

SENATE, No. 1432

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator JOSEPH PENNACCHIO

District 26 (Essex, Morris and Passaic)

SYNOPSIS

Requires sex offenders in satellite-based monitoring program to pay for certain equipment and monitoring costs.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning satellite-based monitoring of certain sex
2 offenders and amending P.L.2007, c.128.

3

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

6

7 1. Section 3 of P.L.2007, c.128 (C.30:4-123.91) is amended to
8 read as follows:

9 3. a. As used in this act:

10 "Chairman" means the Chairman of the State Parole Board.

11 "Monitored subject" means a person:

12 (1) **【a person】** whose risk of reoffense has been determined to
13 be high pursuant to section 3 of P.L.1994, c.128 (C.2C:7-8); and

14 (2) **【a person】** who the chairman deems appropriate for
15 continuous satellite-based monitoring pursuant to the provisions of
16 this act and who:

17 (a) was subject to civil commitment as a "sexually violent
18 predator" in accordance with the provisions of P.L.1998, c.71
19 (C.30:4-27.24 et al.) and has been conditionally discharged or
20 discharged pursuant to section 13 of P.L.1998, c.71 (C.30:4-27.36);

21 (b) has been sentenced to a term of community or parole
22 supervision for life pursuant to section 2 of P.L.1994, c.130
23 (C.2C:43-6.4); or

24 (c) has been convicted of or adjudicated delinquent for a sex
25 offense enumerated in subsection b. of section 2 of P.L.1994, c.133
26 (C.2C:7-2) and the victim of the offense was under 18 years of age
27 or 60 years of age or older, regardless of the date of conviction.

28 b. In addition to those offenders whose risk of reoffense has
29 been determined to be high pursuant to section 3 of P.L.1994, c.128
30 (C.2C:7-8), the chairman, in exercising his discretion in
31 determining subjects to monitor through time correlated or
32 continuous tracking of their geographic location under the program
33 authorized by this act, shall consider the risk to the public posed by
34 the subject, based on relevant risk factors such as the seriousness of
35 the offense, the age of the victim or victims, the degree of force and
36 contact, and any other factors the chairman deems appropriate.
37 Time correlated or continuous tracking of the offender's geographic
38 location shall not be provided during the time a monitored subject is
39 in custody due to arrest, incarceration, or civil commitment.

40 c. Nothing in this act shall be construed to preclude a judge
41 from ordering time correlated or continuous tracking of the person's
42 geographic location or other electronic monitoring as a condition of
43 discharge of a person committed pursuant to P.L.1998, c.71
44 (C.30:4-27.24 et al.), or as a condition or requirement of
45 supervision for any other person sentenced pursuant to N.J.S.2C:45-

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 1 or sentenced to a term of community or parole supervision for life
2 pursuant to section 2 of P.L.1994, c.130 (C.2C:43-6.4).

3 d. A monitored subject shall pay for the cost of any equipment
4 carried or worn by the subject in compliance with the provisions of
5 this act and the daily cost charged to the State by the monitoring
6 company for that subject, unless the subject provides proof to the
7 satisfaction of the chairman that the requirements of this subsection
8 would constitute an extreme financial hardship. The chairman shall
9 develop a test to determine whether the requirements of this
10 subsection would constitute an extreme financial hardship for a
11 monitored subject.

12 (cf: P.L.2007, c.128, s.3)

13
14 2. This act shall take effect on the first day of the third month
15 next following enactment, provided the Chairman of the State
16 Parole Board may take any anticipatory action required prior to the
17 effective date for its effective implementation.

20 STATEMENT

21
22 P.L.2007, c.128 (C.30:4-123.89), the "Sex Offender Monitoring
23 Act," established a permanent sex offender monitoring program
24 which provides for continuous, satellite-based monitoring of high
25 risk sex offenders.

26 This bill requires sex offenders monitored under the program to
27 pay for certain costs associated with their monitoring. Specifically,
28 the sex offender would be required to pay for the cost of any
29 equipment he or she must carry or wear and to pay the daily cost
30 charged to the State by the monitoring company for his or her
31 monitoring. An exception could be made for a sex offender who
32 provides proof to the satisfaction of the Chairman of the State
33 Parole Board that paying for the cost of the equipment and
34 monitoring would subject the offender to extreme financial
35 hardship. The chairman is required to develop a test to determine
36 whether the requirements would constitute an extreme financial
37 hardship for a monitored offender.