

SENATE, No. 270

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

Senator TROY SINGLETON

District 7 (Burlington)

Co-Sponsored by:

Senators Greenstein and Cunningham

SYNOPSIS

Expands registration requirements under Megan's Law to include persons committing human trafficking crimes or engaging in prostitution, when crimes involve minors.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 4/26/2021)

1 **AN ACT** concerning registration of sex offenders and amending
2 P.L.1994, c.133.

3

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

6

7 1. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read
8 as follows:

9 2. a. (1) A person who has been convicted, adjudicated
10 delinquent or found not guilty by reason of insanity for commission
11 of a sex offense as defined in subsection b. of this section shall
12 register as provided in subsections c. and d. of this section.

13 (2) A person who in another jurisdiction is required to register
14 as a sex offender and (a) is enrolled on a full-time or part-time basis
15 in any public or private educational institution in this State,
16 including any secondary school, trade or professional institution,
17 institution of higher education or other post-secondary school, or
18 (b) is employed or carries on a vocation in this State, on either a
19 full-time or a part-time basis, with or without compensation, for
20 more than 14 consecutive days or for an aggregate period exceeding
21 30 days in a calendar year, shall register in this State as provided in
22 subsections c. and d. of this section.

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

25 b. For the purposes of this act a sex offense shall include the
26 following:

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

34 (2) A conviction, adjudication of delinquency, or acquittal by
35 reason of insanity for aggravated sexual assault; sexual assault;
36 aggravated criminal sexual contact; kidnapping pursuant to
37 paragraph (2) of subsection c. of N.J.S.2C:13-1; human trafficking
38 pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or P.L.2013,
39 c.51 (C.52:17B-237 et al.) if the victim is a minor; endangering the
40 welfare of a child by engaging in sexual conduct which would
41 impair or debauch the morals of the child pursuant to subsection a.
42 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
43 paragraph (3) or (4), subparagraph (a), or sub-subparagraph (i) or
44 (ii) of subparagraph (b) of paragraph (5) of subsection b. of
45 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of

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 P.L.1993, c.291 (C.2C:13-6); criminal sexual contact pursuant to
2 **【N.J.S.2C:14-3b.】** subsection b. of N.J.S.2C:14-3 if the victim is a
3 minor; kidnapping pursuant to N.J.S.2C:13-1, criminal restraint
4 pursuant to N.J.S.2C:13-2, or false imprisonment pursuant to
5 N.J.S.2C:13-3 if the victim is a minor and the offender is not the
6 parent of the victim; knowingly promoting prostitution of a child
7 pursuant to paragraph (3) **【or】**, paragraph (4), or paragraph (7) of
8 subsection b. of N.J.S.2C:34-1; leader of a child pornography
9 network pursuant to section 8 of P.L.2017, c.141 (C.2C:24-4.1); or
10 an attempt to commit any of these enumerated offenses if the
11 conviction, adjudication of delinquency or acquittal by reason of
12 insanity is entered on or after the effective date of this act or the
13 offender is serving a sentence of incarceration, probation, parole or
14 other form of community supervision as a result of the offense or is
15 confined following acquittal by reason of insanity or as a result of
16 civil commitment on the effective date of this act;

17 (3) A conviction, adjudication of delinquency, or acquittal by
18 reason of insanity for an offense similar to any offense enumerated
19 in paragraph (2) of this subsection or a sentence on the basis of
20 criteria similar to the criteria set forth in paragraph (1) of this
21 subsection entered or imposed under the laws of the United States,
22 this State, or another state.

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

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

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

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

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

41 (1) A person who is required to register and who is under
42 supervision in the community on probation, parole, furlough, work
43 release, or a similar program, shall register at the time the person is
44 placed under supervision or no later than 120 days after the
45 effective date of this act, whichever is later, in accordance with
46 procedures established by the Department of Corrections, the
47 Department of Human Services, the Juvenile Justice Commission
48 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)

1 or the Administrative Office of the Courts, whichever is responsible
2 for supervision;

3 (2) A person confined in a correctional or juvenile facility or
4 involuntarily committed who is required to register shall register
5 prior to release in accordance with procedures established by the
6 Department of Corrections, the Department of Human Services or
7 the Juvenile Justice Commission and, within 48 hours of release,
8 shall also register with the chief law enforcement officer of the
9 municipality in which the person resides or, if the municipality does
10 not have a local police force, the Superintendent of State Police;

11 (3) A person moving to or returning to this State from another
12 jurisdiction shall register with the chief law enforcement officer of
13 the municipality in which the person will reside or, if the
14 municipality does not have a local police force, the Superintendent
15 of State Police within 120 days of the effective date of this act or 10
16 days of first residing in or returning to a municipality in this State,
17 whichever is later;

18 (4) A person required to register on the basis of a conviction
19 prior to the effective date who is not confined or under supervision
20 on the effective date of this act shall register within 120 days of the
21 effective date of this act with the chief law enforcement officer of
22 the municipality in which the person will reside or, if the
23 municipality does not have a local police force, the Superintendent
24 of State Police;

25 (5) A person who in another jurisdiction is required to register
26 as a sex offender and who is enrolled on a full-time or part-time
27 basis in any public or private educational institution in this State,
28 including any secondary school, trade or professional institution,
29 institution of higher education or other post-secondary school shall,
30 within ~~ten~~ 10 days of commencing attendance at such educational
31 institution, register with the chief law enforcement officer of the
32 municipality in which the educational institution is located or, if the
33 municipality does not have a local police force, the Superintendent
34 of State Police;

35 (6) A person who in another jurisdiction is required to register
36 as a sex offender and who is employed or carries on a vocation in
37 this State, on either a full-time or a part-time basis, with or without
38 compensation, for more than 14 consecutive days or for an
39 aggregate period exceeding 30 days in a calendar year, shall, within
40 ~~ten~~ 10 days after commencing such employment or vocation,
41 register with the chief law enforcement officer of the municipality
42 in which the employer is located or where the vocation is carried
43 on, as the case may be, or, if the municipality does not have a local
44 police force, the Superintendent of State Police;

45 (7) In addition to any other registration requirements set forth in
46 this section, a person required to register under this act who is
47 enrolled at, employed by or carries on a vocation at an institution of
48 higher education or other post-secondary school in this State shall,

1 within 10 days after commencing such attendance, employment or
2 vocation, register with the law enforcement unit of the educational
3 institution, if the institution has such a unit.

4 d. (1) Upon a change of address, a person shall notify the law
5 enforcement agency with which the person is registered and shall
6 re-register with the appropriate law enforcement agency no less
7 than 10 days before he intends to first reside at his new address.
8 Upon a change of employment or school enrollment status, a person
9 shall notify the appropriate law enforcement agency no later than
10 five days after any such change. A person who fails to notify the
11 appropriate law enforcement agency of a change of address or status
12 in accordance with this subsection is guilty of a crime of the third
13 degree.

14 (2) A person required to register under this act shall provide the
15 appropriate law enforcement agency with information as to whether
16 the person has routine access to or use of a computer or any other
17 device with Internet capability. A person who fails to notify the
18 appropriate law enforcement agency of such information or of a
19 change in the person's access to or use of a computer or other
20 device with Internet capability or who provides false information
21 concerning the person's access to or use of a computer or any other
22 device with Internet capability is guilty of a crime of the third
23 degree.

24 e. A person required to register under paragraph (1) of
25 subsection b. of this section or under paragraph (3) of subsection b.
26 due to a sentence imposed on the basis of criteria similar to the
27 criteria set forth in paragraph (1) of subsection b. shall verify his
28 address with the appropriate law enforcement agency every 90 days
29 in a manner prescribed by the Attorney General. A person required
30 to register under paragraph (2) of subsection b. of this section or
31 under paragraph (3) of subsection b. on the basis of a conviction for
32 an offense similar to an offense enumerated in paragraph (2) of
33 subsection b. shall verify his address annually in a manner
34 prescribed by the Attorney General. In addition to address
35 information, the person shall provide as part of the verification
36 process any additional information the Attorney General may
37 require. One year after the effective date of this act, the Attorney
38 General shall review, evaluate and, if warranted, modify pursuant to
39 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
40 seq.) the verification requirement. Any person who knowingly
41 provides false information concerning his place of residence or who
42 fails to verify his address with the appropriate law enforcement
43 agency or other entity, as prescribed by the Attorney General in
44 accordance with this subsection, is guilty of a crime of the third
45 degree.

46 f. Except as provided in subsection g. of this section, a person
47 required to register under this act may make application to the
48 Superior Court of this State to terminate the obligation upon proof

1 that the person has not committed an offense within 15 years
2 following conviction or release from a correctional facility for any
3 term of imprisonment imposed, whichever is later, and is not likely
4 to pose a threat to the safety of others.

5 g. A person required to register under this section who has
6 been convicted of, adjudicated delinquent, or acquitted by reason of
7 insanity for more than one sex offense as defined in subsection b. of
8 this section or who has been convicted of, adjudicated delinquent,
9 or acquitted by reason of insanity for aggravated sexual assault
10 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault
11 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not
12 eligible under subsection f. of this section to make application to
13 the Superior Court of this State to terminate the registration
14 obligation.

15 (cf: P.L.2017, c.141, s.3)

16

17 2. This act shall take effect immediately.

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STATEMENT

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22 This bill would expand part of Megan's Law,
23 P.L.1994, c.133 (C.2C:7-1 et seq.), to require registration of a
24 person as a sex offender if convicted, adjudicated delinquent, or
25 found not guilty by reason of insanity of committing (1) a human
26 trafficking crime or (2) engaging in prostitution, when either crime
27 involved a victim who is a minor.