

SENATE, No. 2111

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Conforms Megan's law to requirements of federal Sex Offender Registration and Notification Act.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning sex offender registration and notification
2 requirements and the sex offender Internet registry, amending
3 and supplementing various parts of the statutory law, and
4 repealing sections 3 and 6 of P.L.1994, c.128 and section 7 of
5 P.L.2001, c.167.

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

9
10 1. (New section) a. When the Legislature originally enacted
11 Megan’s Law in 1994, it found and declared that the dangers of
12 recidivism posed by sex offenders and offenders who commit other
13 predatory acts against children, and the dangers posed by persons
14 who prey on others as a result of mental illness, require a system of
15 registration that will permit law enforcement officials to identify
16 and alert the public when necessary for the public safety, and that a
17 system of registration of sex offenders and offenders who commit
18 other predatory acts against children will provide law enforcement
19 with additional information critical to preventing and promptly
20 resolving incidents involving sexual abuse and missing persons.

21 b. A similar remedial purpose attended the 2001 enactment of
22 the law authorizing the establishment of a sex offender Internet
23 registry, as the Legislature found and declared that the public safety
24 will be enhanced by making information about certain sex offenders
25 contained in the sex offender central registry available to the public
26 through the Internet, that knowledge of whether a person is a
27 convicted sex offender at risk of re-offense could be a significant
28 factor in protecting oneself and one’s family members, or those in
29 care of a group or community organization, from recidivist acts by
30 the offender, and that the technology afforded by the Internet would
31 make this information readily accessible to parents and private
32 entities, enabling them to undertake appropriate remedial
33 precautions to prevent or avoid placing potential victims at risk.

34 c. The Legislature hereby reaffirms and readopts the above
35 findings and declarations by enacting this law intended to conform
36 the provisions of New Jersey’s Megan’s Law to the federal Sex
37 Offender Registration and Notification Act (hereinafter “SORNA”),
38 P.L.109-248. Under the SORNA scheme, information about all
39 persons convicted of or acquitted by reason of insanity for a sex
40 offense committed as an adult would be made available to the
41 public through the Internet for the duration of the person’s
42 registration obligations under the law. Additionally, SORNA
43 affords states the discretion to make information about juvenile sex
44 offenders and those convicted of certain less serious sex offenses
45 available on the Internet. In consideration of the circumstances 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 youthful sex offenders and the interest in rehabilitation, this
2 legislation imposes registration requirements upon these offenders
3 but does not include information about juvenile sex offenders on the
4 Internet registry unless the juvenile was tried as an adult for the sex
5 offense committed.

6 d. Basing an offender's registration obligations solely on the
7 sex offense committed which gives rise to the registration
8 obligation, rather than utilizing a risk-based classification, allows a
9 more expedient process, as the classification of an offender may
10 take place at the time of sentencing, thereby eliminating a potential
11 gap in time between a registrant's release from custody or
12 relocation and actual notification while awaiting completion of the
13 risk-based tier classification process. The uniform classification of
14 sex offenders based solely on the offense committed also enables
15 New Jersey to provide this information for inclusion in the National
16 Sex Offender Registry, thereby avoiding a 10 percent reduction
17 annually in the State allocated share of federal Edward Byrne law
18 enforcement grant funding, and allows New Jersey to exchange this
19 information with other states when registered sex offenders relocate
20 to or from, or travel to this State. The Internet publication scheme
21 envisioned by SORNA provides the public with identifying
22 information about a greater number of sex offenders than under the
23 current law, and employs geographically-based Internet searches
24 and electronic notification rather than the cumbersome and
25 resource-intensive process of hand-delivery of notification fliers.
26 These changes are intended to continue to promote public safety by
27 providing the public with access to relevant information about those
28 who commit sex offenses, to enable responsible organizations and
29 individuals to take appropriate precautions to protect themselves
30 and those in their care from the risk posed by sex offenders, through
31 a more efficient, uniform and fiscally prudent system of registration
32 and notification.

33 e. A primary characteristic of offense-based offender
34 classification is uniformity. In 2007, the Legislature noted
35 questions concerning whether Megan's Law is consistently applied
36 in the 21 counties, and expressed an intent to make the law's
37 application more uniform and equitable. Concerns were raised that
38 offenders would move from county to county, or relocate to a
39 particular county, either to avoid receiving a final tier classification
40 or to seek to obtain a lower classification, thereby delaying,
41 avoiding, or reducing the scope of community notification or
42 Internet publication. Basing registration obligations solely on the
43 sex offense committed provides a uniform classification scheme
44 that will be applied consistently, regardless of the registrant's
45 county of residence. From a national perspective, this uniformity
46 reflects that, in our mobile society, sex offender registration and
47 notification can be more effective if the requirements of the law are
48 consistent from state to state and cannot be evaded by moving

1 between jurisdictions to take advantage of potential gaps and
2 loopholes. The national standards established under SORNA enable
3 jurisdictions to track registered sex offenders seamlessly, with
4 consistent and uniform classification and treatment.

5 f. Accordingly, consistent with the authority provided in
6 Article IV, Section VII, paragraph 12 of the New Jersey
7 Constitution, this legislation revises the scope, manner, and format
8 of the disclosure to the general public of information pertaining to
9 the identity, specific and general whereabouts, physical
10 characteristics, and criminal history of persons found to have
11 committed a sex offense. The Legislature finds and declares that
12 sex offender registration and the provision of public access to sex
13 offender registry information in conformance with the requirements
14 of SORNA is intended solely for the protection of the public, and is
15 not intended to impose additional criminal punishment upon any
16 person required to register under this act.

17
18 2. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read
19 as follows:

20 2. a. (1) The following persons shall register as provided in
21 subsections c. and d. of this section:

22 (a) A person who has been convicted **【**, adjudicated delinquent**】**
23 or found not guilty by reason of insanity for commission of a sex
24 offense or attempt or conspiracy to commit a sex offense as defined
25 in subsection b. of this section **【**shall register as provided in
26 subsections c. and d. of this section.**】**;

27 (b) A person who has been adjudicated delinquent for
28 commission of a sex offense or attempt or conspiracy to commit a
29 sex offense as defined in subsection b. of this section;

30 (c) A person who is convicted after the effective date of
31 P.L. , c. (C.) (pending before the Legislature as this bill) of
32 a crime other than a sex offense and was convicted after the
33 effective date of P.L.1994, c.133 (C.2C:7-1 et al.) of a sex offense
34 as defined in subsection b. of this section but was not previously
35 required to register pursuant to section 2 of P.L.1994, c.133
36 (C.2C:7-2); and

37 (d) A person who was convicted of a sex offense as defined in
38 subsection b. of this section after the effective date of P.L.1994,
39 c.133 (C.2C:7-1 et al.) but prior to the effective date of
40 P.L. , c. (C.) (pending before the Legislature as this bill)
41 and is currently serving the sentence imposed for that conviction
42 and who was not previously required to register pursuant to section
43 2 of P.L.1994, c.133 (C.2C:7-2).

44 (2) A person who resides in another jurisdiction **【**is required to
45 register as a sex offender**】**, meets the requirements of paragraph (1)
46 of this subsection, and (a) is enrolled on a full-time or part-time
47 basis in any public or private educational institution in this State,

1 including any secondary school, trade or professional institution,
2 institution of higher education or other post-secondary school, or
3 (b) is employed or carries on a vocation in this State, on either a
4 full-time or a part-time basis, with or without compensation, for
5 more than 14 consecutive days or for an aggregate period exceeding
6 30 days in a calendar year, shall register in this State as provided in
7 subsections c. and d. of this section.

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

10 (4) A person required to register under this subsection who is
11 registered in accordance with this section on the effective date of
12 P.L. , c. (C.) (pending before the Legislature as this bill),
13 shall be deemed to be in compliance with the initial registration
14 requirements set forth in subsection c. of this section. On or before
15 the date of the person's next required appearance at the appropriate
16 law enforcement agency to verify registration information in
17 accordance with subsection e. of this section, the person shall
18 provide to the law enforcement agency any additional information
19 not previously provided but which is required under subsection b. of
20 section 4 of P.L.1994, c.133 (C.2C:7-4).

21 (5) A person who was previously required to register pursuant to
22 section 2 of P.L.1994, c.133 (C.2C:7-2) but whose obligation to
23 register was terminated in accordance with subsection f. of section
24 2 of P.L.1994, c.133 (C.2C:7-2) shall not be required to register
25 under P.L. , c. (C.) (pending before the Legislature as this
26 bill), unless that person is otherwise required to register pursuant to
27 this subsection.

28 b. For the purposes of this act **【a sex offense】**, “sex offense”
29 shall include the following:

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

37 (2) **【A conviction, adjudication of delinquency, or acquittal by**
38 **reason of insanity for aggravated】** Aggravated sexual assault;
39 sexual assault; aggravated criminal sexual contact; kidnapping
40 pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1;
41 endangering the welfare of a child by engaging in sexual conduct
42 which would impair or debauch the morals of the child pursuant to
43 subsection a. of N.J.S.2C:24-4; endangering the welfare of a child
44 pursuant to paragraph (3) or (4), subparagraph (a), or **【sub-**
45 **subparagraph (i) or (ii) of】** subparagraph (b) of paragraph (5) of
46 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to
47 section 1 of P.L.1993, c.291 (C.2C:13-6); luring or enticing

1 pursuant to section 1 of P.L.2005, c.1 (C.2C:13-7); criminal sexual
2 contact pursuant to [N.J.S.2C:14-3b] subsection b. of N.J.S.2C:14-
3 3 if the victim is a minor; kidnapping pursuant to N.J.S.2C:13-1,
4 criminal restraint pursuant to N.J.S.2C:13-2, or false imprisonment
5 pursuant to N.J.S.2C:13-3 if the victim is a minor and the offender
6 is not the parent of the victim; knowingly promoting prostitution of
7 a child pursuant to paragraph (3) or paragraph (4) of subsection b.
8 of N.J.S.2C:34-1; leader of a child pornography network pursuant to
9 section 8 of P.L.2017, c.141 (C.2C:24-4.1); human trafficking
10 involving engaging in sexual activity pursuant to paragraph (1) of
11 subsection a. of section 1 of P.L.2005, c.77 (C.2C:13-8); lewdness
12 pursuant to subsection b. of N.J.S.2C:14-4; invasion of privacy
13 pursuant to section 1 of P.L.2003, c.206 (C.2C:14-9); and
14 prostitution pursuant to paragraph (7) of subsection b. of
15 N.J.S.2C:34-1, or an attempt or conspiracy to commit any of these
16 enumerated offenses if the conviction, adjudication of delinquency
17 or acquittal by reason of insanity is entered on or after the effective
18 date of [this act] P.L.1994, c.133 (C.2C:7-1 et al.) or the offender
19 is serving a sentence of incarceration, probation, parole or other
20 form of community supervision as a result of the offense or is
21 confined following acquittal by reason of insanity or as a result of
22 civil commitment on the effective date of [this act] P.L.1994, c.133
23 (C.2C:7-1 et al.);

24 (3) **[A conviction, adjudication of delinquency, or acquittal by**
25 **reason of insanity for an]** An offense similar to any offense
26 enumerated in paragraph (2) or a sentence on the basis of criteria
27 similar to the criteria set forth in paragraph (1) of this subsection
28 entered or imposed under the laws of the United States, including
29 but not limited to each federal offense enumerated in subparagraph
30 (b) of paragraph (1), subparagraph (b) of paragraph (2) and
31 subparagraph (b) of paragraph (3) of subsection a. of section 12 of
32 P.L. , c. (C.) (pending before the Legislature as this bill),
33 this State, [or] another state, any foreign government, or of any
34 federal or military offense enumerated in 42 U.S.C. s.16911(5)(A)
35 (iii) and (iv).

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

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

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

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

4 c. **【A】** Except as otherwise provided in subsection a. of this
5 section, a person required to register under the provisions of 【this
6 act】 this section shall 【do so】 initially register on forms to be
7 provided by the 【designated】 appropriate registering agency as
8 follows:

9 (1) A person who is required to register and who is under
10 supervision in the community on probation, parole, furlough, work
11 release, or a similar program, shall register **【at the time the person**
12 **is placed under supervision or】** no later than **【120】** three business
13 days after sentencing for the offense giving rise to the registration
14 requirement or the effective date of 【this act】 P.L. , c. (C.)
15 (pending before the Legislature as this bill), whichever is later, in
16 accordance with procedures established by the Department of
17 Corrections, the Department of Human Services, the Juvenile
18 Justice Commission 【established pursuant to section 2 of P.L.1995,
19 c.284 (C.52:17B-170)】, the State Parole Board, or the
20 Administrative Office of the Courts, whichever is responsible for
21 supervision and, within 48 hours of release from supervision, shall
22 also register in person with the chief law enforcement officer of the
23 municipality in which the person resides or, if the municipality does
24 not have a local police department or force, the Superintendent of
25 State Police;

26 (2) A person confined in a county jail or a State or county
27 correctional or juvenile facility or involuntarily committed who is
28 required to register shall register prior to release in accordance with
29 procedures established by the Department of Corrections, the
30 Department of Human Services or the Juvenile Justice Commission
31 and, within 48 hours of release, shall also register in person with the
32 chief law enforcement officer of the municipality in which the
33 person resides or, if the municipality does not have a local police
34 department or force, the Superintendent of State Police;

35 (3) A person who is required to register and has moved or
36 returned or is moving to or returning to this State from another
37 jurisdiction shall register in person with the chief law enforcement
38 officer of the municipality in which the person will reside or, if the
39 municipality does not have a local police department or force, the
40 Superintendent of State Police within 【120】 three business
41 days of the effective date of 【this act】 P.L. , c. (C.) (pending
42 before the Legislature as this bill) or 【10 days】 three business days
43 of first residing in or returning to a municipality in this State,
44 whichever is later;

45 (4) A person required to register on the basis of a conviction
46 prior to the effective date of P.L. , c. (C.) (pending before
47 the Legislature of this bill) who is not confined or under supervision

1 on the effective date of **【this act】** P.L. , c. (C.) (pending
2 before the Legislature as this bill) shall register within **【120】** three
3 business days of the effective date of **【this act】**
4 P.L. , c. (C.) (pending before the Legislature as this bill)
5 with the chief law enforcement officer of the municipality in which
6 the person **【will reside】** resides or, if the municipality does not have
7 a local police department or force, the Superintendent of State
8 Police;

9 (5) A person who resides in another jurisdiction **【is required to**
10 register as a sex offender**】**, meets the requirements of subparagraph
11 (a) or (b) of paragraph (1) of subsection a. of this section and
12 **【who】** is enrolled on a full-time or part-time basis in any public or
13 private educational institution in this State, including any secondary
14 school, trade or professional institution, institution of higher
15 education or other post-secondary school shall, within **【ten】** three
16 business days of commencing attendance at such educational
17 institution, register in person with the chief law enforcement officer
18 of the municipality in which the educational institution is located
19 or, if the municipality does not have a local police department or
20 force, the Superintendent of State Police;

21 (6) A person who resides in another jurisdiction **【is required to**
22 register as a sex offender**】**, meets the requirements of subparagraph
23 (a) or (b) of paragraph (1) of subsection a. of this section, and
24 **【who】** is employed or carries on a vocation in this State, on either a
25 full-time or a part-time basis, with or without compensation, for
26 more than 14 consecutive days or for an aggregate period exceeding
27 30 days in a calendar year, shall, within **【ten】** three business days
28 after commencing such employment or vocation, register in person
29 with the chief law enforcement officer of the municipality in which
30 the employer is located or where the vocation is carried on, as the
31 case may be, or, if the municipality does not have a local police
32 department or force, the Superintendent of State Police; and

33 (7) In addition to any other registration requirements set forth in
34 this section, a person required to register under this act who is
35 enrolled at, employed by or carries on a vocation at an institution of
36 higher education or other post-secondary school in this State shall,
37 within **【10】** three business days after commencing such attendance,
38 employment or vocation, register in person with the law
39 enforcement unit of the educational institution, if the institution has
40 such a unit.

41 d. (1) Upon a change of address, a person shall notify the law
42 enforcement agency with which the person is registered and shall
43 appear in person to re-register with the appropriate law enforcement
44 agency **【no less than 10 days before he intends to first reside】**
45 within three business days of first residing at his new address. Upon
46 a change of employment or school enrollment status, a person shall
47 appear in person to notify the appropriate law enforcement agency

1 **【no later than five】** within three business days after any such
2 change. A person who fails to notify the appropriate law
3 enforcement agency of a change of address or status in accordance
4 with this subsection is guilty of a crime of the third degree.

5 (2) A person required to register under this act shall provide the
6 appropriate law enforcement agency with information as to whether
7 the person has routine access to or use of a computer or any other
8 device with Internet capability, and shall provide any e-mail address
9 or identifier used by that person. A person who fails to **【notify】**
10 provide the appropriate law enforcement agency **【of】** with such
11 information or notify the agency of a change in the person's access
12 to or use of a computer or other device with Internet capability or e-
13 mail address or identifier or who provides false information
14 concerning the person's access to or use of a computer or any other
15 device with Internet capability or e-mail address or identifier is
16 guilty of a crime of the third degree.

17 (3) A person required to register under subsection a. of this
18 section shall notify the law enforcement agency with which the
19 person is registered of any international travel at least 21 days in
20 advance of such travel. A person subject to the requirements of this
21 paragraph who fails to notify the appropriate law enforcement
22 agency of such information or who provides false information
23 concerning the person's international travel as required by this
24 paragraph is guilty of a crime of the third degree.

25 e. A person required to register under **【paragraph (1) of**
26 **subsection b. of】** this section **【or under paragraph (3) of subsection**
27 **b. due to a sentence imposed on the basis of criteria similar to the**
28 **criteria set forth in paragraph (1) of subsection b.】** shall verify his
29 address with the appropriate law enforcement agency **【every 90**
30 **days in a manner prescribed by the Attorney General. A person**
31 **required to register under paragraph (2) of subsection b. of this**
32 **section or under paragraph (3) of subsection b. on the basis of a**
33 **conviction for an offense similar to an offense enumerated in**
34 **paragraph (2) of subsection b. shall verify his address annually in a**
35 **manner prescribed by the Attorney General. In addition to address**
36 **information, the person shall provide as part of the verification**
37 **process any additional information the Attorney General may**
38 **require. One year after the effective date of this act, the Attorney**
39 **General shall review, evaluate and, if warranted, modify pursuant to**
40 **the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-**
41 **1 et seq.) the verification requirement】** and provide such other
42 information as may be required under section 4 of P.L.1994, c.133
43 (C.2C:7-4) in accordance with such intervals as set forth in the
44 provisions of subsection b. of section 12 of P.L. , c. (C.)
45 (pending before the Legislature as this bill). Any person who
46 knowingly provides false information concerning his place of
47 residence or who fails to verify his address with the appropriate law

1 enforcement agency or other entity, as prescribed by the Attorney
2 General in accordance with this subsection, is guilty of a crime of
3 the third degree.

4 f. Except as provided in subsection g. of this section or
5 paragraph (2) or (3) of subsection c. of section 12 of
6 P.L. , c. (C.) (pending before the Legislature as this bill), a
7 person required to register under this act may make application to
8 the Superior Court of this State to terminate the obligation [upon
9 proof that the person has not committed an offense within 15 years
10 following conviction or release from a correctional facility for any
11 term of imprisonment imposed, whichever is later, and is not likely
12 to pose a threat to the safety of others] in accordance with the
13 provisions of subsection c. of section 12 of P.L. , c. (C.)
14 (pending before the Legislature as this bill).

15 g. A person required to register under this section who has
16 been convicted of, adjudicated delinquent, or acquitted by reason of
17 insanity for more than one sex offense as defined in subsection b. of
18 this section or who has been convicted of, adjudicated delinquent,
19 or acquitted by reason of insanity for aggravated sexual assault
20 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault
21 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not
22 eligible under subsection f. of this section to make application to
23 the Superior Court of this State to terminate the registration
24 obligation.

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

26
27 3. Section 3 of P.L.1994, c.133 (C.2C:7-3) is amended to read
28 as follows:

29 3. Notice of the obligation to register shall be provided as
30 follows:

31 a. (1) A court imposing a sentence, disposition or order of
32 commitment following acquittal by reason of insanity shall notify
33 the defendant of the obligation to register pursuant to section 2 of
34 [this act] P.L.1994, c.133 (C.2C:7-2). For any defendant
35 convicted, adjudicated delinquent or acquitted by reason of insanity
36 for a sex offense on or after the effective date of
37 P.L. , c. (C.) (pending before the Legislature as this bill),
38 the court at the time of sentencing shall notify the defendant of his
39 registration obligations as either a lifetime, 25-year, or 15-year
40 registrant, in accordance with subsection a. of section 12 of
41 P.L. , c. (C.) (pending before the Legislature as this bill).

42 (2) Any person registered under P.L.1994, c.133 (C.2C:7-
43 1 et al.) who remains subject to that requirement on the effective
44 date of P.L. , c. (C.) (pending before the Legislature as this
45 bill) shall be notified by the county prosecutor in the person's
46 county of residence of the person's continuing obligation to register
47 and the changes to the requirements of Megan's Law pursuant to
48 P.L. , c. (C.) (pending before the Legislature as this bill).

1 The county prosecutor shall also notify the person of his registration
2 obligations as either a lifetime, 25-year or 15-year registrant in
3 accordance with section 12 of P.L. , c. (C.) (pending before
4 the Legislature as this bill) and inform the person of the opportunity
5 to challenge the proposed designation, in accordance with
6 procedures established by the Attorney General.

7 b. The Department of Corrections, the Administrative Office of
8 the Courts, the Juvenile Justice Commission **【established pursuant**
9 **to section 2 of P.L.1995, c.284 (C.52:17B-170)】**, the State Parole
10 Board and the Department of Human Services shall **【(a)】 (1)**
11 establish or revise, as appropriate, procedures for notifying persons
12 under their supervision of the obligation to register pursuant to **【this**
13 **act】** P.L. , c. (C.) (pending before the Legislature as this
14 bill) and 【(b)】 (2) establish or revise, as appropriate, procedures for
15 registration by persons with the appropriate law enforcement
16 agency who are under supervision in the community on probation,
17 parole, furlough, work release or similar program outside the
18 facility, and registration with the appropriate law enforcement
19 agency of persons who are released from the facility in which they
20 are confined without supervision.

21 **【(3)】 c.** The **【Division of Motor Vehicles in the Department of**
22 **Law and Public Safety】** Motor Vehicle Commission shall provide
23 notice of the obligation to register pursuant to this section in
24 connection with each application for a license to operate a motor
25 vehicle and each application for an identification card issued
26 pursuant to section 2 of P.L.1980, c.47 (C.39:3-29.3).

27 **【(4) The Attorney General shall cause notice of the obligation to**
28 **register to be published in a manner reasonably calculated to reach**
29 **the general public within 30 days of the effective date of this act.】**
30 (cf: P.L.1995, c.280, s.19)
31

32 4. Section 4 of P.L.1994, c.133 (C.2C:7-4) is amended to read
33 as follows:

34 4. a. **【Within 60 days of the effective date of this act, the】** The
35 Superintendent of State Police, with the approval of the Attorney
36 General, shall prepare or revise, as appropriate, the form of
37 registration statement as required in subsection b. of this section
38 and shall **【provide】** make such forms available electronically to
39 each organized full-time municipal police department or force, the
40 Department of Corrections, the Administrative Office of the Courts
41 **【and】**, the Department of Human Services, the Juvenile Justice
42 Commission, each county jail, and each county correctional or
43 juvenile facility. **【In addition, the Superintendent of State Police**
44 **shall make such forms available to the Juvenile Justice Commission**
45 **established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-**
46 **170).】**

1 b. The form of registration required by this act shall include:

2 (1) **【A statement in writing signed by the person required to**
3 **register acknowledging that the person has been advised of the duty**
4 **to register and reregister imposed by this act and including the**
5 **person's name, social security number, age, race, sex, date of birth,**
6 **height, weight, hair and eye color, address of legal residence,**
7 **address of any current temporary residence, date and place of**
8 **employment; and any anticipated or current school enrollment,**
9 **including but not limited to enrollment at or employment by any**
10 **institution of higher education;】** (Deleted by amendment,
11 P.L. , c.) (pending before the Legislature as this bill)

12 (2) **【Date and place of each conviction, adjudication or acquittal**
13 **by reason of insanity, indictment number, fingerprints, and a brief**
14 **description of the crime or crimes for which registration is required;**
15 **and】** (Deleted by amendment, P.L. , c.) (pending before the
16 Legislature as this bill)

17 (3) **【Any other information that the Attorney General deems**
18 **necessary to assess risk of future commission of a crime, including**
19 **criminal and corrections records, nonprivileged personnel,**
20 **treatment, and abuse registry records, and evidentiary genetic**
21 **markers when available.】** (Deleted by amendment, P.L. , c.)
22 (pending before the Legislature as this bill)

23 (4) A statement in writing signed by the person required to
24 register acknowledging that the person has been advised of the duty
25 to register and reregister imposed by this act and soliciting the
26 following information from the person required to register:

27 (a) the person's name, actual and any purported social security
28 number, and actual and any purported date of birth;

29 (b) any aliases, nicknames, or pseudonyms used by the person
30 or any other ethnic or tribal name by which the person is commonly
31 known;

32 (c) the address of any and all residences where the person
33 resides or will reside, including any current temporary residence or,
34 if the person has no permanent residence, any location where the
35 person habitually lives;

36 (d) the name, address, and date of any place of employment;

37 (e) the name and address of place of any anticipated or current
38 school enrollment including, but not limited to, enrollment at or
39 employment by any institution of higher education;

40 (f) any telephone numbers used by the person, including land
41 lines and cell phone numbers, and any other designations used for
42 purposes of routing or self-identification in telephonic
43 communications;

44 (g) any e-mail or Internet identifier used by that person,
45 including but not limited to e-mail addresses, instant messaging
46 addresses or identifiers, and any other designations used for self-

1 identification in Internet communications or postings or for
2 purposes of routing;

3 (h) the license plate number and description, including color,
4 make and model, of any motor vehicle, vessel or aircraft owned or
5 operated by the person, and the permanent or frequent location
6 where such vehicles are kept; and

7 (i) any other information required by the United States Attorney
8 General or the Attorney General of New Jersey.

9 (5) The following information concerning the person required to
10 register shall be provided in or with the registration form:

11 (a) a physical description of the person, including race, sex, date
12 of birth, height, weight, hair and eye color;

13 (b) a current photograph of the person required to register;

14 (c) a set of fingerprints, palm prints and DNA sample provided
15 by the person required to register;

16 (d) a photocopy or digitized copy of a State-issued driver's
17 license or other picture identification issued by the State of New
18 Jersey;

19 (e) a photocopy or digitized copy of a passport or immigration
20 documents;

21 (f) professional licensing information;

22 (g) date and place of each conviction, adjudication or acquittal
23 by reason of insanity, indictment number, fingerprints, and a brief
24 description of the crime or crimes for which registration is required;

25 (h) any other information that the Attorney General of New
26 Jersey deems necessary; and

27 (i) any other information required by the United States Attorney
28 General.

29 (6) The superintendent shall establish a procedure to ensure that
30 registration information maintained as part of the registry database
31 includes the person's criminal history, including all arrest and
32 conviction dates, and the parole, probation or release status of the
33 person, the person's registration status, and the status of any
34 outstanding warrants.

35 c. Within three days of receipt of a registration pursuant to
36 subsection c. of section 2 of **【this act】** P.L.1994, c.133 (C.2C:7-2),
37 the registering agency shall forward the statement and any other
38 required information to **【the prosecutor who shall, as soon as**
39 **practicable, transmit the form of registration to】** the Superintendent
40 of State Police**【, and, if the registrant will reside in a different**
41 **county, to the prosecutor of the county in which the person will**
42 **reside. The】** and a hard or electronic copy to the prosecutor of the
43 county in which the person will reside **【shall transmit the form of**
44 **registration to the law enforcement agency responsible for the**
45 **municipality in which the person will reside and other appropriate**
46 **law enforcement agencies. The superintendent shall promptly**

1 transmit the conviction data and fingerprints to the Federal Bureau
2 of Investigation】.

3 d. The Superintendent of State Police shall maintain a central
4 registry of registrations provided pursuant to this act. The Attorney
5 General shall establish procedures governing the collection,
6 transmission, updating, and sharing of the information required
7 pursuant to this section including, but not limited to, the provision
8 of relevant notification and registration information to appropriate
9 agencies and transmission of registration information to the United
10 States Attorney General for inclusion in the National Sex Offender
11 Registry.

12 e. Each county prosecutor and police department or force, the
13 Division of State Police, the Department of Corrections, and the
14 State Parole Board shall maintain access to the federal SORNA
15 Exchange Portal to share information about registrants who relocate
16 among jurisdictions or are required to register in more than one
17 jurisdiction.

18 (cf: P.L.2003, c.34, s.2)

19
20 5. Section 5 of P.L.1994, c.133 (C.2C:7-5) is amended to read
21 as follows:

22 5. a. Records maintained pursuant to P.L.1994, c.133 (C.2C:7-
23 1 et seq.) shall be open to the United States Department of Housing
24 and Urban Development in accordance with federal law, any law
25 enforcement agency in this State, the United States, or any other
26 state and may be released to:

27 (1) the Division of Child Protection and Permanency in the
28 Department of Children and Families for use in carrying out its
29 responsibilities under law; and

30 (2) the Department of Human Services and county and
31 municipal welfare agencies for exclusive use in placing homeless
32 families and persons in emergency shelters, which include but are
33 not limited to, hotels and motels.

34 Law enforcement agencies in this State shall be authorized to
35 release relevant and necessary information regarding sex offenders
36 to the public when the release of the information is necessary for
37 public protection in accordance with the provisions of P.L.1994,
38 c.128 (C.2C:7-6 et seq.) or authorized pursuant to section 12 of
39 P.L. , c. (C.) (pending before the Legislature as this bill).

40 b. An elected public official, public employee, or public
41 agency is immune from civil liability for damages for any
42 discretionary decision to release relevant and necessary
43 information, unless it is shown that the official, employee, or
44 agency acted with gross negligence or in bad faith. The immunity
45 provided under this section applies to the release of relevant
46 information to other employees or officials or to the general public.

47 c. Nothing in P.L.1994, c.133 shall be deemed to impose any
48 liability upon or to give rise to a cause of action against any public

1 official, public employee, or public agency for failing to release
2 information as authorized in subsection d. of this section.

3 d. Nothing in this section shall be construed to prevent law
4 enforcement officers from notifying members of the public exposed
5 to danger of any persons that pose a danger under circumstances
6 that are not enumerated in P.L.1994, c.133.
7 (cf: P.L.2013, c.38, s.1)

8
9 6. Section 4 of P.L.1994, c.128 (C.2C:7-9) is amended to read
10 as follows:

11 4. Notwithstanding any other provision of law to the contrary,
12 any person who provides or fails to provide information relevant to
13 the procedures set forth in **【this act】** P.L.1994, c.128 (C.2C:7-
14 6 et seq.), P.L.1994, c.133 (C.2C:7-1 et al.), or
15 P.L. , c. (C.) (pending before the Legislature as this bill)
16 shall not be liable in any civil or criminal action. Nothing herein
17 shall be deemed to grant any such immunity to any person for his
18 willful or wanton act of commission or omission.

19 (cf: P.L.1994, c.128, s.4)

20
21 7. Section 2 of P.L.2001, c.167 (C.2C:7-13) is amended to read
22 as follows:

23 2. a. Pursuant to the provisions of this section, the
24 Superintendent of State Police shall develop and maintain a system
25 for making certain information in the central registry established
26 pursuant to subsection d. of section 4 of P.L.1994, c.133 (C.2C:7-4)
27 publicly available by means of electronic Internet technology.

28 b. The public may, without limitation, obtain access to the
29 Internet registry to view an individual registration record, any part
30 of, or the entire Internet registry concerning all **【offenders:**

31 (1) whose risk of re-offense is high;

32 (2) whose risk of re-offense is moderate or low and whose
33 conduct was found to be characterized by a pattern of repetitive,
34 compulsive behavior pursuant to the provisions of N.J.S.2C:47-3; or

35 (3) for whom the court has ordered notification in accordance
36 with paragraph (3) of subsection c. of section 3 of P.L.1994, c.128
37 (C.2C:7-8), regardless of the age of the offender **】** persons required
38 to register under subsection a. of section 2 of P.L.1994, c.133
39 (C.2C:7-2), except for those persons required to register under
40 subparagraph (b) of paragraph (1) of subsection a. of section 2 of
41 P.L.1994, c.133 (C.2C:7-2), as amended by P.L. , c. (C.)
42 (pending before the Legislature as this bill).

43 c. **【**Except as provided in subsection d. of this section, the
44 public may, without limitation, obtain access to the Internet registry
45 to view an individual registration record, any part of, or the entire
46 Internet registry concerning offenders whose risk of re-offense is
47 moderate and for whom the court has ordered notification in
48 accordance with paragraph (2) of subsection c. of section 3 of

1 P.L.1994, c.128 (C.2C:7-8).**】** (Deleted by amendment, P.L. , c.)
2 (pending before the Legislature as this bill)

3 d. **【**The individual registration record of an offender whose risk
4 of re-offense has been determined to be moderate and for whom the
5 court has ordered notification in accordance with paragraph (2) of
6 subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not be
7 made available to the public on the Internet registry if the sole sex
8 offense committed by the offender which renders him subject to the
9 requirements of P.L.1994, c.133 (C.2C:7-1 et seq.) is one of the
10 following:

11 (1) An adjudication of delinquency for any sex offense as
12 defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2);

13 (2) A conviction or acquittal by reason of insanity for a
14 violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 under circumstances in
15 which the offender was related to the victim by blood or affinity to
16 the third degree or was a resource family parent, a guardian, or
17 stood in loco parentis within the household; or

18 (3) A conviction or acquittal by reason of insanity for a
19 violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 in any case in which
20 the victim assented to the commission of the offense but by reason
21 of age was not capable of giving lawful consent.

22 For purposes of this subsection, "sole sex offense" means a
23 single conviction, adjudication of guilty or acquittal by reason of
24 insanity, as the case may be, for a sex offense which involved no
25 more than one victim, no more than one occurrence or, in the case
26 of an offense which meets the criteria of paragraph (2) of this
27 subsection, members of no more than a single household.**】** (Deleted
28 by amendment, P.L. , c.) (pending before the Legislature as
29 this bill)

30 e. **【**Notwithstanding the provisions of paragraph d. of this
31 subsection, the individual registration record of an offender to
32 whom an exception enumerated in paragraph (1), (2) or (3) of
33 subsection d. of this section applies shall be made available to the
34 public on the Internet registry if the offender's conduct was
35 characterized by a pattern of repetitive, compulsive behavior, or the
36 State establishes by clear and convincing evidence that, given the
37 particular facts and circumstances of the offense and the
38 characteristics and propensities of the offender, the risk to the
39 general public posed by the offender is substantially similar to that
40 posed by offenders whose risk of re-offense is moderate and who do
41 not qualify under the enumerated exceptions.**】** (Deleted by
42 amendment, P.L. , c.) (pending before the Legislature as this
43 bill)

44 f. **【**Unless the offender's conduct was characterized by a
45 pattern of repetitive, compulsive behavior, the individual
46 registration records of offenders whose risk of re-offense is low or
47 of offenders whose risk of re-offense is moderate but for whom the

1 court has not ordered notification in accordance with paragraph (2)
2 of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not
3 be available to the public on the Internet registry.】 (Deleted by
4 amendment, P.L. , c.) (pending before the Legislature as this
5 bill)

6 g. The information concerning a registered offender to be made
7 publicly available on the Internet shall include: the offender's name
8 and any aliases the offender has used or under which the offender
9 may be or may have been known; any sex offense as defined in
10 subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2) for which
11 the offender was convicted, adjudicated delinquent or acquitted by
12 reason of insanity, as the case may be; the date and location of
13 disposition; the statutory text and a brief description of any such
14 offense, including the victim's gender and indication of whether the
15 victim was less than 18 years old or less than 13 years old; **【a**
16 **general description of the offender's modus operandi, if any; the**
17 **determination of whether the risk of re-offense by the offender is**
18 **moderate or high;】** the offender's age, race, sex, date of birth,
19 height, weight, hair, eye color and any distinguishing scars or
20 tattoos; a photograph of the offender and the date on which the
21 photograph was entered into the registry; the make, model, color,
22 year and license plate number of any vehicle operated by the
23 offender; **【and】** the street address, zip code, municipality and
24 county in which the offender resides; and the street address, zip
25 code, municipality and county of any place of employment or
26 school enrollment.

27 h. The Internet registry established under this section shall also
28 include information advising the public when an offender cannot be
29 located or is in violation of the registration requirements established
30 under this act.

31 i. The Internet registry system established under this section
32 shall make available to the public the information provided in
33 subsection g. of this section for each person required to register,
34 which shall be accessible in response to a single query for any given
35 zip code or geographic radius requested. The design of the system
36 shall include all field search capabilities needed for full
37 participation in the Dru Sjodin National Sex Offender Public
38 Website established pursuant to 42 U.S.C. s.16920.

39 j. The Superintendent of State Police is authorized to provide
40 access to the information contained in the registry as needed to
41 comply with the federal “Sex Offender Registration and
42 Notification Act,” 42 U.S.C. s.16901 et seq., and any guidelines
43 issued thereunder, and shall provide such information as may be
44 necessary for participation in the Dru Sjodin National Sex Offender
45 Public Website established pursuant to 42 U.S.C. s.16920.

46 (cf: P.L.2013, c.214, s.2)

1 8. Section 3 of P.L.2001, c.167 (C.2C:7-14) is amended to read
2 as follows:

3 3. The Attorney General shall:

4 a. Ensure that the Internet registry contains warnings that any
5 person who uses the information contained therein to threaten,
6 intimidate or harass another, or who otherwise misuses that
7 information may be criminally prosecuted;

8 b. Ensure that the Internet registry contains an explanation of
9 its limitations, including statements advising that a positive
10 identification of an offender whose registration record has been
11 made available may be confirmed only by fingerprints; that some
12 information contained in the registry may be outdated or inaccurate;
13 and that the Internet registry is not a comprehensive listing of every
14 person who has ever committed a sex offense in New Jersey;

15 c. Strive to ensure the information contained in the Internet
16 registry is accurate, and that the data therein is revised and updated
17 as appropriate in a timely and efficient manner **[:]** and immediately
18 provided to any other jurisdiction in which the offender is required
19 to register;

20 d. Provide in the Internet registry information designed to
21 inform and educate the public about sex offenders and the operation
22 of Megan's Law, as well as pertinent and appropriate information
23 concerning crime prevention and personal safety, with appropriate
24 links to relevant web sites operated by the State of New Jersey;

25 e. Establish procedures governing county prosecutor
26 notification to persons registered under P.L.1994, c.133 (C.2C:7-1
27 et al.) who remain subject to that requirement on the effective date
28 of P.L. , c. (C.) (pending before the Legislature as this bill)
29 concerning the continuing obligation to register, the changes to the
30 requirements of Megan's Law, determination of the person's
31 registration obligations as either a lifetime, 25-year, or 15-year
32 registrant, and opportunity to challenge the determination;

33 f. Develop procedures applicable to challenges to
34 determinations of a person's registration obligations as either a
35 lifetime, 25-year, or 15-year registrant in accordance with section
36 12 of P.L. , c. (C.) (pending before the legislature as this
37 bill) for offenders whose registration obligations arose prior to the
38 effective date of this law; and

39 g. Establish procedures governing the provision of new and
40 updated registration information to entities set forth in subsection a.
41 of section 13 of P.L. , c. (C.) (pending before the
42 Legislature as this bill) and for requests for notification of new and
43 updated registration information by organizations, companies and
44 individuals pursuant to paragraph (7) of subsection a. of section 13
45 of P.L. , c. (C.) (pending before the Legislature as this
46 bill).

47 (cf: P.L.2001, c.167, s.3)

1 9. Section 4 of P.L.2001, c.167 (C.2C:7-15) is amended to read
2 as follows:

3 4. No action shall be brought against any person for failure to
4 investigate or disclose any information from the registry that is
5 compiled or made available to the citizens of this State pursuant to
6 P.L.2001, c.167 (C.2C:7-12 et seq.) or P.L. , c. (C.)
7 (pending before the Legislature as this bill).
8 (cf: P.L.2001, c.167, s.4)

9
10 10. Section 5 of P.L.2001, c.167 (C.2C:7-16) is amended to read
11 as follows:

12 5. a. Any information disclosed pursuant to **【this act】**
13 P.L.2001, c.167 (C.2C:7-12 et seq.) or P.L. , c. (C.)
14 (pending before the Legislature as this bill) may be used in any
15 manner by any person or by any public, governmental or private
16 entity, organization or official, or any agent thereof, for any lawful
17 purpose consistent with the enhancement of public safety.

18 b. Any person who uses information disclosed pursuant to **【this**
19 **act】** P.L.2001, c.167 (C.2C:7-12 et seq.) or P.L. , c. (C.)
20 (pending before the Legislature as this bill) to commit a crime shall
21 be guilty of a crime of the third degree. Any person who uses
22 information disclosed pursuant to **【this act】** P.L.2001, c.167
23 (C.2C:7-12 et seq.) or P.L. , c. (C.) (pending before the
24 Legislature as this bill) to commit a disorderly persons or petty
25 disorderly persons offense shall be guilty of a disorderly persons
26 offense and shall be fined not less than \$500 or more than \$1,000,
27 in addition to any other penalty or fine imposed.

28 c. Except as authorized under any other provision of law, use
29 of any of the information disclosed pursuant to **【this act】** P.L.2001,
30 c.167 (C.2C:7-12 et seq.) or P.L. , c. (C.) (pending before
31 the Legislature as this bill) for the purpose of applying for,
32 obtaining, or denying any of the following, is prohibited:

- 33 (1) Health insurance;
34 (2) Insurance;
35 (3) Loans;
36 (4) Credit;
37 (5) Education, scholarships, or fellowships;
38 (6) Benefits, privileges, or services provided by any business
39 establishment, unless for a purpose consistent with the enhancement
40 of public safety; or
41 (7) Housing or accommodations.

42 d. Whenever there is reasonable cause to believe that any
43 person or group of persons is engaged in a pattern or practice of
44 misuse of the information disclosed pursuant to **【this act】** P.L.2001,
45 c.167 (C.2C:7-12 et seq.) or P.L. , c. (C.) (now pending
46 before the Legislature as this bill), the Attorney General, or any
47 county or municipal prosecutor having jurisdiction, or any person

1 aggrieved by the misuse of that information is authorized to bring a
2 civil action in the appropriate court requesting preventive relief,
3 including an application for a permanent or temporary injunction,
4 restraining order, or other order against the person or group of
5 persons responsible for the pattern or practice of misuse. The
6 foregoing remedies shall be independent of and in addition to any
7 other remedies or procedures that may be available under other
8 provisions of law.

9 e. Evidence that a person obtained information about an
10 offender from the Internet registry within one year prior to
11 committing a criminal offense against that offender shall give rise
12 to an inference that the person used information in violation of
13 subsection b. of this section.

14 (cf: P.L.2001, c.167, s.5)

15
16 11. Section 3 of P.L.2007, c.128 (C.30:4-123.91) is amended to
17 read as follows:

18 3. a. As used in this act:

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

20 "Monitored subject" means:

21 (1) **【a person whose risk of reoffense has been determined to be**
22 **high pursuant to section 3 of P.L.1994, c.128 (C.2C:7-8); and】**
23 (Deleted by amendment, P.L. , c.) (pending before the
24 Legislature as this bill)

25 (2) a person **【who】** whom the chairman deems appropriate for
26 continuous satellite-based monitoring pursuant to the provisions of
27 this act and who:

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

32 (b) has been sentenced to a term of community or parole
33 supervision for life pursuant to section 2 of P.L.1994, c.130
34 (C.2C:43-6.4); **【or】**

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

39 (d) has been convicted of or adjudicated delinquent for a sex
40 offense enumerated in subsection b. of section 2 of P.L.1994, c.133
41 (C.2C:7-2) and who is either a lifetime or 25-year registrant
42 pursuant to section 12 of P.L. , c. (C.) (pending before the
43 Legislature as this bill).

44 b. **【In addition to those offenders whose risk of reoffense has**
45 **been determined to be high pursuant to section 3 of P.L.1994, c.128**
46 **(C.2C:7-8), the】** The chairman, in exercising his discretion in
47 determining subjects to monitor through time correlated or

1 continuous tracking of their geographic location under the program
2 authorized by this act, shall consider the risk to the public posed by
3 the subject, based on relevant risk factors such as the seriousness of
4 the offense, the age of the victim or victims, the degree of force and
5 contact, and any other factors the chairman deems appropriate.
6 Time correlated or continuous tracking of the offender's geographic
7 location shall not be provided during the time a monitored subject is
8 in custody due to arrest, incarceration or civil commitment.

9 c. Nothing in this act shall be construed to preclude a judge
10 from ordering time correlated or continuous tracking of the person's
11 geographic location or other electronic monitoring as a condition of
12 discharge of a person committed pursuant to P.L.1998, c.71
13 (C.30:4-27.24 et al.), or as a condition or requirement of
14 supervision for any other person sentenced pursuant to N.J.S.2C:45-
15 1 or sentenced to a term of community or parole supervision for life
16 pursuant to section 2 of P.L.1994, c.130 (C.2C:43-6.4).

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

18
19 12. (New section) a. On or after the effective date of
20 P.L. , c. (C.) (pending before the Legislature as this bill),
21 the registration obligations of a person required to register pursuant
22 to section 2 of P.L.1994, c.133 (C.2C:7-2) shall be determined as
23 follows:

24 (1) The person shall be a 15-year registrant if the offense giving
25 rise to the registration obligation included:

26 (a) a conviction, adjudication of delinquency, or a finding of not
27 guilty by reason of insanity for any of the following sex offenses:
28 endangering the welfare of a child pursuant to subparagraph (b) of
29 paragraph (5) of subsection b. of N.J.S.2C:24-4; luring or enticing a
30 child pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); luring
31 or enticing an adult pursuant to section 1 of P.L.2005, c.1 (C.2C:13-
32 7); kidnapping pursuant to N.J.S.2C:13-1, criminal restraint
33 pursuant to N.J.S.2C:13-2, or false imprisonment pursuant to
34 N.J.S.2C:13-3, if the victim is a minor and the offender is not the
35 parent of the victim; lewdness pursuant to subsection b. of
36 N.J.S.2C:14-4; invasion of privacy pursuant to section 1 of
37 P.L.2003, c.206 (C.2C:14-9);

38 (b) a conviction for any of the following federal offenses: video
39 voyeurism of a minor pursuant to 18 U.S.C. s.1801; receipt or
40 possession of child pornography pursuant to 18 U.S.C. s.2252;
41 receipt or possession of child pornography pursuant to 18 U.S.C.
42 s.2252A; misleading domain names on the internet pursuant to 18
43 U.S.C. s.2252B; misleading words or digital images on the internet
44 pursuant to 18 U.S.C. s.2252C; coercion to engage in prostitution
45 pursuant to 18 U.S.C. s.2422(a); travel with the intent to engage in
46 illicit conduct pursuant to 18 U.S.C. s.2423(b); engaging in illicit
47 conduct in foreign places pursuant to 18 U.S.C. s.2423(c); failure to
48 file factual statement about an alien individual pursuant to 18

1 U.S.C. s.2424; or transmitting information about a minor to further
2 criminal sexual conduct pursuant to 18 U.S.C. s.2425; or

3 (c) a conviction for a military offense specified by the Secretary
4 of Defense under section 115(a)(8)(C)(i) of Public Law 105-119,
5 codified at (10 U.S.C. s.951 note), that is similar to the offenses
6 specified in this paragraph.

7 Notwithstanding any provision in this section, a person who had
8 previously committed an offense which gave rise to obligations for
9 the person to register as a 15-year registrant shall register as a 25-
10 year registrant if that person is thereafter convicted, adjudicated
11 delinquent, or found not guilty by reason of insanity for an offense
12 which would otherwise obligate the person to register as a 15-year
13 registrant.

14 (2) The person shall be a 25-year registrant if the offense giving
15 rise to the registration obligation included:

16 (a) a conviction, adjudication of delinquency or a finding of not
17 guilty by reason of insanity for any of the following sex offenses:
18 endangering the welfare of a child pursuant to paragraph (3) or (4)
19 or subparagraph (a) of paragraph (5) of subsection b. of
20 N.J.S.2C:24-4; criminal sexual contact pursuant to subsection b. of
21 N.J.S.2C:14-3 if the victim is a minor; knowingly promoting
22 prostitution of a child pursuant to paragraph (3) or paragraph (4) of
23 subsection b. of N.J.S.2C:34-1; human trafficking involving
24 engaging in sexual activity pursuant to paragraph (1) of subsection
25 a. of section 1 of P.L.2005, c.77 (C.2C:13-8); prostitution pursuant
26 to paragraph (7) of subsection b. of N.J.S.2C:34-1;

27 (b) a conviction for any of the following federal offenses: sex
28 trafficking by force, fraud or coercion pursuant to 18 U.S.C. s.1591;
29 sexual abuse of a minor or ward pursuant to 18 U.S.C. s.2243;
30 abusive sexual contact, where the victim is 13 years of age or older
31 pursuant to 18 U.S.C. s.2244; sexual exploitation of children
32 pursuant to 18 U.S.C. s.2251; selling or buying of children pursuant
33 to 18 U.S.C. s.2251A; material involving the sexual exploitation of
34 a minor pursuant to 18 U.S.C. s.2252; production or distribution of
35 material containing child pornography pursuant to 18 U.S.C.
36 s.2252A; production of sexually explicit depictions of a minor for
37 import into the United States pursuant to 18 U.S.C. s.2260;
38 transportation of a minor for illegal sexual activity pursuant to 18
39 U.S.C. s.2421; coercing a minor to engage in prostitution pursuant
40 to 18 U.S.C. s.2422(b); transporting a minor to engage in illicit
41 conduct pursuant to 18 U.S.C. s.2423 (a); or

42 (c) a conviction for a military offense specified by the Secretary
43 of Defense under section 115(a)(8)(C)(i) of Public Law 105-119,
44 codified at (10 U.S.C. s.951 note), that is similar to the offenses
45 specified in this paragraph.

46 Notwithstanding any provision in this section, a person
47 determined to have registration obligations as a 25-year registrant
48 who is thereafter convicted, adjudicated delinquent or acquitted by

1 reason of insanity of a subsequent sex offense shall be obligated to
2 register as a lifetime registrant.

3 Notwithstanding any provision in this section, a person who had
4 previously committed an offense which gave rise to obligations for
5 the person to register as a 15-year or 25-year registrant shall be
6 obligated to register as a lifetime registrant if that person is
7 convicted, adjudicated delinquent, or found not guilty by reason of
8 insanity of an offense which would otherwise obligate the person to
9 register as a 25-year registrant.

10 (3) The person shall be a lifetime registrant if the offense giving
11 rise to the registration obligation included:

12 (a) a conviction, adjudication of delinquency or a finding of not
13 guilty by reason of insanity for any of the following sex offenses:
14 aggravated sexual assault; sexual assault; aggravated criminal
15 sexual contact; kidnapping pursuant to subparagraph (a) or (b) of
16 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
17 welfare of a child by engaging in sexual conduct which would
18 impair or debauch the morals of the child pursuant to subsection a.
19 of N.J.S.2C:24-4;

20 (b) a conviction for any of the following federal offenses:
21 aggravated sexual abuse pursuant to 18 U.S.C. s.2241; sexual abuse
22 pursuant to 18 U.S.C. s.2242 or, where the victim is 12 years of
23 age or younger, abusive sexual contact pursuant to 18 U.S.C.
24 s.2244; offenses resulting in death pursuant to 18 U.S.C. s.2245; or

25 (c) a military offense specified by the Secretary of Defense
26 under section 115(a)(8)(C)(i) of Public Law 105-119, codified at
27 (10 U.S.C. s.951 note), that is similar to the offenses specified in
28 this paragraph.

29 b. (1) A 15-year registrant shall appear in person every 365
30 days after initial registration at the appropriate law enforcement
31 agency in the registrant's place of residence, employment and
32 school to verify the information contained in the registry, submit to
33 having a current photograph taken and, if so requested by the law
34 enforcement agency, provide fingerprints or palm prints.

35 (2) A 25-year registrant shall appear in person every 180 days
36 after initial registration at the appropriate law enforcement agency
37 in the registrant's place of residence, employment and school to
38 verify the information contained in the registry, submit to having a
39 current photograph taken and, if so requested by the law
40 enforcement agency, provide fingerprints or palm prints.

41 (3) A lifetime registrant shall appear in person every 90 days
42 after initial registration at the appropriate law enforcement agency
43 in the registrant's place of residence, employment and school to
44 verify the information contained in the registry, submit to having a
45 current photograph taken and, if so requested by the law
46 enforcement agency, provide fingerprints or palm prints.

47 c. Except as otherwise provided in subsection d. of this section:

1 (1) A 15-year registrant shall comply with the registration and
2 verification requirements set forth in this section for a period of 15
3 years following initial registration, and may make application to the
4 Superior Court of this State to terminate the obligation prior to the
5 expiration of 15 years upon proof that the person (a) has not been
6 convicted, adjudicated delinquent or found not guilty by reason of
7 insanity of any crime or sex offense for a period of at least 10 years
8 from the time of initial registration, (b) has successfully completed
9 any periods of supervised release, probation, and parole, (c) has
10 successfully completed an approved sex offender treatment
11 program, and (d) is not likely to pose a threat to the safety of others;

12 (2) A 25-year registrant shall comply with the registration and
13 verification requirements set forth in this section for a period of 25
14 years, which obligation shall not be terminated sooner, but a 25-
15 year registrant who was adjudicated delinquent for a sex offense
16 may make application to the Superior Court of this State to
17 terminate the obligation upon proof that the person (a) has not been
18 convicted, adjudicated delinquent, or found not guilty by reason of
19 insanity of any crime or sex offense for a period of at least 15 years
20 from the time of initial registration, (b) has successfully completed
21 any periods of supervised release, probation, and parole, (c) has
22 successfully completed an approved sex offender treatment
23 program, and (d) is not likely to pose a threat to the safety of others;
24 and

25 (3) A lifetime registrant shall comply with the registration and
26 verification requirements set forth in this section for life, but a
27 lifetime registrant who was adjudicated delinquent for a sex offense
28 may make application to the Superior Court of this State to
29 terminate the obligation upon proof that the person (a) has not been
30 convicted, adjudicated delinquent, or found not guilty by reason of
31 insanity of any crime or sex offense for a period of at least 25 years
32 from the time of initial registration, (b) has successfully completed
33 any periods of supervised release, probation, and parole, (c) has
34 successfully completed an appropriate sex offender treatment
35 program approved by the appropriate registering agency, and (d) is
36 not likely to pose a threat to the safety of others.

37 d. Notwithstanding subsection c. of this section, a person
38 required to register based upon an adjudication of delinquency for a
39 sex offense committed when the person was under 14 years of age
40 may upon reaching 18 years of age make application to the Superior
41 Court of this State to terminate the obligation upon proof by clear
42 and convincing evidence that the person is not likely to pose a
43 threat to the safety of others.
44

45 13. (New section) a. Upon receipt of a new registration or
46 updated registration information concerning a person registered
47 pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2), the
48 Superintendent of State Police shall immediately provide the

1 information concerning a registered offender authorized to be made
2 publicly available under subsection g. of section 2 of P.L.2001,
3 c.167 (C.2C:7-13), to the following:

4 (1) the United States Attorney General;

5 (2) appropriate law enforcement agencies, including probation
6 agencies if appropriate, and each school and public housing agency
7 in each area in which the registrant resides, is an employee or is a
8 student;

9 (3) each jurisdiction, including every state, the District of
10 Columbia, Commonwealth of Puerto Rico, Guam, American
11 Samoa, Northern Mariana Islands, and United States Virgin Islands,
12 and any Indian tribe recognized by the federal government electing
13 to comply with the federal "Sex Offender Registration and
14 Notification Act," 42 U.S.C. s.16901 et seq., where a registrant
15 resides, is an employee or is a student, and each such jurisdiction to
16 which a change of residence, employment or student status occurs;

17 (4) any agency responsible for conducting employment-related
18 background checks under section 3 of the federal "National Child
19 Protection Act of 1993," 42 U.S.C. s.5119a;

20 (5) social service entities responsible for protecting minors in
21 the child welfare system;

22 (6) volunteer organizations in which contact with minors or
23 other vulnerable individuals might occur; and

24 (7) any organization, company, or individual who requests such
25 notification pursuant to procedures established by the Attorney
26 General.

27 b. An organization or individual described in paragraph (6) or
28 (7) of subsection a. of this section may request to receive the
29 notification provided under this section at least once every five
30 business days.

31 c. If a registrant fails to appear for registration as required by
32 this act, the appropriate law enforcement agency or other entity
33 shall take or cause to be taken appropriate action to ascertain
34 whether the registrant has absconded and take appropriate action,
35 including investigation, revision of registry information to reflect
36 that the registrant is an absconder or cannot be located, and issuance
37 of such warrants and notifications as may be required.

38
39 14. (New section) Any person subject to the registration
40 requirements set forth in subsection a. of section 2 of P.L.1994,
41 c.133 (C.2C:7-2) on the effective date of P.L. , c. (C.)
42 (pending before the Legislature as this bill), who has been classified
43 as low, moderate, or high risk of re-offense pursuant to section 3 of
44 P.L.1994, c.128, and whose registration obligation has not been
45 terminated by order of the Superior Court of this State in
46 accordance with subsection f. of P.L.1994, c.133 (C.2C:7-2) shall
47 continue to be subject to the registration requirements set forth in

1 section 2 of P.L.1994, c.133 (C.2C:7-2), as amended by
2 P.L. , c. (C.) (pending before the Legislature as this bill).
3 The classification of low, moderate, or high risk of re-offense shall
4 be nullified and of no effect for purposes of community notification
5 pursuant to section 3 of P.L.1994, c.128 and public access to the
6 person's individual registration record on the Internet registry
7 pursuant to section 2 of P.L.2001, c.167 (C.2C:7-13). As soon as
8 practicable, the county prosecutor in the person's county of
9 residence shall determine whether such person is obligated to
10 register as a lifetime, 25-year, or 15-year registrant, in accordance
11 with subsection a. of section 12 of P.L. , c. (C.) (pending
12 before the Legislature as this bill), based upon the offense giving
13 rise to the person's registration obligation, and shall provide such
14 person with notice of the proposed designation. A person may
15 contest the county prosecutor's determination as to his registration
16 obligations, but only on the grounds that the information contained
17 in the person's record is inaccurate or that the offense giving rise to
18 the person's registration obligation has not been properly classified
19 in accordance with section 12 of P.L. , c. , (C.) (pending
20 before the Legislature as this bill). A person contesting the county
21 prosecutor's determination shall have the opportunity to seek
22 judicial review in accordance with procedures established by the
23 Administrative Director of the Administrative Office of the Courts,
24 in consultation with the Attorney General and Public Defender of
25 New Jersey.

26

27 15. Section 8 of P.L.2001, c.167 (C.2C:7-19) is amended to read
28 as follows:

29 8. **【This act and the】** The system of registration and
30 community notification provided pursuant to P.L.1994, c.133 【and】
31 (C.2C:7-1 et al.), P.L.1994, c.128 【(C.2C:7-1 through 11)】
32 (C.2C:7-6 et seq.), P.L.2001, c.167 (C.2C:7-12 et seq.), and
33 P.L. , c. (C.) (pending before the Legislature as this bill)
34 shall be known and may be cited as "Megan's Law."
35 (cf: P.L.2001, c.167, s.8)

36

37 16. The following sections are repealed:

38 Section 3 of P.L.1994, c.128 (C.2C:7-8); and

39 Section 7 of P.L.2001, c.167 (C.2C:7-18).

40

41 17. This act shall take effect on the first day of the sixth month
42 following enactment, provided however that the Attorney General,
43 Superintendent of State Police, Commissioner of Corrections,
44 Commissioner of Human Services, Executive Director of the
45 Juvenile Justice Commission, Chairman of the State Parole Board,
46 Administrative Director of the Administrative Office of the Courts,
47 county prosecutors, and chief law enforcement officers of local

1 police departments and forces may take such anticipatory action in
2 advance as may be necessary to effectuate the provisions of this act.

3
4
5 STATEMENT

6
7
8 This bill revises New Jersey's Megan's Law in response to
9 requirements of the Sex Offender Registration and Notification Act
10 (SORNA), enacted as part of the federal "Adam Walsh Child
11 Protection and Safety Act of 2006."

12 SORNA created standards for state sex offender registration and
13 community notification. In response to SORNA, this bill revises
14 the scope, manner, and format of the disclosure to the general
15 public of information pertaining to the identity, specific and general
16 whereabouts, physical characteristics, and criminal history of
17 persons found to have committed a sex offense.

18 Under the SORNA scheme, information about adult sex
19 offenders would be made available to the public through the
20 Internet for the duration of the person's registration obligations
21 under the law. In consideration of the circumstances of juvenile sex
22 offenders and the interest in their rehabilitation, this bill requires
23 them to register but does not include their information on the
24 Internet registry unless the juvenile was tried as an adult.

25 Under the bill's provisions, the offender will be classified as a
26 15-year, 25-year, or lifetime registrant based upon the offense
27 committed. This bill, as does current law, requires sex offenders to
28 verify their addresses with the appropriate law enforcement agency.
29 The SORNA verification requirements implemented under this bill
30 are based upon the offender's classification as a 15-year, 25-year, or
31 lifetime registrant. A 15-year registrant will be required to verify
32 his or her address with the appropriate law enforcement agency
33 every 365 days; a 25-year registrant, every 180 days. A lifetime
34 registrant is required to verify his or her address every 90 days.

35 Under current law, New Jersey uses a risk-based tier
36 classification process. The county prosecutors conduct a risk
37 assessment for each convicted sex offender to determine the
38 offender's risk of committing future offenses; the offender's tier
39 classification for purposes of registration and the type of
40 notification to the community are based upon the risk assessment.
41 SORNA, however, bases the offender's obligation to register upon
42 the sex offense committed, which allows a more expedient process.
43 This bill requires that the offender be classified at the time of
44 sentencing, which eliminates a potential gap in time between a
45 registrant's release from custody or relocation and actual
46 notification while awaiting completion of the risk-based tier
47 classification process. The bill also requires the information to be
48 provided to the National Sex Offender Registry and to be

1 exchanged with other states when registered sex offenders relocate
2 to or from or travel to this State. Utilizing a system of offense-
3 based classification also permits New Jersey to avoid a 10 percent
4 reduction annually in the State allocated share of federal Edward
5 Byrne law enforcement grant funding.

6 The Internet publication scheme envisioned by SORNA, which
7 this bill implements, provides the public with information about a
8 greater number of sex offenders than the information provided
9 under current law. SORNA employs geographically-based Internet
10 searches and electronic notification rather than the cumbersome and
11 resource-intensive process of hand-delivery of notification fliers.
12 This bill provides for a more efficient, uniform, and fiscally prudent
13 system of registration and notification that promotes public safety
14 by: (1) providing access to relevant information about sex
15 offenders, and (2) enabling responsible organizations and
16 individuals to take appropriate precautions to protect themselves
17 and those in their care from the risk posed by sex offenders.

18 The bill upgrades penalties associated with sex offender
19 registration and certain information sex offenders are required to
20 provide from crimes of the fourth degree to crimes of the third
21 degree: (1) failing to notify law enforcement concerning access to
22 or use of a computer and any e-mail address or identifier; (2)
23 knowingly providing false information regarding residence or
24 failing to verify address information with law enforcement; and (3)
25 failing to notify law enforcement of a change in address or status.
26 In addition, the bill requires offenders to notify law enforcement of
27 any international travel at least 21 days in advance. Any offender
28 who fails to notify law enforcement or provides false information
29 concerning international travel is guilty of a crime of the third
30 degree.

31 In 2007, the Legislature noted questions concerning whether
32 Megan's Law is consistently applied in the 21 counties. The system
33 of registration and notification created in this bill provides for a
34 more uniform and consistent classification scheme, regardless of the
35 registrant's county of residence. Sex offender registration and
36 notification will be more effective in today's mobile society if laws
37 are consistent among the states and other jurisdictions and cannot
38 be evaded by moving between jurisdictions to take advantage of
39 potential time gaps and loopholes.