

SENATE, No. 1374

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Establishes "Internet Predator Investigation and Prosecution Fund" with \$200 assessment on persons convicted of certain offenses.

CURRENT VERSION OF TEXT

As introduced.



S1374 CONNORS

2

1 AN ACT concerning computer criminal activity, supplementing
2 chapter 158 of Title 2A and chapter 43 of Title 2C of the New
3 Jersey Statutes and amending P.L.1979, c.396 and P.L.1991,
4 c.329.

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

8
9 1. (New section) a. There is created in the Department of
10 Treasury a non-lapsing fund entitled the "Internet Predator
11 Investigation and Prosecution Fund." The fund shall be the
12 depository for assessments collected pursuant to section 2 of
13 P.L. , c. (C.) (pending before the Legislature as this bill).
14 The State Treasurer shall administer the fund and dispense money
15 from the fund to county prosecutor's offices as directed by the
16 Attorney General.

17 b. The Attorney General shall award grants from the fund to
18 county prosecutor's offices to pay for the training and equipment
19 necessary to investigate and prosecute persons who violate
20 N.J.S.2C:13-6 via electronic means.

21 c. Applications for grants from the fund shall be made in a
22 manner prescribed by the Attorney General. The grant application
23 shall describe the county prosecutor's office's need for grant funding
24 and how the funding will be used to further the objectives stated in
25 subsection b. of this section.

26
27 2. (New section) a. In addition to any other fine, fee or
28 assessment imposed, any person convicted of a violation section 4
29 of P.L.1984, c.184 (C.2C:20-25) shall be assessed \$200 for each
30 conviction.

31 b. All assessments provided for in this section shall be
32 collected as provided for collection of fines and restitutions in
33 section 3 of P.L.1979, c.396 (C.2C:46-4) and shall be forwarded to
34 the Department of the Treasury to be deposited into the Internet
35 Predator Investigation and Prosecution Fund.

36
37 3. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
38 as follows:

39 3. a. All fines, assessments imposed pursuant to section 2 of
40 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
41 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
42 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
43 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
44 penalties imposed pursuant to section 1 of P.L.2009, c.143
45 (C.2C:43-3.8), all penalties imposed pursuant to section 7 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.2013, c.214 (C.30:4-123.97) and restitution shall be collected as
2 follows:

3 (1) All fines, assessments imposed pursuant to section 2 of
4 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
5 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
6 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
7 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
8 penalties imposed pursuant to section 1 of P.L.2009, c.143
9 (C.2C:43-3.8), all penalties imposed pursuant to section 7 of
10 P.L.2013, c.214 (C.30:4-123.97) and restitution imposed by the
11 Superior Court or otherwise imposed at the county level, shall be
12 collected by the county probation division except when such fine,
13 assessment or restitution is imposed in conjunction with a custodial
14 sentence to a State correctional facility or in conjunction with a
15 term of incarceration imposed pursuant to section 25 of P.L.1982,
16 c.77 (C.2A:4A-44) in which event such fine, assessment or
17 restitution shall be collected by the Department of Corrections or
18 the Juvenile Justice Commission established pursuant to section 2
19 of P.L.1995, c.284 (C.52:17B-170). An adult prisoner of a State
20 correctional institution or a juvenile serving a term of incarceration
21 imposed pursuant to section 25 of P.L.1982, c.77 (C.2A:4A-44)
22 who has not paid an assessment imposed pursuant to section 2 of
23 P.L.1979, c.396 (C.2C:43-3.1), a penalty imposed pursuant to
24 section 1 of P.L.1999, c.295 (C.2C:43-3.5), a penalty imposed
25 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), a penalty
26 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8), a
27 penalty imposed pursuant to section 7 of P.L.2013, c.214 (C.30:4-
28 123.97) or restitution shall have the assessment, penalty, fine or
29 restitution deducted from any income the inmate receives as a result
30 of labor performed at the institution or on any type of work release
31 program or, pursuant to regulations promulgated by the
32 Commissioner of the Department of Corrections or the Juvenile
33 Justice Commission, from any personal account established in the
34 institution for the benefit of the inmate.

35 (a) A payment of restitution collected by the Department of
36 Corrections pursuant to this paragraph shall be maintained by the
37 department for two years during which the department shall attempt
38 to locate the victim to whom the restitution is owed. If the
39 department has not located the victim and the victim has not come
40 forward to claim the payment within this two-year period, the
41 payment shall be transferred to the Victims of Crime Compensation
42 Office Account to be used in satisfying claims pursuant to the
43 provisions of the "Criminal Injuries Compensation Act of 1971,"
44 P.L.1971, c.317 (C.52:4B-1 et seq.).

45 (b) If the Department of Corrections has transferred a payment
46 of restitution to the Victims of Crime Compensation Office
47 pursuant to subparagraph (a) of this paragraph, the department shall
48 provide the office with the order for restitution and any other

1 information regarding the identity of the victim to whom the
2 payment is owed. The office shall be responsible for maintaining
3 this information and for distributing payments of restitution to
4 victims who can prove they are owed the payments.

5 (2) All fines, assessments imposed pursuant to section 2 of
6 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
7 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
8 by a municipal court shall be collected by the municipal court
9 administrator except if such fine, assessments imposed pursuant to
10 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
11 as a condition of probation in which event it shall be collected by
12 the county probation division.

13 b. Except as provided in subsection c. with respect to fines
14 imposed on appeals following convictions in municipal courts and
15 except as provided in subsection i. with respect to restitution
16 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
17 al.), all fines imposed by the Superior Court or otherwise imposed
18 at the county level, shall be paid over by the officer entitled to
19 collect same to:

20 (1) The county treasurer with respect to fines imposed on
21 defendants who are sentenced to and serve a custodial term,
22 including a term as a condition of probation, in the county jail,
23 workhouse or penitentiary except where such county sentence is
24 served concurrently with a sentence to a State institution; or

25 (2) The State Treasurer with respect to all other fines.

26 c. All fines imposed by municipal courts, except a central
27 municipal court established pursuant to N.J.S.2B:12-1 on
28 defendants convicted of crimes, disorderly persons offenses and
29 petty disorderly persons offenses, and all fines imposed following
30 conviction on appeal therefrom, and all forfeitures of bail shall be
31 paid over by the officer entitled to collect same to the treasury of
32 the municipality wherein the municipal court is located.

33 In the case of an intermunicipal court, fines shall be paid into the
34 municipal treasury of the municipality in which the offense was
35 committed, and costs, fees, and forfeitures of bail shall be
36 apportioned among the several municipalities to which the court's
37 jurisdiction extends according to the ratios of the municipalities'
38 contributions to the total expense of maintaining the court.

39 In the case of a central municipal court, established by a county
40 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of
41 bail shall be paid into the county treasury of the county where the
42 central municipal court is located.

43 d. All assessments imposed pursuant to section 2 of P.L.1979,
44 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
45 in that section.

46 e. All mandatory Drug Enforcement and Demand Reduction
47 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
48 and deposited as provided for in that section.

1 f. All forensic laboratory fees assessed pursuant to
2 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
3 that section.

4 g. All restitution ordered to be paid to the Victims of Crime
5 Compensation Office pursuant to N.J.S.2C:44-2 shall be forwarded
6 to the office for deposit in the Victims of Crime Compensation
7 Office Account.

8 h. All assessments imposed pursuant to section 11 of P.L.1993,
9 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
10 in that section.

11 i. All restitution imposed on defendants under the provisions
12 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
13 enforcement entity in extraditing the defendant from another
14 jurisdiction shall be paid over by the officer entitled to collect same
15 to the law enforcement entities which participated in the extradition
16 of the defendant.

17 j. All penalties imposed pursuant to section 1 of P.L.1999,
18 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
19 in that section.

20 k. All penalties imposed pursuant to section 11 of P.L.2001,
21 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
22 that section.

23 l. All mandatory penalties imposed pursuant to section 1 of
24 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
25 provided in that section.

26 m. All mandatory Computer Crime Prevention penalties
27 imposed pursuant to section 1 of P.L.2009, c.143 (C.2C:43-3.8)
28 shall be forwarded and deposited as provided in that section.

29 n. All mandatory Sex Offender Supervision penalties imposed
30 pursuant to section 7 of P.L.2013, c.214 (C.30:4-123.97) shall be
31 forwarded and deposited as provided in that section.

32 o. All penalties imposed pursuant to section 2 of P.L. ,
33 c. C.) (pending before the Legislature as this bill) shall be
34 forwarded and deposited as provided in that section.

35 (cf: P.L.2015, c.55, s.1)

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37 4. Section 13 of P.L.1991, c. 329 (C.2C:46-4.1) is amended to
38 read as follows:

39 13. Moneys that are collected in satisfaction of any assessment
40 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
41 in satisfaction of restitution or fines imposed in accordance with the
42 provisions of Title 2C of the New Jersey Statutes or with the
43 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be
44 applied in the following order:

45 a. first, in satisfaction of all assessments imposed pursuant to
46 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

47 b. second, except as provided in subsection f. of this section, in
48 satisfaction of any restitution ordered;

1 c. third, in satisfaction of all assessments imposed pursuant to
2 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

3 d. fourth, in satisfaction of any forensic laboratory fee assessed
4 pursuant to N.J.S.2C:35-20;

5 e. fifth, in satisfaction of any mandatory Drug Enforcement
6 and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-
7 15;

8 f. sixth, in satisfaction of any anti-drug profiteering penalty
9 imposed pursuant to N.J.S.2C:35A-1 et seq.;

10 g. seventh, in satisfaction of any anti-money laundering
11 profiteering penalty imposed pursuant to section 9 of P.L.1999, c.25
12 (C.2C:21-27.2);

13 h. eighth, in satisfaction of restitution for any extradition costs
14 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);

15 i. ninth, in satisfaction of any penalty imposed pursuant to
16 section 1 of P.L.1999, c.295 (C.2C:43-3.5);

17 j. tenth, in satisfaction of any penalty imposed pursuant to
18 section 11 of P.L.2001, c.81 (C.2C:43-3.6);

19 k. eleventh, in satisfaction of the mandatory penalty imposed
20 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10);

21 l. twelfth, in satisfaction of any mandatory Computer Crime
22 Prevention penalty assessed pursuant to section 1 of P.L.2009,
23 c.143 (C.2C:43-3.8);

24 m. thirteenth, in satisfaction of any mandatory Sex Offender
25 Supervision penalty assessed pursuant to section 7 of P.L.2013,
26 c.214 (C.30:4-123.97); **and**

27 n. fourteenth, in satisfaction of an assessment imposed
28 pursuant to section 2 of P.L. , c. (C.) (pending before the
29 Legislature as this bill); and

30 o. fifteenth, in satisfaction of any fine.
31 (cf: P.L.2013, c.214, s.6)

32
33 5. This act shall take effect immediately.
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36 STATEMENT

37
38 This bill imposes a \$200 assessment on persons convicted of
39 computer criminal activity or a sex offense. The money collected is
40 to be forwarded to the State Treasurer to be placed in a fund called
41 the "Internet Predator Investigation and Prosecution Fund," which
42 the bill establishes. The Attorney General shall grant money from
43 the fund to county prosecutor offices for training and equipment
44 necessary to investigate and prosecute persons who use the Internet
45 to arrange meetings with children for the purpose of committing a
46 crime.