

ASSEMBLY, No. 1425

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman BETTYLOU DECROCE

District 26 (Essex, Morris and Passaic)

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SYNOPSIS

Establishes publicly accessible Internet registry of offenders who cause bodily harm, or property theft or damage, against disabled persons, senior citizens, or veterans.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** establishing a publicly accessible Internet registry of
2 offenders who victimize certain persons, and supplementing Title
3 2C of the New Jersey Statutes.

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

7
8 1. a. (1) The Attorney General, in cooperation with the
9 Administrative Office of the Courts, shall, on the website of the
10 Department of Law and Public Safety, develop, maintain, and
11 periodically update a Statewide registry of all persons who are, on
12 or after the effective date of this section, convicted of an offense,
13 attempted offense, or conspiracy to commit an offense specified in
14 chapters 11 through 25 of Title 2C of the New Jersey Statutes
15 against a disabled person, senior citizen, or veteran.

16 (2) For purposes of this section:

17 “Disabled person” means an individual who by reason of a pre-
18 existing and on-going medically determinable physical or mental
19 disease, condition, or impairment is substantially incapable of
20 exercising normal physical resistance against an offender, or
21 incapable of understanding the nature of the individual’s own
22 conduct in relation to the offender, including, but not limited to,
23 being able to provide consent in any legal capacity.

24 “Senior citizen” means an individual 62 years of age or older.

25 “Veteran” means an individual honorably discharged or released
26 under honorable circumstances from active military service with the
27 armed forces of the United States, including the Army, Navy, Air
28 Force, Marine Corps, and Coast Guard, the National Guard and any
29 other reserve component of the armed forces, and the merchant
30 marine when organized under the federal law as a public military
31 force.

32 b. The public may access the Statewide registry through the
33 website of the Department of Law and Public Safety in order to
34 view the registry in part or in its entirety, or view an individual
35 offender’s record. The available information in the registry shall
36 include, but is not limited to: the offender’s name and any aliases
37 for the offender; the offender’s age, race, gender, height, weight,
38 hair, and eye color; a photograph of the offender and the date on
39 which the photograph was taken, if known; the municipality and
40 county in which the offender resides; the offender’s occupation,
41 business, or employer, if associated with the commission of the
42 crime for which the offender was convicted; and a general
43 description of the crime for which the offender was convicted.

44 c. (1) The Statewide registry shall contain a message,
45 conspicuously displayed at the time of initial access, that any
46 person who uses the information contained in the registry for
47 unlawful purposes, including acts of harassment or threat, shall be
48 subject to criminal prosecution.

1 (2) The Statewide registry shall contain an additional message,
2 conspicuously displayed both at the time of initial access and each
3 time viewing an individual offender's record, that information
4 contained in the registry: (a) is based on documents related to the
5 offender's conviction, but may be outdated or inaccurate and is
6 subject to revision; and (b) only includes convictions dating from
7 the inception of the registry, with an indicator of the month and date
8 of registry inception.

9 d. (1) The information presented in the Statewide registry may
10 be used in any manner by any individual, public or private entity, or
11 government for any lawful purpose.

12 (2) Anyone who uses the information to assist in the
13 commission of a crime shall be guilty of a crime of the third degree.
14 Anyone who uses the information to assist in the commission of a
15 disorderly persons offense or petty disorderly persons offense shall
16 be guilty of a disorderly persons offense.

17
18 2. This act shall take effect on the first day of the fifth month
19 next following enactment, but the Attorney General and
20 Administrative Office of the Courts may take any anticipatory
21 administrative action in advance of that date necessary to
22 implement the provisions of this act.

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25 STATEMENT

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27 This bill would establish a publicly accessible Internet registry of
28 offenders who were adjudicated guilty for offenses that caused
29 bodily harm, or property theft or damage, against disabled persons,
30 senior citizens, or veterans. The offenses for which guilty offenders
31 would be included in the registry are those specified in chapters 11
32 through 25 of the Criminal Code, Title 2C of the New Jersey
33 Statutes: criminal homicide (chapter 11); cloning of a human being
34 (chapter 11A); assault, reckless endangerment, and threats (chapter
35 12); kidnapping and related offenses, and coercion (chapter 13);
36 sexual offenses (chapter 14); robbery (chapter 15); bias crimes
37 (chapter 16); arson, criminal mischief, and other property
38 destruction (chapter 17); burglary and other criminal intrusion
39 (chapter 18); theft and related offenses (chapter 20); forgery and
40 fraudulent practices (chapter 21); human remains (chapter 22);
41 offenses against the family, children, and incompetents (chapter
42 24); and domestic violence (chapter 25).

43 The Attorney General, in cooperation with the Administrative
44 Office of the Courts, would, on the website of the Department of
45 Law and Public Safety, develop, maintain, and periodically update
46 the Statewide registry. The registry would compile information
47 concerning offenders who are convicted of applicable offenses on
48 or after the effective date of the bill.

1 The public would be permitted to access the Statewide registry to
2 view it in part or in its entirety, or view an individual offender's
3 record. The available information in the registry would include, but
4 not be limited to: the offender's name and any aliases for the
5 offender; the offender's age, race, gender, height, weight, hair, and
6 eye color; a photograph of the offender and the date on which the
7 photograph was taken, if known; the municipality and county in
8 which the offender resides; the offender's occupation, business, or
9 employer, if associated with the commission of the crime for which
10 the offender was convicted; and a general description of the crime
11 for which the offender was convicted.

12 The registry would contain a message, conspicuously displayed
13 at the time of initial access, that any person who uses the
14 information contained in the registry for unlawful purposes,
15 including acts of harassment or threat, would be subject to criminal
16 prosecution. It would contain an additional message, conspicuously
17 displayed both at the time of initial access and each time viewing an
18 individual offender's record, that information contained in the
19 registry: (1) is based on documents related to the offender's
20 conviction, but may be outdated or inaccurate and is subject to
21 revision; and (2) only includes convictions dating from the
22 inception of the registry, with an indicator of the month and date of
23 registry inception.

24 The information presented in the Statewide registry could be
25 used in any manner by any individual, public or private entity, or
26 government for any lawful purpose. Anyone who uses such
27 information to assist in the commission of a crime would be guilty
28 of a crime of the third degree; such a crime is ordinarily punishable
29 by a term of imprisonment of three to five years, a fine of up to
30 \$15,000, or both. Anyone who uses the information to assist in the
31 commission of a disorderly persons offense or petty disorderly
32 persons offense would be guilty of a disorderly persons offense;
33 such a crime is ordinarily punishable by a term of imprisonment of
34 up to six months, a fine of up to \$1,000, or both.