

ASSEMBLY, No. 385

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman EDWARD H. THOMSON

District 30 (Monmouth and Ocean)

SYNOPSIS

Requires AG to defend challenges to certain municipal ordinances that establish residency requirements for convicted sex offenders.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** requiring the Attorney General to defend certain challenges
2 concerning sex offenders and supplementing Title 2C of the New
3 Jersey Statutes.

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

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8 1. Within 90 days of the effective date of this act, the Attorney
9 General shall promulgate a model municipal ordinance that
10 establishes a residency prohibition on any person subject to the
11 registration requirement set forth in P.L.1994, c.133 (C.2C:7-1 et
12 seq.) and whose risk of re-offense has been assessed as moderate or
13 high pursuant to section 3 of P.L.1994, c. 128 (C.2C:7-8). The
14 model ordinance shall not contain provisions that would restrict the
15 constitutional right to travel or require any person to move from
16 their current place of residence.

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18 2. Upon the request of the governing body of any municipality
19 in this State, the Attorney General shall defend any civil action
20 brought by a plaintiff that challenges an ordinance adopted by a
21 municipality that is identical to the model ordinance promulgated
22 pursuant to this section. The Attorney General shall provide, at no
23 cost to the municipality, representation personally or by an assistant
24 that the Attorney General shall designate.

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26 3. This act shall take effect immediately.

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STATEMENT

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31 Many municipalities throughout New Jersey have either passed
32 or introduced ordinances that ban convicted sex offenders from
33 living near schools, child care centers, and other areas where
34 children congregate. These municipalities lack adequate funding to
35 defend legal challenges against sex offender residency
36 requirements. This bill would require the Attorney General to
37 promulgate a model municipal ordinance that establishes residency
38 restrictions for convicted sex offenders. Under the bill, the model
39 ordinance shall not contain provisions that would violate an
40 individual's constitutional right to travel or require individuals to
41 move from their current residence. The Attorney General would be
42 required to defend any civil action brought by a plaintiff that
43 challenges a municipal ordinance that is identical to the model
44 ordinance. The Attorney General would provide this legal
45 representation at no cost to the municipality.