

**ASSEMBLY, No. 3742**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED MARCH 16, 2020

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Establishes new crimes concerning commercial exploitation of a child.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning commercial exploitation of a child,  
2 supplementing Title 2C of the New Jersey Statutes, and  
3 amending P.L.1994, c.133 and N.J.S.2C:41-1.  
4

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

8 1. (New section) a. A person commits the crime of promoting  
9 commercial exploitation of a child if the person knowingly sells,  
10 advertises, promotes, or otherwise offers to sell travel services or  
11 facilitates travel for the purpose of aiding another person to engage  
12 in an act:

13 (1) in violation of paragraph (7) of subsection b. of N.J.S.2C:34-  
14 1;

15 (2) in violation of section 1 of P.L.2005, c.77 (C.2C:13-8) or  
16 P.L.2013, c.51 (C.52:17B-237 et al.) for human trafficking, if the  
17 victim is under the age of 18;

18 (3) in violation of any provision of chapter 14 of Title 2C of the  
19 New Jersey Statutes if the victim is under the age of 18;

20 (4) in violation of paragraph (3) or (4) of subsection b. of  
21 N.J.S.2C:24-4; or

22 (5) which would constitute a substantially similar crime under  
23 the laws of another state or the United States.

24 b. A person commits the crime of engaging in commercial  
25 exploitation of a child if he knowingly purchases travel services for  
26 the purpose of engaging in an act:

27 (1) in violation of paragraph (7) of subsection b. of N.J.S.2C:34-  
28 1;

29 (2) in violation of section 1 of P.L.2005, c.77 (C.2C:13-8) or  
30 P.L.2013, c.51 (C.52:17B-237 et al.) for human trafficking, if the  
31 victim is under the age of 18;

32 (3) in violation of any provision of chapter 14 of Title 2C of the  
33 New Jersey Statutes if the victim is under the age of 18;

34 (4) in violation of paragraph (3) or (4) of subsection b. of  
35 N.J.S.2C:24-4; or

36 (5) which would constitute a substantially similar crime under  
37 the laws of another state or the United States.

38 c. Promoting commercial exploitation of a child under  
39 subsection a. of this section constitutes a crime of the second  
40 degree. Engaging in commercial exploitation of a child under  
41 subsection b. of this section constitutes a crime of the third degree.  
42

43 2. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read  
44 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. (1) A person who has been convicted, adjudicated  
2 delinquent or found not guilty by reason of insanity for commission  
3 of a sex offense as defined in subsection b. of this section shall  
4 register as provided in subsections c. and d. of this section.

5       (2) A person who in another jurisdiction is required to register  
6 as a sex offender and (a) is enrolled on a full-time or part-time basis  
7 in any public or private educational institution in this State,  
8 including any secondary school, trade or professional institution,  
9 institution of higher education or other post-secondary school, or  
10 (b) is employed or carries on a vocation in this State, on either a  
11 full-time or a part-time basis, with or without compensation, for  
12 more than 14 consecutive days or for an aggregate period exceeding  
13 30 days in a calendar year, shall register in this State as provided in  
14 subsections c. and d. of this section.

15       (3) A person who fails to register as required under this act shall  
16 be guilty of a crime of the third degree.

17       b. For the purposes of this act a sex offense shall include the  
18 following:

19       (1) Aggravated sexual assault, sexual assault, aggravated  
20 criminal sexual contact, kidnapping pursuant to paragraph (2) of  
21 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these  
22 crimes if the court found that the offender's conduct was  
23 characterized by a pattern of repetitive, compulsive behavior,  
24 regardless of the date of the commission of the offense or the date  
25 of conviction;

26       (2) A conviction, adjudication of delinquency, or acquittal by  
27 reason of insanity for aggravated sexual assault; sexual assault;  
28 aggravated criminal sexual contact; kidnapping pursuant to  
29 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the  
30 welfare of a child by engaging in sexual conduct which would  
31 impair or debauch the morals of the child pursuant to subsection a.  
32 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to  
33 paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or  
34 (ii) of subparagraph (b) of paragraph (5) of subsection b. of  
35 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,  
36 c.291 (C.2C:13-6); criminal sexual contact pursuant to  
37 **【N.J.S.2C:14-3b.】** subsection b. of N.J.S.2C:14-3 if the victim is a  
38 minor; kidnapping pursuant to N.J.S.2C:13-1, criminal restraint  
39 pursuant to N.J.S.2C:13-2, or false imprisonment pursuant to  
40 N.J.S.2C:13-3 if the victim is a minor and the offender is not the  
41 parent of the victim; knowingly promoting prostitution of a child  
42 pursuant to paragraph (3) or paragraph (4) of subsection b. of  
43 N.J.S.2C:34-1; engaging in commercial exploitation of a child  
44 pursuant to subsection b. of section 1 of P.L. , c. (C. )  
45 (pending before the Legislature as this bill); leader of a child  
46 pornography network pursuant to section 8 of P.L.2017, c.141  
47 (C.2C:24-4.1); or an attempt to commit any of these enumerated  
48 offenses if the conviction, adjudication of delinquency or acquittal

1 by reason of insanity is entered on or after the effective date of this  
2 act or the offender is serving a sentence of incarceration, probation,  
3 parole or other form of community supervision as a result of the  
4 offense or is confined following acquittal by reason of insanity or as  
5 a result of civil commitment on the effective date of this act;

6 (3) A conviction, adjudication of delinquency, or acquittal by  
7 reason of insanity for an offense similar to any offense enumerated  
8 in paragraph (2) of this subsection or a sentence on the basis of  
9 criteria similar to the criteria set forth in paragraph (1) of this  
10 subsection entered or imposed under the laws of the United States,  
11 this State, or another state.

12 (4) Notwithstanding the provisions of paragraph (1), (2), or (3)  
13 of this subsection, a sex offense shall not include an adjudication of  
14 delinquency for endangering the welfare of a child pursuant to  
15 paragraph (4) or (5) of subsection b. of N.J.S.2C:24-4, provided that  
16 the actor demonstrates that:

17 (a) the facts of the case are limited to the creation, exhibition or  
18 distribution of a photograph depicting nudity or portraying a child  
19 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,  
20 through the use of an electronic communications device, an  
21 interactive wireless communications device, or a computer;

22 (b) the creator and subject of the photograph are juveniles or  
23 were juveniles at the time of its making; and

24 (c) the subject of the photograph whose nudity is depicted or  
25 who is portrayed in a sexually suggestive manner, as the case may  
26 be, knowingly consented to the making of the photograph.

27 c. A person required to register under the provisions of this act  
28 shall do so on forms to be provided by the designated registering  
29 agency as follows:

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

40 (2) A person confined in a correctional or juvenile facility or  
41 involuntarily committed who is required to register shall register  
42 prior to release in accordance with procedures established by the  
43 Department of Corrections, the Department of Human Services or  
44 the Juvenile Justice Commission and, within 48 hours of release,  
45 shall also register with the chief law enforcement officer of the  
46 municipality in which the person resides or, if the municipality does  
47 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** 10 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** 10 days after commencing such employment or vocation,  
31 register with the chief law enforcement officer of the municipality  
32 in which the employer is located or where the vocation is carried  
33 on, as the case may be, or, if the municipality does not have a local  
34 police 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 10 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 third  
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 third  
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. In addition to address  
25 information, the person shall provide as part of the verification  
26 process any additional information the Attorney General may  
27 require. One year after the effective date of this act, the Attorney  
28 General shall review, evaluate and, if warranted, modify pursuant to  
29 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
30 seq.) the verification requirement. Any person who knowingly  
31 provides false information concerning his place of residence or who  
32 fails to verify his address with the appropriate law enforcement  
33 agency or other entity, as prescribed by the Attorney General in  
34 accordance with this subsection, is guilty of a crime of the third  
35 degree.

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

43 g. A person required to register under this section who has  
44 been convicted of, adjudicated delinquent, or acquitted by reason of  
45 insanity for more than one sex offense as defined in subsection b. of  
46 this section or who has been convicted of, adjudicated delinquent,  
47 or acquitted by reason of insanity for aggravated sexual assault  
48 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault

1 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not  
2 eligible under subsection f. of this section to make application to  
3 the Superior Court of this State to terminate the registration  
4 obligation.  
5 (cf: P.L.2017, c.141, s.3.)  
6

7 3. N.J.S.2C:41-1 is amended to read as follows:

8 2C:41-1. For purposes of this section and N.J.S.2C:41-2 through  
9 N.J.S.2C:41-6:

10 a. "Racketeering activity" means (1) any of the following  
11 crimes which are crimes under the laws of New Jersey or are  
12 equivalent crimes under the laws of any other jurisdiction:

13 (a) murder

14 (b) kidnapping

15 (c) gambling

16 (d) promoting prostitution

17 (e) obscenity

18 (f) robbery

19 (g) bribery

20 (h) extortion

21 (i) criminal usury

22 (j) violations of Title 33 of the Revised Statutes

23 (k) violations of Title 54A of the New Jersey Statutes and Title  
24 54 of the Revised Statutes

25 (l) arson

26 (m) burglary

27 (n) theft and all crimes defined in chapter 20 of Title 2C of the  
28 New Jersey Statutes

29 (o) forgery and fraudulent practices and all crimes defined in  
30 chapter 21 of Title 2C of the New Jersey Statutes

31 (p) fraud in the offering, sale or purchase of securities

32 (q) alteration of motor vehicle identification numbers

33 (r) unlawful manufacture, purchase, use or transfer of firearms

34 (s) unlawful possession or use of destructive devices or  
35 explosives

36 (t) violation of sections 112 through 116 inclusive of the  
37 "Casino Control Act," P.L.1977, c.110 (C.5:12-112 through 5:12-  
38 116)

39 (u) violation of N.J.S.2C:35-4, N.J.S.2C:35-5 or N.J.S.2C:35-6  
40 and all crimes involving illegal distribution of a controlled  
41 dangerous substance or controlled substance analog, except  
42 possession of less than one ounce of marijuana

43 (v) violation of subsection b. of N.J.S.2C:24-4 except for  
44 subparagraph (b) of paragraph (5) of subsection b.

45 (w) violation of section 1 of P.L.1995, c.405 (C.2C:39-16),  
46 leader of firearms trafficking network

47 (x) violation of section 1 of P.L.1983, c.229 (C.2C:39-14),  
48 weapons training for illegal activities

- 1 (y) violation of section 2 of P.L.2002, c.26 (C.2C:38-2),  
2 terrorism
- 3 (z) violation of section 1 of P.L.2005, c.77 (C.2C:13-8) or  
4 P.L.2013, c.51 (C.52:17B-237 et al.), human trafficking
- 5 (aa) violation of N.J.S.2C:12-1 requiring purposeful or knowing  
6 conduct
- 7 (bb) violation of N.J.S.2C:12-3, terroristic threats
- 8 (cc) violation of section 1 of P.L.2015, c.85 (C.2C:33-31), dog  
9 fighting
- 10 (dd) violation of section 1 of P.L. \_\_, c. \_\_ (C. \_\_) (pending  
11 before the Legislature as this bill), commercial exploitation of a  
12 child.
- 13 (2) any conduct defined as "racketeering activity" under Title  
14 18, U.S.C. s.1961(1)(A), (B) and (D).
- 15 b. "Person" includes any individual or entity or enterprise as  
16 defined herein holding or capable of holding a legal or beneficial  
17 interest in property.
- 18 c. "Enterprise" includes any individual, sole proprietorship,  
19 partnership, corporation, business or charitable trust, association, or  
20 other legal entity, any union or group of individuals associated in  
21 fact although not a legal entity, and it includes illicit as well as licit  
22 enterprises and governmental as well as other entities.
- 23 d. "Pattern of racketeering activity" requires:
- 24 (1) Engaging in at least two incidents of racketeering conduct  
25 one of which shall have occurred after the effective date of this act  
26 and the last of which shall have occurred within 10 years (excluding  
27 any period of imprisonment) after a prior incident of racketeering  
28 activity; and
- 29 (2) A showing that the incidents of racketeering activity  
30 embrace criminal conduct that has either the same or similar  
31 purposes, results, participants or victims or methods of commission  
32 or are otherwise interrelated by distinguishing characteristics and  
33 are not isolated incidents.
- 34 e. "Unlawful debt" means a debt:
- 35 (1) Which was incurred or contracted in gambling activity  
36 which was in violation of the law of the United States, a state or  
37 political subdivision thereof; or
- 38 (2) Which is unenforceable under state or federal law in whole  
39 or in part as to principal or interest because of the laws relating to  
40 usury.
- 41 f. "Documentary material" includes any book, paper,  
42 document, writing, drawing, graph, chart, photograph, phonorecord,  
43 magnetic or recording or video tape, computer printout, other data  
44 compilation from which information can be obtained or from which  
45 information can be translated into useable form or other tangible  
46 item.
- 47 g. "Attorney General" includes the Attorney General of New  
48 Jersey, his assistants and deputies. The term shall also include a

1 county prosecutor or his designated assistant prosecutor if a county  
2 prosecutor is expressly authorized in writing by the Attorney  
3 General to carry out the powers conferred on the Attorney General  
4 by this chapter.

5 h. "Trade or commerce" shall include all economic activity  
6 involving or relating to any commodity or service.  
7 (cf: P.L.2015, c.85, s.3)

8  
9 4. This act shall take effect immediately.

10  
11  
12 STATEMENT

13  
14 This bill would establish new crimes for promoting commercial  
15 exploitation of a child and engaging in commercial exploitation of a  
16 child.

17 First, a person would be guilty of promoting commercial  
18 exploitation of a child if the person knowingly sells, advertises,  
19 promotes, or otherwise offers to sell travel services, or facilitates  
20 travel, for the purpose of another to partake in an act of: (1)  
21 engaging in prostitution activities with a person under the age of 18;  
22 (2) human trafficking, if the victim is under the age of 18; (3) any  
23 sexual offense, if the victim is under the age of 18; (4) endangering  
24 the welfare of a child (under the age of 18) by causing or permitting  
25 a child to engage in a prohibited sexual act, or by photographing or  
26 filming the child in a prohibited sexual act; or (5) a criminal offense  
27 which would constitute a substantially similar crime under the laws  
28 of another state or the United States.

29 Promoting the commercial exploitation of a child would  
30 constitute a crime of the second degree, ordinarily punishable by a  
31 term of imprisonment of five to 10 years, a fine of up to \$150,000,  
32 or both.

33 Second, a person would be guilty of engaging in commercial  
34 exploitation of a child, if he knowingly purchases travel services for  
35 the purpose of engaging in any of the above acts. Engaging in  
36 commercial exploitation of a child would constitute a crime of the  
37 third degree, and could be punishable by a term of imprisonment of  
38 three to five years, a fine of up to \$15,000, or both.

39 The bill also amends Megan's Law to require a person convicted  
40 of engaging in commercial exploitation of a child, as explained  
41 above, to register as a sex offender, and adds both categories of  
42 commercial exploitation of a child to the enumerated offenses  
43 considered "racketeering activity" under New Jersey's anti-  
44 racketeering law, N.J.S.2C:41-1 et seq.