

[Second Reprint]

SENATE, No. 1979

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JUNE 12, 2006

Sponsored by:

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Senator JOHN A. GIRGENTI

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SYNOPSIS

Restricts certain sex offenders' access to the Internet.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on May 21, 2007, with amendments.

(Sponsorship Updated As Of: 12/14/2007)

1 AN ACT concerning Internet use by certain sex offenders, amending
2 various sections of the statutory law and supplementing Title 2C
3 of the New Jersey Statutes.

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

7
8 1. (New section) a. In the case of a person who has been
9 convicted, adjudicated delinquent or found not guilty by reason of
10 insanity for the commission of a sex offense as defined in
11 subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2), and who
12 is required to register as provided in subsections c. and d. of section
13 2 of P.L.1994, c.133 (C.2C:7-2), or who is serving a special
14 sentence of community or parole supervision for life as provided in
15 section 2 of P.L.1994, c. 130 (C.2C:43-6.4), or who has been
16 convicted, adjudicated delinquent or found not guilty by reason of
17 insanity for a violation of N.J.S.2C:34-3, and where the trier of fact
18 makes a finding that a computer or any other device with Internet
19 capability was used to facilitate the commission of the crime the
20 court shall, in addition to any other disposition, order the following
21 Internet access conditions:

22 (1) Prohibit the person from accessing or using a computer or
23 any other device with Internet capability without the prior written
24 approval of the court except, if such person is on probation or
25 parole, the person may use a computer or any other device with
26 Internet capability in connection with that person's employment or
27 search for employment with the prior approval of the person's
28 probation or parole officer;

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

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

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

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 SBA committee amendments adopted March 5, 2007.

²Assembly AJU committee amendments adopted May 21, 2007.

1 b. A person who fails to comply with the Internet access
2 conditions set forth in this section shall be guilty of a crime of the
3 fourth degree.

4 ¹c. The ²[Attorney General, in consultation with the Chairman
5 of the State Parole Board and the Administrative Director of the
6 Courts,] appropriate agency heads² shall promulgate guidelines
7 ²[concerning] which set forth standards to guide agency action in
8 regard to² the specific Internet access conditions which may be
9 imposed on a person pursuant to the provisions of this act.

10 d. The Attorney General or the County Prosecutor may petition
11 the court to impose restrictions pursuant to this section upon any
12 person who is required to register as provided in section 2 of
13 P.L.1994, c.133 (C.2C:7-2) ²[as a result of a conviction entered or
14 imposed under the laws of the United States and is under federal
15 parole supervision] for a sex offense set forth in paragraph (3) of
16 subsection b. of section 2 of P.L.1994, c. 133 (C.2C:7-2)² .¹

17
18 2. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read
19 as follows:

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

24 (2) A person who in another jurisdiction is required to register
25 as a sex offender and (a) is enrolled on a full-time or part-time basis
26 in any public or private educational institution in this State,
27 including any secondary school, trade or professional institution,
28 institution of higher education or other post-secondary school, or
29 (b) is employed or carries on a vocation in this State, on either a
30 full-time or a part-time basis, with or without compensation, for
31 more than 14 consecutive days or for an aggregate period exceeding
32 30 days in a calendar year, shall register in this State as provided in
33 subsections c. and d. of this section. A person who fails to register
34 as required under this act shall be guilty of a crime of the fourth
35 degree.

36 b. For the purposes of this act a sex offense shall include the
37 following:

38 (1) Aggravated sexual assault, sexual assault, aggravated
39 criminal sexual contact, kidnapping pursuant to paragraph (2) of
40 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these
41 crimes if the court found that the offender's conduct was
42 characterized by a pattern of repetitive, compulsive behavior,
43 regardless of the date of the commission of the offense or the date
44 of conviction;

45 (2) A conviction, adjudication of delinquency, or acquittal by
46 reason of insanity for aggravated sexual assault; sexual assault;
47 aggravated criminal sexual contact; kidnapping pursuant to

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

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

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;

45 (3) A person moving to or returning to this State from another
46 jurisdiction shall register with the chief law enforcement officer of
47 the municipality in which the person will reside or, if the
48 municipality does not have a local police force, the Superintendent

1 of State Police within 120 days of the effective date of this act or 10
2 days of first residing in or returning to a municipality in this State,
3 whichever is later;

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

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

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

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

38 d. (1) Upon a change of address, a person shall notify the law
39 enforcement agency with which the person is registered and shall
40 re-register with the appropriate law enforcement agency no less
41 than 10 days before he intends to first reside at his new address.
42 Upon a change of employment or school enrollment status, a person
43 shall notify the appropriate law enforcement agency no later than
44 five days after any such change. A person who fails to notify the
45 appropriate law enforcement agency of a change of address or status
46 in accordance with this subsection is guilty of a crime of the fourth
47 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 ²routine² 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 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 f. Except as provided in subsection g. of this section, a person
26 required to register under this act may make application to the
27 Superior Court of this State to terminate the obligation upon proof
28 that the person has not committed an offense within 15 years
29 following conviction or release from a correctional facility for any
30 term of imprisonment imposed, whichever is later, and is not likely
31 to pose a threat to the safety of others.

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

42 (cf: P.L.2003, c.220, s.1)

43

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

46 2. a. Notwithstanding any provision of law to the contrary, a
47 judge imposing sentence on a person who has been convicted of
48 aggravated sexual assault, sexual assault, aggravated criminal

1 sexual contact, kidnapping pursuant to paragraph (2) of subsection
2 c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging
3 in sexual conduct which would impair or debauch the morals of the
4 child pursuant to subsection a. of N.J.S.2C:24-4, endangering the
5 welfare of a child pursuant to paragraph (3) of subsection b. of
6 N.J.S.2C:24-4, luring or an attempt to commit any of these offenses
7 shall include, in addition to any sentence authorized by this Code, a
8 special sentence of parole supervision for life.

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

1 proceeding under the provisions of sections 16 through 19 and 21 of
2 P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-
3 123.65) against any such defendant for a violation of any conditions
4 of the special sentence of parole supervision for life, including the
5 conditions imposed by the court pursuant to N.J.S.2C:45-1.

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

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

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

38 e. A person who, while serving a special sentence of parole
39 supervision for life imposed pursuant to this section, commits a
40 violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5,
41 subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, N.J.S.2C:13-6,
42 N.J.S.2C:14-2, N.J.S.2C:14-3, N.J.S.2C:24-4, N.J.S.2C:18-2 when
43 the offense is a crime of the second degree, or subsection a. of
44 N.J.S.2C:39-4 shall be sentenced to an extended term of
45 imprisonment as set forth in N.J.S.2C:43-7, which term shall,
46 notwithstanding the provisions of N.J.S.2C:43-7 or any other law,
47 be served in its entirety prior to the person's resumption of the term
48 of parole supervision for life.

1 f. The special sentence of parole supervision for life required
2 by this section may include any of the following Internet access
3 conditions:

4 (1) Prohibit the person from accessing or using a computer or
5 any other device with Internet capability without the prior written
6 approval of the court except '[, if such person is on probation or
7 parole,]' the person may use a computer or any other device with
8 Internet capability in connection with that person's employment or
9 search for employment with the prior approval of the person's
10 '[probation or]' parole officer;

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

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

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

26 (cf: P.L.2003, c.267, s.1)

27

28 4. N.J.S.2C:45-1 is amended to read as follows:

29 2C:45-1. Conditions of Suspension or Probation.

30 a. When the court suspends the imposition of sentence on a
31 person who has been convicted of an offense or sentences him to be
32 placed on probation, it shall attach such reasonable conditions,
33 authorized by this section, as it deems necessary to insure that he
34 will lead a law-abiding life or is likely to assist him to do so. These
35 conditions may be set forth in a set of standardized conditions
36 promulgated by the county probation department and approved by
37 the court.

38 b. The court, as a condition of its order, may require the
39 defendant:

40 (1) To support his dependents and meet his family
41 responsibilities;

42 (2) To find and continue in gainful employment;

43 (3) To undergo available medical or psychiatric treatment and to
44 enter and remain in a specified institution, when required for that
45 purpose;

46 (4) To pursue a prescribed secular course of study or vocational
47 training;

- 1 (5) To attend or reside in a facility established for the
2 instruction, recreation or residence of persons on probation;
- 3 (6) To refrain from frequenting unlawful or disreputable places
4 or consorting with disreputable persons;
- 5 (7) Not to have in his possession any firearm or other dangerous
6 weapon unless granted written permission;
- 7 (8) (Deleted by amendment, P.L.1991, c.329);
- 8 (9) To remain within the jurisdiction of the court and to notify
9 the court or the probation officer of any change in his address or his
10 employment;
- 11 (10) To report as directed to the court or the probation officer, to
12 permit the officer to visit his home, and to answer all reasonable
13 inquiries by the probation officer;
- 14 (11) To pay a fine;
- 15 (12) To satisfy any other conditions reasonably related to the
16 rehabilitation of the defendant and not unduly restrictive of his
17 liberty or incompatible with his freedom of conscience;
- 18 (13) To require the performance of community-related service;
19 and
- 20 (14) To be subject to Internet access conditions pursuant to
21 paragraph (2) of subsection d. of this section.
- 22 c. The court, as a condition of its order, shall require the
23 defendant to pay any assessments required by section 2 of P.L.1979,
24 c.396 (C.2C:43-3.1) and shall, consistent with the applicable
25 provisions of N.J.S.2C:43-3, N.J.S.2C:43-4 and N.J.S.2C:44-2 or
26 section 1 of P.L.1983, c.411 (C.2C:43-2.1) require the defendant to
27 make restitution.
- 28 d. (1) In addition to any condition imposed pursuant to
29 subsection b. or c., the court shall order a person placed on
30 probation to pay a fee, not exceeding \$25.00 per month for the
31 probationary term, to probation services for use by the State, except
32 as provided in subsection g. of this section. This fee may be waived
33 in cases of indigency upon application by the chief probation officer
34 to the sentencing court.
- 35 (2) In addition to any conditions imposed pursuant to subsection
36 b. or c., the court may order a person who has been convicted ¹[.,]
37 or¹ adjudicated delinquent ¹[or found not guilty by reason of
38 insanity for the commission]¹ of a sex offense as defined in
39 subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2), and who
40 is required to register as provided in subsections c. and d. of section
41 2 of P.L.1994, c.133 (C.2C:7-2), ¹[or who is serving a special
42 sentence of community or parole supervision for life as provided in
43 section 2 of P.L.1994, c. 130 (C.2C:43-6.4),]¹ or who has been
44 convicted ²[.,] or² adjudicated delinquent ²[or found not guilty by
45 reason of insanity]² for a violation of N.J.S.2C:34-3 to be subject to
46 any of the following Internet access conditions:

1 (a) Prohibit the person from accessing or using a computer or
2 any other device with Internet capability without the prior written
3 approval of the court^{2, 2} except² [if such person is on probation or
4 parole,]² the person may use a computer or any other device with
5 Internet capability in connection with that person's employment or
6 search for employment with the prior approval of the person's
7 probation¹ [or parole]¹ officer;

8 (b) Require the person to submit to periodic unannounced
9 examinations of the person's computer or any other device with
10 Internet capability by a probation officer, [parole officer,]¹ law
11 enforcement officer or assigned computer or information
12 technology specialist, including the retrieval and copying of all data
13 from the computer or device and any internal or external peripherals
14 and removal of such information, equipment or device to conduct a
15 more thorough inspection;

16 (c) Require the person to submit to the installation on the
17 person's computer or device with Internet capability, at the person's
18 expense, one or more hardware or software systems to monitor the
19 Internet use; and

20 (d) Require the person to submit to any other appropriate
21 restrictions concerning the person's use or access of a computer or
22 any other device with Internet capability.

23 e. When the court sentences a person who has been convicted
24 of a crime to be placed on probation, it may require him to serve a
25 term of imprisonment not exceeding 364 days as an additional
26 condition of its order. When the court sentences a person convicted
27 of a disorderly persons offense to be placed on probation, it may
28 require him to serve a term of imprisonment not exceeding 90 days
29 as an additional condition of its order. In imposing a term of
30 imprisonment pursuant to this subsection, the sentencing court shall
31 specifically place on the record the reasons which justify the
32 sentence imposed. The term of imprisonment imposed hereunder
33 shall be treated as part of the sentence, and in the event of a
34 sentence of imprisonment upon the revocation of probation, the
35 term of imprisonment served hereunder shall be credited toward
36 service of such subsequent sentence. A term of imprisonment
37 imposed under this section shall be governed by the "Parole Act of
38 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

39 Whenever a person is serving a term of parole as a result of a
40 sentence of incarceration imposed as a condition of probation,
41 supervision over that person shall be maintained pursuant to the
42 provisions of the law governing parole. Upon termination of the
43 period of parole supervision provided by law, the county probation
44 department shall assume responsibility for supervision of the person
45 under sentence of probation. Nothing contained in this section shall
46 prevent the sentencing court from at any time proceeding under the
47 provisions of this chapter against any person for a violation of
48 probation.

1 f. The defendant shall be given a copy of the terms of his
2 probation or suspension of sentence and any requirements imposed
3 pursuant to this section, stated with sufficient specificity to enable
4 him to guide himself accordingly. The defendant shall
5 acknowledge, in writing, his receipt of these documents and his
6 consent to their terms.

7 g. Of the moneys collected under the provisions of subsection
8 d. of this section, \$15.00 of each monthly fee collected before
9 January 1, 1995 shall be deposited in the temporary reserve fund
10 created by section 25 of P.L.1993, c.275, and \$10.00 of each shall
11 be deposited into a "Community Service Supervision Fund" which
12 shall be established by each county. The moneys in the
13 "Community Service Supervision Fund" shall be expended only in
14 accordance with the provisions of State law as shall be enacted to
15 provide for expenditures from this fund for the purpose of
16 supervising and monitoring probationers performing community
17 service to ensure, by whatever means necessary and appropriate,
18 that probationers are performing the community service ordered by
19 the court and that the performance is in the manner and under the
20 terms ordered by the court.

21 (cf: P.L.1993, c.275, s.16)

22
23 5. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to
24 read as follows:

25 15. a. Each adult parolee shall at all times remain in the legal
26 custody of the Commissioner of Corrections and under the
27 supervision of the State Parole Board and each juvenile parolee
28 shall at all times remain in the legal custody of the Juvenile Justice
29 Commission established pursuant to section 2 of P.L.1995, c.284
30 (C.52:17B-170), except that the Commissioner of Corrections or the
31 Executive Director of the Juvenile Justice Commission, after
32 providing notice to the Attorney General, may consent to the
33 supervision of a parolee by the federal government pursuant to the
34 Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3251 et
35 seq.). An adult parolee, except those under the Witness Security
36 Reform Act, shall remain under the supervision of the State Parole
37 Board and in the legal custody of the Department of Corrections,
38 and a juvenile parolee, except those under the Witness Security
39 Reform Act, shall remain under the supervision of the Juvenile
40 Justice Commission, as appropriate, in accordance with the policies
41 and rules of the board.

42 b. (1) Each parolee shall agree, as evidenced by his signature to
43 abide by specific conditions of parole established by the appropriate
44 board panel which shall be enumerated in writing in a certificate of
45 parole and shall be given to the parolee upon release. Such
46 conditions shall include, among other things, a requirement that the
47 parolee conduct himself in society in compliance with all laws and
48 refrain from committing any crime, a requirement that the parolee

1 will not own or possess any firearm as defined in subsection f. of
2 N.J.S.2C:39-1 or any other weapon enumerated in subsection r. of
3 N.J.S.2C:39-1, a requirement that the parolee refrain from the use,
4 possession or distribution of a controlled dangerous substance,
5 controlled substance analog or imitation controlled dangerous
6 substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, a
7 requirement that the parolee obtain permission from his parole
8 officer for any change in his residence, ²[a requirement that the
9 parolee comply with the Internet access conditions set forth in
10 paragraph (2) of this subsection.]² and a requirement that the
11 parolee report at reasonable intervals to an assigned parole officer.
12 In addition, based on prior history of the parolee or information
13 provided by a victim or a member of the family of a murder victim,
14 the member or board panel certifying parole release pursuant to
15 section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any
16 other specific conditions of parole deemed reasonable in order to
17 reduce the likelihood of recurrence of criminal or delinquent
18 behavior ², including a requirement that the parolee comply with the
19 Internet access conditions set forth in paragraph (2) of this
20 subsection². Such special conditions may include, among other
21 things, a requirement that the parolee make full or partial
22 restitution, the amount of which restitution shall be set by the
23 sentencing court upon request of the board. In addition, the member
24 or board panel certifying parole release may, giving due regard to a
25 victim's request, impose a special condition that the parolee have no
26 contact with the victim, which special condition may include, but
27 need not be limited to, restraining the parolee from entering the
28 victim's residence, place of employment, business or school, and
29 from harassing or stalking the victim or victim's relatives in any
30 way. Further, the member, board panel or board certifying parole
31 release may impose a special condition that the person shall not
32 own or possess an animal for an unlawful purpose or to interfere in
33 the performance of duties by a parole officer.

34 (2) In addition, the member or board panel certifying parole
35 release may impose on any person who has been convicted ¹[.] or¹
36 adjudicated delinquent ¹[or found not guilty by reason of insanity]¹
37 for the commission of a sex offense as defined in subsection b. of
38 section 2 of P.L.1994, c.133 (C.2C:7-2), and who is required to
39 register as provided in subsections c. and d. of section 2 of
40 P.L.1994, c.133 (C.2C:7-2), ¹[or who is serving a special sentence
41 of community or parole supervision for life as provided in section 2
42 of P.L.1994, c. 130 (C.2C:43-6.4),]¹ or who has been convicted
43 ²[.] or² adjudicated delinquent ²[or found not guilty by reason of
44 insanity]² for a violation of N.J.S.2C:34-3 any of the following
45 Internet access conditions:

46 (a) Prohibit the person from accessing or using a computer or
47 any other device with Internet capability without the prior written

1 approval of the court^{2,2} except '[, if such person is on probation or
2 parole,]' the person may use a computer or any other device with
3 Internet capability in connection with that person's employment or
4 search for employment with the prior approval of the person's
5 '[probation or]' parole officer;

6 (b) Require the person to submit to periodic unannounced
7 examinations of the person's computer or any other device with
8 Internet capability by a '[probation officer,]' parole officer, law
9 enforcement officer or assigned computer or information
10 technology specialist, including the retrieval and copying of all data
11 from the computer or device and any internal or external peripherals
12 and removal of such information, equipment or device to conduct a
13 more thorough inspection;

14 (c) Require the person to submit to the installation on the
15 person's computer or device with Internet capability, at the person's
16 expense, one or more hardware or software systems to monitor the
17 Internet use; and

18 (d) Require the person to submit to any other appropriate
19 restrictions concerning the person's use or access of a computer or
20 any other device with Internet capability.

21 c. The appropriate board panel may in writing relieve a parolee
22 of any parole conditions, and may permit a parolee to reside outside
23 the State pursuant to the provisions of the Uniform Act for Out-of-
24 State Parolee Supervision (N.J.S.2A:168-14 et seq.), the Interstate
25 Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4), and,
26 with the consent of the Commissioner of the Department of
27 Corrections or the Executive Director of the Juvenile Justice
28 Commission after providing notice to the Attorney General, the
29 federal Witness Security Reform Act, if satisfied that such change
30 will not result in a substantial likelihood that the parolee will
31 commit an offense which would be a crime under the laws of this
32 State. The appropriate board panel may revoke such permission,
33 except in the case of a parolee under the Witness Security Reform
34 Act, or reinstate relieved parole conditions for any period of time
35 during which a parolee is under its jurisdiction.

36 d. The appropriate board panel may parole an inmate to any
37 residential facility funded in whole or in part by the State if the
38 inmate would not otherwise be released pursuant to section 9 of
39 P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the
40 residential facility provides treatment for mental illness or mental
41 retardation, the board panel only may parole the inmate to the
42 facility pursuant to the laws and admissions policies that otherwise
43 govern the admission of persons to that facility, and the facility
44 shall have the authority to discharge the inmate according to the
45 laws and policies that otherwise govern the discharge of persons
46 from the facility, on 10 days' prior notice to the board panel. The
47 board panel shall acknowledge receipt of this notice in writing prior

1 to the discharge. Upon receipt of the notice the board panel shall
2 resume jurisdiction over the inmate.

3 e. Parole officers shall provide assistance to the parolee in
4 obtaining employment, education or vocational training or in
5 meeting other obligations to assure the parolee's compliance with
6 meeting legal requirements related to sex offender notification,
7 address changes and participation in rehabilitation programs as
8 directed by the assigned parole officer.

9 f. The board panel on juvenile commitments and the assigned
10 parole officer shall insure that the least restrictive available
11 alternative is used for any juvenile parolee.

12 g. If the board has granted parole to any inmate from a State
13 correctional facility or juvenile facility and the court has imposed a
14 fine on such inmate, the appropriate board panel shall release such
15 inmate on condition that the parolee make specified fine payments
16 to the State Parole Board or the Juvenile Justice Commission. For
17 violation of such conditions, or for violation of a special condition
18 requiring restitution, parole may be revoked only for refusal or
19 failure to make a good faith effort to make such payment.

20 h. Upon collection of the fine the same shall be paid over by
21 the Department of Corrections or by the Juvenile Justice
22 Commission to the State Treasury.

23 (cf: P.L.2003, c.249)

24

25 ¹6. (New section) The ²[Attorney General] appropriate agency
26 head² shall approve appropriate training programs for law
27 enforcement officers, parole officers ²[, probation officers]² and
28 any other persons charged with the enforcement of P.L. _____, c.
29 (C. _____) (pending before the Legislature as this bill). Appropriate
30 programs shall include, at a minimum, instruction in conducting
31 investigations in which computers, telecommunications devices and
32 other high technology instruments are utilized in the commission of
33 sex offenses. The programs also ²[shall] may² include instruction
34 in techniques of forensic recovery, evidence preservation and
35 analysis of data in computer systems seized because of criminal or
36 unlawful activity.¹

37

38 ¹[6.] ¹7.¹ This act shall take effect on the 60th day following
39 enactment ¹and shall apply to any person who commits an offense
40 subject to sentencing under section 1 of this act after the effective
41 date of this act and to any person who is under probation or parole
42 supervision, including community or parole supervision ²[or] for²
43 life, on the effective date of this act¹.