

SENATE, No. 143

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

SYNOPSIS

Establishes New Jersey Internet Criminal Information Registry.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** establishing the New Jersey Internet Criminal Information
2 Registry, supplementing Title 52 of the Revised Statutes and
3 amending N.J.S.2C:64-6.

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

7
8 1. (New section) a. The Attorney General shall establish and
9 maintain the New Jersey Internet Criminal Information Registry.
10 The purpose of the registry is to make available to the citizens of
11 this State, through the creation of an online database, information
12 relating to certain persons who are either incarcerated, on parole,
13 granted executive clemency, or participating in a residential
14 community release program in this State.

15 b. Information relating only to persons convicted of the
16 following crimes shall be included on the registry: murder pursuant
17 to N.J.S.2C:11-3; aggravated manslaughter or manslaughter
18 pursuant to N.J.S.2C:11-4; vehicular homicide pursuant to
19 N.J.S.2C:11-5; disarming a law enforcement officer pursuant to
20 subsection b. of section 1 of P.L.1996, c.14 (C.2C:12-11);
21 kidnapping pursuant to N.J.S.2C:13-1, except for a conviction
22 pursuant paragraph (2) of subsection c., or a conviction involving a
23 minor and the person is not the parent of the victim; robbery
24 pursuant to N.J.S.2C:15-1; carjacking pursuant to section 1 of
25 P.L.1993, c.221 (C.2C:15-2); aggravated arson pursuant to
26 paragraph (1) of subsection a. of N.J.S.2C:17-1; burglary pursuant
27 to N.J.S.2C:18-2; extortion pursuant to subsection a. of
28 N.J.S.2C:20-5; booby traps in manufacturing or distribution
29 facilities pursuant to subsection b. of section 1 of P.L.1997, c.185
30 (C.2C:35-4.1); strict liability for drug induced deaths pursuant to
31 N.J.S.2C:35-9; terrorism pursuant to section 2 of P.L.2002, c.26
32 (C.2C:38-2); producing or possessing chemical weapons, biological
33 agents or nuclear or radiological devices pursuant to section 3 of
34 P.L.2002, c.26 (C.2C:38-3); racketeering pursuant to N.J.S.2C:41-2,
35 when it is a crime of the first degree; firearms trafficking pursuant
36 to subsection i. of N.J.S.2C:39-9; or any crime of the first or second
37 degree involving serious bodily injury.

38 c. The registry shall be subdivided into four categories and
39 each category shall include the following information:

40 (1) for a person incarcerated for one of the crimes set forth in
41 subsection b. of this section: the inmate's name; sentence; place of
42 incarceration; parole eligibility or release date, as appropriate; and
43 criminal history;

44 (2) for a person convicted of one of the crimes set forth in
45 subsection b. of this section who is released on parole: the parolee's

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 name, sentence, address, parole discharge date, and criminal
2 history;

3 (3) for a person convicted of one of the crimes set forth in
4 subsection b. of this section who is participating in a residential
5 community release program: the inmate's name, sentence, address
6 where the inmate is residing while participating in the program,
7 release date, and criminal history; and

8 (4) for a person convicted of one of the crimes set forth in
9 subsection b. of this section who is granted executive clemency
10 pursuant to Article V, Section II, paragraph 1 of the New Jersey
11 Constitution: the person's name, sentence, address, date the person
12 was granted executive clemency, and criminal history.

13 d. The registry also may include the following information
14 relating to persons convicted in another jurisdiction of a crime that
15 is substantially similar to those set forth in subsection b., but who,
16 pursuant to the Interstate Corrections Compact, P.L.1973, c.15
17 (C.30:7C-1 et seq.), are released on parole in this State: the
18 parolee's name, sentence, jurisdiction imposing that sentence,
19 address, parole discharge date, and criminal history.

20 e. Upon release or discharge from parole, as the case may be, a
21 person's name and all related information shall immediately be
22 removed from the registry and no longer be available to the public.

23 f. The Attorney General may adopt guidelines to effectuate the
24 purposes of this act.

25 g. No action shall be brought against a real estate broker,
26 broker-salesperson, salesperson, seller, or lessor for failure to
27 investigate or disclose any information from the registry that is
28 compiled or made available to the citizens of this State pursuant to
29 this section.

30

31 2. N.J.S.2C:64-6 is amended to read as follows:

32 2C:64-6. Disposal of Forfeited Property. a. Property which
33 has been forfeited shall be destroyed if it can serve no lawful
34 purpose or it presents a danger to the public health, safety, or
35 welfare. All other forfeited property or any proceeds resulting from
36 the forfeiture and all money seized pursuant to this chapter shall
37 become the property of the entity funding the prosecuting agency
38 involved and shall be disposed of, distributed, appropriated, and
39 used in accordance with the provisions of this chapter.

40 The prosecutor or the Attorney General, whichever is
41 prosecuting the case, shall divide the forfeited property, any
42 proceeds resulting from the forfeiture or any money seized pursuant
43 to this chapter with any other entity where the other entity's law
44 enforcement agency participated in the surveillance, investigation,
45 arrest, or prosecution resulting in the forfeiture, in proportion to the
46 other entity's contribution to the surveillance, investigation, arrest,
47 or prosecution resulting in the forfeiture, as determined in the
48 discretion of the prosecutor or the Attorney General, whichever is

1 prosecuting the case. Notwithstanding any other provision of law,
2 such forfeited property and proceeds shall be used solely for law
3 enforcement purposes, and shall be designated for the exclusive use
4 of the law enforcement agency which contributed to the
5 surveillance, investigation, arrest or prosecution resulting in the
6 forfeiture.

7 The Attorney General is authorized to promulgate rules and
8 regulations to implement and enforce the provisions of this act.

9 b. For a period of two years from the date of enactment of
10 P.L.1993, c.227 (C.26:4-100.13 et al.), **【10%】** 10 percent of the
11 proceeds obtained by the Attorney General under the provisions of
12 subsection a. of this section shall be deposited into the Hepatitis
13 Inoculation Fund established pursuant to section 2 of P.L.1993,
14 c.227 (C.26:4-100.13).

15 c. Beginning two years from the date of enactment of
16 P.L.1993, c.227 (C.26:4-100.13 et al.) and in subsequent years,
17 **【5%】** five percent of the proceeds obtained by the Attorney General
18 under the provisions of subsection a. of this section shall be
19 deposited into the Hepatitis Inoculation Fund established pursuant
20 to section 2 of P.L.1993, c.227 (C.26:4-100.13).

21 d. From the proceeds obtained under the provisions of
22 subsection a. of this section, the Attorney General shall allocate the
23 monies necessary to fund the actual costs of establishing and
24 maintaining the New Jersey Internet Criminal Information Registry
25 authorized under section 1 of P.L. , c. (C.)(pending before
26 the Legislature as this bill).

27 (cf: P.L.1993, c.227, s.1)

28
29 3. This act shall take effect on the first day of the sixth month
30 next following enactment.

31 32 33 STATEMENT

34
35 This bill directs the Attorney General to establish and maintain
36 the New Jersey Internet Criminal Information Registry. The names
37 and information relating to persons who have been convicted of
38 certain violent crimes would be placed on the registry and available
39 to the public on the Internet.

40 A conviction of any one of the following crimes would result in a
41 person's placement on the registry: murder; aggravated
42 manslaughter or manslaughter; vehicular homicide; disarming a law
43 enforcement officer; kidnapping, except for convictions for which a
44 person is required to register pursuant to Megan's law; robbery;
45 carjacking; aggravated arson; burglary; extortion; booby traps in
46 manufacturing or distribution facilities; strict liability for drug
47 induced deaths; terrorism; producing or possessing chemical
48 weapons, biological agents or nuclear or radiological devices;

1 racketeering when it is a crime of the first degree; firearms
2 trafficking; or any crime of the first or second degree involving
3 serious bodily injury.

4 The registry is to be subdivided into five categories: inmates;
5 parolees; inmates participating in residential community release
6 programs; persons convicted of one of the crimes enumerated in the
7 bill who have been granted executive clemency; and persons
8 convicted of a substantially similar violent crime in a different
9 jurisdiction, but paroled in New Jersey under the Interstate
10 Corrections Compact.

11 Registry information is to include the person's name, sentence,
12 address or place of incarceration, release or parole discharge date,
13 and criminal history.

14 The bill specifies that upon release or discharge from parole, the
15 person's name and all related information is to be immediately
16 removed from the registry and no longer be available to the public.
17 The bill also specifies that no action is to be brought against a real
18 estate broker, broker-salesperson, salesperson, seller, or lessor for
19 failure to investigate or disclose any information from the registry
20 that is compiled or made available pursuant to the bill.

21 Finally, the bill directs the Attorney General to use forfeiture
22 funds to cover the costs of establishing and maintaining the registry.