

§§1,2 –
C.52:17B-237 &
52:17B-238
§4 - C.2C:13-8.1
§§5,12,18,19 –
C.2C:13-9 to
2C:13-12
§10 - C.2C:44-1.1
§11 - C.2C:34-1.2
§21 - C.45:11-80
§22 - Note

P.L.2013, CHAPTER 51, *approved May 6, 2013*
Assembly, No. 3352 (*Fifth Reprint*)

1 AN ACT concerning human trafficking and designated the “Human
2 Trafficking Prevention, Protection, and Treatment Act,” and
3 amending and supplementing various parts of the statutory law.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) a. (1) There is hereby created, in the
9 ²Division of Criminal Justice in the² Department of Law and
10 Public Safety, a commission to be known as the Commission on
11 Human Trafficking, consisting of 15 members as follows: the
12 Attorney General, or his designee; the Commissioner of Children
13 and Families, or his designee; the Commissioner of Human
14 Services, or his designee; ¹a county prosecutor, appointed by the
15 Governor based upon the recommendation of the County
16 Prosecutors Association of the State of New Jersey;¹ one member of
17 the New Jersey Human Trafficking Task Force established within
18 the Department of Law and Public Safety, designated by the
19 Attorney General; two public members appointed by the Governor
20 based upon the recommendation of the Senate President, one
21 representing law enforcement and one representing a victim’s
22 assistance organization; one public member appointed by the
23 Governor based upon the recommendation of the Senate Minority
24 Leader representing either a non-profit health care facility or mental
25 health services; two public members appointed by the Governor
26 based upon the recommendation of the Speaker of the General
27 Assembly, one representing law enforcement and one representing a
28 victim’s assistance organization; one public member appointed by

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:

¹Assembly AJU committee amendments adopted October 15, 2012.

²Assembly AAP committee amendments adopted December 13, 2012.

³Assembly floor amendments adopted January 28, 2013.

⁴Senate SBA committee amendments adopted March 4, 2013.

⁵Senate floor amendments adopted March 18, 2013.

1 the Governor based upon the recommendation of the Assembly
2 Minority Leader representing either a non-profit health care facility
3 or mental health services; and ¹~~five~~ four public members
4 appointed by the Governor, one of whom shall be a representative
5 of ³~~the National Center for Missing and Exploited Children~~ a
6 child advocacy organization concerning missing, abducted, or
7 exploited children, and one of whom shall be a human trafficking
8 survivor³. All public members shall ³have experience with,³
9 possess a background in, or ³~~have~~ demonstrate a³ specialized
10 knowledge of, the legal, policy, educational, social, or
11 psychological aspects of human trafficking.

12 b. (1) Of the public members first appointed:

13 (a) the following shall serve for a term of three years: one
14 member appointed upon the recommendation of the Senate
15 President; one member appointed upon the recommendation of the
16 Speaker of the General Assembly; and ¹~~three~~ two¹ members
17 appointed by the Governor; and

18 (b) the following shall serve for a term of two years: one member
19 appointed upon the recommendation of the Senate President; one
20 member appointed upon the recommendation of the Speaker of the
21 General Assembly; each member appointed ²~~by~~ upon the
22 recommendation of² the Senate and Assembly Minority Leaders;
23 and two members appointed by the Governor.

24 (c) Upon the conclusion of the initial terms, each public member
25 shall be appointed for a term of three years.

26 (2) Each member appointed shall hold office for the term of
27 appointment and until a successor shall have been appointed and
28 qualified.

29 (3) Any vacancy in the membership of the commission shall be
30 filled by appointment in the same manner as the original
31 appointment was made.

32 c. (1) The commission shall organize upon the appointment of
33 a majority of its authorized membership. The members shall elect
34 one of the members to serve as chair and vice-chair, and the chair
35 may appoint a secretary, who need not be a member of the
36 commission.

37 (2) The commission shall meet at those times and places within
38 the State of New Jersey as the commission shall determine. A
39 majority of the commission's authorized membership shall
40 constitute a quorum for the transaction of any business, for the
41 performance of any duty, or for the exercise of any power of the
42 commission.

43 d. The members of the commission shall serve without
44 compensation, but shall be eligible for reimbursement for necessary
45 and reasonable expenses incurred in the performance of their
46 official duties within the limits of funds appropriated or otherwise
47 made available to the commission for its purposes.

1 e. The ²[commission shall be entitled to accept the assistance
2 and services of the employees of any State, county, or municipal
3 department, board, bureau, commission, or agency as may be made
4 available to it and to employ] Division of Criminal Justice in the
5 Department of Law and Public Safety shall, at the direction of the
6 Attorney General, provide² legal, stenographic, technical, ²[and]²
7 clerical ², and other staff and resource² assistance ²to the
8 commission,² and ²additionally the commission may² incur
9 expenses as may be necessary in order to perform its duties within
10 the limits of funds appropriated or otherwise made available to it
11 for its purposes.

12 f. It shall be the duty of the commission to:

13 (1) Evaluate the existing law concerning human trafficking and
14 the enforcement thereof, and to make recommendations for
15 legislation, if appropriate;

16 (2) Review existing victim assistance programs and analyze the
17 costs, organization, and availability of these services for victims of
18 human trafficking and to make recommendations for legislation, if
19 appropriate;

20 (3) Promote a coordinated response by public and private
21 resources for victims of human trafficking; ²and²

22 (4) Develop mechanisms to promote public awareness of human
23 trafficking ¹, including ³[the]³ promotion of ³[a] the national,³
24 24-hour toll-free hotline telephone service on human trafficking
25 ³[established] described³ under section ²[16] 18² of P.L. _____,
26 c. (C. _____) (pending before the Legislature as this bill)¹ ²[;], and
27 the promotion of training courses and other educational materials
28 for use by persons required under section 19 of P.L. _____,
29 c. (C. _____) (pending before the Legislature as this bill) to undergo
30 training on the handling of and response procedures for suspected
31 human trafficking activities.² ¹[and]¹

32 ²[(5) ¹Develop, maintain, revise, and distribute, in accordance
33 with the provisions of section 17 of P.L. _____, c. (C. _____) (pending
34 before the Legislature as this bill), training course and other
35 educational materials for use by persons required to undergo
36 training on the handling of and response procedures for suspected
37 human trafficking activities;

38 (6)¹ Administer and make expenditures from the “Human
39 Trafficking Survivor’s Assistance Fund” established under section 2
40 of P.L. _____, c. (C. _____), for the provision of services to victims of
41 human trafficking, to promote awareness of human trafficking,
42 ¹[and]¹ the development, establishment, operation, and
43 maintenance of the “John School Diversion Program” created
44 pursuant to section 10 of P.L. _____, c. (C. _____) (pending before the
45 Legislature as this bill) ¹, and the development, maintenance,
46 revision, and distribution of training course and other educational
47 materials in accordance with section 17 of P.L. _____, c. (C. _____)

1 (pending before the Legislature as this bill)¹.

2 The commission shall adopt, pursuant to the “Administrative
3 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
4 regulations necessary to implement the duties and purposes of the
5 commission provided in this section.]²

6 g. The commission shall report annually to the Governor and
7 to the Legislature, pursuant to section 2 of P.L.1991, c.164
8 (C.52:14-19.1), its activities, as well as its findings and
9 recommendations for any needed new services or resources for
10 victims of human trafficking, and any proposed changes to the
11 current law concerning human trafficking.

12
13 2. (New section) ²a.² There is established the “Human
14 Trafficking Survivor’s Assistance Fund” as a separate, non-lapsing,
15 dedicated fund in the General Fund, which shall be administered by
16 the ²[Commission on Human Trafficking created by section 1 of
17 P.L. , c. (C.) (pending before the Legislature as this bill)]
18 Attorney General². All monies deposited in the fund pursuant
19 to P.L. , c. (C.) (pending before the Legislature as this bill),
20 any other enactment, or as otherwise provided from any public or
21 private source shall be used for the provision of services to victims
22 of human trafficking, to promote awareness of human trafficking,
23 ¹[and]¹ ²[the development, establishment, operation, and
24 maintenance of the “John School Diversion Program” created
25 pursuant to section 10 of P.L. , c. (C.) (pending before the
26 Legislature as this bill),]² ¹and the development, maintenance,
27 revision, and distribution of training course and other educational
28 materials ³, and the operation of educational or training programs.³
29 in accordance with ²[section 17] sections 11 and 19² of P.L. ,
30 c. (C.) (pending before the Legislature as this bill) ²[¹]. All
31 expenditures from the fund shall be made by the Attorney General,
32 in consultation with the Commission on Human Trafficking
33 established by section 1 of P.L. , c. (C.) (pending before
34 the Legislature as this bill),² and done so in accordance with rules
35 and regulations promulgated by the ²[commission pursuant to
36 subsection f. of section 1 of P.L. , c. (C.) (pending before
37 the Legislature as this bill)] Attorney General² and other applicable
38 law.

39 ²b. Receipt of expenditures from the fund ³by any provider of
40 services to victims of human trafficking³ shall not be based or
41 otherwise conditioned upon the previous, present, or future
42 cooperation of the recipient regarding any law enforcement
43 investigation or prosecution, or lack thereof.²

44
45 3. Section 1 of P.L.2005, c.77 (C.2C:13-8) is amended to read
46 as follows:

- 1 1. Human trafficking. a. A person commits the crime of human
2 trafficking if he:
- 3 (1) knowingly holds, recruits, lures, entices, harbors, transports,
4 provides or obtains, by any means, another, to engage in sexual
5 activity as defined in paragraph (2) of subsection a. of N.J.S.2C:34-
6 1 or to provide labor or services:
- 7 (a) by ³threats or incidents of causing or threatening to cause³
8 serious bodily harm [or] ³[.] or³ physical restraint ³[.] or
9 abduction³ against the person or any other person;
- 10 (b) by means of any scheme, ³[fraud, deceit or other
11 deception.]³ plan, or pattern intended to cause the person to believe
12 that the person or any other person would suffer serious bodily
13 harm or physical restraint;
- 14 (c) by committing a violation of N.J.S.2C:13-5 ³[involving
15 coercion]³ against the person; [or]
- 16 (d) by destroying, concealing, removing, confiscating, or
17 possessing any passport, immigration-related document as defined
18 in section 1 of P.L.1997, c.1 (C.2C:21-31), or other document
19 issued by a governmental agency to any person which could be used
20 as a means of verifying the person's identity or age or any other
21 personal identifying information; ³[or]³
- 22 (e) by means of the abuse ³[of power]³ or threatened abuse
23 ³[of power]³ of the law or legal process; ³[or]
- 24 (f) by means of fraud, deceit, or misrepresentation against the
25 person; or
- 26 (g) by facilitating access to a controlled dangerous substance or
27 controlled substance analog as set forth in chapter 35 of Title 2C of
28 the New Jersey Statutes; or³
- 29 (2) receives anything of value from participation as an
30 organizer, supervisor, financier or manager in a scheme or course of
31 conduct which violates paragraph (1) of this subsection; or
- 32 (3) ³[as a licensed owner or driver of an autocab, limousine,
33 autobus, or any other passenger automobile as defined in R.S.39:1-1
34 that is subject to regulation under chapter 16 of Title 48 of the
35 Revised Statutes, 'negligently] recklessly' participates in the
36 transportation of another which violates paragraph (1) or (2) of this
37 subsection; or
- 38 (4) otherwise being a professionally licensed person,
39 'negligently] recklessly' permits an act of human trafficking
40 described in paragraph (1) or (2) of this subsection, on, within, or
41 using the person's property or services. For purposes of this
42 paragraph, "professionally licensed person" means any person
43 required by law to obtain, from a governmental department, agency,
44 board, or commission of the State or any political subdivision of the
45 State, a license, permit, certificate, approval, registration, charter, or
46 similar form of business or professional authorization in order to
47 operate a business or as a professional in this State.

1 ²With respect to the amendatory provisions set forth in this
2 subsection by the enactment of P.L. , c. (C.) (pending
3 before the Legislature as this bill), in addition to these provisions
4 only being applicable to criminal acts of human trafficking
5 occurring on or after the effective date for these amendatory
6 provisions, consistent with constitutional and statutory principles
7 governing application of the Criminal Code, the provisions set forth
8 in this subsection immediately prior to the enactment of P.L. ,
9 c. (C.) (pending before the Legislature as this bill), as then
10 interpreted and applied by law enforcement officers, prosecutors,
11 and the courts, shall continue to be interpreted and applied by law
12 enforcement officers, prosecutors, and the courts with respect to
13 any prosecution for a criminal act of human trafficking that
14 occurred prior to the enactment of P.L. , c. (C.) (pending
15 before the Legislature as this bill), without regard, reference, or
16 comparison to the amendatory provisions set forth in this
17 subsection.² knowingly holds, recruits, lures, entices, harbors,
18 transports, provides or obtains, by any means, a child under 18
19 years of age, to engage in sexual activity as defined in paragraph (2)
20 of subsection a. of N.J.S.2C:34-1, whether or not the actor
21 mistakenly believed that the child was 18 years of age or older,
22 even if that mistaken belief was reasonable.³

23 b. An offense under this section constitutes a crime of the first
24 degree ³[, except that an offense under paragraph (3) or (4) of
25 subsection a. of this section concerning criminal ¹[negligence]
26 recklessness¹ constitutes a crime of the fourth degree]³.

27 c. It is an affirmative defense to prosecution for a violation of
28 this section that, during the time of the alleged commission of the
29 offense of human trafficking created by this section, the defendant
30 was a victim of human trafficking.

31 d. ³[(1)]³ Notwithstanding the provisions of N.J.S.2C:43-6,
32 the term of imprisonment imposed for a crime of the first degree
33 under paragraph (2) ³or (3)³ of subsection a. of this section shall be
34 either a term of 20 years during which the actor shall not be eligible
35 for parole, or a specific term between 20 years and life
36 imprisonment, of which the actor shall serve 20 years before being
37 eligible for parole. Notwithstanding the provisions of N.J.S.2C:43-
38 3, the ²sentence for a conviction for a crime of the first degree
39 under this section shall include a ²fine ²[imposed for a crime of the
40 first degree under this section shall be a fine of at least] in an
41 amount of not less than² \$25,000, which shall be 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) and forwarded to the Department of
44 the Treasury to be deposited in the "Human Trafficking Survivor's
45 Assistance Fund" established by section 2 of P.L. , c. (C.)
46 (pending before the Legislature as this bill).

1 ³[(2) Notwithstanding the provisions of N.J.S.2C:43-3, the fine
2 imposed for a crime of the fourth degree under paragraph (3) or (4)
3 of subsection a. of this section concerning criminal ¹[negligence]
4 recklessness¹ shall be a fine of up to \$25,000, which shall be
5 collected as provided for the collection of fines and restitutions in
6 section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the
7 Department of the Treasury to be deposited in the "Human
8 Trafficking Survivor's Assistance Fund" established by section 2 of
9 P.L. , c. (C.) (pending before the Legislature as this bill).
10 Additionally, upon conviction for this crime, the court shall revoke
11 any license, permit, certificate, approval, registration, charter, or
12 similar form of business or professional authorization required by
13 law concerning the operation of that person's business or
14 profession.]³

15 e. In addition to any other disposition authorized by law, any
16 person who violates the provisions of this section ³[, other than a
17 violation of paragraph (3) or (4) of subsection a. of this section
18 concerning criminal ¹[negligence] recklessness¹.]³ shall be
19 ²[sentenced] ordered² to make restitution to any victim. The court
20 shall award to the victim restitution which is the greater of:

21 (1) the gross income or value to the defendant of the victim's
22 labor or services; or

23 (2) the value of the victim's labor or services as determined by
24 the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-
25 56.25 et seq.), the "New Jersey State Wage and Hour Law,"
26 P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal Farm Labor
27 Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws concerning the
28 regulation of child labor in chapter 2 of Title 34 of the Revised
29 Statutes, or any other applicable State law, and the "Fair Labor
30 Standards Act of 1938," 29 U.S.C. s.201 et seq., or any other
31 applicable federal law.

32 (cf: P.L.2005, c.77, s.1)

33

34 4. (New section) a. Any person injured, including ²injury² due
35 to the loss of moneys or property, real or personal, ³[as a result of a
36 violation of the] by an actor and all those acting in concert with that
37 actor who committed a³ human trafficking ³[provisions set forth]
38 offense³ in ³violation of³ section 1 of P.L.2005, c.77 (C.2C:13-8)
39 ³or section 5 of P.L. , c. (C.) (pending before the
40 Legislature as this bill)³ may bring a civil action in any court of
41 competent jurisdiction ³against the actor and all those acting in
42 concern with that actor³. A civil action brought under this section
43 shall not preclude the application of any other civil, administrative,
44 or criminal remedy under any other provision of law.

45 b. (1) The standard of proof in a civil action brought pursuant
46 to this section is a preponderance of the evidence, and the fact that a

1 prosecution ³[for human trafficking under section 1 of P.L.2005,
2 c.77 (C.2C:13-8)] against the offending actor³ is not instituted or,
3 whenever instituted, terminates without a conviction, shall not
4 preclude a civil action.

5 (2) A final judgment rendered in favor of the State in any
6 criminal proceeding shall estop the defendant from denying the
7 same conduct in any civil action brought pursuant to this section.

8 c. In any civil action brought pursuant to this section, the court
9 shall, in addition to any other appropriate legal or equitable relief,
10 ²including damages for pain and suffering, recovery of reasonable
11 costs for necessary medical, dental, and psychological services and
12 punitive damages.² award damages in an amount that is the greater
13 of:

14 (1) the gross income or value to the defendant of the injured
15 party's labor or services; or

16 (2) the value of the injured party's labor or services as
17 determined by the "New Jersey Prevailing Wage Act," P.L.1963,
18 c.150 (C.34:11-56.25 et seq.), the "New Jersey State Wage and
19 Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal
20 Farm Labor Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws
21 concerning the regulation of child labor in chapter 2 of Title 34 of
22 the Revised Statutes, or any other applicable State law, and the
23 "Fair Labor Standards Act of 1938," 29 U.S.C. s.201 et seq., or any
24 other applicable federal law.

25 ²d. In addition to any damages, penalty, injunction, or other
26 appropriate relief awarded in an action brought pursuant to this
27 section, the court may award to the injured person bringing suit
28 reasonable attorney's fees and costs.²

29

30 ³[5. (New section) a. (1) A person who knowingly owns,
31 controls, manages, supervises, or otherwise keeps, alone or in
32 association with another, any premises where human trafficking is
33 regularly carried on is guilty of a crime of the first degree.

34 (2) A person who knowingly leases or otherwise permits any
35 premises controlled by the actor, alone or in association with others,
36 to be regularly used for human trafficking, or fails to make a
37 reasonable effort to abate this use by ejecting the tenant, notifying
38 law enforcement authorities, or employing other legally available
39 means, is guilty of a crime of the first degree.

40 (3) As used in this section "premises" includes, but is not limited
41 to, any residence, apartment, hotel, motel, inn, rooming house,
42 boarding house, or other establishment for lodging.

43 b. Notwithstanding the provisions of N.J.S.2C:43-3, the fine
44 imposed for an offense under this section shall be a fine of at least
45 \$25,000, which shall be collected as provided for the collection of
46 fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4)
47 and forwarded to the Department of the Treasury to be deposited in

1 the “Human Trafficking Survivor’s Assistance Fund” established by
2 section 2 of P.L. , c. (C.) (pending before the Legislature as
3 this bill).}]³

4

5 ³[²6.] 5.³ (New section) a. A person commits a crime of the
6 second degree if he:

7 (1) provides services, resources, or assistance with the
8 knowledge that the services, resources, or assistance are intended to
9 be used in furtherance of the commission of the crime of human
10 trafficking in violation of section 1 of P.L.2005, c.77 (C.2C:13-8).

11 ³(a)³ For purposes of this paragraph, “services, resources, or
12 assistance” shall include financial support, business services,
13 lodging, transportation, the provision of false documentation or
14 identification, equipment, facilities, or any other service or property
15 with a pecuniary value that exceeds \$200, whether or not a person is
16 compensated for the services, resources, or assistance, but shall not
17 include humanitarian or charitable aid or services provided directly
18 to a victim of human trafficking³.

19 (b) For purposes of this paragraph, the requisite knowledge that
20 services, resources, or assistance are intended to be used in
21 furtherance of the commission of the crime of human trafficking
22 may be inferred if the defendant was aware that a person to whom
23 the defendant was providing services, resources, or assistance: (i)
24 was subject to or subjected another to restrictions on the person’s
25 freedom of movement, so that the person could not leave without
26 accompaniment of another person or was otherwise subjected to
27 obvious restrictions on mobility; or (ii) did not possess or have
28 access to any means of communication, including but not limited to
29 a cellular or other wireless telephone or other electronic
30 communication device, and was not permitted or was otherwise
31 unable to communicate with another person without supervision or
32 permission³ ; or

33 (2) procures or attempts to procure a person to engage in sexual
34 activity as defined in paragraph (2) of subsection a. of N.J.S.2C:34-
35 1, or to provide labor or services, whether for himself or another
36 person, knowing that the person provided or to be provided was a
37 victim of human trafficking, or under circumstances in which a
38 reasonable person would conclude that there was a substantial
39 likelihood that the person was a victim of human trafficking.

40 ³(a) For purposes of this paragraph, there shall be a rebuttable
41 presumption that the defendant knew, and that a reasonable person
42 would conclude there was a substantial likelihood, that a person was
43 a victim of human trafficking if the person: (i) could not leave the
44 premises where the person provided labor or services without
45 accompaniment of another person or was otherwise subjected to
46 significant restrictions on the person’s freedom of movement; or (ii)
47 did not possess or have access to any means of communication,

1 including but not limited to a cellular or other wireless telephone or
2 other electronic communication device, and was not permitted or
3 was otherwise unable to communicate with another person without
4 supervision or permission.

5 (b)³ For the purposes of this paragraph, there shall be a
6 rebuttable presumption that: ³[(a)] (i)³ a person knew that a child
7 under the age of 18 years of age procured to engage in sexual
8 activity or for whom attempts were made to procure for that activity
9 was a victim of human trafficking; and ³[(b)] (ii)³ a reasonable
10 person would conclude that there was a substantial likelihood that a
11 child under the age of 18 years of age procured to engage in sexual
12 activity or for whom attempts were made to procure for that activity
13 was a victim of human trafficking.

14 b. (1) It is an affirmative defense to prosecution for a violation of
15 this section that, during the time of the alleged commission of the
16 crime, the defendant was a victim of human trafficking.

17 (2) There shall be a rebuttable presumption that a child under the
18 age of 18 years of age charged with a violation of this section was a
19 victim of human trafficking.

20 c. (1) Notwithstanding any provision of law to the contrary, a
21 person convicted for a violation of this section shall be sentenced to
22 a term of imprisonment, which shall include a period of parole
23 ineligibility of one-third to one-half of the term of imprisonment
24 imposed or three years, whichever is greater. Notwithstanding the
25 provisions of N.J.S.2C:43-3, the sentence for a conviction under
26 this section shall include a fine in an amount of not less than
27 \$15,000, which shall be collected as provided for the collection of
28 finances and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4)
29 and forwarded to the Department of the Treasury to be deposited in
30 the "Human Trafficking Survivor's Assistance Fund" established by
31 section 2 of P.L. , c. (C.) (pending before the Legislature as
32 this bill).

33 (2) Additionally, upon a finding of guilt or entry of a guilty plea
34 for a crime described under this section, the court shall direct any
35 issuing State, county, or municipal governmental agency to revoke
36 any license, permit, certificate, approval, registration, charter, or
37 similar form of business or professional authorization required by
38 law concerning the operation of that person's business or
39 profession, if that business or profession was used in the course of
40 the crime.

41 d. Nothing in this section shall be construed to preclude, or limit
42 in any way, the prosecution and conviction for any other offense,
43 including prosecution and conviction pursuant to section 1 of
44 P.L.2005, c.77 (C.2C:13-8), human trafficking, N.J.S.2C:34-1,
45 prostitution and related offenses, and N.J.S.2C:2-6, liability for
46 another's conduct.²

1 ³6. N.J.S.2C:5-4 is amended to read as follows:

2 2C:5-4. Grading of Criminal Attempt and Conspiracy; Mitigation
3 in Cases of Lesser Danger. a. Grading. Except as provided in
4 subsections c. [and] d., and e., an attempt or conspiracy to commit
5 a crime of the first degree is a crime of the second degree; except
6 that an attempt or conspiracy to commit murder or terrorism is a
7 crime of the first degree, provided, however, that if the person
8 attempted or conspired to murder five or more persons, the person
9 shall be sentenced by the court to a term of 30 years, during which
10 the person shall not be eligible for parole, or to a specific term of
11 years which shall be between 30 years and life imprisonment, of
12 which the person shall serve not less than 30 years before eligibility
13 for parole. Otherwise an attempt is a crime of the same degree as
14 the most serious crime which is attempted, and conspiracy is a
15 crime of the same degree as the most serious crime which is the
16 object of the conspiracy; provided that, leader of organized crime is
17 a crime of the second degree. An attempt or conspiracy to commit
18 an offense defined by a statute outside the code shall be graded as a
19 crime of the same degree as the offense is graded pursuant to
20 N.J.S.2C:1-4 and N.J.S.2C:43-1.

21 b. Mitigation. The court may impose sentence for a crime of a
22 lower grade or degree if neither the particular conduct charged nor
23 the defendant presents a public danger warranting the grading
24 provided for such crime under subsection a. because:

25 (1) The criminal attempt or conspiracy charged is so inherently
26 unlikely to result or culminate in the commission of a crime; or

27 (2) The conspiracy, as to the particular defendant charged, is so
28 peripherally related to the main unlawful enterprise.

29 c. Notwithstanding the provisions of subsection a. of this
30 section, conspiracy to commit a crime set forth in subsection a., b.,
31 or d. of N.J.S.2C:17-1 where the structure which was the target of
32 the crime was a church, synagogue, temple or other place of public
33 worship is a crime of the first degree.

34 d. Notwithstanding the provisions of subsection a. of this
35 section, conspiracy to commit a crime as set forth in P.L.1994,
36 c.121 (C.2C:21-23 et seq.) is a crime of the same degree as the most
37 serious crime that was conspired to be committed.

38 e. Notwithstanding the provisions of subsection a. of this
39 section, conspiracy to commit a crime of human trafficking as set
40 forth in section 1 of P.L.2005, c.77 (C.2C:13-8) is a crime of the
41 first degree.³

42 (cf: P.L.2002, c.26, s.9)

43

44 ²[6.] 7.² Section 2 of P.L.1974, c.49 (C.2A:18-61.1) is amended
45 to read as follows:

46 2. No lessee or tenant or the assigns, under-tenants or legal
47 representatives of such lessee or tenant may be removed by the
48 Superior Court from any house, building, mobile home or land in a

1 mobile home park or tenement leased for residential purposes, other
2 than (1) owner-occupied premises with not more than two rental
3 units or a hotel, motel or other guest house or part thereof rented to
4 a transient guest or seasonal tenant; (2) a dwelling unit which is
5 held in trust on behalf of a member of the immediate family of the
6 person or persons establishing the trust, provided that the member
7 of the immediate family on whose behalf the trust is established
8 permanently occupies the unit; and (3) a dwelling unit which is
9 permanently occupied by a member of the immediate family of the
10 owner of that unit, provided, however, that exception (2) or (3) shall
11 apply only in cases in which the member of the immediate family
12 has a developmental disability, except upon establishment of one of
13 the following grounds as good cause:

14 a. The person fails to pay rent due and owing under the lease
15 whether the same be oral or written; provided that, for the purposes
16 of this section, any portion of rent unpaid by a tenant to a landlord
17 but utilized by the tenant to continue utility service to the rental
18 premises after receiving notice from an electric, gas, water or sewer
19 public utility that such service was in danger of discontinuance
20 based on nonpayment by the landlord, shall not be deemed to be
21 unpaid rent.

22 b. The person has continued to be, after written notice to cease,
23 so disorderly as to destroy the peace and quiet of the occupants or
24 other tenants living in said house or neighborhood.

25 c. The person has willfully or by reason of gross negligence
26 caused or allowed destruction, damage or injury to the premises.

27 d. The person has continued, after written notice to cease, to
28 substantially violate or breach any of the landlord's rules and
29 regulations governing said premises, provided such rules and
30 regulations are reasonable and have been accepted in writing by the
31 tenant or made a part of the lease at the beginning of the lease term.

32 e. (1) The person has continued, after written notice to cease,
33 to substantially violate or breach any of the covenants or
34 agreements contained in the lease for the premises where a right of
35 reentry is reserved to the landlord in the lease for a violation of such
36 covenant or agreement, provided that such covenant or agreement is
37 reasonable and was contained in the lease at the beginning of the
38 lease term.

39 (2) In public housing under the control of a public housing
40 authority or redevelopment agency, the person has substantially
41 violated or breached any of the covenants or agreements contained
42 in the lease for the premises pertaining to illegal uses of controlled
43 dangerous substances, or other illegal activities, whether or not a
44 right of reentry is reserved to the landlord in the lease for a
45 violation of such covenant or agreement, provided that such
46 covenant or agreement conforms to federal guidelines regarding
47 such lease provisions and was contained in the lease at the
48 beginning of the lease term.

1 f. The person has failed to pay rent after a valid notice to quit
2 and notice of increase of said rent, provided the increase in rent is
3 not unconscionable and complies with any and all other laws or
4 municipal ordinances governing rent increases.

5 g. The landlord or owner (1) seeks to permanently board up or
6 demolish the premises because he has been cited by local or State
7 housing inspectors for substantial violations affecting the health and
8 safety of tenants and it is economically unfeasible for the owner to
9 eliminate the violations; (2) seeks to comply with local or State
10 housing inspectors who have cited him for substantial violations
11 affecting the health and safety of tenants and it is unfeasible to so
12 comply without removing the tenant; simultaneously with service of
13 notice of eviction pursuant to this clause, the landlord shall notify
14 the Department of Community Affairs of the intention to institute
15 proceedings and shall provide the department with such other
16 information as it may require pursuant to rules and regulations. The
17 department shall inform all parties and the court of its view with
18 respect to the feasibility of compliance without removal of the
19 tenant and may in its discretion appear and present evidence; (3)
20 seeks to correct an illegal occupancy because he has been cited by
21 local or State housing inspectors or zoning officers and it is
22 unfeasible to correct such illegal occupancy without removing the
23 tenant; or (4) is a governmental agency which seeks to permanently
24 retire the premises from the rental market pursuant to a
25 redevelopment or land clearance plan in a blighted area. In those
26 cases where the tenant is being removed for any reason specified in
27 this subsection, no warrant for possession shall be issued until
28 P.L.1967, c.79 (C.52:31B-1 et seq.) and P.L.1971, c.362 (C.20:4-1
29 et seq.) have been complied with.

30 h. The owner seeks to retire permanently the residential
31 building or the mobile home park from residential use or use as a
32 mobile home park, provided this subsection shall not apply to
33 circumstances covered under subsection g. of this section.

34 i. The landlord or owner proposes, at the termination of a
35 lease, reasonable changes of substance in the terms and conditions
36 of the lease, including specifically any change in the term thereof,
37 which the tenant, after written notice, refuses to accept; provided
38 that in cases where a tenant has received a notice of termination
39 pursuant to subsection g. of section 3 of P.L.1974, c.49 (C.2A:18-
40 61.2), or has a protected tenancy status pursuant to [section 9 of]
41 the "Senior Citizens and Disabled Protected Tenancy Act,"
42 P.L.1981, c.226 [(C.2A:18-61.30)] (C.2A:18-61.22 ²et al.²), or
43 pursuant to the "Tenant Protection Act of 1992," P.L.1991, c.509
44 (C.2A:18-61.40 et al.), the landlord or owner shall have the burden
45 of proving that any change in the terms and conditions of the lease,
46 rental or regulations both is reasonable and does not substantially
47 reduce the rights and privileges to which the tenant was entitled
48 prior to the conversion.

- 1 j. The person, after written notice to cease, has habitually and
2 without legal justification failed to pay rent which is due and owing.
- 3 k. The landlord or owner of the building or mobile home park
4 is converting from the rental market to a condominium, cooperative
5 or fee simple ownership of two or more dwelling units or park sites,
6 except as hereinafter provided in subsection l. of this section.
7 Where the tenant is being removed pursuant to this subsection, no
8 warrant for possession shall be issued until this act has been
9 complied with. No action for possession shall be brought pursuant
10 to this subsection against a senior citizen tenant or disabled tenant
11 with protected tenancy status pursuant to the "Senior Citizens and
12 Disabled Protected Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22
13 et al.), or against a qualified tenant under the "Tenant Protection
14 Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.), as long as the
15 agency has not terminated the protected tenancy status or the
16 protected tenancy period has not expired.
- 17 l. (1) The owner of a building or mobile home park, which is
18 constructed as or being converted to a condominium, cooperative or
19 fee simple ownership, seeks to evict a tenant or sublessee whose
20 initial tenancy began after the master deed, agreement establishing
21 the cooperative or subdivision plat was recorded, because the owner
22 has contracted to sell the unit to a buyer who seeks to personally
23 occupy it and the contract for sale calls for the unit to be vacant at
24 the time of closing. However, no action shall be brought against a
25 tenant under paragraph (1) of this subsection unless the tenant was
26 given a statement in accordance with section 6 of P.L.1975, c.311
27 (C.2A:18-61.9);
- 28 (2) The owner of three or less condominium or cooperative units
29 seeks to evict a tenant whose initial tenancy began by rental from an
30 owner of three or less units after the master deed or agreement
31 establishing the cooperative was recorded, because the owner seeks
32 to personally occupy the unit, or has contracted to sell the unit to a
33 buyer who seeks to personally occupy it and the contract for sale
34 calls for the unit to be vacant at the time of closing;
- 35 (3) The owner of a building of three residential units or less
36 seeks to personally occupy a unit, or has contracted to sell the
37 residential unit to a buyer who wishes to personally occupy it and
38 the contract for sale calls for the unit to be vacant at the time of
39 closing.
- 40 m. The landlord or owner conditioned the tenancy upon and in
41 consideration for the tenant's employment by the landlord or owner
42 as superintendent, janitor or in some other capacity and such
43 employment is being terminated.
- 44 n. The person has been convicted of or pleaded guilty to, or if a
45 juvenile, has been adjudicated delinquent on the basis of an act
46 which if committed by an adult would constitute an offense under
47 the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et
48 al., involving the use, possession, manufacture, dispensing or

1 distribution of a controlled dangerous substance, controlled
2 dangerous substance analog or drug paraphernalia within the
3 meaning of that act within or upon the leased premises or the
4 building or complex of buildings and land appurtenant thereto, or
5 the mobile home park, in which those premises are located, and has
6 not in connection with his sentence for that offense either (1)
7 successfully completed or (2) been admitted to and continued upon
8 probation while completing, a drug rehabilitation program pursuant
9 to N.J.S.2C:35-14; or, being the tenant or lessee of such leased
10 premises, knowingly harbors or harbored therein a person who has
11 been so convicted or has so pleaded, or otherwise permits or
12 permitted such a person to occupy those premises for residential
13 purposes, whether continuously or intermittently, except that this
14 subsection shall not apply to a person harboring or permitting a
15 juvenile to occupy the premises if the juvenile has been adjudicated
16 delinquent upon the basis of an act which if committed by an adult
17 would constitute the offense of use or possession under the said act.
18 No action for removal may be brought pursuant to this subsection
19 more than two years after the date of the adjudication or conviction
20 or more than two years after the person's release from incarceration
21 whichever is the later.

22 o. The person has been convicted of or pleaded guilty to, or if a
23 juvenile, has been adjudicated delinquent on the basis of an act
24 which if committed by an adult would constitute an offense under
25 N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault, or terroristic
26 threats against the landlord, a member of the landlord's family or an
27 employee of the landlord; or, being the tenant or lessee of such
28 leased premises, knowingly harbors or harbored therein a person
29 who has been so convicted or has so pleaded, or otherwise permits
30 or permitted such a person to occupy those premises for residential
31 purposes, whether continuously or intermittently. No action for
32 removal may be brought pursuant to this subsection more than two
33 years after the adjudication or conviction or more than two years
34 after the person's release from incarceration whichever is the later.

35 p. The person has been found, by a preponderance of the
36 evidence, liable in a civil action for removal commenced under this
37 act for an offense under N.J.S.2C:20-1 et al. involving theft of
38 property located on the leased premises from the landlord, the
39 leased premises or other tenants residing in the leased premises, or
40 N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault or terroristic
41 threats against the landlord, a member of the landlord's family or an
42 employee of the landlord, or under the "Comprehensive Drug
43 Reform Act of 1987," N.J.S.2C:35-1 et al., involving the use,
44 possession, manufacture, dispensing or distribution of a controlled
45 dangerous substance, controlled dangerous substance analog or drug
46 paraphernalia within the meaning of that act within or upon the
47 leased premises or the building or complex of buildings and land
48 appurtenant thereto, or the mobile home park, in which those

1 premises are located, and has not in connection with his sentence
2 for that offense either (1) successfully completed or (2) been
3 admitted to and continued upon probation while completing a drug
4 rehabilitation program pursuant to N.J.S.2C:35-14; or, being the
5 tenant or lessee of such leased premises, knowingly harbors or
6 harbored therein a person who committed such an offense, or
7 otherwise permits or permitted such a person to occupy those
8 premises for residential purposes, whether continuously or
9 intermittently, except that this subsection shall not apply to a person
10 who harbors or permits a juvenile to occupy the premises if the
11 juvenile has been adjudicated delinquent upon the basis of an act
12 which if committed by an adult would constitute the offense of use
13 or possession under the said "Comprehensive Drug Reform Act of
14 1987."

15 q. The person has been convicted of or pleaded guilty to, or if a
16 juvenile, has been adjudicated delinquent on the basis of an act
17 which if committed by an adult would constitute an offense under
18 N.J.S.2C:20-1 et al. involving theft of property from the landlord,
19 the leased premises or other tenants residing in the same building or
20 complex; or, being the tenant or lessee of such leased premises,
21 knowingly harbors therein a person who has been so convicted or
22 has so pleaded, or otherwise permits such a person to occupy those
23 premises for residential purposes, whether continuously or
24 intermittently.

25 r. The person ²[has been convicted of or pleaded guilty to, or
26 if a juvenile, has been adjudicated delinquent on the basis of an act
27 which if] is found in a civil action, by a preponderance of the
28 evidence, to have² committed ²[by an adult would constitute the
29 crime] a violation² of ²the² human trafficking ²[under] provisions
30 set forth in² section 1 of P.L.2005, c.77 (C.2C:13-8) within or upon
31 the leased premises or the building or complex of buildings and
32 land appurtenant thereto, or the mobile home park, in which those
33 premises are located; or, being the tenant or lessee of such leased
34 premises, knowingly harbors or harbored therein a person who has
35 been ²[so convicted or has so pleaded] engaged in human
36 trafficking² , or otherwise permits or permitted such a person to
37 occupy those premises for residential purposes, whether
38 continuously or intermittently. No action for removal may be
39 brought pursuant to this subsection more than two years after ²[the
40 date of the adjudication or conviction or more than two years after
41 the person's release from incarceration whichever is the later.] the
42 alleged violation has terminated. A criminal conviction or a guilty
43 plea to a crime of human trafficking under section 1 of P.L.2005,
44 c.77 (C.2C:13-8) shall be considered prima facie evidence of civil
45 liability under this subsection² .

46 For purposes of this section, (1) "developmental disability"
47 means any disability which is defined as such pursuant to section 3

1 of P.L.1977, c.82 (C.30:6D-3); (2) "member of the immediate
2 family" means a person's spouse, parent, child or sibling, or a
3 spouse, parent, child or sibling of any of them; and (3)
4 "permanently" occupies or occupied means that the occupant
5 maintains no other domicile at which the occupant votes, pays rent
6 or property taxes or at which rent or property taxes are paid on the
7 occupant's behalf.

8 (cf: P.L.2000, c.113, s.3)

9

10 ²[7.] 8.² Section 3 of P.L.1974, c.49 (C.2A:18-61.2) is amended
11 to read as follows:

12 3. No judgment of possession shall be entered for any premises
13 covered by section 2 of this act, except in the nonpayment of rent
14 under subsection a. or f. of section 2, unless the landlord has made
15 written demand and given written notice for delivery of possession
16 of the premises. The following notice shall be required:

17 a. For an action alleging disorderly conduct under subsection b.
18 of section 2, or injury to the premises under subsection c. of section
19 2, or any grounds under subsection m., n., o. **[or]** , p. , q., or r. of
20 section 2, three days' notice prior to the institution of the action for
21 possession;

22 b. For an action alleging continued violation of rules and
23 regulations under subsection d. of section 2, or substantial breach of
24 covenant under subsection e. of section 2, or habitual failure to pay
25 rent, one month's notice prior to the institution of the action for
26 possession;

27 c. For an action alleging any grounds under subsection g. of
28 section 2, three months' notice prior to the institution of the action;

29 d. For an action alleging permanent retirement under
30 subsection h. of section 2, 18 months' notice prior to the institution
31 of the action and, provided that, where there is a lease in effect, no
32 action may be instituted until the lease expires;

33 e. For an action alleging refusal of acceptance of reasonable
34 lease changes under subsection i. of section 2, one month's notice
35 prior to institution of action;

36 f. For an action alleging any grounds under subsection l. of
37 section 2, two months' notice prior to the institution of the action
38 and, provided that where there is a written lease in effect no action
39 shall be instituted until the lease expires;

40 g. For an action alleging any grounds under subsection k. of
41 section 2, three years' notice prior to the institution of action, and
42 provided that where there is a written lease in effect, no action shall
43 be instituted until the lease expires;

44 h. In public housing under the control of a public housing
45 authority or redevelopment agency, for an action alleging
46 substantial breach of contract under paragraph (2) of subsection e.
47 of section 2, the period of notice required prior to the institution of

1 an action for possession shall be in accordance with federal
2 regulations pertaining to public housing leases.

3 The notice in each of the foregoing instances shall specify in
4 detail the cause of the termination of the tenancy and shall be
5 served either personally upon the tenant or lessee or such person in
6 possession by giving him a copy thereof, or by leaving a copy
7 thereof at his usual place of abode with some member of his family
8 above the age of 14 years, or by certified mail; if the certified letter
9 is not claimed, notice shall be sent by regular mail.
10 (cf: P.L.1997, c.228, s.2)

11

12 ²[8.] 9.² N.J.S.2C:34-1 is amended to read as follows:

13 2C:34-1. Prostitution and Related Offenses.

14 a. As used in this section:

15 (1) "Prostitution" is sexual activity with another person in
16 exchange for something of economic value, or the offer or
17 acceptance of an offer to engage in sexual activity in exchange for
18 something of economic value.

19 (2) "Sexual activity" includes, but is not limited to, sexual
20 intercourse, including genital-genital, oral-genital, anal-genital, and
21 oral-anal contact, whether between persons of the same or opposite
22 sex; masturbation; touching of the genitals, buttocks, or female
23 breasts; sadistic or masochistic abuse and other deviate sexual
24 relations.

25 (3) "House of prostitution" is any place where prostitution or
26 promotion of prostitution is regularly carried on by one person
27 under the control, management or supervision of another.

28 (4) "Promoting prostitution" is:

29 (a) Owning, controlling, managing, supervising or otherwise
30 keeping, alone or in association with another, a house of
31 prostitution or a prostitution business;

32 (b) Procuring an inmate for a house of prostitution or place in a
33 house of prostitution for one who would be an inmate;

34 (c) Encouraging, inducing, or otherwise purposely causing
35 another to become or remain a prostitute;

36 (d) Soliciting a person to patronize a prostitute;

37 (e) Procuring a prostitute for a patron;

38 (f) Transporting a person into or within this State with purpose
39 to promote that person's engaging in prostitution, or procuring or
40 paying for transportation with that purpose; or

41 (g) Knowingly leasing or otherwise permitting a place
42 controlled by the actor, alone or in association with others, to be
43 regularly used for prostitution or promotion of prostitution, or
44 failure to make a reasonable effort to abate such use by ejecting the
45 tenant, notifying law enforcement authorities, or other legally
46 available means.

47 b. A person commits an offense if:

48 (1) The actor engages in prostitution ²as a patron²;

- 1 (2) The actor promotes prostitution;
- 2 (3) The actor knowingly promotes prostitution of a child under
3 18 whether or not the actor mistakenly believed that the child was
4 18 years of age or older, even if such mistaken belief was
5 reasonable;
- 6 (4) The actor knowingly promotes prostitution of the actor's
7 child, ward, or any other person for whose care the actor is
8 responsible;
- 9 (5) The actor compels another to engage in or promote
10 prostitution;
- 11 (6) The actor promotes prostitution of the actor's spouse; ²[or]²
- 12 (7) The actor knowingly engages in prostitution with a person
13 under the age of 18, or if the actor enters into or remains in a house
14 of prostitution for the purpose of engaging in sexual activity with a
15 child under the age of 18, or if the actor solicits or requests a child
16 under the age of 18 to engage in sexual activity. It shall be no
17 defense to a prosecution under this paragraph that the actor
18 mistakenly believed that the child was 18 years of age or older,
19 even if such mistaken belief was reasonable ²; or
- 20 (8) The actor engages in prostitution by personally offering
21 sexual activity in exchange for something of economic value².
- 22 c. Grading of offenses under subsection b.
- 23 (1) An offense under subsection b. constitutes a crime of the
24 ²[second] first² degree if the offense falls within paragraph (3) or
25 (4) of that subsection.
- 26 (2) An offense under subsection b. constitutes a crime of the
27 ²[third] second² degree if the offense falls within paragraph ²[(5),
28 (6) or]² (7) of that subsection.
- 29 (3) ²An offense under subsection b. constitutes a crime of the
30 third degree if the offense falls within paragraph (5) or (6) of that
31 subsection.
- 32 (4)² An offense under paragraph (2) of subsection b. constitutes a
33 crime of the third degree if the conduct falls within subparagraph
34 (a), (b), [or] (c), (f), or (g) of paragraph (4) of subsection a.
35 Otherwise the offense is a crime of the fourth degree.
- 36 ²[(4)] (5)² An offense under subsection b. constitutes a
37 disorderly persons offense if the offense falls within paragraph (1)
38 of that subsection except that a second or ²[subsequent] third²
39 conviction for such an offense constitutes a crime of the fourth
40 degree ², and a fourth or subsequent conviction for such an offense
41 constitutes a crime of the third degree². In addition, where a motor
42 vehicle was used in the commission of any offense under paragraph
43 (1) of subsection b. the court shall suspend for six months the
44 driving privilege of any such offender who has a valid driver's
45 license issued by this State. Upon conviction, the court shall
46 immediately collect the offender's driver's license and shall forward
47 it, along with a report stating the first and last day of the suspension

1 imposed pursuant to this paragraph, to the New Jersey Motor
2 Vehicle Commission.

3 ²(6) An offense under subsection b. constitutes a disorderly
4 persons offense if the offense falls within paragraph (8) of that
5 subsection, except that a second or subsequent conviction for such
6 an offense constitutes a crime of the fourth degree.²

7 d. Presumption from living off prostitutes. A person, other
8 than the prostitute or the prostitute's minor child or other legal
9 dependent incapable of self-support, who is supported in whole or
10 substantial part by the proceeds of prostitution is presumed to be
11 knowingly promoting prostitution.

12 e. It is an affirmative defense to prosecution for a violation of
13 this section that, during the time of the alleged commission of the
14 offense, the defendant was a victim of human trafficking pursuant
15 to section 1 of P.L.2005, c.77 (C.2C:13-8) or **the defendant was**
16 **under the** compelled by another to engage in sexual activity,
17 regardless of the defendant's age [of 18].

18 ²f. ³(1) Any fine set forth in N.J.S.2C:43-3 that is imposed upon
19 a person by a municipal court for a conviction of a disorderly
20 persons offense under this section shall be collected,
21 notwithstanding the procedures for the collection of fines and
22 restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), by the
23 municipal court administrator and paid into the municipal treasury
24 of the municipality in which the offense was committed.

25 (2)³ In addition to any fine, fee, assessment, or penalty
26 authorized under the provisions of Title 2C of the New Jersey
27 Statutes, a person convicted of an offense of prostitution or related
28 offense under paragraph (2), (3), (4), (5), (6), or (7) of subsection b.
29 shall be assessed a penalty of at least \$10,000 but not more than
30 \$50,000, except if the offense involved promotion of the
31 prostitution of a child under the age of 18, the penalty shall be at
32 least \$25,000. All penalties provided for in this subsection,
33 collected as provided for the collection of fines and restitutions in
34 section 3 of P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the
35 Department of the Treasury to be deposited in the "Human
36 Trafficking Survivor's Assistance Fund" established by section 2 of
37 P.L. , c. (C.) (pending before the Legislature as this bill).²
38 (cf: P.L.2011, c.195, s.6)

39

40 ²[9.(New section) a. Any person who, on or after the effective
41 date of this section, is convicted and serving a sentence as provided
42 for by Title 2C of the New Jersey Statutes for engaging in
43 prostitution under paragraph (1) of subsection b. of N.J.S.2C:34-1
44 may move to have the sentence reviewed by the court on the
45 grounds that the defendant was a victim of human trafficking
46 pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8).

1 b. (1) If the court finds that the sentence under review does not
2 serve the interests of justice, the court may vacate the conviction,
3 resentence the defendant, or place the defendant on probation.

4 (2) In determining whether the sentence under review serves the
5 interests of justice, the court shall consider all relevant
6 circumstances, including whether the defendant's victimization
7 constituted a significant contributing factor to the defendant's
8 criminal behavior, regardless of whether the defendant raised this
9 factor as a defense at trial in accordance with subsection e. of
10 N.J.S.2C:34-1.]²

11
12 ²10. (New section) a. (1) A person convicted of N.J.S.2C:34-1,
13 prostitution and related offenses, or section 3 of P.L.1997, c.93
14 (C.2C:34-1.1), loitering for the purpose of engaging in prostitution,
15 or a similar local ordinance, may file an application with the
16 Superior Court in accordance with the Rules of Court to have the
17 conviction vacated at any time following entry of a judgment of
18 conviction, when the person's participation in the offense was a
19 result of having been a victim of human trafficking pursuant to
20 section 1 of P.L.2005, c.77 (C.2C:13-8) or as defined in paragraph
21 (14) of 22 U.S.C. s.7102.

22 (2) Notwithstanding any law to the contrary, the person may also
23 in the same application seek an order for the expungement of any
24 reference to the person's arrest, conviction, and any proceeding for
25 prostitution in any records in the custody of a court, or law
26 enforcement or correctional agency entitled to be served with the
27 application pursuant to subsection b. of this section.

28 b. (1) An application made under this section, together with a
29 copy of all supporting documents, shall be served pursuant to the
30 Rules of Court upon: the Attorney General; the county prosecutor of
31 the county wherein the court is located; the Superintendent of State
32 Police; the chief of police or other executive head of the police
33 department of the municipality wherein the offense was committed;
34 the chief law enforcement officer of any other law enforcement
35 agency of this State that participated in the arrest of the person; the
36 superintendent or warden of any institution in which the person was
37 confined; and, if a disposition was made in municipal court, upon
38 the judge of that court. Any of the noticed parties herein may make
39 an appearance or file a submission responding to the person's
40 application.

41 (2) The application shall be made and heard within a reasonable
42 time after the person has ceased to be a victim of human trafficking
43 or has sought services for being a victim of human trafficking,
44 whichever occurs later, subject to reasonable concerns for the safety
45 of the person, family members of the person, or other victims of
46 human trafficking that may be jeopardized by the bringing of the
47 application, or for other reasons consistent with the purposes of this
48 paragraph.

1 c. (1) The court may vacate a conviction pursuant to this section
2 if it finds by a preponderance of the evidence that the person was a
3 victim of human trafficking pursuant to section 1 of P.L.2005, c.77
4 (C.2C:13-8) or as defined in paragraph (14) of 22 U.S.C. s.7102 at
5 the time of the offense, and that the violation was a result of the
6 person having been a victim of human trafficking.

7 (2) In making a determination:

8 (a) evidence documenting the person's status as a victim of
9 human trafficking at the time of the offense from a federal, state, or
10 local governmental agency shall create a rebuttable presumption
11 that the person's participation in the offense was a result of having
12 been a victim, but shall not be required to vacate a conviction under
13 this section; and

14 (b) the court may additionally consider other evidence it deems
15 appropriate in determining whether the person was a victim of
16 human trafficking, including, but not limited to:

17 (i) certified records of federal or State court proceedings which
18 demonstrate that the defendant was a victim of a trafficker charged
19 with a human trafficking offense under section 1 of P.L.2005, c.77
20 (C.2C:13-8) or chapter 77 of Title 18 of the United States Code;

21 (ii) certified records of approval notices or law enforcement
22 certifications generated from a federal immigration proceeding
23 available to victims of human trafficking; and

24 (iii) testimony or a sworn statement from a trained professional
25 staff member of a victim services organization, an attorney, a
26 member of the clergy or a health care or other professional from
27 whom the person has sought assistance in addressing the trauma
28 associated with being a victim of human trafficking.

29 d. If the court finds, pursuant to subsection c. of this section, that
30 the person was a victim of human trafficking, it shall enter an order
31 vacating the conviction and directing that all court records be
32 revised accordingly. When the person's application also seeks an
33 order for expungement, the court order shall require that any court,
34 law enforcement and correctional agencies, and other noticed
35 parties pursuant to subsection b. of this section expunge all
36 references to the person's arrest, conviction, and related
37 proceedings for the violation of N.J.S.2C:34-1, prostitution and
38 related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1),
39 loitering for the purpose of engaging in prostitution, or a similar
40 local ordinance from all records in their custody that relate to the
41 vacated conviction. An expungement ordered pursuant to this
42 section shall have the same force as an expungement ordered
43 pursuant to N.J.S.2C:52-1 et seq.²

44
45 ²[10.] 11.² (New section) a. In addition to any other disposition
46 authorized by law, the court shall order any person convicted of ²a
47 disorderly persons offense for² engaging ²[a prostitute] in

1 prostitution as a patron² pursuant to paragraph (1) of subsection b.
 2 of N.J.S.2C:34-1 to participate in the “⁵**[John School ²**[Diversion]****
 3 **Rehabilitative²]** Prostitution Offender⁵ Program” established
 4 pursuant to subsection d. of this section ³, unless the prosecutor, by
 5 motion, requests that the mandatory participation be waived, in
 6 which case the court may waive the program participation required
 7 by this section³.

8 b. In addition to any fine, fee, assessment, or penalty authorized
 9 under the provisions of Title 2C of the New Jersey Statutes, a
 10 person convicted of an offense of engaging ²**[a prostitute under]** in
 11 prostitution as a patron pursuant to² paragraph (1) of subsection b.
 12 of N.J.S.2C:34-1 shall be assessed ³, if ordered to participate in the
 13 “⁵**[John School Rehabilitative]** **Prostitution Offender⁵ Program,**”³
 14 a ³**[penalty] fee³ of ²**[\$1,000] \$500².****

15 c. ³**[All penalties provided for in]** Each \$500 fee assessed as
 16 required by³ this section ³[, collected as provided for the collection
 17 of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-
 18 4),]³ shall be ³collected by the court, and³ forwarded to the
 19 Department of the Treasury to be deposited in the “Human
 20 Trafficking Survivor’s Assistance Fund” established by section 2 of
 21 P.L. , c. (C.) (pending before the Legislature as this bill).
 22 ²**[These monies, and other monies in the fund designated by the**
 23 Commission on Human Trafficking pursuant to section 2 of P.L. ,
 24 c. (C.), shall be dedicated to the development, establishment,
 25 operation, and maintenance of the "John School Diversion
 26 Program" created pursuant to subsection d. of this section.]² ³From
 27 this fee, \$200 shall be retained in the fund, and the remaining \$300
 28 shall be distributed as follows: \$200 to the approved provider of the
 29 “⁵**[John School Rehabilitative]** **Prostitution Offender⁵ Program,**”
 30 as established under subsection d. of this section, attended by the
 31 person; and \$100 to the law enforcement agency that arrested the
 32 person resulting in that person’s conviction.³

33 d. ²**(1)²** There is hereby established an education program to be
 34 known as the "⁵**[John School ²**[Diversion]** **Rehabilitative²]****
 35 **Prostitution Offender⁵ Program,**" which shall ²**[be administered by**
 36 **the Administrative Office of the Courts]** consist of an instructional
 37 program on prostitution and human trafficking schemes offered in
 38 one or more locations throughout the State ³as follows:

39 (a)³ by a county or local governmental entity, ³**[or]** if that
 40 county or local governmental entity demonstrates an interest in
 41 establishing a program, submits information pertaining to the
 42 proposed operation of an instructional program by the county or
 43 local governmental entity, or alternatively, by³ a nonprofit or other
 44 private provider ³[. The instructional program and each provider
 45 thereof shall be approved by the Attorney General, in consultation

1 with the Commission on Human Trafficking created by section 1 of
2 P.L. , c. (C.) (pending before the Legislature as this bill)²]
3 on behalf of the county or local governmental entity, and the
4 Attorney General, in consultation with the Commission on Human
5 Trafficking created by section 1 of P.L. , c. (C.) (pending
6 before the Legislature as this bill), approves the program and the
7 provider thereof, if the proposed provider is a nonprofit or other
8 private entity. If a county or local governmental entity establishes
9 and operates an instructional program, then all courts operating
10 within the jurisdiction of that county or local governmental entity
11 shall order a person ⁴convicted of an eligible offense under
12 subsection a. of this section⁴ to attend that county or local
13 governmental entity's program; ⁴provided, a court shall not be
14 required to order a person to attend that program until the first day
15 of the month next following the date on which the Attorney General
16 notifies the Administrative Office of the Courts that the program
17 has been established and approved by the Attorney General;⁴ and
18 (b) by the State, to be established within six months of the
19 effective date of this section, based upon the Attorney General, in
20 consultation with the Commission on Human Trafficking created by
21 section 1 of P.L. , c. (C.) (pending before the Legislature as
22 this bill), approving an instructional program to be provided by one
23 or more approved nonprofit or other private providers in multiple
24 locations throughout the State. Any court in a jurisdiction that does
25 not have an approved county or local governmental entity
26 instructional program as established under subparagraph (a) of this
27 paragraph shall order a person ⁴convicted of an eligible offense
28 under subsection a. of this section⁴ to attend ⁴[an] the⁴ approved
29 State program established under this subparagraph, unless there is
30 an extra-jurisdictional county or local governmental entity
31 instructional program within 25 miles of the court, and the court has
32 been notified ⁴in accordance with this subparagraph, or
33 subparagraph (a) of this paragraph,⁴ of the availability of that
34 program to accept participants from the court, in which case the
35 court may instead order a person to attend the county or local
36 governmental entity's instructional program³ ⁴; regarding any
37 program notice under this subparagraph, a court shall not be
38 required to order a person to attend a program until the first day of
39 the month next following the date on which the Attorney General
40 notifies the Administrative Office of the Courts that the program
41 has been established and approved by the Attorney General⁴ .
42 ²(2)² The program shall ²[educate defendants who have been
43 convicted of engaging a prostitute pursuant to paragraph (1) of
44 subsection b. of N.J.S.2C:34-1 about the risks involved in their
45 unlawful activity. The program shall inform the defendants of]
46 include information intended to increase the person's awareness of:

- 1 (a) the causes of prostitution and its relationship to human
2 trafficking;
- 3 (b)² the health risks connected with ²[the crime of]² prostitution,
4 including the risk of transmittable diseases ²[, the legal
5 ramifications for defendants of their unlawful activity, the terms of
6 imprisonment for subsequent offenses, and the correlation between
7 prostitution and] ;
- 8 (c) the consequences of convictions for prostitution or² human
9 trafficking ², including penalties for subsequent convictions; and
- 10 (d) the pervasiveness of human trafficking and the effects of
11 human trafficking on its victims.
- 12 (3) Pursuant to section 2 of P.L. , c. (C.) (pending before
13 the Legislature as this bill), the Attorney General, in consultation
14 with the Commission on Human Trafficking, may provide for the
15 expenditures of monies from the “Human Trafficking Survivor’s
16 Assistance Fund” to assist with the development, maintenance,
17 revision, and distribution of instructional program ³[and
18 counseling]³ materials for the “ ⁵[John School Rehabilitative]
19 Prostitution Offender⁵ Program² ³,” and the operation of this
20 instructional program³ .
- 21
- 22 ²[11.] 12.² (New section) a. The Legislature finds and declares
23 that:
- 24 (1) There reportedly are more than 12 million victims of human
25 trafficking and it is estimated that this figure could actually be as
26 high as 27 million;
- 27 (2) According to the National Center for Missing and Exploited
28 Children, at least 100,000 human trafficking victims are American
29 children who are an average age of 13 years old;
- 30 (3) Advertisements for selling the services of girls as escorts on
31 Internet websites falsely claim that these girls are 18 years of age or
32 older, when the girls actually are minors;
- 33 (4) The advertising of these escort services includes minors who
34 are being sold for sex, which constitutes sex trafficking and
35 commercial sexual abuse of minors;
- 36 (5) Responding to political and public outcry, the Internet
37 website craigslist.com removed its escort section, but another
38 website with an escort section, backpage.com, has to date refused to
39 do so;
- 40 (6) The states of Washington and Connecticut recently enacted
41 laws to require Internet websites, such as backpage.com, and the
42 patrons who advertise on websites, to maintain documentation that
43 they have proved the age of the escorts presented in the
44 advertisements;
- 45 (7) The State of New Jersey criminalized human trafficking in
46 2005; and

- 1 (8) Sex trafficking of minors should be eliminated in conformity
2 with federal laws prohibiting the sexual exploitation of children.
- 3 b. A person commits the offense of advertising commercial
4 sexual abuse of a minor if:
- 5 (1) the person knowingly publishes, disseminates, or displays, or
6 causes directly or indirectly, to be published, disseminated, or
7 displayed, any advertisement for a commercial sex act, which is to
8 take place in this State and which includes the depiction of a minor;
9 or
- 10 (2) the person knowingly purchases advertising in this State for a
11 commercial sex act which includes the depiction of a minor.
- 12 c. A person who commits the offense of advertising
13 commercial sexual abuse of a minor as established in subsection b.
14 of this section is guilty of a crime of the first degree.
15 Notwithstanding the provisions of N.J.S.2C:43-3, the fine imposed
16 for an offense under this section ¹**[concerning criminal
17 negligence]**¹ shall be a fine of at least \$25,000, which shall be
18 collected as provided for the collection of fines and restitutions in
19 section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the
20 Department of the Treasury to be deposited in the "Human
21 Trafficking Survivor's Assistance Fund" established by section 2 of
22 P.L. , c. (C.) (pending before the Legislature as this bill).
- 23 d. Nothing in this section shall preclude an indictment and
24 conviction for any other offense defined by the laws of this State.
- 25 e. For the purposes of this section:
- 26 "Advertisement for a commercial sex act" means any
27 advertisement or offer in electronic or print media, including the
28 Internet, which includes either an explicit or implicit offer for a
29 commercial sex act to occur in this State.
- 30 "Commercial sex act" means any act of sexual contact or sexual
31 penetration, as defined in N.J.S.2C:14-1, or any prohibited sexual
32 act, as defined in N.J.S.2C:24-4, for which something of value is
33 given or received by any person.
- 34 "Depiction" means any photograph or ²**[visual or printed matter]**
35 material containing a photograph or reproduction of a photograph².
- 36 "Minor" means a person who is under 18 years of age.
- 37 "Photograph" means a print, negative, slide, digital image,
38 motion picture, or videotape, and includes anything tangible or
39 intangible produced by photographing.
- 40 ²**["Visual or printed matter" means any photograph or other
41 material that contains a reproduction of a photograph.]**²
- 42 f. It shall not be a defense to a violation of this section that the
43 defendant ¹;
44 (1)¹ did not know the age of the minor depicted in the
45 advertisement ¹; or

1 (2) claims to know the age of the person depicted, unless there is
2 appropriate proof of age obtained and produced in accordance with
3 subsections g. and h. of this section¹.

4 g. It shall be a defense to a violation of this section that the
5 defendant made a reasonable, bona fide attempt to ascertain the true
6 age of the minor depicted in the advertisement by requiring, prior to
7 publication, dissemination, or display of the advertisement,
8 production of a driver's license, marriage license, birth certificate,
9 or other governmental or educational identification card or paper of
10 the minor depicted in the advertisement and did not rely solely on
11 oral or written representations of the minor's age, or the apparent
12 age of the minor as depicted. The defendant shall prove the defense
13 established ¹in¹ this subsection by a preponderance of the evidence.

14 h. The defendant shall maintain and, upon request, produce a
15 record of the identification used to verify the age of the person
16 depicted in the advertisement.

17

18 ²[12. 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.

34 (3) A person who fails to register as required under this act shall
35 be guilty of a crime of the third 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
48 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the

1 welfare of a child by engaging in sexual conduct which would
2 impair or debauch the morals of the child pursuant to subsection a.
3 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
4 paragraph (3) or (4) or subparagraph (a) of paragraph (5) of
5 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to
6 section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact
7 pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping
8 pursuant to N.J.S.2C:13-1, criminal restraint pursuant to
9 N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if
10 the victim is a minor and the offender is not the parent of the
11 victim; knowingly promoting prostitution of a child pursuant to
12 paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1;
13 advertising commercial sexual abuse of a minor pursuant to section
14 11 of P.L. , c. (C.) (pending before the Legislature as this
15 bill); or an attempt to commit any of these enumerated offenses if
16 the 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 c. A person required to register under the provisions of this act
29 shall do so on forms to be provided by the designated registering
30 agency as follows:

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

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

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

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

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

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

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

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

1 appropriate law enforcement agency of a change of address or status
2 in accordance with this subsection is guilty of a crime of the fourth
3 degree.

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

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

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

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

1 the Superior Court of this State to terminate the registration
2 obligation.

3 (cf: P.L.2007, c.219, s.2)]²

4

5 13. N.J.S.2C:24-4 is amended to read as follows:

6 2C:24-4. Endangering Welfare of Children.

7 a. Any person having a legal duty for the care of a child or who
8 has assumed responsibility for the care of a child who engages in
9 sexual conduct which would impair or debauch the morals of the
10 child, or who causes the child harm that would make the child an
11 abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3 and
12 section 1 of P.L.1974, c.119 [, s.1] (C.9:6-8.21) is guilty of a crime
13 of the second degree. Any other person who engages in conduct or
14 who causes harm as described in this subsection to a child under the
15 age of ²[16] 18² is guilty of a crime of the third degree.

16 b. (1) As used in this subsection:

17 "Child" means any person under ²[16] 18² years of age.

18 "Internet" means the international computer network of both
19 federal and non-federal interoperable packet switched data
20 networks.

21 "Prohibited sexual act" means

22 (a) Sexual intercourse; or

23 (b) Anal intercourse; or

24 (c) Masturbation; or

25 (d) Bestiality; or

26 (e) Sadism; or

27 (f) Masochism; or

28 (g) Fellatio; or

29 (h) Cunnilingus; or

30 (i) Nudity, if depicted for the purpose of sexual stimulation or
31 gratification of any person who may view such depiction; or

32 (j) Any act of sexual penetration or sexual contact as defined in
33 N.J.S.2C:14-1.

34 "Reproduction" means, but is not limited to, computer generated
35 images.

36 (2) (Deleted by amendment, P.L.2001, c.291).

37 (3) A person commits a crime of the second degree if he causes
38 or permits a child to engage in a prohibited sexual act or in the
39 simulation of such an act if the person knows, has reason to know
40 or intends that the prohibited act may be photographed, filmed,
41 reproduced, or reconstructed in any manner, including on the
42 Internet, or may be part of an exhibition or performance. If the
43 person is a parent, guardian or other person legally charged with the
44 care or custody of the child, the person shall be guilty of a crime of
45 the first degree.

46 (4) Any person who photographs or films a child in a prohibited
47 sexual act or in the simulation of such an act or who uses any
48 device, including a computer, to reproduce or reconstruct the image

1 of a child in a prohibited sexual act or in the simulation of such an
2 act is guilty of a crime of the second degree.

3 (5) (a) Any person who knowingly receives for the purpose of
4 selling or who knowingly sells, procures, manufactures, gives,
5 provides, lends, trades, mails, delivers, transfers, publishes,
6 distributes, circulates, disseminates, presents, exhibits, advertises,
7 offers or agrees to offer, through any means, including the Internet,
8 any photograph, film, videotape, computer program or file, video
9 game or any other reproduction or reconstruction which depicts a
10 child engaging in a prohibited sexual act or in the simulation of
11 such an act, is guilty of a crime of the second degree.

12 (b) Any person who knowingly possesses or knowingly views
13 any photograph, film, videotape, computer program or file, video
14 game or any other reproduction or reconstruction which depicts a
15 child engaging in a prohibited sexual act or in the simulation of
16 such an act, including on the Internet, is guilty of a crime of the
17 ~~fourth~~ third degree.

18 (6) For purposes of this subsection, a person who is depicted as
19 or presents the appearance of being under the age of ~~2[16] 18~~² in
20 any photograph, film, videotape, computer program or file, video
21 game or any other reproduction or reconstruction shall be rebuttably
22 presumed to be under the age of ~~2[16] 18~~². If the child who is
23 depicted as engaging in, or who is caused to engage in, a prohibited
24 sexual act or simulation of a prohibited sexual act is under the age
25 of ~~2[16] 18~~², the actor shall be strictly liable and it shall not be a
26 defense that the actor did not know that the child was under the age
27 of ~~2[16] 18~~², nor shall it be a defense that the actor believed that
28 the child was ~~2[16] 18~~² years of age or older, even if such a
29 mistaken belief was reasonable.

30 (cf: P.L.2001, c.291, s.1)

31

32 ²14. Section 8 of P.L.1968, c.409 (C.2A:156A-8) is amended to
33 read as follows:

34 8. The Attorney General, county prosecutor or a person
35 designated to act for such an official and to perform his duties in
36 and during his actual absence or disability, may authorize, in
37 writing, an ex parte application to a judge designated to receive the
38 same for an order authorizing the interception of a wire, or
39 electronic or oral communication by the investigative or law
40 enforcement officers or agency having responsibility for an
41 investigation when such interception may provide evidence of the
42 commission of the offense of murder, kidnapping, gambling,
43 robbery, bribery, a violation of paragraph (1) or (2) of subsection b.
44 of N.J.S.2C:12-1, a violation of section 3 of P.L.1997, c.353
45 (C.2C:21-4.3), a violation of N.J.S.2C:21-19 punishable by
46 imprisonment for more than one year, a violation of P.L.1994, c.121
47 (C.2C:21-23 et seq.), a violation of sections 1 through 5 of

1 P.L.2002, c.26 (C.2C:38-1 through C.2C:38-5), a violation of
 2 N.J.S.2C:33-3, a violation of N.J.S.2C:17-2, a violation of sections
 3 1 through 3 of P.L.1983, c.480 (C.2C:17-7 through 2C:17-9), a
 4 violation of N.J.S.2C:12-3 (terroristic threats), violations of
 5 N.J.S.2C:35-3, N.J.S.2C:35-4 and N.J.S.2C:35-5, violations of
 6 sections 112 through 116, inclusive, of the "Casino Control Act,"
 7 P.L.1977, c.110 (C.5:12-112 through 5:12-116), a violation of
 8 section 1 of P.L.2005, c.77 (C.2C:13-8), a violation of N.J.S.2C:34-
 9 1 punishable by imprisonment for more than one year, arson,
 10 burglary, theft and related offenses punishable by imprisonment for
 11 more than one year, endangering the welfare of a child pursuant to
 12 N.J.S.2C:24-4, escape, forgery and fraudulent practices punishable
 13 by imprisonment for more than one year, alteration of motor vehicle
 14 identification numbers, unlawful manufacture, purchase, use, or
 15 transfer of firearms, unlawful possession or use of destructive
 16 devices or explosives, weapons training for illegal activities
 17 pursuant to section 1 of P.L.1983, c.229 (C.2C:39-14), racketeering
 18 or a violation of subsection g. of N.J.S.2C:5-2, leader of organized
 19 crime, organized criminal activity directed toward the unlawful
 20 transportation, storage, disposal, discharge, release, abandonment or
 21 disposition of any harmful, hazardous, toxic, destructive, or
 22 polluting substance, or any conspiracy to commit any of the
 23 foregoing offenses or which may provide evidence aiding in the
 24 apprehension of the perpetrator or perpetrators of any of the
 25 foregoing offenses.²

26 (cf: P.L.2002, c.26, s.6)

27

28 ²15. Section 1 of P.L.1994, c.144 (C.2A:162-12) is amended to
 29 read as follows:

30 1. a. As used in this section:

31 "Crime with bail restrictions" means a crime of the first or
 32 second degree charged under any of the following sections:

- | | | |
|----|--|-----------------------------------|
| 33 | (1) Murder | 2C:11-3. |
| 34 | (2) Manslaughter | 2C:11-4. |
| 35 | (3) Kidnapping | 2C:13-1. |
| 36 | (4) Sexual Assault | 2C:14-2. |
| 37 | (5) Robbery | 2C:15-1. |
| 38 | (6) Carjacking | P.L.1993, c.221, s.1 (C.2C:15-2). |
| 39 | (7) Arson and Related Offenses | 2C:17-1. |
| 40 | (8) Causing or Risking Widespread | |
| 41 | Injury or Damage | 2C:17-2. |
| 42 | (9) Burglary | 2C:18-2. |
| 43 | (10) Theft by Extortion | 2C:20-5. |
| 44 | (11) Endangering the Welfare of Children | 2C:24-4. |
| 45 | (12) Resisting Arrest; Eluding Officer | 2C:29-2. |
| 46 | (13) Escape | 2C:29-5. |
| 47 | (14) Corrupting or Influencing a Jury | 2C:29-8. |
| 48 | (15) Possession of Weapons for Unlawful Purposes | 2C:39-4. |

- 1 (16) Weapons Training for Illegal Activities
2 P.L.1983, c.229, s.1 (C.2C:39-14).
- 3 (17) Soliciting or Recruiting Gang Members
4 P.L.1999, c.160, s.1 (C.2C:33-28).
- 5 (18) Human Trafficking P.L.2005, c.77, s.1 (C.2C:13-8).
6 "Crime with bail restrictions" also includes any first or second
7 degree drug-related crimes under chapter 35 of Title 2C of the New
8 Jersey Statutes and any first or second degree racketeering crimes
9 under chapter 41 of Title 2C of the New Jersey Statutes.
- 10 "Crime with bail restrictions" also includes any crime or offense
11 involving domestic violence, as defined in subsection a. of section 3
12 of P.L.1991, c.261 (C.2C:25-19), where the defendant was subject
13 to a temporary or permanent restraining order issued pursuant to the
14 provisions of the "Prevention of Domestic Violence Act of 1991,"
15 P.L.1991, c.261 (C.2C:25-17 et al.) and is charged with a crime
16 committed against a person protected under the order or where the
17 defendant is charged with contempt pursuant to N.J.S.2C:29-9.
- 18 b. Subject to the provisions of subsection c. of this section, a
19 person charged with a crime with bail restrictions may post the
20 required amount of bail only in the form of:
- 21 (1) Full cash;
22 (2) A surety bond executed by a corporation authorized under
23 chapter 31 of Title 17 of the Revised Statutes; or
24 (3) A bail bond secured by real property situated in this State
25 with an unencumbered equity equal to the amount of bail
26 undertaken plus \$20,000.
- 27 c. There shall be a presumption in favor of the court
28 designating the posting of full United States currency cash bail to
29 the exclusion of other forms of bail when a defendant is charged
30 with an offense as set forth in subsection a. of this section and:
- 31 (1) has two other indictable cases pending at the time of the
32 arrest; or
33 (2) has two prior convictions for a first or second degree crime
34 or for a violation of section 1 of P.L.1987, c.101 (C.2C:35-7) or any
35 combination thereof; or
36 (3) has one prior conviction for murder, aggravated
37 manslaughter, aggravated sexual assault, kidnapping or bail
38 jumping; or
39 (4) was on parole at the time of the arrest; or
40 (5) was subject to a temporary or permanent restraining order
41 issued pursuant to the provisions of the "Prevention of Domestic
42 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.), was
43 charged with a crime committed against a person protected under
44 that order, including a charge of contempt pursuant to N.J.S.2C:29-
45 9, and either: (a) is charged with commission of a domestic violence
46 crime that resulted in serious bodily injury to the victim; or (b) has
47 at least one prior conviction for a crime or offense involving

1 domestic violence against the same victim or has previously
2 violated a final restraining order protecting the same victim,
3 unless the court finds on the record that another form of bail
4 authorized in subsection b. of this section will ensure the
5 defendant's presence in court when required.

6 d. When bail is posted in the form of a bail bond secured by
7 real property, the owner of the real property, whether the person is
8 admitted to bail or a surety, shall also file an affidavit containing:

9 (1) A legal description of the real property;

10 (2) A description of each encumbrance on the real property;

11 (3) The market value of the unencumbered equity owned by the
12 affiant as determined in a full appraisal conducted by an appraiser
13 licensed by the State of New Jersey; and

14 (4) A statement that the affiant is the sole owner of the
15 unencumbered equity.

16 e. Nothing herein is intended to preclude a court from releasing
17 a person on the person's own recognizance when the court
18 determines that such person is deserving.²

19 (cf: P.L.2011, c.138, s.1)

20

21 ²[14.] 16.² Section 1 of P.L.1985, c.126 (C.2A:84A-32.4) is
22 amended to read as follows:

23 1. a. In prosecutions for aggravated sexual assault, sexual
24 assault, aggravated criminal sexual contact, criminal sexual contact,
25 **[or] human trafficking involving sexual activity**, child abuse, or in
26 any action alleging an abused or neglected child under P.L.1974,
27 c.119 (C.9:6-8.21 et seq.), the court may, on motion and after
28 conducting a hearing in camera, order the taking of the testimony of
29 a witness on closed circuit television at the trial, out of the view of
30 the jury, defendant, or spectators upon making findings as provided
31 in subsection b. of this section.

32 b. An order under this section may be made only if the court
33 finds that the witness is 16 years of age or younger and that there is
34 a substantial likelihood that the witness would suffer severe
35 emotional or mental distress if required to testify in open court.
36 The order shall be specific as to whether the witness will testify
37 outside the presence of spectators, the defendant, the jury, or all of
38 them and shall be based on specific findings relating to the impact
39 of the presence of each.

40 c. A motion seeking closed circuit testimony under subsection
41 a. of this section may be filed by:

42 (1) The victim or witness or the victim's or witness's attorney,
43 parent or legal guardian;

44 (2) The prosecutor;

45 (3) The defendant or the defendant's counsel; or

46 (4) The trial judge on the judge's own motion.

47 d. The defendant's counsel shall be present at the taking of
48 testimony in camera. If the defendant is not present, he and his

1 attorney shall be able to confer privately with each other during the
2 testimony by a separate audio system.

3 e. If testimony is taken on closed circuit television pursuant to
4 the provisions of this act, a stenographic recording of that testimony
5 shall also be required. A typewritten transcript of that testimony
6 shall be included in the record on appeal. The closed circuit
7 testimony itself shall not constitute part of the record on appeal
8 except on motion for good cause shown.

9 (cf: P.L.1985, c.126, s.1)

10

11 ²[15.] 17.² N.J.S.2C:14-7 is amended to read as follows:

12 2C:14-7. a. In prosecutions for aggravated sexual assault, sexual
13 assault, aggravated criminal sexual contact, criminal sexual contact,
14 human trafficking involving sexual activity, endangering the
15 welfare of a child in violation of N.J.S.2C:24-4₂, or the fourth degree
16 crime of lewdness in violation of subsection b. of N.J.S.2C:14-4,
17 evidence of the victim's previous sexual conduct shall not be
18 admitted nor reference made to it in the presence of the jury except
19 as provided in this section. When the defendant seeks to admit such
20 evidence for any purpose, the defendant must apply for an order of
21 the court before the trial or preliminary hearing, except that the
22 court may allow the motion to be made during trial if the court
23 determines that the evidence is newly discovered and could not
24 have been obtained earlier through the exercise of due diligence.
25 After the application is made, the court shall conduct a hearing in
26 camera to determine the admissibility of the evidence. If the court
27 finds that evidence offered by the defendant regarding the sexual
28 conduct of the victim is relevant and highly material and meets the
29 requirements of subsections c. and d. of this section and that the
30 probative value of the evidence offered substantially outweighs its
31 collateral nature or the probability that its admission will create
32 undue prejudice, confusion of the issues, or unwarranted invasion of
33 the privacy of the victim, the court shall enter an order setting forth
34 with specificity what evidence may be introduced and the nature of
35 the questions which shall be permitted, and the reasons why the
36 court finds that such evidence satisfies the standards contained in
37 this section. The defendant may then offer evidence under the order
38 of the court.

39 b. In the absence of clear and convincing proof to the contrary,
40 evidence of the victim's sexual conduct occurring more than one
41 year before the date of the offense charged is presumed to be
42 inadmissible under this section.

43 c. Evidence of previous sexual conduct with persons other than
44 the defendant which is offered by any lay or expert witness shall not
45 be considered relevant unless it is material to proving the source of
46 semen, pregnancy or disease.

47 d. Evidence of the victim's previous sexual conduct with the
48 defendant shall be considered relevant if it is probative of whether a

1 reasonable person, knowing what the defendant knew at the time of
 2 the alleged offense, would have believed that the alleged victim
 3 freely and affirmatively permitted the sexual behavior complained
 4 of.

5 e. Evidence of the manner in which the victim was dressed at
 6 the time an offense was committed shall not be admitted unless
 7 such evidence is determined by the court to be relevant and
 8 admissible in the interest of justice, after an offer of proof by the
 9 proponent of such evidence outside the hearing of the jury or at
 10 such hearing as the court may require, and a statement by the court
 11 of its findings of fact essential to its determination. A statement by
 12 the court of its findings shall also be included in the record.

13 f. For the purposes of this section, "sexual conduct" shall mean
 14 any conduct or behavior relating to sexual activities of the victim,
 15 including but not limited to previous or subsequent experience of
 16 sexual penetration or sexual contact, use of contraceptives, sexual
 17 activities reflected in gynecological records, living arrangement and
 18 life style.

19 (cf: P.L.1995, c.237, s.1)

20

21 ²[16.] 18.² (New section) ³[a.]³ The Attorney General shall, in
 22 consultation with the Commission on Human Trafficking
 23 established by section 1 of P.L. , c. (C.) (pending before the
 24 Legislature as this bill), ³[establish and maintain] coordinate³ the
 25 ³[participation of the State ¹[with either an existing] in] State's
 26 involvement with³ the¹ national, 24-hour toll-free hotline telephone
 27 service on human trafficking that is operating ¹[on or after the
 28 effective date of this section or any federally required hotline
 29 telephone service] pursuant to the National Human Trafficking
 30 Hotline, Training, and Technical Assistance Program authorized by
 31 22 U.S.C. ss.7104(b) and 7105(b)(1)(B), 8 U.S.C. s.1522(c)(1)(A),
 32 or any successor federal law¹ ³[, and shall take appropriate action
 33 to publicize the service]³.

34 ³[b. ¹[Unless otherwise established by a federally required
 35 hotline telephone service under federal law, the hotline selected by
 36 the] The¹ Attorney General, in consultation with the commission,
 37 ¹[shall be capable of receiving information from members of the
 38 public who have knowledge of or who believe that an act of human
 39 trafficking in violation of section 1 of P.L.2005, c.77 (C.2C:13-8) is
 40 being or has been committed. The hotline service]¹ shall also ¹[be
 41 capable of] require that any State hotline telephone number
 42 established before, on, or after the effective date of this section for¹
 43 receiving ¹[and] information from members of the public who have
 44 knowledge of or who believe that an act of human trafficking in
 45 violation of section 1 of P.L.2005, c.77 (C.2C:13-8) is being or has
 46 been committed or for¹ responding to requests for information from

1 members of the public concerning human trafficking ¹be directly
 2 linked to the national, 24-hour toll-free hotline telephone service
 3 described in subsection a. of this section, so that any telephone call
 4 to the State number is immediately and directly forwarded to that
 5 national telephone service¹.

6 c. The Attorney General shall ¹, in consultation with the
 7 commission, and¹ pursuant to any funds appropriated or otherwise
 8 made available, establish an educational and public information
 9 program concerning the crime of human trafficking set out in
 10 section 1 of P.L.2005, c.77 (C.2C:13-8).]³

11
 12 ²[17.] 19.² (New section) a. ²[(1)]² The ²Police Training
 13 Commission, in consultation with the² Attorney General and the
 14 Director of the Division of Criminal Justice in the Department of
 15 Law and Public Safety ^{2,2} shall develop and approve ²[a training
 16 course and curriculum] , as part of the police training courses
 17 required pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), courses
 18 of study² on the handling, response procedures, investigation, and
 19 prosecution of human trafficking cases ²[for law enforcement
 20 agencies]². ²[This training course] These courses² shall be
 21 reviewed at least every two years and modified ²[by the Attorney
 22 General and Director of the Division of Criminal Justice]² from
 23 time to time as need may require.

24 ²[(2) The Attorney General shall be responsible for ensuring that
 25 all law enforcement officers attend initial training within 90 days of
 26 appointment or transfer and annual inservice training of at least four
 27 hours as described in this section.

28 (3) The Division of Criminal Justice shall distribute the training
 29 materials and curriculum to all State, county, and local law
 30 enforcement agencies.]²

31 b. (1) The ²[Division of Criminal Justice] Department of
 32 Community Affairs², in consultation with the ¹Commission on
 33 Human Trafficking established by section 1 of P.L. , c. (C.)
 34 (pending before the Legislature as this bill) ²[and the¹ Department
 35 of Community Affairs]², shall develop ²[and] ², approve ², and
 36 provide for² a ¹one-time¹ training course on the handling and
 37 response procedures of suspected human trafficking activities for
 38 owners, operators, and staff of hotels and motels as defined in the
 39 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et
 40 seq.) ²; or alternatively, the department, in consultation with the
 41 commission, shall approve ⁵[for use]⁵ a substantially similar one-
 42 time training course ⁵[provided by a recognized Statewide
 43 nonprofit hotel or other multiple dwelling trade association with
 44 demonstrated experience] for use by hotels and motels⁵ in
 45 providing ⁵[course offerings] training⁵ to owners, operators, and

1 staff ⁵[on similar workplace matters²]⁵. ¹The ²[Division of
 2 Criminal Justice] department² , in consultation with the
 3 commission ⁵[²and the approved nonprofit course provider, if
 4 any²]⁵ , shall define by regulation which staff positions are
 5 required, as a condition of employment, to attend the one-time
 6 training course.¹ ²[This] Verifiable completion of the training
 7 course by required staff shall be a condition of issuance,
 8 maintenance, or renewal of any license, permit, certificate, or
 9 approval required, permitted to be granted, or issued to owners or
 10 operators under the provisions of the "Hotel and Multiple Dwelling
 11 Law," P.L.1967, c.76 (C.55:13A-1 et seq.). The² training course
 12 shall be reviewed at least every two years and modified by the
 13 ²[Division of Criminal Justice] department², in consultation with
 14 the ¹commission ⁵[and the¹ ²[Department of Community Affairs]
 15 approved nonprofit course provider, if any²]⁵, from time to time as
 16 need may require.

17 (2) The Department of Community Affairs ², through its
 18 oversight and enforcement authority provided under the "Hotel and
 19 Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.),²
 20 shall be responsible for ensuring that all hotel and motel owners,
 21 operators, and ¹required¹ staff attend ¹[initial] the one-time¹
 22 training ¹course¹ within ¹[90 days] one year¹ of ¹the¹ enactment of
 23 this section ¹[, and annual inservice training of at least four hours
 24 as described in this section] in the case of all current owners,
 25 operators, and required staff engaging in their respective profession
 26 on the effective date of this section, and within six months of the
 27 first day of ownership, operation, or employment for all new
 28 owners, operators, and required staff who initially engage in their
 29 respective profession on a date that follows the effective date¹.
 30 ⁵[²If an approved nonprofit course provider is involved in
 31 providing the one-time training course to new owners, operators,
 32 and staff who initially engage in their respective profession on a
 33 date that follows the effective date of this section, then the
 34 nonprofit course provider shall provide the training course at least
 35 once every six months in order for these persons to meet the six-
 36 month training deadline established by this paragraph.²]⁵

37 (3) The ²[¹commission, in coordination with the¹]² Department
 38 of Community Affairs ²[¹,¹]² shall ¹make available ²[and¹
 39 distribute]² the training materials ¹[and curriculum] for the one-
 40 time training course¹ to ¹[all hotels and motels in the State] hotel
 41 and motel owners, operators, and required staff ⁵[², or to the
 42 approved nonprofit course provider, if any,²]⁵ in order for ²[these
 43 persons] the owners, operators, and required staff² to fulfill the
 44 one-time training requirement set forth in this subsection¹.

1 c. (1) The ²[Division of Criminal Justice] Department of
 2 Health², in consultation with the ¹Commission on Human
 3 Trafficking established by section 1 of P.L. , c. (C.)
 4 (pending before the Legislature as this bill) ²[and the¹ Department
 5 of Human Services]², shall develop ²[and] ² approve ², and
 6 provide for² a ¹one-time¹ training course on the handling and
 7 response procedures of suspected human trafficking activities for
 8 employees of every licensed health care facility as defined in
 9 section 2 of P.L.1971, c.136 (C.26:2H-2), including those
 10 professionals whose professional practice is regulated pursuant to
 11 Title 45 of the Revised Statutes ²; or alternatively, the department,
 12 in consultation with the commission, shall approve for use a
 13 substantially similar one-time training course provided by a
 14 recognized Statewide nonprofit healthcare trade association with
 15 demonstrated experience in providing course offerings to health
 16 care facility employees on similar workplace matters². ¹The
 17 ²[Division of Criminal Justice] department², in consultation with
 18 the commission ²and the approved nonprofit course provider, if
 19 any², shall define by regulation which employees are required, as a
 20 condition of their employment, to attend the one-time training
 21 course.¹ ²[This] Verifiable completion of the training course by
 22 required employees shall be a condition of issuance, maintenance,
 23 or renewal of any license, permit, certificate, or approval required,
 24 permitted to be granted, or issued to licensed health care facilities
 25 under the provisions of P.L.1971, c.136 (C.26:2H-1 et al.). ²The
 26 training course shall be reviewed at least every two years and
 27 modified by the ²[Division of Criminal Justice] department², in
 28 consultation with the ¹commission and the¹ ²[Department of
 29 Human Services] approved nonprofit course provider, if any² ¹,
 30 from time to time as need may require¹.

31 (2) The Department of ²[Human Services] Health, through its
 32 oversight and enforcement authority provided under P.L.1971,
 33 c.136 (C.26:2H-1 et al.),² shall be responsible for ensuring that all
 34 ¹required¹ employees of licensed health care facilities attend
 35 ¹[initial] the one-time¹ training course¹ within ¹[90 days] one
 36 year¹ of ¹the¹ enactment of this section ¹ [, and annual inservice
 37 training of at least four hours as described in this section] in the
 38 case of all current employees engaging in their respective
 39 profession on the effective date of this section, and within six
 40 months of the first day of employment for all new employees who
 41 initially engage in their respective profession on a date that follows
 42 the effective date¹. ²If an approved nonprofit course provider is
 43 involved in providing the one-time training course to new
 44 employees who initially engage in their respective profession on a
 45 date that follows the effective date of this section, then the
 46 nonprofit course provider shall provide the training course at least

1 once every six months in order for these employees to meet the six-
2 month training deadline established by this paragraph.²

3 (3) The ²[¹commission, in coordination with the]² Department
4 of ²[Human Services] Health² ²[¹, ¹]² shall make available ²[and¹
5 distribute]² the training materials ¹[and curriculum] for the one-
6 time training course¹ to ¹[all licensed health care facilities in the
7 State] required employees ², or to the approved nonprofit course
8 provider, if any,² in order for ²[these persons] the required
9 employees² to fulfill the one-time training requirement set forth in
10 this subsection¹.

11 d. (1) The Administrative Office of the Courts shall develop and
12 approve a training course and a curriculum ²[on the handling,
13 investigation, and response procedures and prosecution of human
14 trafficking cases for all] to raise awareness of² judges and ²[all]²
15 judicial personnel ²on the seriousness of the crime of human
16 trafficking, its impact on human rights and the need to adequately
17 implement anti-trafficking laws, including not only the prosecution
18 and sentencing of defendants charged with human trafficking, but
19 the need to respect and restore rights and needs of victims of human
20 trafficking². This training course shall be reviewed at least every
21 two years and modified by the Administrative Office of the Courts
22 from time to time as need may require.

23 (2) The Administrative Office of the Courts shall ²[be
24 responsible for ensuring that all] make the training course,
25 curriculum, and supporting materials available to appropriate²
26 judges and judicial personnel ²[attend initial training within 90
27 days of appointment or transfer and annual in-service training of at
28 least four hours as described in this section] who may be involved
29 with the court-related aspects of human trafficking prosecutions
30 through annual in-service judicial training programs or other
31 means².

32 e. ²[The Division of Criminal Justice, the Department of
33 Community Affairs, the Department of Human Services, and the
34 Administrative Office of the Courts shall provide that all training on
35 the handling of human trafficking cases shall include information
36 concerning the impact of human trafficking on society, the statutory
37 and case law concerning human trafficking, policies and procedures
38 as promulgated or ordered by the Attorney General, the Department
39 of Community Affairs, the Department of Human Services, or the
40 Supreme Court, or the federal government and the use of available
41 community resources, support services, sanctions, and treatment
42 options for victims of human trafficking] Pursuant to section 2 of
43 P.L. , c. (C.) (pending before the Legislature as this bill),
44 the Attorney General, in consultation with the Commission on
45 Human Trafficking established by section 1 of P.L. , c. (C.)
46 (pending before the Legislature as this bill), may provide for the

1 expenditures of monies from the “Human Trafficking Survivor’s
2 Assistance Fund” to assist with the development, maintenance,
3 revision, and distribution of training course materials for the
4 courses developed in accordance with this section^{2 3}, and the
5 operation of these training courses³.
6

7 ²[18.] 20.² Section 9 of P.L.1985, c.404 (C.52:4B-47) is
8 amended to read as follows:

9 9. a. The curriculum for police training courses required
10 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.) shall include
11 training on responding to the needs of crime victims, and specific
12 training on responding to the needs of victims of human trafficking
13 as defined in section 1 of P.L.2005, c.77 (C.2C:13-8), and on
14 services available to provide assistance, including information on
15 federal, State, and local hotlines available to receive reports of and
16 provide assistance to victims of human trafficking.

17 b. In-service training shall be made available for police
18 officers, assistant prosecutors, county detectives and investigators
19 on specialized needs of crime victims and available services.
20 (cf: P.L.1985, c.404, s.9)

21
22 ²[19.] 21.² (New section) ²[a.]² An applicant for licensure as a
23 massage and bodywork therapist or registration as an employer
24 offering massage and bodywork therapies under P.L.1999, c.19
25 (C.45:11-53 et seq.) and P.L.2007, c.337 (C.45:11-68 et seq.)
26 ²[shall not be eligible for licensure or registration, as the case may
27 be]², and any holder of a license or registration under P.L.1999,
28 c.19 (C.45:11-53 et seq.) and P.L.2007, c.337 (C.45:11-68 et seq.)
29 shall ²[have his license or registration revoked if the New Jersey
30 Board of Massage and Bodywork Therapy determines]², consistent
31 with ²[subsection f. of]² section 8 of P.L.1978, c.73 (C.45:1-21)
32 and supporting regulations by the New Jersey Board of Massage
33 and Bodywork Therapy², ²[that] be subject to a² criminal history
34 record ²[information exists on file in the Federal Bureau of
35 Investigation, Identification Division, or in the State Bureau of
36 Identification in the Division of State Police, which may disqualify
37 that individual from being licensed or registered] background
38 check, which may, consistent with that applicable law, result in a
39 refusal to issue a license or certificate, or suspension or revocation
40 of an existing license or certificate².

41 ²[b. An applicant and holder of a license or registration who is
42 required to undergo a criminal history record background check
43 pursuant to subsection a. of this section shall submit to the board his
44 name, address, and fingerprints taken on standard fingerprint cards
45 by a State or municipal law enforcement agency or by a private
46 entity under contract with the State. The board is authorized to

1 exchange fingerprint data with and receive criminal history record
2 information from the Federal Bureau of Investigation and the
3 Division of State Police for use in making the determinations
4 required pursuant to this section.

5 c. Upon receipt of the criminal history record information for a
6 person from the Federal Bureau of Investigation or the Division of
7 State Police, the board shall notify the applicant, licensee, or
8 registered individual, as applicable, in writing, of the person's
9 qualification or disqualification for licensure or registration under
10 this section.

11 d. If an applicant, licensee, or registered individual refuses to
12 consent to, or cooperate in, the securing of a criminal history record
13 background check, the board shall not issue a license or registration,
14 as the case may be, or other authorization to the applicant, licensee,
15 or registered individual.

16 e. All costs associated with performing the criminal history
17 record background check required by this section shall be borne by
18 the applicant for licensure or registration or the holder of any
19 license or registration.

20 f. The New Jersey Board of Massage and Bodywork Therapy,
21 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
22 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate
23 the purposes of this section.]²
24

25 ²[20.] 22.² Sections 1 and 2 of this act shall take effect
26 immediately, and the remaining sections shall take effect on the
27 first day of the second month next following the date of enactment,
28 but the Attorney General, Commissioner of Community Affairs,
29 Commissioner of ²[Human Services] Health², the Director of the
30 Administrative Office of the Courts, and the New Jersey Board of
31 Massage and Bodywork Therapy may take any anticipatory
32 administrative action in advance thereof as shall be necessary for
33 the implementation of this act.
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38 The "Human Trafficking Prevention, Protection, and Treatment
39 Act."