but for whom the
17 court has not ordered notification in accordance with paragraph (2)
18 of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not
19 be available to the public on the Internet registry.

20 g. The information concerning a registered offender to be made
21 publicly available on the Internet shall include: the offender's name
22 and any aliases the offender has used or under which the offender
23 may be or may have been known; any sex offense as defined in
24 subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2) for which
25 the offender was convicted, adjudicated delinquent or acquitted by
26 reason of insanity, as the case may be; the date and location of
27 disposition; a brief description of any such offense, including the
28 victim's gender and indication of whether the victim was less than
29 18 years old or less than 13 years old; a general description of the
30 offender's modus operandi, if any; the determination of whether the
31 risk of re-offense by the offender is moderate or high; the offender's
32 age, race, sex, date of birth, height, weight, hair, eye color and any
33 distinguishing scars or tattoos; a photograph of the offender and the
34 date on which the photograph was entered into the registry; the
35 make, model, color, year and license plate number of any vehicle
36 operated by the offender; and the street address, zip code,
37 municipality and county in which the offender resides.
38 (cf: P.L.2004, c.151, s.1)

39

40 3. N.J.S.2C:14-1 is amended to read as follows:

41 2C:14-1. Definitions. The following definitions apply to this
42 chapter:

43 a. "Actor" means a person accused of an offense proscribed
44 under this act;

45 b. "Victim" means a person alleging to have been subjected to
46 offenses proscribed by this act;

47 c. "Sexual penetration" means vaginal intercourse, cunnilingus,
48 fellatio or anal intercourse between persons or insertion of the hand,
49 finger or object into the anus or vagina either by the actor or upon

1 the actor's instruction. The depth of insertion shall not be relevant
2 as to the question of commission of the crime;

3 d. "Sexual contact" means an intentional touching by the victim
4 or actor, either directly or through clothing, of the victim's or actor's
5 intimate parts for the purpose of degrading or humiliating the victim
6 or sexually arousing or sexually gratifying the actor. Sexual contact
7 of the actor with himself must be in view of the victim whom the
8 actor knows to be present;

9 e. "Intimate parts" means the following body parts: sexual
10 organs, genital area, anal area, inner thigh, groin, buttock or breast
11 of a person;

12 f. "Severe personal injury" means severe bodily injury,
13 disfigurement, disease, incapacitating mental anguish or chronic
14 pain;

15 g. "Physically helpless" means that condition in which a person
16 is unconscious or is physically unable to flee or is physically unable
17 to communicate unwillingness to act;

18 h. (Deleted by amendment, P.L.2011, c.232)

19 i. "Mentally incapacitated" means that condition in which a
20 person is rendered temporarily incapable of understanding or
21 controlling his conduct due to the influence of a narcotic,
22 anesthetic, intoxicant, or other substance administered to that
23 person without his prior knowledge or consent, or due to any other
24 act committed upon that person which rendered that person
25 incapable of appraising or controlling his conduct;

26 j. "Coercion" as used in this chapter shall refer to those acts
27 which are defined as criminal coercion in section 2C:13-5(1), (2),
28 (3), (4), (6) and (7)

29 k. "Intellectual disability" means a significant subaverage
30 general intellectual functioning existing concurrently with deficits
31 in adaptive behavior, which are manifested during the development
32 period.

33 l. "Permanent physical disability" means a severe impairment
34 of a permanent nature which so restricts a person's ability to
35 perform essential activities of daily living that the person needs
36 assistance to maintain the person's independence and health.

37 (cf: P.L.2011, c.232, s.3)

38

39 4. N.J.S.2C:14-2 is amended to read as follows:

40 2C:14-2. Sexual assault. a. An actor is guilty of aggravated
41 sexual assault if he commits an act of sexual penetration with
42 another person under any one of the following circumstances:

43 (1) The victim is less than 13 years old;

44 (2) The victim is at least 13 but less than 16 years old; and

45 (a) The actor is related to the victim by blood or affinity to the
46 third degree, or

47 (b) The actor has supervisory or disciplinary power over the
48 victim by virtue of the actor's legal, professional, or occupational
49 status, or

1 (c) The actor is a resource family parent, a guardian, or stands
2 in loco parentis within the household;

3 (3) The act is committed during the commission, or attempted
4 commission, whether alone or with one or more other persons, of
5 robbery, kidnapping, homicide, aggravated assault on another,
6 burglary, arson or criminal escape;

7 (4) The actor is armed with a weapon or any object fashioned in
8 such a manner as to lead the victim to reasonably believe it to be a
9 weapon and threatens by word or gesture to use the weapon or
10 object;

11 (5) The actor is aided or abetted by one or more other persons
12 and the actor uses physical force or coercion;

13 (6) The actor uses physical force or coercion and severe
14 personal injury is sustained by the victim;

15 (7) The victim is one whom the actor knew or should have
16 known was physically helpless, mentally incapacitated, or had a
17 mental disease or defect which rendered the victim temporarily or
18 permanently incapable of understanding the nature of his conduct,
19 including, but not limited to, being incapable of providing consent;

20 (8) The victim is one whom the actor knew or should have
21 known has an intellectual disability or a permanent physical
22 disability.

23 Aggravated sexual assault is a crime of the first degree.

24 b. An actor is guilty of sexual assault if he commits an act of
25 sexual contact with a victim who is less than 13 years old and the
26 actor is at least four years older than the victim.

27 c. An actor is guilty of sexual assault if he commits an act of
28 sexual penetration with another person under any one of the
29 following circumstances:

30 (1) The actor uses physical force or coercion, but the victim
31 does not sustain severe personal injury;

32 (2) The victim is on probation or parole, or is detained in a
33 hospital, prison or other institution and the actor has supervisory or
34 disciplinary power over the victim by virtue of the actor's legal,
35 professional or occupational status;

36 (3) The victim is at least 16 but less than 18 years old and:

37 (a) The actor is related to the victim by blood or affinity to the
38 third degree; or

39 (b) The actor has supervisory or disciplinary power of any
40 nature or in any capacity over the victim; or

41 (c) The actor is a resource family parent, a guardian, or stands
42 in loco parentis within the household;

43 (4) The victim is at least 13 but less than 16 years old and the
44 actor is at least four years older than the victim.

45 Sexual assault is a crime of the second degree.

46 (cf: P.L.2011, c.232, s.4)

47

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

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

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

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

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

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

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

45 e. A person who, while serving a special sentence of parole
46 supervision for life imposed pursuant to this section, commits a
47 violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5,
48 subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, section 1 of
49 P.L.1993, c.291 (C.2C:13-6), N.J.S.2C:14-2, N.J.S.2C:14-3,

1 N.J.S.2C:24-4, N.J.S.2C:18-2 when the offense is a crime of the
2 second degree, or subsection a. of N.J.S.2C:39-4 shall be sentenced
3 to an extended term of imprisonment as set forth in N.J.S.2C:43-7,
4 which term shall, notwithstanding the provisions of N.J.S.2C:43-7
5 or any other law, be served in its entirety prior to the person's
6 resumption of the term of parole supervision for life.

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

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

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

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

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

31 (cf: P.L.2007, c.219, s.3)

32

33 6. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
34 as follows:

35 3. a. All fines, assessments imposed pursuant to section 2 of
36 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
37 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
38 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
39 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
40 penalties imposed pursuant to section 1 of P.L.2009, c.143
41 (C.2C:43-3.8), all penalties imposed pursuant to section 9 of
42 P.L. , c. (C.) (pending before the Legislature as this bill)
43 and restitution shall be collected as follows:

44 (1) All fines, assessments imposed pursuant to section 2 of
45 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
46 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
47 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
48 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
49 penalties imposed pursuant to section 1 of P.L.2009, c.143

1 (C.2C:43-3.8) , all penalties imposed pursuant to section 9 of
2 P.L. , c. (C.) (pending before the Legislature as this bill)
3 and restitution imposed by the Superior Court or otherwise imposed
4 at the county level, shall be collected by the county probation
5 division except when such fine, assessment or restitution is imposed
6 in conjunction with a custodial sentence to a State correctional
7 facility or in conjunction with a term of incarceration imposed
8 pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44) in which
9 event such fine, assessment or restitution shall be collected by the
10 Department of Corrections or the Juvenile Justice Commission
11 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-
12 170). An adult prisoner of a State correctional institution or a
13 juvenile serving a term of incarceration imposed pursuant to section
14 25 of P.L.1982, c.77 (C.2A:4A-44) who has not paid an assessment
15 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a
16 penalty imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-
17 3.5), a penalty imposed pursuant to section 1 of P.L.2005, c.73
18 (C.2C:14-10), a penalty imposed pursuant to section 1 of P.L.2009,
19 c.143 (C.2C:43-3.8) , a penalty imposed pursuant to section 9 of
20 P.L. , c. (C.) (pending before the Legislature as this bill) or
21 restitution shall have the assessment, penalty, fine or restitution
22 deducted from any income the inmate receives as a result of labor
23 performed at the institution or on any type of work release program
24 or, pursuant to regulations promulgated by the Commissioner of the
25 Department of Corrections or the Juvenile Justice Commission,
26 from any personal account established in the institution for the
27 benefit of the inmate.

28 (2) All fines, assessments imposed pursuant to section 2 of
29 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
30 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
31 by a municipal court shall be collected by the municipal court
32 administrator except if such fine, assessments imposed pursuant to
33 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
34 as a condition of probation in which event it shall be collected by
35 the county probation division.

36 b. Except as provided in subsection c. with respect to fines
37 imposed on appeals following convictions in municipal courts and
38 except as provided in subsection i. with respect to restitution
39 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
40 al.), all fines imposed by the Superior Court or otherwise imposed
41 at the county level, shall be paid over by the officer entitled to
42 collect same to:

43 (1) The county treasurer with respect to fines imposed on
44 defendants who are sentenced to and serve a custodial term,
45 including a term as a condition of probation, in the county jail,
46 workhouse or penitentiary except where such county sentence is
47 served concurrently with a sentence to a State institution; or

48 (2) The State Treasurer with respect to all other fines.

1 c. All fines imposed by municipal courts, except a central
2 municipal court established pursuant to N.J.S.2B:12-1 on
3 defendants convicted of crimes, disorderly persons offenses and
4 petty disorderly persons offenses, and all fines imposed following
5 conviction on appeal therefrom, and all forfeitures of bail shall be
6 paid over by the officer entitled to collect same to the treasury of
7 the municipality wherein the municipal court is located.

8 In the case of an intermunicipal court, fines shall be paid into the
9 municipal treasury of the municipality in which the offense was
10 committed, and costs, fees, and forfeitures of bail shall be
11 apportioned among the several municipalities to which the court's
12 jurisdiction extends according to the ratios of the municipalities'
13 contributions to the total expense of maintaining the court.

14 In the case of a central municipal court, established by a county
15 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of
16 bail shall be paid into the county treasury of the county where the
17 central municipal court is located.

18 d. All assessments imposed pursuant to section 2 of P.L.1979,
19 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
20 in that section.

21 e. All mandatory Drug Enforcement and Demand Reduction
22 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
23 and deposited as provided for in that section.

24 f. All forensic laboratory fees assessed pursuant to
25 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
26 that section.

27 g. All restitution ordered to be paid to the Victims of Crime
28 Compensation Agency pursuant to N.J.S.2C:44-2 shall be
29 forwarded to the agency for deposit in the Victims of Crime
30 Compensation Agency Account.

31 h. All assessments imposed pursuant to section 11 of P.L.1993,
32 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
33 in that section.

34 i. All restitution imposed on defendants under the provisions
35 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
36 enforcement entity in extraditing the defendant from another
37 jurisdiction shall be paid over by the officer entitled to collect same
38 to the law enforcement entities which participated in the extradition
39 of the defendant.

40 j. All penalties imposed pursuant to section 1 of P.L.1999,
41 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
42 in that section.

43 k. All penalties imposed pursuant to section 11 of P.L.2001,
44 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
45 that section.

46 l. All mandatory penalties imposed pursuant to section 1 of
47 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
48 provided in that section.

1 m. All mandatory Computer Crime Prevention penalties
2 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
3 shall be forwarded and deposited as provided in that section.

4 n. All mandatory Sex Offender Supervision penalties imposed
5 pursuant to section 9 of P.L. , c. (C.) (pending before the
6 Legislature as this bill) shall be forwarded and deposited as
7 provided in that section.

8 (cf: P.L.2009, c.143, s.2)

9

10 7. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to
11 read as follows:

12 13. Moneys that are collected in satisfaction of any assessment
13 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
14 in satisfaction of restitution or fines imposed in accordance with the
15 provisions of Title 2C of the New Jersey Statutes or with the
16 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be
17 applied in the following order:

18 a. first, in satisfaction of all assessments imposed pursuant to
19 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

20 b. second, except as provided in subsection f. of this section, in
21 satisfaction of any restitution ordered;

22 c. third, in satisfaction of all assessments imposed pursuant to
23 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

24 d. fourth, in satisfaction of any forensic laboratory fee assessed
25 pursuant to N.J.S.2C:35-20;

26 e. fifth, in satisfaction of any mandatory Drug Enforcement
27 and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-
28 15;

29 f. sixth, in satisfaction of any anti-drug profiteering penalty
30 imposed pursuant to N.J.S.2C:35A-1 et seq.;

31 g. seventh, in satisfaction of any anti-money laundering
32 profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25
33 (C.2C:21-27.2);

34 h. eighth, in satisfaction of restitution for any extradition costs
35 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

36 i. ninth, in satisfaction of any penalty imposed pursuant to
37 section 1 of P.L.1999, c.295 (C.2C:43-3.5);

38 j. tenth, in satisfaction of any penalty imposed pursuant to
39 section 11 of P.L.2001, c.81 (C.2C:43-3.6);

40 k. eleventh, in satisfaction of the mandatory penalty imposed
41 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10);

42 l. twelfth, in satisfaction of any mandatory Computer Crime
43 Prevention penalty assessed pursuant to section 1 of P.L.2009,
44 c.143 (C.2C:43-3.8); **[and]**

45 m. thirteenth, in satisfaction of any mandatory Sex Offender
46 Supervision penalty assessed pursuant to section 9 of P.L. ,
47 c. (C.) (pending before the Legislature as this bill); and

48 n. in satisfaction of any fine.

49 (cf: P.L.2009, c.143, s.3)

1 8. (New section) The Chairman of the State Parole Board shall
2 provide that the caseload of any parole officer with supervision over
3 a persons who have been released from incarceration for the
4 commission of a sex offense, as defined in section 2 of P.L.1994,
5 c.133 (C.2C:7-2), shall not exceed 40 persons. If the caseload of
6 any parole officer exceeds this limitation, the chairman shall
7 provide for the hiring or training of additional parole officers for the
8 supervision of sex offenders until the caseload of each such parole
9 officer is 40 persons or less.

10
11 9. (New section) a. In addition to any fine, fee, assessment or
12 penalty authorized under the provisions of Title 2C of the New
13 Jersey Statutes, a person convicted of or adjudicated delinquent for
14 a sex offense, as defined in section 2 of P.L.1994, c. 133 (C.2C:7-
15 2), shall be assessed a penalty of \$30 per month.

16 b. All penalties provided for in this section, collected as
17 provided for the collection of fines and restitutions in section 3 of
18 P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department
19 of the Treasury to be deposited in the "Sex Offender Supervision
20 Fund" established pursuant to section 10 of P.L. , c. (C.)
21 (pending before the Legislature as this bill).

22
23 10. (New section) There is hereby established the "Sex
24 Offender Supervision Fund" as a nonlapsing, revolving fund. This
25 fund shall be administered by the Chairman of the State Parole
26 Board, and all moneys deposited therein pursuant to section 9 of
27 P.L. , c. (C.) shall be used for operational expenses
28 incurred by the board in supervising sex offenders who have been
29 released from incarceration. These operational expenses shall
30 include, but not be limited to, additional staff; equipment utilized
31 for continuous monitoring of sex offenders pursuant to P.L.2007,
32 c.128 (C.30:4-123.89 et seq.); and purchasing equipment to expand
33 the board's capabilities to supervise released sex offenders,
34 including motor vehicles and computer equipment for parole
35 officers.

36
37 11. (New section) a. The Chairman of the State Parole Board
38 shall develop a program for parole officers who supervise sex
39 offenders to utilize computer and other high technology instruments
40 to detect crimes or violations of conditions of parole.

41 b. Training for officers who participate in the program shall
42 include, but not be limited to, instruction in the following subjects:

43 (1) conducting investigations to determine if supervised sex
44 offenders have illegally used computers, telecommunications
45 devices and other high technology instruments or have used these
46 instruments to commit unlawful or criminal acts;

47 (2) forensic recovery, evidence preservation and analysis of data
48 in computer systems that are seized because of suspected
49 involvement in unlawful activity;

1 (3) monitoring the use of interactive computer services by
2 supervised sex offenders, especially those offenders who are
3 suspected of contacting or seeking to contact children under the age
4 of 18 for the purpose of engaging in unlawful activity; and

5 (4) cooperation with other law enforcement agencies at the
6 local, State and federal level in order to coordinate efforts in
7 investigating and prosecuting unlawful activity by supervised sex
8 offenders involving computers and other high technology
9 instruments.

10
11 12. This act shall take effect on the first day of the sixth month
12 after enactment; provided however, the Chairman of the State
13 Parole Board may take any anticipatory action prior to the effective
14 date needed for the timely implementation of this act.

15
16
17 STATEMENT

18
19 This bill revises certain provisions of "Megan's Law," which
20 provides for the registration of sex offenders and notification to the
21 community of their whereabouts. It also implements a monetary
22 penalty to be paid by convicted sex offenders to provide monies to
23 the State Parole Board for additional parole officers and programs
24 to monitor sex offenders.

25 This bill upgrades the crime of sexual assault, a crime of the
26 third degree, if the victim has an intellectual disability or a
27 permanent physical disability. In such cases, the offense would be
28 upgraded to aggravated sexual assault, a crime of the second
29 degree. A crime of the third degree is punishable by three to five
30 years in prison, a fine of up to \$15,000, or both. A crime of the
31 second degree is punishable by imprisonment for five to ten years, a
32 fine of up to \$150,000, or both. The bill defines an "intellectual
33 disability" as a significant subaverage general intellectual
34 functioning existing concurrently with deficits in adaptive behavior,
35 which are manifested during the development period; a "permanent
36 physical disability" is defined as a severe impairment of a
37 permanent nature which so restricts a person's ability to perform
38 essential activities of daily living that the person needs assistance to
39 maintain the person's independence and health.

40 Under the provisions of the bill, an offender who has been given
41 a special sentence of community supervision for life commits a
42 subsequent offense, that offender will be given a special sentence of
43 parole supervision for life for the subsequent offense. Sentencing
44 the offender to parole supervision for life permits any violations of
45 the special sentence to be treated as a parole violation. Under
46 current law, first offenders are sentenced to parole supervision for
47 life, as the special sentence of community supervision for life was
48 repealed and replaced by parole supervision for life.

1 This bill upgrades the penalty for failure to register a new
2 address with the appropriate law enforcement agency when a sex
3 offender moves to another residence. Under current law this is a
4 crime of the fourth degree; under the provisions of the bill it is a
5 crime of the third degree.

6 This bill further provides that a young person who has committed
7 an offense that would constitute “sexting” would not be required to
8 register as a sex offender. For purposes of Megan’s Law, the bill
9 specifies that a sex offense would not include any offense in which:
10 (1) the facts of the case involve the creation, exhibition or
11 distribution of a photograph involving nudity through the use of an
12 electronic communication device, an interactive wireless
13 communications device, or a computer; and (2) the creator and
14 subject of the photograph are juveniles.

15 The bill also requires the registration information of sex
16 offenders whose conduct has been characterized by a pattern of
17 repetitive, compulsive behavior to be published on the Internet
18 registry. Under current law, the registration information of all Tier
19 Two offenders (moderate risk to re-offend) who do not fit within
20 the statutory exceptions and Tier Three offenders (high risk to re-
21 offend) is published on the Internet registry. The registration
22 information of Tier One (low risk to re-offend) is not published on
23 the Internet registry. This bill requires an offender whose conduct
24 was found to be repetitive and compulsive to appear on the Internet
25 registry. The bill prohibits a sex offender who is at moderate risk to
26 reoffend but found to be compulsive and repetitive from invoking
27 one of the statutory exceptions to keep his registration information
28 from being published on the Internet.

29 This bill also imposes additional requirements on the State
30 Parole Board to improve the board’s supervision and monitoring of
31 sex offenders. A monthly penalty of \$30 would be imposed on
32 every person convicted of or adjudicated delinquent of a sex offense
33 to fund these initiatives. The bill provides that the moneys would
34 be forwarded to the Department of the Treasury to be deposited in a
35 nonlapsing revolving fund to be known as the “Sex Offender
36 Supervision Fund.” Monies deposited into the fund are to be used
37 for operational expenses incurred by the board in supervising sex
38 offenders. These expenses include, but would not but not be limited
39 to, additional staff, equipment utilized for continuous monitoring of
40 sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128
41 (C.30:4-123.89 et seq.), and purchasing equipment to expand the
42 board’s capabilities to supervise released sex offenders, including
43 motor vehicles and computer equipment for parole officers.

44 Moneys in the fund also would be appropriated by the
45 Legislature to the State Parole Board on an annual basis for the
46 development of a program utilizing computers and other high
47 technology for parole officers who supervise sex offenders. This
48 program would provide computers and other high technology
49 instruments to detect crimes or violations of conditions of parole.

1 Parole officers who participate in the program would receive
2 instruction in: conducting investigations to determine if supervised
3 sex offenders have illegally used computers, telecommunications
4 devices and other high technology instruments, or have used these
5 instruments to commit unlawful or criminal acts; forensic recovery,
6 evidence preservation and analysis of data in computer systems
7 seized because of possible criminal activity; monitoring the use of
8 interactive computer services by supervised sex offenders,
9 especially those who are suspected of contacting minors for sexual
10 activity; and cooperation with other law enforcement agencies to
11 coordinate efforts in investigating and prosecuting unlawful
12 computer activity by supervised sex offenders.

13 The bill also amends the statutes concerning the collection and
14 priority of criminal fines, assessments, and penalties to reference
15 the new penalty created in this bill.

16 Finally, the bill requires the Chairman of the State Parole Board
17 to provide that the caseload of any parole officer who supervises
18 sex offenders is not to exceed 40 parolees. If the caseload of any
19 parole officer exceeds this limitation, the chairman is to hire or train
20 additional parole officers to supervise sex offenders until the
21 caseload of each such parole officer is 40 parolees or less.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2636

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 6, 2013

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2636.

As amended, this bill revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

This bill upgrades the crime of sexual assault, a crime of the third degree, if the victim is physically or intellectually incapacitated. In such cases, the offense would be upgraded to aggravated sexual assault, a crime of the second degree. A crime of the third degree is punishable by three to five years in prison, a fine of up to \$15,000, or both. A crime of the second degree is punishable by imprisonment for five to ten years, a fine of up to \$150,000, or both.

Under the provisions of the bill, if an offender who has been given a special sentence of community supervision for life commits any subsequent sex offense, that offender will be given a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. Under current law, first offenders are sentenced to parole supervision for life, as the special sentence of community supervision for life was repealed and replaced by parole supervision for life. The bill also upgrades a violation of a special sentence from a crime of the fourth degree to a crime of the third degree.

This bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence. Under current law this is a crime of the fourth degree; under the provisions of the bill it is a crime of the third degree.

This bill further provides that a young person who has committed an offense that would constitute “sexting” would not be required to register as a sex offender. For purposes of Megan’s Law, the bill

specifies that a sex offense would not include any offense in which: (1) the facts of the case are limited to the creation, exhibition or distribution of a photograph involving nudity through the use of an electronic communication device, an interactive wireless communications device, or a computer; and (2) the creator and subject of the photograph are juveniles.

The bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry. Under current law, the registration information of all Tier Two offenders (moderate risk to re-offend) who do not fit within the statutory exceptions and Tier Three offenders (high risk to re-offend) is published on the Internet registry regardless of the offender's tier. The registration information of Tier One offenders (low risk to re-offend) is not published on the Internet registry. This bill requires an offender whose conduct was found to be repetitive and compulsive to appear on the Internet registry. The bill prohibits a sex offender who is at moderate risk to reoffend but found to be compulsive and repetitive from invoking one of the statutory exceptions to keep his registration information from being published on the Internet.

This bill also imposes additional requirements on the State Parole Board to improve the board's supervision and monitoring of sex offenders. A monthly penalty of \$30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing, revolving fund to be known as the "Sex Offender Supervision Fund." Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not be limited to, additional staff, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board's capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because

of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

The committee amended the bill to replace the terms “intellectual disability” and “permanent physical disability” with the terms “physically incapacitated” and “intellectually incapacitated” as cause to upgrade the crime of sexual assault. In addition, the bill was amended to provide that an offender who has been given a special sentence of community supervision for life and who commits any subsequent sex offense will be given a special sentence of parole supervision for life. Finally, the committee amended the bill to make clarifying and technical changes.

FISCAL NOTE
 [First Reprint]
SENATE, No. 2636
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: JUNE 24, 2013

SUMMARY

Synopsis: Revises certain provisions of Megan’s Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.

Type of Impact: General Fund expenditure

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

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Cost			
Judiciary	Indeterminate – See comments below		
Parole Board	\$6,500,000	\$7,600,000	\$7,600,000
State Revenue	\$351,360	\$702,730	\$1,054,080

- The Office of Legislative Services (OLS) **concurs** with the Parole Board’s estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected. The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State’s Internet sex offender registry.
- The Administrative Office of the Courts (AOC) states that the Judiciary is unable to estimate the fiscal impact that would result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures would be minimal.
- The AOC also states that the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of

cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

- The AOC states that assuming that 976 defendants were convicted of a Megan's Law sex offense every year and that the entire amount of the penalty was collected, a total of \$351,360 in revenue would be generated in the first full year of implementation \$702,720 during the second full year and \$1,054,080 during the third full year after the bill's implementation.
- The State Parole Board states that the bill would require significant cost increases. The estimated first year cost totals \$6.5 million for this initiative, increasing to \$7.6 million in the second and subsequent years of the program.
- The Parole Board notes that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee would most likely not be collected and would take away from child support and other more important payments.

BILL DESCRIPTION

Senate Bill No. 2636 (1R) of 2013 revises certain provisions of "Megan's Law," which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The bill upgrades the crime of sexual assault, a crime of the third degree, if the victim is physically or intellectually incapacitated to a crime of the second degree. A crime of the third degree is punishable by three to five years in prison, a fine of up to \$15,000, or both. A crime of the second degree is punishable by imprisonment for five to ten years, a fine of up to \$150,000, or both.

Under the bill, if an offender who has been given a special sentence of community supervision for life commits any subsequent sex offense, that offender would be given a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. The bill also upgrades a violation of a special sentence from a crime of the fourth degree to a crime of the third degree.

The bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence from a crime of the fourth degree to a crime of the third degree.

This bill further provides that a young person who has committed an offense that would constitute "sexting" would not be required to register as a sex offender.

The bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry.

The bill also requires the State Parole Board to improve the board's supervision and monitoring of sex offenders. A monthly penalty of \$30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. The bill

provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing, revolving fund to be known as the "Sex Offender Supervision Fund" and are to be used for operational expenses incurred by the board in supervising sex offenders.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

With regard to expenditures, the AOC states that the bill would upgrade certain crimes from fourth degree to crimes of the third degree. Data gathered from the Judiciary's computerized case management and information system for the Criminal Division of the Superior Court (PROMIS/Gavel), reveal that during calendar year 2012, 192 people were convicted of failing to provide information required by N.J.S.A. 2C:7-2. In addition, 365 people were convicted of violating a condition of community or parole supervision for life under N.J.S.A. 2C:43-6.4. Of the combined 557 defendants, only 3 were convicted after a trial. The AOC states that the Judiciary is unable to estimate the fiscal impact that would result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures would be minimal.

The AOC states that upgrading the crime of sexual assault to the crime of aggravated sexual assault if the actor knew or should have known that the victim of the sexual assault was physically or intellectually incapacitated might impact the trial rate for that offense. However, the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC states that with regard to revenue, the bill would impose a monthly penalty of \$30 on every person convicted of or adjudicated delinquent for a sex offense.

The AOC notes that data collected from PROMIS/Gavel indicate that during calendar year 2012, a total of 976 defendants were convicted of a Megan's Law sex offense. Assuming that 976 defendants were convicted of a Megan's Law sex offense every year and that the entire amount of the penalty was collected, a total of \$351,360 in revenue would be generated in the first full year of implementation (976 defendants x \$30 per month x 12 months). As each subsequent year would introduce an additional group of 976 defendants convicted of sex offenses that would be subject to the penalty, the second full year of implementation would generate \$702,720 in revenue (1,952 defendants x \$30 per month x 12 months) and the third full year of implementation would generate \$1,054,080 in revenue (2,928 defendants x \$30 per month x 12 months).

State Parole Board

The State Parole Board states that the bill would require significant cost increases. Limiting sex offender caseloads to 40 per officer would require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals \$6.5 million for this initiative, increasing to \$7.6 million in the second and subsequent years of the program. Given the current structure of two classes per year with 25 officers per class, the Parole Board notes that it would take approximately 3 years to increase the number of parole officers by 65 unless special arrangements were made for additional classes at a significantly higher cost. The number of officers needed would continue to increase over time.

The Parole Board notes that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee would most likely not be collected and would take away from child support and other more important payments.

Department of Law and Public Safety

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Parole Board's estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected. The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State's Internet sex offender registry.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2636

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 24, 2013

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2636 (1R), with committee amendments.

As amended, this bill revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

This bill upgrades the crime of sexual assault, a crime of the third degree, if the victim is physically or intellectually incapacitated. In such cases, the offense would be upgraded to aggravated sexual assault, a crime of the second degree. A crime of the third degree is punishable by three to five years in prison, a fine of up to \$15,000, or both. A crime of the second degree is punishable by imprisonment for five to ten years, a fine of up to \$150,000, or both.

Under the provisions of the bill, if an offender who has been given a special sentence of community supervision for life commits any subsequent sex offense, that offender will be given a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. Under current law, first offenders are sentenced to parole supervision for life, as the special sentence of community supervision for life was repealed and replaced by parole supervision for life. The bill also upgrades a violation of a special sentence from a crime of the fourth degree to a crime of the third degree.

This bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence. Under current law this is a crime of the fourth degree; under the provisions of the bill it is a crime of the third degree.

This bill further provides that a young person who has been adjudicated delinquent for an offense that would constitute “sexting”

would not be required to register as a sex offender. For purposes of Megan's Law, the bill specifies that a sex offense would not include any offense in which: (1) the facts of the case are limited to the creation, exhibition or distribution of a photograph involving nudity through the use of an electronic communication device, an interactive wireless communications device, or a computer; (2) the creator and subject of the photograph were juveniles at the time of its making; and (3) the subject of the photograph whose nudity is depicted knowingly consented to the making of the photograph.

The bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry. Under current law, the registration information of all Tier Two offenders (moderate risk to re-offend) who do not fit within the statutory exceptions and Tier Three offenders (high risk to re-offend) is published on the Internet registry regardless of the offender's tier. The registration information of Tier One offenders (low risk to re-offend) is not published on the Internet registry. This bill requires an offender whose conduct was found to be repetitive and compulsive to appear on the Internet registry. The bill prohibits a sex offender who is at moderate risk to reoffend but found to be compulsive and repetitive from invoking one of the statutory exceptions to keep his registration information from being published on the Internet.

This bill also imposes additional requirements on the State Parole Board to improve the board's supervision and monitoring of sex offenders. A monthly penalty of \$30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the family income of a person required to pay the penalty does not exceed 100% of the federal poverty level, the person is to pay 50% of the monthly penalty; if the person's family income does not exceed 149% of the federal poverty level, the person is to pay 75% of the monthly penalty. The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing, revolving fund to be known as the "Sex Offender Supervision Fund." Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not be limited to, the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board's capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The operational expenses shall not include increments, cost of living increases, or administrative expenses.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a

program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

COMMITTEE AMENDMENTS:

The committee amendments clarify the circumstances under which a young person who has been adjudicated delinquent for an offense that would constitute "sexting" would not be required to register as a sex offender. The person "sexting" must also demonstrate that the subject of the photograph knowingly consented to the making of the photograph. (In addition the creator and subject of the photograph must be juveniles at the time of the making of the photograph.)

The amendments also provide that if the family income of a person required to pay the penalty established by section 8 of the bill does not exceed 100% of the federal poverty level, the person shall pay 50% of the monthly penalty. If the person's family income does not exceed 149% of the federal poverty level, the person shall pay 75% of the monthly penalty.

Finally, the amendments clarify the operational expenses for which monies deposited in the "Sex Offender Supervision Fund" may be used. These operational expenses may include, but are not limited to, the cost of salary and benefits for the hiring of additional parole officers. The operational expenses shall not include increments, cost of living increases, or administrative expenses.

FISCAL IMPACT:

In the Fiscal Note prepared for this bill, the State Parole Board indicates that the bill would require significant cost increases. Limiting sex offender caseloads to 40 per officer would require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals \$6.5 million for this initiative, increasing to \$7.6 million in the second and subsequent years of the program. Given the current structure of two classes per year with 25 officers per class, the Parole Board notes that it would take approximately 3 years to increase the number of parole officers by 65 unless special arrangements were made for additional classes at a significantly higher cost. The number of officers needed would continue to increase over time.

The Parole Board further notes that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee would most likely not be collected and would take away from child support and other more important payments.

According to the Administrative Office of the Courts (AOC), the Judiciary is unable to estimate the fiscal impact that would result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures would be minimal.

The AOC also states that the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC states that with regard to revenue, the bill would impose a monthly penalty of \$30 on every person convicted of or adjudicated delinquent for a sex offense. According to the AOC, assuming 976 defendants were convicted of a Megan's Law sex offense every year (the total number convicted in calendar year 2012), and further assuming that the entire amount of the penalty was collected, a total of \$351,360 in revenue would be generated in the first full year of implementation \$702,720 during the second full year and \$1,054,080 during the third full year after the bill's implementation.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 2636

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: JULY 5, 2013

SUMMARY

- Synopsis:** Revises certain provisions of Megan's Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.
- Type of Impact:** General Fund expenditure.
- Agencies Affected:** Judiciary, State Parole Board, Department of Law and Public Safety

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Judiciary Cost	Indeterminate – See comments below		
State Parole Board Cost	\$6,500,000	\$7,600,000	\$7,600,000
State Revenue	\$175,680 to \$351,360	\$351,360 to \$702,720	\$527,040 to \$1,054,080

- The Office of Legislative Services (OLS) **concurs** with the State Parole Board's expenditure estimate.
- The OLS concurs with the Administrative Office of the Courts' (AOC's) estimate that the bill would generate minimal expenses for the Judiciary.
- The OLS notes that the amended version of the bill provides that the monthly penalty could be reduced by up to 50 percent depending upon the defendant's income. Thus, the revenue generated would range between \$175,680 and \$351,360 during the first full year of implementation, \$351,360 and \$702,720 during the second full year of implementation, and between \$527,040 and \$1,054,080 during the third full year of implementation.
- The OLS also concurs with the Parole Board's estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected, thus reducing revenues even further.

- The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State's Internet sex offender registry.

BILL DESCRIPTION

Senate Bill No. 2636 (2R) of 2013 revises certain provisions of "Megan's Law," which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The bill upgrades the crime of sexual assault, a crime of the third degree, if the victim is physically or intellectually incapacitated to a crime of the second degree. A crime of the third degree is punishable by three to five years in prison, a fine of up to \$15,000, or both. A crime of the second degree is punishable by imprisonment for five to ten years, a fine of up to \$150,000, or both.

Under the provisions of the bill, if an offender who has been given a special sentence of community supervision for life commits any subsequent sex offense, that offender will be given a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. The bill also upgrades a violation of a special sentence from a crime of the fourth degree to a crime of the third degree.

This bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence from a crime of the fourth degree to a crime of the third degree.

This bill further provides that a young person who has been adjudicated delinquent for an offense that would constitute "sexting" would not be required to register as a sex offender.

The bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry.

The bill also imposes additional requirements on the State Parole Board to improve the board's supervision and monitoring of sex offenders. A monthly penalty of \$30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the family income of a person required to pay the penalty does not exceed 100 percent of the federal poverty level, the person is to pay 50 percent of the monthly penalty; if the person's family income does not exceed 149 percent of the federal poverty level, the person is to pay 75 percent of the monthly penalty. The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing, revolving fund to be known as the "Sex Offender Supervision Fund." Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not be limited to, the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board's capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The operational expenses shall not include increments, cost of living increases, or administrative expenses.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high

technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

In a fiscal note prepared by the Judiciary for an earlier version of this bill the AOC stated that with regard to expenditures, the bill would upgrade certain crimes from fourth degree to crimes of the third degree. Data gathered from the Judiciary's computerized case management and information system for the Criminal Division of the Superior Court (PROMIS/Gavel), reveal that during calendar year 2012, 192 people were convicted of failing to provide information required by N.J.S.A.2C:7-2. In addition, 365 people were convicted of violating a condition of community or parole supervision for life under N.J.S.A.2C:43-6.4. Of the combined 557 defendants, only 3 were convicted after a trial. The AOC stated that the Judiciary is unable to estimate the fiscal impact that would result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures would be minimal.

The AOC stated that upgrading the crime of sexual assault to the crime of aggravated sexual assault if the actor knew or should have known that the victim of the sexual assault was physically or intellectually incapacitated might impact the trial rate for that offense. However, the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC stated that with regard to revenue, the bill would impose a monthly penalty of \$30 on every person convicted of or adjudicated delinquent for a sex offense.

The AOC noted that data collected from PROMIS/Gavel indicate that during calendar year 2012, a total of 976 defendants were convicted of a Megan's Law sex offense. Assuming that 976 defendants were convicted of a Megan's Law sex offense every year and that the entire amount of the penalty was collected, a total of \$351,360 in revenue would be generated in the first full year of implementation (976 defendants x \$30 per month x 12 months). As each

subsequent year would introduce an additional group of 976 defendants convicted of sex offenses that would be subject to the penalty, the second full year of implementation would generate \$702,720 in revenue (1,952 defendants x \$30 per month x 12 months) and the third full year of implementation would generate \$1,054,080 in revenue (2,928 defendants x \$30 per month x 12 months).

State Parole Board

In a fiscal note prepared by the State Parole Board for an earlier version of this bill, the Parole Board stated that the bill would require significant cost increases. Limiting sex offender caseloads to 40 per officer would require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals \$6.5 million for this initiative, increasing to \$7.6 million in the second and subsequent years of the program. Given the current structure of two classes per year with 25 officers per class, the Parole Board noted that it would take approximately three years to increase the number of parole officers by 65 unless special arrangements were made for additional classes at a significantly higher cost. The number of officers needed would continue to increase over time.

The Parole Board noted that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee would most likely not be collected and would take away from child support and other more important payments.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the AOC's estimate that the bill would generate minimal expenses for the Judiciary. The OLS notes that the amended version of the bill provides that the monthly penalty could be reduced by up to 50 percent depending upon the defendant's income. Thus, the revenue generated would range between \$175,680 and \$351,360 during the first full year of implementation, \$351,360 and \$702,720 during the second full year of implementation, and between \$527,040 and \$1,054,080 during the third full year of implementation. The OLS also concurs with the Parole Board's estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected, thus reducing revenues even further. The OLS concurs with the State Parole Board's expenditure estimate. The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State's Internet sex offender registry.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 2636

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 18, 2013

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2636(2R).

As amended and reported by the committee, Senate Bill No. 2636(2R) revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The amended bill upgrades the crime of sexual assault, which constitutes a crime of the second degree if the victim is physically or intellectually incapacitated. In these cases, the offense would be upgraded to aggravated sexual assault, a crime of the first degree.

Under the provisions of the amended bill, a person who violates a condition of a special sentence of community supervision for life would be sentenced to a special sentence of parole supervision for life; the bill previously had provided that an offender under community supervision for life who commits any subsequent sex offense would be given a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. Under current law, first offenders are sentenced to parole supervision for life, as the special sentence of community supervision for life was repealed and replaced by parole supervision for life. The bill also upgrades a violation of a special sentence of community or parole supervision for life from a crime of the fourth degree to a crime of the third degree.

The amended bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence. Under current law this is a crime of the fourth degree; under the provisions of the bill it is a crime of the third degree.

The amended bill further provides that a young person who has been adjudicated delinquent for an offense that would constitute

“sexting” would not be required to register as a sex offender. For purposes of Megan’s Law, the bill specifies that a sex offense would not include any offense in which: (1) the facts of the case are limited to the creation, exhibition or distribution of a photograph involving nudity through the use of an electronic communication device, an interactive wireless communications device, or a computer; (2) the creator and subject of the photograph were juveniles at the time of its making; and (3) the subject of the photograph whose nudity is depicted knowingly consented to the making of the photograph.

The amended bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry. Under current law, the registration information of all Tier Two offenders (moderate risk to re-offend) who do not fit within the statutory exceptions and Tier Three offenders (high risk to re-offend) is published on the Internet registry regardless of the offender’s tier. The registration information of Tier One offenders (low risk to re-offend) is not published on the Internet registry. This bill requires an offender whose conduct was found to be repetitive and compulsive to appear on the Internet registry. The bill prohibits a sex offender who is at moderate risk to reoffend but found to be compulsive and repetitive from invoking one of the statutory exceptions to keep his registration information from being published on the Internet.

The amended bill also imposes additional requirements on the State Parole Board to improve the board’s supervision and monitoring of sex offenders. A monthly penalty of \$30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the convicted person’s income does not exceed 100% of the federal poverty level, the amended bill requires the person to pay 50% of the monthly penalty; if the convicted person’s income does not exceed 149% of the federal poverty level, that person would be required to pay 75% of the monthly penalty. The introduced bill provided for the reduced penalties to be based on family income rather than the convicted person’s income.

The amended bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing, revolving fund to be known as the “Sex Offender Supervision Fund.” Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not be limited to, the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board’s capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The operational expenses shall not include increments,

cost of living increases, or administrative expenses.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 3886, also amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) provide that a person who violates a condition of a special sentence of community supervision for life would be sentenced to a special sentence of parole supervision for life; the introduced bill provided that an offender under a special sentence of community supervision for life who commits any subsequent sex offense would be given a special sentence of parole supervision for life;

(2) provide that if a convicted person's income does not exceed 100% of the federal poverty level, the convicted person would be required to pay 50% of the \$30 monthly penalty imposed for conviction of a sex offense; if the convicted person's income does not exceed 149% of the federal poverty level, that person would be required to pay 75% of the monthly penalty; the introduced bill

provided for the reduced penalties to be based on family income rather than the convicted person's income;

(3) make other clarifying and technical amendments.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[Third Reprint]

SENATE, No. 2636

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2013

The Assembly Appropriations Committee reports favorably Senate Bill No. 2636 (3R).

The bill revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. The bill imposes a monetary penalty on convicted sex offenders to provide money to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The bill upgrades the crime of sexual assault, which constitutes a crime of the second degree, if the victim is physically or intellectually incapacitated. In these cases, the offense will be upgraded to aggravated sexual assault, a crime of the first degree.

The bill provides that a person who violates a condition of a special sentence of community supervision for life will be sentenced to a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. Under current law, first offenders are sentenced to parole supervision for life, as the special sentence of community supervision for life was repealed and replaced by parole supervision for life. The bill upgrades a violation of a special sentence of community or parole suspension for life from a crime of the fourth degree to a crime of the third degree.

The bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence. Under current law this is a crime of the fourth degree; under the bill it is a crime of the third degree.

The bill provides that a young person adjudicated delinquent for an offense that would constitute “sexting” will not be required to register as a sex offender. For purposes of Megan’s Law, the bill specifies that a sex offense will not include any offense in which: (1) the facts of the case are limited to the creation, exhibition or distribution of a photograph involving nudity through the use of an electronic communication device, an interactive wireless communications device, or a computer; (2) the creator and subject of the photograph were juveniles at the time of its making; and (3) the subject of the

photograph whose nudity is depicted knowingly consented to the making of the photograph.

The bill requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry. Under current law, the registration information of all Tier Two offenders (moderate risk to re-offend) who do not fit within the statutory exceptions and Tier Three offenders (high risk to re-offend) is published on the Internet registry regardless of the offender's tier. The registration information of Tier One offenders (low risk to re-offend) is not published on the Internet registry. This bill requires an offender whose conduct was found to be repetitive and compulsive to appear on the Internet registry. The bill prohibits a sex offender who is at moderate risk to reoffend but found to be compulsive and repetitive from invoking one of the statutory exceptions to keep his registration information from being published on the Internet.

The bill imposes additional requirements on the State Parole Board to improve the board's supervision and monitoring of sex offenders. The bill imposes a monthly penalty of \$30 on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the convicted person's income does not exceed 100 percent of the federal poverty level, the bill requires the person to pay 50 percent of the monthly penalty. If the convicted person's income does not exceed 149 percent of the federal poverty level, the bill requires the person to pay 75 percent of the monthly penalty.

The bill requires money collected from the monthly penalty to be forwarded to the Department of the Treasury and deposited in a new fund, the "Sex Offender Supervision Fund." The bill requires money deposited into the fund to be used for operational expenses incurred by the State Parole Board in supervising sex offenders. Under the bill, these expenses include the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board's capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The bill provides that operational expenses do not include increments, cost of living increases, or administrative expenses.

The bill requires the Chairman of the State Parole Board to develop a special program for parole officers who supervise sex offenders. The bill provides that this program will utilize computers and other high technology instruments to detect crimes or violations of conditions of parole.

The bill requires parole officers participating in the program to receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or

have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill amends statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new monthly penalty imposed on convicted sex offenders.

The bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the bill requires the chairman to hire or train additional parole officers to supervise sex offenders until the caseload of each parole officer is 40 parolees or fewer.

The bill takes effect on the first day of the sixth month after enactment, but permits the Chairman of the State Parole Board to take advanced anticipatory action.

As reported, this bill is identical to Assembly Bill No. 3886 (1R), as also reported by the committee.

FISCAL IMPACT:

In the Fiscal Note prepared for this bill, the State Parole Board indicates the bill will result in significant cost increases. Limiting sex offender caseloads to 40 per officer will require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals \$6.5 million for this initiative, increasing to \$7.6 million in the second and subsequent years of the program. Given the current structure of two classes per year with 25 officers per class, the Parole Board notes that it will take approximately three years to increase the number of parole officers by 65 unless special arrangements are made for additional classes at a significantly higher cost. The number of officers needed is expected to increase over time.

The Parole Board also notes that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee will most likely not be collected and will take away from child support and other more important payments.

According to the Administrative Office of the Courts (AOC), the Judiciary is unable to estimate the fiscal impact that will result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures is minimal.

The AOC also states that the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC states that with regard to revenue, the bill imposes a monthly penalty of \$30 on every person convicted of or adjudicated delinquent for a sex offense. According to the AOC, assuming 976 defendants are convicted of a Megan's Law sex offense every year (the total number convicted in calendar year 2012), and further assuming that the entire amount of the penalty was collected, a total of \$351,360 in revenue will be generated in the first full year of implementation \$702,720 during the second full year and \$1,054,080 during the third full year after the bill's implementation.

The Office of Legislative Services (OLS) notes that revenues generated from the new \$30 monthly fee may be less than the amounts expected by the AOC, dependent on defendant income. The bill provides that the monthly penalty could be reduced by up to 50 percent if the defendant's income does not exceed 100 percent of the federal poverty level and, as a result, revenues may total between \$175,680 and \$351,360 during the first full year of implementation, between \$351,360 and \$702,720 during the second year, and \$527,040 and \$1,054,080 during the third year.

The OLS also notes that the New Jersey State Police will incur certain additional costs associated with updating the State's Internet sex offender registry.

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

SENATE, No. 2636

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: DECEMBER 16, 2013

SUMMARY

Synopsis: Revises certain provisions of Megan's Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.

Type of Impact: General Fund expenditure.

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

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Judiciary Cost	Indeterminate – See comments below		
State Parole Board Cost	\$6,500,000	\$7,600,000	\$7,600,000
State Revenue	\$175,680 to \$351,360	\$351,360 to \$702,720	\$527,040 to \$1,054,080

- The Office of Legislative Services (OLS) **concur**s with the State Parole Board's expenditure estimate.
- The OLS concurs with the Administrative Office of the Courts' (AOC's) estimate that the bill would generate minimal expenses for the Judiciary.
- The OLS notes that the amended version of the bill provides that the monthly penalty could be reduced by up to 50 percent depending upon the defendant's income. Thus, the revenue generated would range between \$175,680 and \$351,360 during the first full year of implementation, \$351,360 and \$702,720 during the second full year of implementation, and between \$527,040 and \$1,054,080 during the third full year of implementation.
- The OLS also concurs with the Parole Board's estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected, thus reducing revenues even further.

- The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State's Internet sex offender registry.

BILL DESCRIPTION

Senate Bill No. 2636 (3R) of 2013 revises certain provisions of "Megan's Law," which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The bill upgrades the crime of sexual assault, which constitutes a crime of the second degree if the victim is physically or intellectually incapacitated to aggravated sexual assault, a crime of the first degree.

Under the provisions of the bill, a person who violates a condition of a special sentence of community supervision for life would be sentenced to a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. The bill also upgrades a violation of a special sentence of community or parole supervision for life from a crime of the fourth degree to a crime of the third degree.

The bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence from a crime of the fourth degree to a crime of the third degree.

The bill further provides that a young person who has been adjudicated delinquent for an offense that would constitute "sexting" would not be required to register as a sex offender.

The bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry.

The bill also imposes additional requirements on the State Parole Board to improve the board's supervision and monitoring of sex offenders. A monthly penalty of \$30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the convicted person's income does not exceed 100 percent of the federal poverty level, the bill requires the person to pay 50 percent of the monthly penalty; if the convicted person's income does not exceed 149 percent of the federal poverty level, that person would be required to pay 75 percent of the monthly penalty.

The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing, revolving fund to be known as the "Sex Offender Supervision Fund." Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not be limited to, the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board's capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The operational expenses shall not include increments, cost of living increases, or administrative expenses.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide

computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

In a fiscal note prepared by the Judiciary for an earlier version of this bill the AOC stated that with regard to expenditures, the bill would upgrade certain crimes from fourth degree to crimes of the third degree. Data gathered from the Judiciary's computerized case management and information system for the Criminal Division of the Superior Court (PROMIS/Gavel), reveal that during calendar year 2012, 192 people were convicted of failing to provide information required by N.J.S.A.2C:7-2. In addition, 365 people were convicted of violating a condition of community or parole supervision for life under N.J.S.A.2C:43-6.4. Of the combined 557 defendants, only 3 were convicted after a trial. The AOC stated that the Judiciary is unable to estimate the fiscal impact that would result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures would be minimal.

The AOC stated that upgrading the crime of sexual assault to the crime of aggravated sexual assault if the actor knew or should have known that the victim of the sexual assault was physically or intellectually incapacitated might impact the trial rate for that offense. However, the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC stated that with regard to revenue, the bill would impose a monthly penalty of \$30 on every person convicted of or adjudicated delinquent for a sex offense.

The AOC noted that data collected from PROMIS/Gavel indicate that during calendar year 2012, a total of 976 defendants were convicted of a Megan's Law sex offense. Assuming that 976 defendants were convicted of a Megan's Law sex offense every year and that the entire amount of the penalty was collected, a total of \$351,360 in revenue would be generated in the first full year of implementation (976 defendants x \$30 per month x 12 months). As each

subsequent year would introduce an additional group of 976 defendants convicted of sex offenses that would be subject to the penalty, the second full year of implementation would generate \$702,720 in revenue (1,952 defendants x \$30 per month x 12 months) and the third full year of implementation would generate \$1,054,080 in revenue (2,928 defendants x \$30 per month x 12 months).

State Parole Board

In a fiscal note prepared by the State Parole Board for an earlier version of this bill, the Parole Board stated that the bill would require significant cost increases. Limiting sex offender caseloads to 40 per officer would require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals \$6.5 million for this initiative, increasing to \$7.6 million in the second and subsequent years of the program. Given the current structure of two classes per year with 25 officers per class, the Parole Board noted that it would take approximately three years to increase the number of parole officers by 65 unless special arrangements were made for additional classes at a significantly higher cost. The number of officers needed would continue to increase over time.

The Parole Board noted that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee would most likely not be collected and would take away from child support and other more important payments.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the AOC's estimate that the bill would generate minimal expenses for the Judiciary. The OLS notes that the amended version of the bill provides that the monthly penalty could be reduced by up to 50 percent depending upon the defendant's income. Thus, the revenue generated would range between \$175,680 and \$351,360 during the first full year of implementation, \$351,360 and \$702,720 during the second full year of implementation, and between \$527,040 and \$1,054,080 during the third full year of implementation. The OLS also concurs with the Parole Board's estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected, thus reducing revenues even further. The OLS concurs with the State Parole Board's expenditure estimate. The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State's Internet sex offender registry.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

STATEMENT TO
[Third Reprint]
SENATE, No. 2636

with Assembly Floor Amendments
(Proposed by Assemblyman BENSON)

ADOPTED: JANUARY 6, 2014

Senate Bill No. 2636 (3R) revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. The bill imposes a monetary penalty of \$30 per month on convicted sex offenders to hire additional parole officers and fund programs to monitor sex offenders.

Under the bill, the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. These Assembly amendments remove this provision, effectively leaving to the discretion of the Chairman of the State Parole Board the number of cases assigned to each of these parole officers.

The bill specifies that sex offenders whose income does not exceed 100 percent of the federal poverty level would be required to pay 50 percent of the monthly penalty and sex offenders whose income does not exceed 149 percent of the federal poverty level would be required to pay 75 percent of the monthly penalty. These Assembly amendments remove these provisions and specify that sex offenders whose monthly income does not exceed 149 percent of the federal poverty level would not be required to pay the monthly fee.

Finally, these Assembly amendments require sex offenders who currently are required to periodically verify their address to also submit any other information required by the Attorney General. Such information might include information on co-habitants, occupation, length of employment, whether they are in therapy, and whether they have Internet access.

LEGISLATIVE FISCAL ESTIMATE

[Fourth Reprint]

SENATE, No. 2636

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: JANUARY 16, 2014

SUMMARY

- Synopsis:** Revises certain provisions of Megan’s Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.
- Type of Impact:** General Fund expenditure.
- Agencies Affected:** Judiciary, State Parole Board, Department of Law and Public Safety

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Judiciary Cost	Indeterminate – See comments below		
State Parole Board Cost	Indeterminate – See comments below		
State Revenue	Up to \$351,360	Up to \$702,720	Up to \$1,054,080

- The Office of Legislative Services (OLS) notes that the Parole Board’s estimate is based on an earlier version of the bill that limits the caseload to 40 offenders per parole officers. The amended bill eliminates this requirement, and therefore the costs of implementation would be less than the amount stated by an undetermined amount.
- The OLS concurs with the Administrative Office of the Courts’ (AOC) estimate that the bill would generate minimal expenses for the Judiciary.
- The OLS notes that the amended version of the bill provides that the monthly penalty could be eliminated depending upon the defendant’s income. As a result, the revenue generated would total up to \$351,360 during the first full year of implementation, up to \$702,720 during the second full year of implementation, and up to \$1,054,080 during the third full year of implementation.
- The OLS also concurs with the Parole Board’s estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected.

- The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State's Internet sex offender registry.

BILL DESCRIPTION

Senate Bill No. 2636 (4R) of 2013 revises certain provisions of "Megan's Law," which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The bill upgrades the crime of sexual assault, which constitutes a crime of the second degree if the victim is physically or intellectually incapacitated to aggravated sexual assault, a crime of the first degree.

Under the provisions of the bill, a person who violates a condition of a special sentence of community supervision for life would be sentenced to a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. The bill also upgrades a violation of a special sentence of community or parole supervision for life from a crime of the fourth degree to a crime of the third degree.

The bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence from a crime of the fourth degree to a crime of the third degree.

The bill further provides that a young person who has been adjudicated delinquent for an offense that would constitute "sexting" would not be required to register as a sex offender.

The bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry.

The bill also imposes additional requirements on the State Parole Board to improve the board's supervision and monitoring of sex offenders. A monthly penalty of \$30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the convicted person's income does not exceed 149 percent of the federal poverty level the offender would not be required to pay the monthly fee.

The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a non-lapsing, revolving fund to be known as the "Sex Offender Supervision Fund." Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not be limited to, the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board's capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The operational expenses shall not include increments, cost of living increases, or administrative expenses.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

In a fiscal note prepared by the Judiciary for an earlier version of this bill the AOC stated that with regard to expenditures, the bill would upgrade certain crimes from fourth degree to crimes of the third degree. Data gathered from the Judiciary's computerized case management and information system for the Criminal Division of the Superior Court (PROMIS/Gavel), reveal that during calendar year 2012, 192 people were convicted of failing to provide information required by N.J.S.A. 2C:7-2. In addition, 365 people were convicted of violating a condition of community or parole supervision for life under N.J.S.A. 2C:43-6.4. Of the combined 557 defendants, only 3 were convicted after a trial. The AOC stated that the Judiciary is unable to estimate the fiscal impact that would result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures would be minimal.

The AOC stated that upgrading the crime of sexual assault to the crime of aggravated sexual assault if the actor knew or should have known that the victim of the sexual assault was physically or intellectually incapacitated might impact the trial rate for that offense. However, the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC stated that with regard to revenue, the bill would impose a monthly penalty of \$30 on every person convicted of or adjudicated delinquent for a sex offense.

The AOC noted that data collected from PROMIS/Gavel indicate that during calendar year 2012, a total of 976 defendants were convicted of a Megan's Law sex offense. Assuming that 976 defendants were convicted of a Megan's Law sex offense every year and that the entire amount of the penalty was collected, a total of \$351,360 in revenue would be generated in the first full year of implementation (976 defendants x \$30 per month x 12 months). As each subsequent year would introduce an additional group of 976 defendants convicted of sex offenses that would be subject to the penalty, the second full year of implementation would generate \$702,720 in revenue (1,952 defendants x \$30 per month x 12 months) and the third full year of implementation would generate \$1,054,080 in revenue (2,928 defendants x \$30 per month x 12 months).

State Parole Board

In a fiscal note prepared by the State Parole Board for an earlier version of this bill, the Parole Board stated that the bill would require significant cost increases. Limiting sex offender caseloads to 40 per officer would require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals \$6.5 million for this initiative, increasing to \$7.6 million in the second and subsequent years of the program. However, the amended bill eliminates the requirement that parole officers maintain a caseload of no more than 40 offenders reducing the initial cost estimate by an undetermined amount.

The Parole Board noted that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee would most likely not be collected and would take away from child support and other payments.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the AOC's estimate that the bill would generate minimal expenses for the Judiciary. The OLS notes that the amended version of the bill provides that the monthly penalty could be eliminated depending upon the defendant's income. As a result, the revenue generated would total up to \$351,360 during the first full year of implementation, up to \$702,720 during the second full year of implementation, and up to \$1,054,080 during the third full year of implementation.

The OLS also notes that the Parole Board's estimate is based on an earlier version of the bill that limits the caseload to 40 offenders per parole officers. The amended bill eliminates this requirement, and therefore the costs of implementation would be less than the amount stated by an undetermined amount. The OLS concurs with the Parole Board's estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected.

The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State's Internet sex offender registry.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 3886

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED MARCH 7, 2013

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

SYNOPSIS

Revises certain provisions of Megan's Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/7/2013)

1 AN ACT concerning sex offenders, revising various parts of the
2 statutory law, and supplementing Title 30 of the Revised
3 Statutes.

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

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

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

14 (2) A person who in another jurisdiction is required to register
15 as a sex offender and (a) is enrolled on a full-time or part-time basis
16 in any public or private educational institution in this State,
17 including any secondary school, trade or professional institution,
18 institution of higher education or other post-secondary school, or
19 (b) is employed or carries on a vocation in this State, on either a
20 full-time or a part-time basis, with or without compensation, for
21 more than 14 consecutive days or for an aggregate period exceeding
22 30 days in a calendar year, shall register in this State as provided in
23 subsections c. and d. of this section.

24 (3) A person who fails to register as required under this act shall
25 be guilty of a crime of the third 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, kidnapping pursuant to paragraph (2) of
30 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these
31 crimes if the court found that the offender's conduct was
32 characterized by a pattern of repetitive, compulsive behavior,
33 regardless of the date of the commission of the offense or the date
34 of conviction;

35 (2) A conviction, adjudication of delinquency, or acquittal by
36 reason of insanity for aggravated sexual assault; sexual assault;
37 aggravated criminal sexual contact; kidnapping pursuant to
38 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
39 welfare of a child by engaging in sexual conduct which would
40 impair or debauch the morals of the child pursuant to subsection a.
41 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
42 paragraph (3) or (4) or subparagraph (a) of paragraph (5) of
43 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to
44 section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact
45 pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping

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

Matter underlined thus is new matter.

1 pursuant to N.J.S.2C:13-1, criminal restraint pursuant to
2 N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if
3 the victim is a minor and the offender is not the parent of the
4 victim; knowingly promoting prostitution of a child pursuant to
5 paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; or
6 an attempt to commit any of these enumerated offenses if the
7 conviction, adjudication of delinquency or acquittal by reason of
8 insanity is entered on or after the effective date of this act or the
9 offender is serving a sentence of incarceration, probation, parole or
10 other form of community supervision as a result of the offense or is
11 confined following acquittal by reason of insanity or as a result of
12 civil commitment on the effective date of this act;

13 (3) A conviction, adjudication of delinquency or acquittal by
14 reason of insanity for an offense similar to any offense enumerated
15 in paragraph (2) or a sentence on the basis of criteria similar to the
16 criteria set forth in paragraph (1) of this subsection entered or
17 imposed under the laws of the United States, this State or another
18 state.

19 (4) A sex offense shall not include any offense in which:

20 (a) the facts of the case involve the creation, exhibition or
21 distribution of a photograph depicting nudity as defined in
22 N.J.S.2C:24-4 through the use of an electronic communication
23 device, an interactive wireless communications device, or a
24 computer; and

25 (b) the creator and subject of the photograph are juveniles or
26 were juveniles at the time of its making.

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

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

40 (2) A person confined in a correctional or juvenile facility or
41 involuntarily committed who is required to register shall register
42 prior to release in accordance with procedures established by the
43 Department of Corrections, the Department of Human Services or
44 the Juvenile Justice Commission and, within 48 hours of release,
45 shall also register with the chief law enforcement officer of the
46 municipality in which the person resides or, if the municipality does
47 not have a local police force, the Superintendent of State Police;

48 (3) A person moving to or returning to this State from another
49 jurisdiction shall register with the chief law enforcement officer of

1 the municipality in which the person will reside or, if the
2 municipality does not have a local police force, the Superintendent
3 of State Police within 120 days of the effective date of this act or 10
4 days of first residing in or returning to a municipality in this State,
5 whichever is later;

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

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

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

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

40 d. (1) Upon a change of address, a person shall notify the law
41 enforcement agency with which the person is registered and shall
42 re-register with the appropriate law enforcement agency no less
43 than 10 days before he intends to first reside at his new address.
44 Upon a change of employment or school enrollment status, a person
45 shall notify the appropriate law enforcement agency no later than
46 five days after any such change. A person who fails to notify the
47 appropriate law enforcement agency of a change of address or status
48 in accordance with this subsection is guilty of a crime of the
49 **【fourth】** third degree.

1 (2) A person required to register under this act shall provide the
2 appropriate law enforcement agency with information as to whether
3 the person has routine access to or use of a computer or any other
4 device with Internet capability. A person who fails to notify the
5 appropriate law enforcement agency of such information or of a
6 change in the person's access to or use of a computer or other
7 device with Internet capability or who provides false information
8 concerning the person's access to or use of a computer or any other
9 device with Internet capability is guilty of a crime of the **【fourth】**
10 third degree.

11 e. A person required to register under paragraph (1) of
12 subsection b. of this section or under paragraph (3) of subsection b.
13 due to a sentence imposed on the basis of criteria similar to the
14 criteria set forth in paragraph (1) of subsection b. shall verify his
15 address with the appropriate law enforcement agency every 90 days
16 in a manner prescribed by the Attorney General. A person required
17 to register under paragraph (2) of subsection b. of this section or
18 under paragraph (3) of subsection b. on the basis of a conviction for
19 an offense similar to an offense enumerated in paragraph (2) of
20 subsection b. shall verify his address annually in a manner
21 prescribed by the Attorney General. One year after the effective
22 date of this act, the Attorney General shall review, evaluate and, if
23 warranted, modify pursuant to the "Administrative Procedure Act,"
24 P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement.
25 Any person who knowingly provides false information concerning
26 his place of residence or who fails to verify his address with the
27 appropriate law enforcement agency or other entity, as prescribed
28 by the Attorney General in accordance with this subsection, is
29 guilty of a crime of the **【fourth】** third degree.

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

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

47 (cf: P.L.2007, c.219, s.2)

1 2. Section 2 of P.L.2001, c.167 (C.2C:7-13) is amended to read
2 as follows:

3 2. a. Pursuant to the provisions of this section, the
4 Superintendent of State Police shall develop and maintain a system
5 for making certain information in the central registry established
6 pursuant to subsection d. of section 4 of P.L.1994, c.133 (C.2C:7-4)
7 publicly available by means of electronic Internet technology.

8 b. The public may, without limitation, obtain access to the
9 Internet registry to view an individual registration record, any part
10 of, or the entire Internet registry concerning all offenders:

11 (1) whose risk of re-offense is high;

12 (2) whose risk of re-offense is moderate or low and whose
13 conduct was found to be characterized by a pattern of repetitive,
14 compulsive behavior pursuant to the provisions of N.J.S.2C:47-3; or

15 (3) for whom the court has ordered notification in accordance
16 with paragraph (3) of subsection c. of section 3 of P.L.1994, c.128
17 (C.2C:7-8), regardless of the age of the offender.

18 c. Except as provided in subsection d. of this section, the
19 public may, without limitation, obtain access to the Internet registry
20 to view an individual registration record, any part of, or the entire
21 Internet registry concerning offenders whose risk of re-offense is
22 moderate and for whom the court has ordered notification in
23 accordance with paragraph (2) of subsection c. of section 3 of
24 P.L.1994, c.128 (C.2C:7-8).

25 d. The individual registration record of an offender whose risk
26 of re-offense has been determined to be moderate and for whom the
27 court has ordered notification in accordance with paragraph (2) of
28 subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not be
29 made available to the public on the Internet registry if the sole sex
30 offense committed by the offender which renders him subject to the
31 requirements of P.L.1994, c.133 (C.2C:7-1 et seq.) is one of the
32 following:

33 (1) An adjudication of delinquency for any sex offense as
34 defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2);

35 (2) A conviction or acquittal by reason of insanity for a
36 violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 under circumstances in
37 which the offender was related to the victim by blood or affinity to
38 the third degree or was a resource family parent, a guardian, or
39 stood in loco parentis within the household; or

40 (3) A conviction or acquittal by reason of insanity for a
41 violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 in any case in which
42 the victim assented to the commission of the offense but by reason
43 of age was not capable of giving lawful consent.

44 For purposes of this subsection, "sole sex offense" means a
45 single conviction, adjudication of guilty or acquittal by reason of
46 insanity, as the case may be, for a sex offense which involved no
47 more than one victim, no more than one occurrence or, in the case
48 of an offense which meets the criteria of paragraph (2) of this
49 subsection, members of no more than a single household.

1 e. Notwithstanding the provisions of paragraph d. of this
2 subsection, the individual registration record of an offender to
3 whom an exception enumerated in paragraph (1), (2) or (3) of
4 subsection d. of this section applies shall be made available to the
5 public on the Internet registry if the offender's conduct was
6 characterized by a pattern of repetitive, compulsive behavior, or the
7 State establishes by clear and convincing evidence that, given the
8 particular facts and circumstances of the offense and the
9 characteristics and propensities of the offender, the risk to the
10 general public posed by the offender is substantially similar to that
11 posed by offenders whose risk of re-offense is moderate and who
12 do not qualify under the enumerated exceptions.

13 f. **【The】** Unless the offender's conduct was characterized by a
14 pattern of repetitive, compulsive behavior, the individual
15 registration records of offenders whose risk of re-offense is low or
16 of offenders whose risk of re-offense is moderate but for whom the
17 court has not ordered notification in accordance with paragraph (2)
18 of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not
19 be available to the public on the Internet registry.

20 g. The information concerning a registered offender to be made
21 publicly available on the Internet shall include: the offender's name
22 and any aliases the offender has used or under which the offender
23 may be or may have been known; any sex offense as defined in
24 subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2) for which
25 the offender was convicted, adjudicated delinquent or acquitted by
26 reason of insanity, as the case may be; the date and location of
27 disposition; a brief description of any such offense, including the
28 victim's gender and indication of whether the victim was less than
29 18 years old or less than 13 years old; a general description of the
30 offender's modus operandi, if any; the determination of whether the
31 risk of re-offense by the offender is moderate or high; the offender's
32 age, race, sex, date of birth, height, weight, hair, eye color and any
33 distinguishing scars or tattoos; a photograph of the offender and the
34 date on which the photograph was entered into the registry; the
35 make, model, color, year and license plate number of any vehicle
36 operated by the offender; and the street address, zip code,
37 municipality and county in which the offender resides.
38 (cf: P.L.2004, c.151, s.1)

39

40 3. N.J.S.2C:14-1 is amended to read as follows:

41 2C:14-1. Definitions. The following definitions apply to this
42 chapter:

43 a. "Actor" means a person accused of an offense proscribed
44 under this act;

45 b. "Victim" means a person alleging to have been subjected to
46 offenses proscribed by this act;

47 c. "Sexual penetration" means vaginal intercourse, cunnilingus,
48 fellatio or anal intercourse between persons or insertion of the hand,
49 finger or object into the anus or vagina either by the actor or upon

1 the actor's instruction. The depth of insertion shall not be relevant
2 as to the question of commission of the crime;

3 d. "Sexual contact" means an intentional touching by the victim
4 or actor, either directly or through clothing, of the victim's or actor's
5 intimate parts for the purpose of degrading or humiliating the victim
6 or sexually arousing or sexually gratifying the actor. Sexual contact
7 of the actor with himself must be in view of the victim whom the
8 actor knows to be present;

9 e. "Intimate parts" means the following body parts: sexual
10 organs, genital area, anal area, inner thigh, groin, buttock or breast
11 of a person;

12 f. "Severe personal injury" means severe bodily injury,
13 disfigurement, disease, incapacitating mental anguish or chronic
14 pain;

15 g. "Physically helpless" means that condition in which a person
16 is unconscious or is physically unable to flee or is physically unable
17 to communicate unwillingness to act;

18 h. (Deleted by amendment, P.L.2011, c.232)

19 i. "Mentally incapacitated" means that condition in which a
20 person is rendered temporarily incapable of understanding or
21 controlling his conduct due to the influence of a narcotic,
22 anesthetic, intoxicant, or other substance administered to that
23 person without his prior knowledge or consent, or due to any other
24 act committed upon that person which rendered that person
25 incapable of appraising or controlling his conduct;

26 j. "Coercion" as used in this chapter shall refer to those acts
27 which are defined as criminal coercion in section 2C:13-5(1), (2),
28 (3), (4), (6) and (7)

29 k. "Intellectual disability" means a significant subaverage
30 general intellectual functioning existing concurrently with deficits
31 in adaptive behavior, which are manifested during the development
32 period.

33 l. "Permanent physical disability" means a severe impairment
34 of a permanent nature which so restricts a person's ability to
35 perform essential activities of daily living that the person needs
36 assistance to maintain the person's independence and health.

37 (cf: P.L.2011, c.232, s.3)

38

39 4. N.J.S.2C:14-2 is amended to read as follows:

40 2C:14-2. Sexual assault. a. An actor is guilty of aggravated
41 sexual assault if he commits an act of sexual penetration with
42 another person under any one of the following circumstances:

43 (1) The victim is less than 13 years old;

44 (2) The victim is at least 13 but less than 16 years old; and

45 (a) The actor is related to the victim by blood or affinity to the
46 third degree, or

47 (b) The actor has supervisory or disciplinary power over the
48 victim by virtue of the actor's legal, professional, or occupational
49 status, or

1 (c) The actor is a resource family parent, a guardian, or stands
2 in loco parentis within the household;

3 (3) The act is committed during the commission, or attempted
4 commission, whether alone or with one or more other persons, of
5 robbery, kidnapping, homicide, aggravated assault on another,
6 burglary, arson or criminal escape;

7 (4) The actor is armed with a weapon or any object fashioned in
8 such a manner as to lead the victim to reasonably believe it to be a
9 weapon and threatens by word or gesture to use the weapon or
10 object;

11 (5) The actor is aided or abetted by one or more other persons
12 and the actor uses physical force or coercion;

13 (6) The actor uses physical force or coercion and severe
14 personal injury is sustained by the victim;

15 (7) The victim is one whom the actor knew or should have
16 known was physically helpless, mentally incapacitated, or had a
17 mental disease or defect which rendered the victim temporarily or
18 permanently incapable of understanding the nature of his conduct,
19 including, but not limited to, being incapable of providing consent;

20 (8) The victim is one whom the actor knew or should have
21 known has an intellectual disability or a permanent physical
22 disability.

23 Aggravated sexual assault is a crime of the first degree.

24 b. An actor is guilty of sexual assault if he commits an act of
25 sexual contact with a victim who is less than 13 years old and the
26 actor is at least four years older than the victim.

27 c. An actor is guilty of sexual assault if he commits an act of
28 sexual penetration with another person under any one of the
29 following circumstances:

30 (1) The actor uses physical force or coercion, but the victim
31 does not sustain severe personal injury;

32 (2) The victim is on probation or parole, or is detained in a
33 hospital, prison or other institution and the actor has supervisory or
34 disciplinary power over the victim by virtue of the actor's legal,
35 professional or occupational status;

36 (3) The victim is at least 16 but less than 18 years old and:

37 (a) The actor is related to the victim by blood or affinity to the
38 third degree; or

39 (b) The actor has supervisory or disciplinary power of any
40 nature or in any capacity over the victim; or

41 (c) The actor is a resource family parent, a guardian, or stands
42 in loco parentis within the household;

43 (4) The victim is at least 13 but less than 16 years old and the
44 actor is at least four years older than the victim.

45 Sexual assault is a crime of the second degree.

46 (cf: P.L.2011, c.232, s.4)

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

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

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

1 maintaining supervision over that defendant, including the
2 defendant's compliance with any conditions imposed by the court
3 pursuant to N.J.S.2C:45-1, in accordance with the provisions of this
4 subsection. Nothing contained in this subsection shall prevent the
5 court from at any time proceeding under the provisions of
6 N.J.S.2C:45-1 through 2C:45-4 against any such defendant for a
7 violation of any conditions imposed by the court when it suspended
8 imposition of sentence, or prevent the Division of Parole from
9 proceeding under the provisions of sections 16 through 19 and 21 of
10 P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-
11 123.65) against any such defendant for a violation of any conditions
12 of the special sentence of parole supervision for life, including the
13 conditions imposed by the court pursuant to N.J.S.2C:45-1.

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

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

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

47 e. A person who, while serving a special sentence of parole
48 supervision for life imposed pursuant to this section, commits a
49 violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5,

1 subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, section 1 of
2 P.L.1993, c.291 (C.2C:13-6), N.J.S.2C:14-2, N.J.S.2C:14-3,
3 N.J.S.2C:24-4, N.J.S.2C:18-2 when the offense is a crime of the
4 second degree, or subsection a. of N.J.S.2C:39-4 shall be sentenced
5 to an extended term of imprisonment as set forth in N.J.S.2C:43-7,
6 which term shall, notwithstanding the provisions of N.J.S.2C:43-7
7 or any other law, be served in its entirety prior to the person's
8 resumption of the term of parole supervision for life.

9 f. The special sentence of parole supervision for life required
10 by this section may include any of the following Internet access
11 conditions:

12 (1) Prohibit the person from accessing or using a computer or
13 any other device with Internet capability without the prior written
14 approval of the court except the person may use a computer or any
15 other device with Internet capability in connection with that
16 person's employment or search for employment with the prior
17 approval of the person's parole officer;

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

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

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

33 (cf: P.L.2007, c.219, s.3)

34

35 6. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
36 as follows:

37 3. a. All fines, assessments imposed pursuant to section 2 of
38 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
39 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
40 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
41 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
42 penalties imposed pursuant to section 1 of P.L.2009, c.143
43 (C.2C:43-3.8), all penalties imposed pursuant to section 9 of P.L. ,
44 c. (C.) (pending before the Legislature as this bill) and
45 restitution shall be collected as follows:

46 (1) All fines, assessments imposed pursuant to section 2 of
47 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
48 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
49 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties

1 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
2 penalties imposed pursuant to section 1 of P.L.2009, c.143
3 (C.2C:43-3.8) , all penalties imposed pursuant to section 9 of P.L. ,
4 c. (C.) (pending before the Legislature as this bill) and
5 restitution imposed by the Superior Court or otherwise imposed at
6 the county level, shall be collected by the county probation division
7 except when such fine, assessment or restitution is imposed in
8 conjunction with a custodial sentence to a State correctional facility
9 or in conjunction with a term of incarceration imposed pursuant to
10 section 25 of P.L.1982, c.77 (C.2A:4A-44) in which event such
11 fine, assessment or restitution shall be collected by the Department
12 of Corrections or the Juvenile Justice Commission established
13 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). An adult
14 prisoner of a State correctional institution or a juvenile serving a
15 term of incarceration imposed pursuant to section 25 of P.L.1982,
16 c.77 (C.2A:4A-44) who has not paid an assessment imposed
17 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty
18 imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5), a
19 penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-
20 10), a penalty imposed pursuant to section 1 of P.L.2009, c.143
21 (C.2C:43-3.8) , a penalty imposed pursuant to section 9 of P.L. ,
22 c. (C.) (pending before the Legislature as this bill) or
23 restitution shall have the assessment, penalty, fine or restitution
24 deducted from any income the inmate receives as a result of labor
25 performed at the institution or on any type of work release program
26 or, pursuant to regulations promulgated by the Commissioner of the
27 Department of Corrections or the Juvenile Justice Commission,
28 from any personal account established in the institution for the
29 benefit of the inmate.

30 (2) All fines, assessments imposed pursuant to section 2 of
31 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
32 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
33 by a municipal court shall be collected by the municipal court
34 administrator except if such fine, assessments imposed pursuant to
35 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
36 as a condition of probation in which event it shall be collected by
37 the county probation division.

38 b. Except as provided in subsection c. with respect to fines
39 imposed on appeals following convictions in municipal courts and
40 except as provided in subsection i. with respect to restitution
41 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
42 al.), all fines imposed by the Superior Court or otherwise imposed
43 at the county level, shall be paid over by the officer entitled to
44 collect same to:

45 (1) The county treasurer with respect to fines imposed on
46 defendants who are sentenced to and serve a custodial term,
47 including a term as a condition of probation, in the county jail,
48 workhouse or penitentiary except where such county sentence is
49 served concurrently with a sentence to a State institution; or

1 (2) The State Treasurer with respect to all other fines.

2 c. All fines imposed by municipal courts, except a central
3 municipal court established pursuant to N.J.S.2B:12-1 on
4 defendants convicted of crimes, disorderly persons offenses and
5 petty disorderly persons offenses, and all fines imposed following
6 conviction on appeal therefrom, and all forfeitures of bail shall be
7 paid over by the officer entitled to collect same to the treasury of
8 the municipality wherein the municipal court is located.

9 In the case of an intermunicipal court, fines shall be paid into the
10 municipal treasury of the municipality in which the offense was
11 committed, and costs, fees, and forfeitures of bail shall be
12 apportioned among the several municipalities to which the court's
13 jurisdiction extends according to the ratios of the municipalities'
14 contributions to the total expense of maintaining the court.

15 In the case of a central municipal court, established by a county
16 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of
17 bail shall be paid into the county treasury of the county where the
18 central municipal court is located.

19 d. All assessments imposed pursuant to section 2 of P.L.1979,
20 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
21 in that section.

22 e. All mandatory Drug Enforcement and Demand Reduction
23 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
24 and deposited as provided for in that section.

25 f. All forensic laboratory fees assessed pursuant to
26 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
27 that section.

28 g. All restitution ordered to be paid to the Victims of Crime
29 Compensation Agency pursuant to N.J.S.2C:44-2 shall be
30 forwarded to the agency for deposit in the Victims of Crime
31 Compensation Agency Account.

32 h. All assessments imposed pursuant to section 11 of P.L.1993,
33 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
34 in that section.

35 i. All restitution imposed on defendants under the provisions
36 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
37 enforcement entity in extraditing the defendant from another
38 jurisdiction shall be paid over by the officer entitled to collect same
39 to the law enforcement entities which participated in the extradition
40 of the defendant.

41 j. All penalties imposed pursuant to section 1 of P.L.1999,
42 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
43 in that section.

44 k. All penalties imposed pursuant to section 11 of P.L.2001,
45 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
46 that section.

47 l. All mandatory penalties imposed pursuant to section 1 of
48 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
49 provided in that section.

1 m. All mandatory Computer Crime Prevention penalties
2 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
3 shall be forwarded and deposited as provided in that section.

4 n. All mandatory Sex Offender Supervision penalties imposed
5 pursuant to section 9 of P.L. , c. (C.) (pending before the
6 Legislature as this bill) shall be forwarded and deposited as
7 provided in that section.

8 (cf: P.L.2009, c.143, s.2)

9

10 7. Section 13 of P.L.1991, c.329 (C.2C:46-4.1) is amended to
11 read as follows:

12 13. Moneys that are collected in satisfaction of any assessment
13 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
14 in satisfaction of restitution or fines imposed in accordance with the
15 provisions of Title 2C of the New Jersey Statutes or with the
16 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be
17 applied in the following order:

18 a. first, in satisfaction of all assessments imposed pursuant to
19 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

20 b. second, except as provided in subsection f. of this section, in
21 satisfaction of any restitution ordered;

22 c. third, in satisfaction of all assessments imposed pursuant to
23 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

24 d. fourth, in satisfaction of any forensic laboratory fee assessed
25 pursuant to N.J.S.2C:35-20;

26 e. fifth, in satisfaction of any mandatory Drug Enforcement
27 and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-
28 15;

29 f. sixth, in satisfaction of any anti-drug profiteering penalty
30 imposed pursuant to N.J.S.2C:35A-1 et seq.;

31 g. seventh, in satisfaction of any anti-money laundering
32 profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25
33 (C.2C:21-27.2);

34 h. eighth, in satisfaction of restitution for any extradition costs
35 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

36 i. ninth, in satisfaction of any penalty imposed pursuant to
37 section 1 of P.L.1999, c.295 (C.2C:43-3.5);

38 j. tenth, in satisfaction of any penalty imposed pursuant to
39 section 11 of P.L.2001, c.81 (C.2C:43-3.6);

40 k. eleventh, in satisfaction of the mandatory penalty imposed
41 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10);

42 l. twelfth, in satisfaction of any mandatory Computer Crime
43 Prevention penalty assessed pursuant to section 1 of P.L.2009,
44 c.143 (C.2C:43-3.8); **[and]**

45 m. thirteenth, in satisfaction of any mandatory Sex Offender
46 Supervision penalty assessed pursuant to section 9 of P.L. , c.
47 (C.) (pending before the Legislature as this bill); and

48 n. in satisfaction of any fine.

49 (cf: P.L.2009, c.143, s.3)

1 8. (New section) The Chairman of the State Parole Board shall
2 provide that the caseload of any parole officer with supervision over
3 a persons who have been released from incarceration for the
4 commission of a sex offense, as defined in section 2 of P.L.1994,
5 c.133 (C.2C:7-2), shall not exceed 40 persons. If the caseload of
6 any parole officer exceeds this limitation, the chairman shall
7 provide for the hiring or training of additional parole officers for the
8 supervision of sex offenders until the caseload of each such parole
9 officer is 40 persons or less.

10
11 9. (New section) a. In addition to any fine, fee, assessment or
12 penalty authorized under the provisions of Title 2C of the New
13 Jersey Statutes, a person convicted of or adjudicated delinquent for
14 a sex offense, as defined in section 2 of P.L.1994, c. 133 (C.2C:7-
15 2), shall be assessed a penalty of \$30 per month.

16 b. All penalties provided for in this section, collected as
17 provided for the collection of fines and restitutions in section 3 of
18 P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department
19 of the Treasury to be deposited in the "Sex Offender Supervision
20 Fund" established pursuant to section 10 of P.L. , c. (C.)
21 (pending before the Legislature as this bill).

22
23 10. (New section) There is hereby established the "Sex Offender
24 Supervision Fund" as a nonlapsing, revolving fund. This fund shall
25 be administered by the Chairman of the State Parole Board, and all
26 moneys deposited therein pursuant to section 9 of P.L. , c. (C.)
27 shall be used for operational expenses incurred by the board in
28 supervising sex offenders who have been released from
29 incarceration. These operational expenses shall include, but not be
30 limited to, additional staff; equipment utilized for continuous
31 monitoring of sex offenders pursuant to P.L.2007, c.128 (C.30:4-
32 123.89 et seq.); and purchasing equipment to expand the board's
33 capabilities to supervise released sex offenders, including motor
34 vehicles and computer equipment for parole officers.

35
36 11. (New section) a. The Chairman of the State Parole Board
37 shall develop a program for parole officers who supervise sex
38 offenders to utilize computer and other high technology instruments
39 to detect crimes or violations of conditions of parole.

40 b. Training for officers who participate in the program shall
41 include, but not be limited to, instruction in the following subjects:

42 (1) conducting investigations to determine if supervised sex
43 offenders have illegally used computers, telecommunications
44 devices and other high technology instruments or have used these
45 instruments to commit unlawful or criminal acts;

46 (2) forensic recovery, evidence preservation and analysis of data
47 in computer systems that are seized because of suspected
48 involvement in unlawful activity;

49 (3) monitoring the use of interactive computer services by

1 supervised sex offenders, especially those offenders who are
2 suspected of contacting or seeking to contact children under the age
3 of 18 for the purpose of engaging in unlawful activity; and

4 (4) cooperation with other law enforcement agencies at the
5 local, State and federal level in order to coordinate efforts in
6 investigating and prosecuting unlawful activity by supervised sex
7 offenders involving computers and other high technology
8 instruments.

9
10 12. This act shall take effect on the first day of the sixth month
11 after enactment; provided however, the Chairman of the State
12 Parole Board may take any anticipatory action prior to the effective
13 date needed for the timely implementation of this act.

14
15

16 STATEMENT

17

18 This bill revises certain provisions of "Megan's Law," which
19 provides for the registration of sex offenders and notification to the
20 community of their whereabouts. It also implements a monetary
21 penalty to be paid by convicted sex offenders to provide monies to
22 the State Parole Board for additional parole officers and programs
23 to monitor sex offenders.

24 This bill upgrades the crime of sexual assault, a crime of the
25 third degree, if the victim has an intellectual disability or a
26 permanent physical disability. In such cases, the offense would be
27 upgraded to aggravated sexual assault, a crime of the second
28 degree. A crime of the third degree is punishable by three to five
29 years in prison, a fine of up to \$15,000, or both. A crime of the
30 second degree is punishable by imprisonment for five to ten years, a
31 fine of up to \$150,000, or both. The bill defines an "intellectual
32 disability" as a significant subaverage general intellectual
33 functioning existing concurrently with deficits in adaptive behavior,
34 which are manifested during the development period; a "permanent
35 physical disability" is defined as a severe impairment of a
36 permanent nature which so restricts a person's ability to perform
37 essential activities of daily living that the person needs assistance to
38 maintain the person's independence and health.

39 Under the provisions of the bill, an offender who has been given
40 a special sentence of community supervision for life commits a
41 subsequent offense, that offender will be given a special sentence of
42 parole supervision for life for the subsequent offense. Sentencing
43 the offender to parole supervision for life permits any violations of
44 the special sentence to be treated as a parole violation. Under
45 current law, first offenders are sentenced to parole supervision for
46 life, as the special sentence of community supervision for life was
47 repealed and replaced by parole supervision for life.

48 This bill upgrades the penalty for failure to register a new
49 address with the appropriate law enforcement agency when a sex

1 offender moves to another residence. Under current law this is a
2 crime of the fourth degree; under the provisions of the bill it is a
3 crime of the third degree.

4 This bill further provides that a young person who has committed
5 an offense that would constitute “sexting” would not be required to
6 register as a sex offender. For purposes of Megan’s Law, the bill
7 specifies that a sex offense would not include any offense in which:
8 (1) the facts of the case involve the creation, exhibition or
9 distribution of a photograph involving nudity through the use of an
10 electronic communication device, an interactive wireless
11 communications device, or a computer; and (2) the creator and
12 subject of the photograph are juveniles.

13 The bill also requires the registration information of sex
14 offenders whose conduct has been characterized by a pattern of
15 repetitive, compulsive behavior to be published on the Internet
16 registry. Under current law, the registration information of all Tier
17 Two offenders (moderate risk to re-offend) who do not fit within
18 the statutory exceptions and Tier Three offenders (high risk to re-
19 offend) is published on the Internet registry. The registration
20 information of Tier One (low risk to re-offend) is not published on
21 the Internet registry. This bill requires an offender whose conduct
22 was found to be repetitive and compulsive to appear on the Internet
23 registry. The bill prohibits a sex offender who is at moderate risk to
24 reoffend but found to be compulsive and repetitive from invoking
25 one of the statutory exceptions to keep his registration information
26 from being published on the Internet.

27 This bill also imposes additional requirements on the State
28 Parole Board to improve the board’s supervision and monitoring of
29 sex offenders. A monthly penalty of \$30 would be imposed on
30 every person convicted of or adjudicated delinquent of a sex offense
31 to fund these initiatives. The bill provides that the moneys would
32 be forwarded to the Department of the Treasury to be deposited in a
33 nonlapsing revolving fund to be known as the “Sex Offender
34 Supervision Fund.” Monies deposited into the fund are to be used
35 for operational expenses incurred by the board in supervising sex
36 offenders. These expenses include, but would not but not be limited
37 to, additional staff, equipment utilized for continuous monitoring of
38 sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128
39 (C.30:4-123.89 et seq.), and purchasing equipment to expand the
40 board’s capabilities to supervise released sex offenders, including
41 motor vehicles and computer equipment for parole officers.

42 Moneys in the fund also would be appropriated by the
43 Legislature to the State Parole Board on an annual basis for the
44 development of a program utilizing computers and other high
45 technology for parole officers who supervise sex offenders. This
46 program would provide computers and other high technology
47 instruments to detect crimes or violations of conditions of parole.

48 Parole officers who participate in the program would receive
49 instruction in: conducting investigations to determine if supervised

1 sex offenders have illegally used computers, telecommunications
2 devices and other high technology instruments, or have used these
3 instruments to commit unlawful or criminal acts; forensic recovery,
4 evidence preservation and analysis of data in computer systems
5 seized because of possible criminal activity; monitoring the use of
6 interactive computer services by supervised sex offenders,
7 especially those who are suspected of contacting minors for sexual
8 activity; and cooperation with other law enforcement agencies to
9 coordinate efforts in investigating and prosecuting unlawful
10 computer activity by supervised sex offenders.

11 The bill also amends the statutes concerning the collection and
12 priority of criminal fines, assessments, and penalties to reference
13 the new penalty created in this bill.

14 Finally, the bill requires the Chairman of the State Parole Board
15 to provide that the caseload of any parole officer who supervises
16 sex offenders is not to exceed 40 parolees. If the caseload of any
17 parole officer exceeds this limitation, the chairman is to hire or train
18 additional parole officers to supervise sex offenders until the
19 caseload of each such parole officer is 40 parolees or less.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3886

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 18, 2013

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 3886.

As amended and reported by the committee, Assembly Bill No. 3886 revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The amended bill upgrades the crime of sexual assault, which constitutes a crime of the second degree if the victim is physically or intellectually incapacitated. In these cases, the offense would be upgraded to aggravated sexual assault, a crime of the first degree.

Under the provisions of the amended bill, a person who violates a condition of a special sentence of community supervision for life would be sentenced to a special sentence of parole supervision for life; the introduced bill provided that an offender under a special sentence of community supervision for life who commits any subsequent sex offense would be given a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. Under current law, first offenders are sentenced to parole supervision for life, as the special sentence of community supervision for life was repealed and replaced by parole supervision for life. The bill also upgrades a violation of a special sentence of community or parole suspension for life from a crime of the fourth degree to a crime of the third degree.

The amended bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence. Under current law this is a crime of the fourth degree; under the provisions of the bill it is a crime of the third degree.

The amended bill further provides that a young person who has been adjudicated delinquent for an offense that would constitute “sexting” would not be required to register as a sex offender. For purposes of Megan’s Law, the bill specifies that a sex offense would

not include any offense in which: (1) the facts of the case are limited to the creation, exhibition or distribution of a photograph involving nudity through the use of an electronic communication device, an interactive wireless communications device, or a computer; (2) the creator and subject of the photograph were juveniles at the time of its making; and (3) the subject of the photograph whose nudity is depicted knowingly consented to the making of the photograph.

The amended bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry. Under current law, the registration information of all Tier Two offenders (moderate risk to re-offend) who do not fit within the statutory exceptions and Tier Three offenders (high risk to re-offend) is published on the Internet registry regardless of the offender's tier. The registration information of Tier One offenders (low risk to re-offend) is not published on the Internet registry. This bill requires an offender whose conduct was found to be repetitive and compulsive to appear on the Internet registry. The bill prohibits a sex offender who is at moderate risk to reoffend but found to be compulsive and repetitive from invoking one of the statutory exceptions to keep his registration information from being published on the Internet.

The amended bill also imposes additional requirements on the State Parole Board to improve the board's supervision and monitoring of sex offenders. A monthly penalty of \$30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the convicted person's income does not exceed 100% of the federal poverty level, the amended bill requires the person to pay 50% of the monthly penalty; if the convicted person's income does not exceed 149% of the federal poverty level, that person would be required to pay 75% of the monthly penalty. The introduced bill provided for the reduced penalties to be based on family income rather than the convicted person's income.

The amended bill provides that the moneys from the monthly penalty would be forwarded to the Department of the Treasury to be deposited in a nonlapsing, revolving fund to be known as the "Sex Offender Supervision Fund." Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not be limited to, the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board's capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The operational expenses shall not include increments, cost of living increases, or administrative expenses.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2636(2R), also amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) replace the terms “intellectual disability” and “permanent physical disability” with the terms “physically incapacitated” and “intellectually incapacitated” as cause to upgrade the crime of sexual assault;

(2) provide that a person who violates a condition of a special sentence of community supervision for life would be sentenced to a special sentence of parole supervision for life; the introduced bill provided that an offender who has been given a special sentence of community supervision for life and commits any subsequent sex offense, that offender will be given a special sentence of parole supervision for life.

(3) clarify the circumstances under which a young person who has been adjudicated delinquent for an offense that would constitute “sexting” would not be required to register as a sex offender; the

person "sexting" must demonstrate that the subject of the photograph knowingly consented to the making of the photograph and the creator and subject of the photograph must be juveniles at the time of the making of the photograph;

(4) provide that if a convicted person's income does not exceed 100% of the federal poverty level, the convicted person would be required to pay 50% of the \$30 monthly penalty imposed for conviction of a sex offense; if the convicted person's income does not exceed 149% of the federal poverty level, that person would be required to pay 75% of the monthly penalty; the introduced bill provided for the reduced penalties to be based on family income rather than the convicted person's income;

(5) clarify the operational expenses for which monies deposited in the "Sex Offender Supervision Fund" may be used; these operational expenses may include, but are not limited to, the cost of salary and benefits for the hiring of additional parole officers, but exclude increments, cost of living increases, or administrative expenses; and

(6) make other clarifying and technical changes.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3886

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2013

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3886 (1R).

The bill revises certain provisions of “Megan’s Law,” which provides for the registration of sex offenders and notification to the community of their whereabouts. The bill imposes a monetary penalty on convicted sex offenders to provide money to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The bill upgrades the crime of sexual assault, which constitutes a crime of the second degree, if the victim is physically or intellectually incapacitated. In these cases, the offense will be upgraded to aggravated sexual assault, a crime of the first degree.

The bill provides that a person who violates a condition of a special sentence of community supervision for life will be sentenced to a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. Under current law, first offenders are sentenced to parole supervision for life, as the special sentence of community supervision for life was repealed and replaced by parole supervision for life. The bill upgrades a violation of a special sentence of community or parole suspension for life from a crime of the fourth degree to a crime of the third degree.

The bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence. Under current law this is a crime of the fourth degree; under the bill it is a crime of the third degree.

The bill provides that a young person adjudicated delinquent for an offense that would constitute “sexting” will not be required to register as a sex offender. For purposes of Megan’s Law, the bill specifies that a sex offense will not include any offense in which: (1) the facts of the case are limited to the creation, exhibition or distribution of a photograph involving nudity through the use of an electronic communication device, an interactive wireless communications device, or a computer; (2) the creator and subject of the photograph were juveniles at the time of its making; and (3) the subject of the

photograph whose nudity is depicted knowingly consented to the making of the photograph.

The bill requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry. Under current law, the registration information of all Tier Two offenders (moderate risk to re-offend) who do not fit within the statutory exceptions and Tier Three offenders (high risk to re-offend) is published on the Internet registry regardless of the offender's tier. The registration information of Tier One offenders (low risk to re-offend) is not published on the Internet registry. This bill requires an offender whose conduct was found to be repetitive and compulsive to appear on the Internet registry. The bill prohibits a sex offender who is at moderate risk to reoffend but found to be compulsive and repetitive from invoking one of the statutory exceptions to keep his registration information from being published on the Internet.

The bill imposes additional requirements on the State Parole Board to improve the board's supervision and monitoring of sex offenders. The bill imposes a monthly penalty of \$30 on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the convicted person's income does not exceed 100 percent of the federal poverty level, the bill requires the person to pay 50 percent of the monthly penalty. If the convicted person's income does not exceed 149 percent of the federal poverty level, the bill requires the person to pay 75 percent of the monthly penalty.

The bill requires money collected from the monthly penalty to be forwarded to the Department of the Treasury and deposited in a new fund, the "Sex Offender Supervision Fund." The bill requires money deposited into the fund to be used for operational expenses incurred by the State Parole Board in supervising sex offenders. Under the bill, these expenses include the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board's capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The bill provides that operational expenses do not include increments, cost of living increases, or administrative expenses.

The bill requires the Chairman of the State Parole Board to develop a special program for parole officers who supervise sex offenders. The bill provides that this program will utilize computers and other high technology instruments to detect crimes or violations of conditions of parole.

The bill requires parole officers participating in the program to receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or

have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill amends statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new monthly penalty imposed on convicted sex offenders.

The bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the bill requires the chairman to hire or train additional parole officers to supervise sex offenders until the caseload of each parole officer is 40 parolees or fewer.

The bill takes effect on the first day of the sixth month after enactment, but permits the Chairman of the State Parole Board to take advanced anticipatory action.

As reported, this bill is identical to Senate Bill No. 2636 (3R), as also reported by the committee.

FISCAL IMPACT:

In the Fiscal Note prepared for this bill, the State Parole Board indicates the bill will result in significant cost increases. Limiting sex offender caseloads to 40 per officer will require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals \$6.5 million for this initiative, increasing to \$7.6 million in the second and subsequent years of the program. Given the current structure of two classes per year with 25 officers per class, the Parole Board notes that it will take approximately three years to increase the number of parole officers by 65 unless special arrangements are made for additional classes at a significantly higher cost. The number of officers needed is expected to increase over time.

The Parole Board also notes that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee will most likely not be collected and will take away from child support and other more important payments.

According to the Administrative Office of the Courts (AOC), the Judiciary is unable to estimate the fiscal impact that will result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures is minimal.

The AOC also states that the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC states that with regard to revenue, the bill imposes a monthly penalty of \$30 on every person convicted of or adjudicated delinquent for a sex offense. According to the AOC, assuming 976 defendants are convicted of a Megan's Law sex offense every year (the total number convicted in calendar year 2012), and further assuming that the entire amount of the penalty was collected, a total of \$351,360 in revenue will be generated in the first full year of implementation \$702,720 during the second full year and \$1,054,080 during the third full year after the bill's implementation.

The Office of Legislative Services (OLS) notes that revenues generated from the new \$30 monthly fee may be less than the amounts expected by the AOC, dependent on defendant income. The bill provides that the monthly penalty could be reduced by up to 50 percent if the defendant's income does not exceed 100 percent of the federal poverty level and, as a result, revenues may total between \$175,680 and \$351,360 during the first full year of implementation, between \$351,360 and \$702,720 during the second year, and \$527,040 and \$1,054,080 during the third year.

The OLS also notes that the New Jersey State Police will incur certain additional costs associated with updating the State's Internet sex offender registry.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3886

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: DECEMBER 16, 2013

SUMMARY

- Synopsis:** Revises certain provisions of Megan's Law and imposes monthly penalty on sex offenders to fund their monitoring and supervision by the parole board.
- Type of Impact:** General Fund expenditure.
- Agencies Affected:** Judiciary, State Parole Board, Department of Law and Public Safety

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
Judiciary Cost	Indeterminate – See comments below		
State Parole Board Cost	\$6,500,000	\$7,600,000	\$7,600,000
State Revenue	\$175,680 to \$351,360	\$351,360 to \$702,720	\$527,040 to \$1,054,080

- The Office of Legislative Services (OLS) **concurs** with the State Parole Board's expenditure estimate.
- The OLS concurs with the Administrative Office of the Courts' (AOC's) estimate that the bill would generate minimal expenses for the Judiciary.
- The OLS notes that the amended version of the bill provides that the monthly penalty could be reduced by up to 50 percent depending upon the defendant's income. Thus, the revenue generated would range between \$175,680 and \$351,360 during the first full year of implementation, \$351,360 and \$702,720 during the second full year of implementation, and between \$527,040 and \$1,054,080 during the third full year of implementation.
- The OLS also concurs with the Parole Board's estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected, thus reducing revenues even further.

- The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State's Internet sex offender registry.

BILL DESCRIPTION

Assembly Bill No. 3886 (1R) of 2013 revises certain provisions of "Megan's Law," which provides for the registration of sex offenders and notification to the community of their whereabouts. It also implements a monetary penalty to be paid by convicted sex offenders to provide monies to the State Parole Board for additional parole officers and programs to monitor sex offenders.

The bill upgrades the crime of sexual assault, which constitutes a crime of the second degree if the victim is physically or intellectually incapacitated to aggravated sexual assault, a crime of the first degree.

Under the provisions of the bill, a person who violates a condition of a special sentence of community supervision for life would be sentenced to a special sentence of parole supervision for life. Sentencing the offender to parole supervision for life permits any violations of the special sentence to be treated as a parole violation. The bill also upgrades a violation of a special sentence of community or parole supervision for life from a crime of the fourth degree to a crime of the third degree.

The bill upgrades the penalty for failure to register a new address with the appropriate law enforcement agency when a sex offender moves to another residence from a crime of the fourth degree to a crime of the third degree.

The bill further provides that a young person who has been adjudicated delinquent for an offense that would constitute "sexting" would not be required to register as a sex offender.

The bill also requires the registration information of all sex offenders whose conduct has been characterized by a pattern of repetitive, compulsive behavior to be published on the Internet registry.

The bill also imposes additional requirements on the State Parole Board to improve the board's supervision and monitoring of sex offenders. A monthly penalty of \$30 would be imposed on every person convicted of or adjudicated delinquent for a sex offense to fund these initiatives. If the convicted person's income does not exceed 100 percent of the federal poverty level, the bill requires the person to pay 50 percent of the monthly penalty; if the convicted person's income does not exceed 149 percent of the federal poverty level, that person would be required to pay 75 percent of the monthly penalty.

The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing, revolving fund to be known as the "Sex Offender Supervision Fund." Monies deposited into the fund are to be used for operational expenses incurred by the board in supervising sex offenders. These expenses include, but would not be limited to, the cost of salary and benefits for the hiring of additional parole officers, equipment utilized for continuous monitoring of sex offenders (e.g. GPS monitoring) pursuant to P.L.2007, c.128 (C.30:4-123.89 et seq.), and purchasing equipment to expand the board's capabilities to supervise released sex offenders, including motor vehicles and computer equipment for parole officers. The operational expenses shall not include increments, cost of living increases, or administrative expenses.

Moneys in the fund also would be appropriated by the Legislature to the State Parole Board on an annual basis for the development of a program utilizing computers and other high technology for parole officers who supervise sex offenders. This program would provide

computers and other high technology instruments to detect crimes or violations of conditions of parole.

Parole officers who participate in the program would receive instruction in: conducting investigations to determine if supervised sex offenders have illegally used computers, telecommunications devices and other high technology instruments, or have used these instruments to commit unlawful or criminal acts; forensic recovery, evidence preservation and analysis of data in computer systems seized because of possible criminal activity; monitoring the use of interactive computer services by supervised sex offenders, especially those who are suspected of contacting minors for sexual activity; and cooperation with other law enforcement agencies to coordinate efforts in investigating and prosecuting unlawful computer activity by supervised sex offenders.

The bill also amends the statutes concerning the collection and priority of criminal fines, assessments, and penalties to reference the new penalty created in the bill.

Finally, the bill requires the Chairman of the State Parole Board to provide that the caseload of any parole officer who supervises sex offenders is not to exceed 40 parolees. If the caseload of any parole officer exceeds this limitation, the chairman is to hire or train additional parole officers to supervise sex offenders until the caseload of each such parole officer is 40 parolees or less.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Judiciary

In a fiscal note prepared by the Judiciary for an earlier version of this bill the AOC stated that with regard to expenditures, the bill would upgrade certain crimes from fourth degree to crimes of the third degree. Data gathered from the Judiciary's computerized case management and information system for the Criminal Division of the Superior Court (PROMIS/Gavel), reveal that during calendar year 2012, 192 people were convicted of failing to provide information required by N.J.S.A.2C:7-2. In addition, 365 people were convicted of violating a condition of community or parole supervision for life under N.J.S.A.2C:43-6.4. Of the combined 557 defendants, only 3 were convicted after a trial. The AOC stated that the Judiciary is unable to estimate the fiscal impact that would result due to upgrading the violations specified in the bill. However, as the number of cases that currently result in a trial are nominal, the Judiciary can affirm that any fiscal impact this aspect of the bill might have on Judiciary resources or expenditures would be minimal.

The AOC stated that upgrading the crime of sexual assault to the crime of aggravated sexual assault if the actor knew or should have known that the victim of the sexual assault was physically or intellectually incapacitated might impact the trial rate for that offense. However, the Judiciary does not collect data on whether a crime victim is physically or intellectually incapacitated and is therefore unable to estimate the number of cases that might fall under that provision of the bill or the fiscal impact this aspect of the bill might have on the Judiciary.

The AOC stated that with regard to revenue, the bill would impose a monthly penalty of \$30 on every person convicted of or adjudicated delinquent for a sex offense.

The AOC noted that data collected from PROMIS/Gavel indicate that during calendar year 2012, a total of 976 defendants were convicted of a Megan's Law sex offense. Assuming that 976 defendants were convicted of a Megan's Law sex offense every year and that the entire amount of the penalty was collected, a total of \$351,360 in revenue would be generated in the

first full year of implementation (976 defendants x \$30 per month x 12 months). As each subsequent year would introduce an additional group of 976 defendants convicted of sex offenses that would be subject to the penalty, the second full year of implementation would generate \$702,720 in revenue (1,952 defendants x \$30 per month x 12 months) and the third full year of implementation would generate \$1,054,080 in revenue (2,928 defendants x \$30 per month x 12 months).

State Parole Board

In a fiscal note prepared by the State Parole Board for an earlier version of this bill, the Parole Board stated that the bill would require significant cost increases. Limiting sex offender caseloads to 40 per officer would require the State Parole Board to hire an additional 65 officers immediately, as well as purchase at least 25 additional police vehicles. The estimated first year cost totals \$6.5 million for this initiative, increasing to \$7.6 million in the second and subsequent years of the program. Given the current structure of two classes per year with 25 officers per class, the Parole Board noted that it would take approximately three years to increase the number of parole officers by 65 unless special arrangements were made for additional classes at a significantly higher cost. The number of officers needed would continue to increase over time.

The Parole Board noted that regarding the collection of additional fees from sex offenders, the vast majority of parolees have difficulty paying their current fees and restitution amounts. An additional fee would most likely not be collected and would take away from child support and other more important payments.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the AOC's estimate that the bill would generate minimal expenses for the Judiciary. The OLS notes that the amended version of the bill provides that the monthly penalty could be reduced by up to 50 percent depending upon the defendant's income. Thus, the revenue generated would range between \$175,680 and \$351,360 during the first full year of implementation, \$351,360 and \$702,720 during the second full year of implementation, and between \$527,040 and \$1,054,080 during the third full year of implementation. The OLS also concurs with the Parole Board's estimate that many parolees have difficulty paying their current fees and restitution amounts and the additional fee may not be collected, thus reducing revenues even further. The OLS concurs with the State Parole Board's expenditure estimate. The OLS adds that New Jersey State Police within the Department of Law and Public Safety would incur additional undetermined cost for updating the State's Internet sex offender registry.

Section: Judiciary

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Principal Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).