

ASSEMBLY, No. 1962

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

SYNOPSIS

Creates white collar crime registry.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning white collar crimes and supplementing Title 2C
2 of the New Jersey Statutes.

3

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

6

7 1. This act shall be known and may be cited as the “New Jersey
8 White Collar Crime Offender Registry Act.”

9

10 2. As used in this act:

11 “Certificate of eligibility” means a document issued by the
12 department stating that the offender has met the requirements of
13 section 7 of this act.

14 “Department” means the Department of Law and Public Safety.

15 “Internet identifiers” includes all electronic mail, chat, instant
16 message, social networking, application, software, or similar names
17 used for Internet communication.

18 “Offender” means a person required to register pursuant to
19 section 5 of this act.

20

21 3. a. The Department of Law and Public Safety shall develop
22 and operate a system to collect, analyze, maintain, and disseminate
23 information on offenders and make information listed in section 4
24 of this act available to the public.

25 b. Any county prosecutor shall inform the department of a
26 person who is convicted of any of the offenses listed in section 5 of
27 this act within 45 days.

28

29 4. The Department of Law and Public Safety shall develop and
30 maintain a New Jersey White Collar Crime Offender Registry
31 Internet website, and ensure that information is entered into the
32 registry in a timely manner.

33 a. The registry website shall contain a disclaimer informing the
34 public that:

35 (1) the information contained on the website is obtained from
36 public records and the department does not guarantee the website’s
37 accuracy or completeness;

38 (2) members of the public are not allowed to use the information
39 available through the registry to harass or threaten an offender or
40 members of an offender’s family; and

41 (3) harassment, stalking, or making threats against offenders or
42 their families is prohibited and may be in violation of State law.

43 The department shall require users to indicate that they have read
44 and understand the disclaimer and agree to comply with its terms as
45 a condition of accessing the registry.

46 b. The registry website shall be indexed by the surname of the
47 offender.

1 c. Except as provided in subsection f. of this section, the
2 registry website shall include the following information:

3 (1) all names and aliases by which the offender is or has been
4 known, excluding any Internet identifiers;

5 (2) a physical description, including the offender's date of birth,
6 height, weight, and eye and hair color;

7 (3) a recent photograph of the offender; and

8 (4) the crimes listed in section 5 of this act, of which the
9 offender has been convicted.

10 d. The department also shall provide the following information
11 on the registry, when available:

12 (1) the crimes for which the offender has been convicted, noting
13 cases in which the offender is still awaiting sentencing or has
14 appealed the conviction;

15 (2) a description of the offender's targets; and

16 (3) any other relevant identifying information of the offender, as
17 determined by the department.

18 e. The department, and any individual or entity operating under
19 the direction of the Attorney General, are immune from civil
20 liability for damages and will be presumed to have acted in good
21 faith by reporting information.

22 f. The department shall redact the names, addresses, telephone
23 numbers, Social Security numbers, and other information that, if
24 disclosed, would provide the identity or location of any victim.

25

26 5. A person convicted of any of the following second degree
27 crimes shall register with the department for the purpose of being
28 included in the New Jersey White Collar Crime Offender Registry:

29 a. insurance fraud, pursuant to section 73 of P.L.2003, c.89
30 (C.2C:21-4.6);

31 b. mortgage fraud, pursuant to N.J.S.2C:21-3;

32 c. securities fraud, pursuant to the "Uniform "Securities Law
33 (1967)," P.L.1967, c.93 (C.49:3-47 et seq.);

34 d. misapplication of entrusted property by fiduciary, pursuant
35 to N.J.S.2C:21-15;

36 e. money laundering, pursuant to section 3 of P.L.1994, c.121
37 (C.2C:21-25);

38 f. theft by deception, pursuant to N.J.S.2C:20-4; and

39 g. any other financial or monetary crime, fraudulent act, or
40 theft included in the rules and regulations adopted pursuant to
41 section 8 of this act.

42

43 6. a. Except as provided in subsection c. of this section, an
44 offender who has been convicted of any offense listed in section 5
45 of this act on or after January 1, 2005, shall register with the
46 department to be included in the New Jersey White Collar Crime
47 Offender Registry.

1 b. An offender who has been convicted of any offense listed in
2 section 5 of this act shall listed be on the registry for:

- 3 (1) 10 years for a first offense;
4 (2) an additional 10 years for a second offense; and
5 (3) life if convicted of a third offense.

6 c. An offender shall not be required to register pursuant to
7 subsection a. of this section if the offender:

- 8 (1) complied with all court orders at the time of sentencing;
9 (2) paid in full all court-ordered amounts of restitution to
10 victims; and
11 (3) has not been convicted of any other offense for which
12 registration would be required.

13

14 7. a. An offender seeking removal from the registry shall
15 apply to the department for removal and demonstrate that:

16 (1) five years have passed since the completion of the offender's
17 sentence;

18 (2) the offender has successfully completed all treatment
19 ordered by the court or the State Parole Board relating to the
20 conviction;

21 (3) the offender has not been convicted of any other crime,
22 excluding traffic offenses. A "traffic offense" excludes any
23 conviction for driving under the influence, pursuant to R.S.39:4-50,
24 or refusal to submit to a chemical test, pursuant to section 2 of
25 P.L.1966, c.142 (C.39:4-50.2);

26 (4) the offender paid all restitution ordered by the court; and

27 (5) the offender has not been found to be civilly liable in any
28 case in which fraud, misrepresentation, deceit, breach of fiduciary
29 duty, or the misuse or misappropriation of funds is an element.

30 Upon receiving an application from an offender, the department
31 shall notify any victim.

32 b. The department shall charge a reasonable application fee,
33 which shall be paid at the time the offender submits the application
34 for removal from the registry to the department. Any fees collected
35 under this subsection shall be allocated to the department to cover
36 the costs incurred in administering this act.

37 c. The department shall verify the records of governmental
38 agencies, including national criminal databases, to determine
39 whether an offender is eligible to be removed from the registry
40 under this section.

41 d. Regardless of whether the offender is prosecuted, the
42 department may deny an offender's application which provides
43 false information.

44 A person who intentionally or knowingly provides false or
45 misleading information to the department, when applying for
46 removal from the registry or for the purpose of aiding an offender in
47 being removed from the registry, is guilty of perjury, pursuant to
48 N.J.S.2C:28-1.

1 e. When considering an application for removal from the
2 registry, the department shall:

3 (1) review the application and documents submitted;

4 (2) hold a hearing if requested by a county prosecutor or a
5 victim; and

6 (3) consider whether the offender has paid all restitution ordered
7 by the court or the State Parole Board.

8 f. If the department grants an offender removal from the
9 registry, it shall provide notice of its decision to any victim, by
10 first-class mail to the most recent address of record on file, and to
11 the county prosecutor.

12 g. The department shall remove an offender from the registry
13 upon the offender providing satisfactory evidence:

14 (1) each conviction listed in section 5 of this act has either been
15 expunged or reduced in degree below a second degree crime; and

16 (2) the offender has paid all court-ordered restitution to any
17 victims.

18

19 8. The Department of Law and Public Safety shall adopt rules
20 and regulations pursuant to the "Administrative Procedure Act,"
21 P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to implement
22 this act. The rules and regulations shall include, but need not be
23 limited to, the method for dissemination of registry information and
24 instructions to the public regarding acceptable use of the
25 information.

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27 9. This act shall take effect on the first day of the fourth month
28 next following enactment.

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STATEMENT

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33 This bill creates the New Jersey White Collar Crime Offender
34 Registry and requires the Department of Law and Public Safety to
35 develop and maintain a registry website.

36 The information to be provided on the registry includes: (1) all
37 names and aliases by which the offender is or has been known,
38 excluding any Internet identifiers; (2) a physical description,
39 including the offender's date of birth, height, weight, and eye and
40 hair color; (3) a recent photograph of the offender; (4) the "white
41 collar" crimes listed in section 5 of the bill, of which the offender
42 has been convicted; and (5) when available, the crimes for which
43 the offender has been convicted; a description of the offender's
44 targets; and any other relevant identifying information of the
45 offender.

46 A person convicted of the following offenses is required to be
47 registered under the bill: insurance fraud; mortgage fraud; securities
48 fraud; misapplication of entrusted property by fiduciary; money

1 laundering; theft by deception; and any other financial or monetary
2 crime, fraudulent act, or theft included in the department's rules and
3 regulations adopted as a result of this bill.

4 Offenders who were convicted of the specified offenses between
5 December 31, 2005 and the date of this bill's enactment will not be
6 placed on the registry if they have complied with all court orders,
7 paid all restitution claims, and have not been convicted of any other
8 offenses for which registration is required.

9 The duration for which offenders will be placed on the registry
10 would be 10 years for a first offense, an additional 10 years for a
11 second offense, and for life if convicted of a third offense.

12 The bill also provides for a process and conditions under which a
13 person may apply to have his or her name and information removed
14 from the registry.