

ASSEMBLY, No. 1426

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

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SYNOPSIS

Requires all sex offender registration information to be published on Internet registry.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 7/9/2020)

1 **AN ACT** concerning sex offender registration and amending
2 P.L.2001, c.167.

3

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

6

7 1. Section 1 of P.L.2001, c.167 (C.2C:7-12) is amended to read
8 as follows:

9 1. The Legislature finds and declares that the public safety will
10 be enhanced by making information about **【certain】** sex offenders
11 contained in the sex offender central registry established pursuant to
12 section 4 of P.L.1994, c.133 (C.2C:7-4) available to the public
13 through the Internet. Knowledge of whether a person is a convicted
14 sex offender at risk of re-offense could be a significant factor in
15 protecting oneself and one's family members, or those in care of a
16 group or community organization, from recidivist acts by the
17 offender. The technology afforded by the Internet would make this
18 information readily accessible to parents and private entities,
19 enabling them to undertake appropriate remedial precautions to
20 prevent or avoid placing potential victims at risk. Public access to
21 registry information is intended solely for the protection of the
22 public, and is not intended to impose additional criminal
23 punishment upon any convicted sex offender.

24 **【**The Legislature further finds and declares that, in some
25 instances, countervailing interests support a legislative
26 determination to exclude from the Internet registry the registration
27 information of certain sex offenders. For example, the interest in
28 facilitating rehabilitation of juveniles who have been adjudicated
29 delinquent for the commission of one sex offense, but who do not
30 present a relatively high risk of re-offense, justifies the decision to
31 limit public access to information about such juveniles through the
32 Internet. Other instances where the Legislature has determined that
33 making sex offender registry information available to the general
34 public through the Internet would not necessarily serve the public
35 safety purposes of the law include moderate risk offenders whose
36 sole sex offense involved incest or consensual sex. However, in
37 such cases, the legislature deems it appropriate and consistent with
38 the public safety purposes of the law to provide a process that
39 permits inclusion of information about these individuals in the
40 Internet registry where public access would be warranted, based on
41 the relative risk posed by the particular offender.**】**

42 (cf: P.L.2001, c.167, s.1)

43

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

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

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

44 For purposes of this subsection, "sole sex offense" means a
45 single conviction, adjudication of guilty or acquittal by reason of
46 insanity, as the case may be, for a sex offense which involved no
47 more than one victim, no more than one occurrence or, in the case

1 of an offense which meets the criteria of paragraph (2) of this
2 subsection, members of no more than a single household.】 (Deleted
3 by amendment, P.L. , c.) (pending before the Legislature as this
4 bill)

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

18 f. 【Unless the offender's conduct was characterized by a
19 pattern of repetitive, compulsive behavior, the individual
20 registration records of offenders whose risk of re-offense is low or
21 of offenders whose risk of re-offense is moderate but for whom the
22 court has not ordered notification in accordance with paragraph (2)
23 of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not
24 be available to the public on the Internet registry】. (Deleted by
25 amendment, P.L. , c.) (pending before the Legislature as this bill)

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

44 (cf: P.L.2013, c.214, s.2)

45
46 3. This act shall take effect on the first day of the third month
47 after enactment.

STATEMENT

This bill requires all sex offender registration information to be published on the Internet registry.

Current law permits the public to obtain all information on the registry concerning sex offenders who are at high risk to re-offend (Tier Three); who have been determined to be at moderate (Tier Two) or low (Tier One) risk to re-offend and whose conduct was found to be characterized by a pattern of repetitive and compulsive behavior; or for whom the court has ordered Tier Three community notification.

With certain exceptions, current law also permits the public to access information concerning offenders who are a moderate risk to re-offend (Tier Two) or for whom the court has ordered Tier Two notification. Information about an offender who falls within the exceptions may be made available to the public on the Internet registry if the State establishes, by clear and convincing evidence, that the risk to the general public posed by the offender is substantially similar to that posed by other moderate risk offenders who do not fall under the exceptions.

Under the bill, the public is permitted to access information concerning all sex offenders, regardless of their risk of re-offense.