

SENATE, No. 2142

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JULY 26, 2012

Sponsored by:

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Requires sex offenders to note criminal status on social network accounts.

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT concerning sex offenders and amending various sections of
2 the statutory law.

3

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

6

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

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

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

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

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

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

34 (2) A conviction, adjudication of delinquency, or acquittal by
35 reason of insanity for aggravated sexual assault; sexual assault;
36 aggravated criminal sexual contact; kidnapping pursuant to
37 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
38 welfare of a child by engaging in sexual conduct which would
39 impair or debauch the morals of the child pursuant to subsection a.
40 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
41 paragraph (3) or (4) or subparagraph (a) of paragraph (5) of
42 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to
43 section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact
44 pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping
45 pursuant to N.J.S.2C:13-1, criminal restraint pursuant to

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 N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if
2 the victim is a minor and the offender is not the parent of the
3 victim; knowingly promoting prostitution of a child pursuant to
4 paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; or
5 an attempt to commit any of these enumerated offenses if the
6 conviction, adjudication of delinquency or acquittal by reason of
7 insanity is entered on or after the effective date of this act or the
8 offender is serving a sentence of incarceration, probation, parole or
9 other form of community supervision as a result of the offense or is
10 confined following acquittal by reason of insanity or as a result of
11 civil commitment on the effective date of this act;

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

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

21 (1) A person who is required to register and who is under
22 supervision in the community on probation, parole, furlough, work
23 release, or a similar program, shall register at the time the person is
24 placed under supervision or no later than 120 days after the
25 effective date of this act, whichever is later, in accordance with
26 procedures established by the Department of Corrections, the
27 Department of Human Services, the Juvenile Justice Commission
28 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170)
29 or the Administrative Office of the Courts, whichever is responsible
30 for supervision;

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

39 (3) A person moving to or returning to this State from another
40 jurisdiction shall register with the chief law enforcement officer of
41 the municipality in which the person will reside or, if the
42 municipality does not have a local police force, the Superintendent
43 of State Police within 120 days of the effective date of this act or 10
44 days of first residing in or returning to a municipality in this State,
45 whichever is later;

46 (4) A person required to register on the basis of a conviction
47 prior to the effective date who is not confined or under supervision
48 on the effective date of this act shall register within 120 days of the

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1 effective date of this act with the chief law enforcement officer of
2 the municipality in which the person will reside or, if the
3 municipality does not have a local police force, the Superintendent
4 of State Police;

5 (5) A person who in another jurisdiction is required to register
6 as a sex offender and who is enrolled on a full-time or part-time
7 basis in any public or private educational institution in this State,
8 including any secondary school, trade or professional institution,
9 institution of higher education or other post-secondary school shall,
10 within ten days of commencing attendance at such educational
11 institution, register with the chief law enforcement officer of the
12 municipality in which the educational institution is located or, if the
13 municipality does not have a local police force, the Superintendent
14 of State Police;

15 (6) A person who in another jurisdiction is required to register
16 as a sex offender and who is employed or carries on a vocation in
17 this State, on either a full-time or a part-time basis, with or without
18 compensation, for more than 14 consecutive days or for an
19 aggregate period exceeding 30 days in a calendar year, shall, within
20 ten days after commencing such employment or vocation, register
21 with the chief law enforcement officer of the municipality in which
22 the employer is located or where the vocation is carried on, as the
23 case may be, or, if the municipality does not have a local police
24 force, the Superintendent of State Police;

25 (7) In addition to any other registration requirements set forth in
26 this section, a person required to register under this act who is
27 enrolled at, employed by or carries on a vocation at an institution of
28 higher education or other post-secondary school in this State shall,
29 within ten days after commencing such attendance, employment or
30 vocation, register with the law enforcement unit of the educational
31 institution, if the institution has such a unit.

32 d. (1) Upon a change of address, a person shall notify the law
33 enforcement agency with which the person is registered and shall
34 re-register with the appropriate law enforcement agency no less
35 than 10 days before he intends to first reside at his new address.
36 Upon a change of employment or school enrollment status, a person
37 shall notify the appropriate law enforcement agency no later than
38 five days after any such change. A person who fails to notify the
39 appropriate law enforcement agency of a change of address or status
40 in accordance with this subsection is guilty of a crime of the fourth
41 degree.

42 (2) A person required to register under this act shall provide the
43 appropriate law enforcement agency with information as to whether
44 the person has routine access to or use of a computer or any other
45 device with Internet capability. Such information shall include a
46 list of e-mail addresses, screen names, or other identities used for
47 web-based chats, instant messaging, or a social networking website
48 as defined by this section or other similar electronic

1 communications platforms. A person required to register under this
2 section shall provide a list of social networking websites to which
3 that person is a member.

4 A person who fails to notify the appropriate law enforcement
5 agency of such information or of a change in the person's access to
6 or use of a computer or other device with Internet capability or who
7 provides false information concerning the person's access to or use
8 of a computer or any other device with Internet capability,
9 including information as to that person's e-mail addresses or access
10 to a social networking website, is guilty of a crime of the fourth
11 degree.

12 (3) Any person who is required to register as a sex offender
13 pursuant to this section and who is permitted to use the Internet,
14 create a profile on, or use the functionality of a social networking
15 website to contact or attempt to contact other social networking
16 website users shall include in his profile for the website an
17 indication that he is a sex offender, and shall include notice of the
18 crime for which he was convicted, the jurisdiction of conviction, a
19 description of his physical characteristics, and his residential
20 address. If the person's registration information has been included
21 in the Internet Registry pursuant to section 1 of P.L.2001 c.167
22 (C.2C:7-12 et seq.), the person shall include a link to the Internet
23 Registry. The person shall ensure that this information is displayed
24 in his profile for the social networking website and that such
25 information is visible to, or is able to be viewed by, other users and
26 visitors of the website.

27 For purposes of this section, "social networking website" means
28 an Internet-based service that allows individuals to construct a
29 public or semi-public profile within a bounded system created by
30 the service, create a list of other users with whom they share a
31 connection within the system, and view and navigate their lists of
32 connections and those made by others within the system. "Social
33 networking website" shall not include any of the following:

34 (a) an Internet website for which the primary purpose is the
35 facilitation of commercial transactions involving goods or services
36 between its members or visitors;

37 (b) an Internet website for which the primary purpose is the
38 dissemination of news; or

39 (c) an Internet website of a governmental entity.

40 e. A person required to register under paragraph (1) of
41 subsection b. of this section or under paragraph (3) of subsection b.
42 due to a sentence imposed on the basis of criteria similar to the
43 criteria set forth in paragraph (1) of subsection b. shall verify his
44 address with the appropriate law enforcement agency every 90 days
45 in a manner prescribed by the Attorney General. A person required
46 to register under paragraph (2) of subsection b. of this section or
47 under paragraph (3) of subsection b. on the basis of a conviction for
48 an offense similar to an offense enumerated in paragraph (2) of

1 subsection b. shall verify his address annually in a manner
2 prescribed by the Attorney General. One year after the effective
3 date of this act, the Attorney General shall review, evaluate and, if
4 warranted, modify pursuant to the "Administrative Procedure Act,"
5 P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement.
6 Any person who knowingly provides false information concerning
7 his place of residence or who fails to verify his address with the
8 appropriate law enforcement agency or other entity, as prescribed
9 by the Attorney General in accordance with this subsection, is
10 guilty of a crime of the fourth degree.

11 f. Except as provided in subsection g. of this section, a person
12 required to register under this act may make application to the
13 Superior Court of this State to terminate the obligation upon proof
14 that the person has not committed an offense within 15 years
15 following conviction or release from a correctional facility for any
16 term of imprisonment imposed, whichever is later, and is not likely
17 to pose a threat to the safety of others.

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

28 (cf: P.L.2007, c.219, s.2)

29

30 2. Section 2 of P.L.1994, c.130 (C.2C:43-6.4) is amended to
31 read as follows:

32 2. a. Notwithstanding any provision of law to the contrary, a
33 judge imposing sentence on a person who has been convicted of
34 aggravated sexual assault, sexual assault, aggravated criminal
35 sexual contact, kidnapping pursuant to paragraph (2) of subsection
36 c. of N.J.S.2C:13-1, endangering the welfare of a child by engaging
37 in sexual conduct which would impair or debauch the morals of the
38 child pursuant to subsection a. of N.J.S.2C:24-4, endangering the
39 welfare of a child pursuant to paragraph (3) of subsection b. of
40 N.J.S.2C:24-4, luring or an attempt to commit any of these offenses
41 shall include, in addition to any sentence authorized by this Code, a
42 special sentence of parole supervision for life.

43 b. The special sentence of parole supervision for life required
44 by this section shall commence immediately upon the defendant's
45 release from incarceration. If the defendant is serving a sentence of
46 incarceration for another offense at the time he completes the
47 custodial portion of the sentence imposed on the present offense,
48 the special sentence of parole supervision for life shall not

1 commence until the defendant is actually released from
2 incarceration for the other offense. Persons serving a special
3 sentence of parole supervision for life shall remain in the legal
4 custody of the Commissioner of Corrections, shall be supervised by
5 the Division of Parole of the State Parole Board, shall be subject to
6 the provisions and conditions set forth in subsection c. of section 3
7 of P.L.1997, c.117 (C.30:4-123.51b) and sections 15 through 19 and
8 21 of P.L.1979, c.441 (C.30:4-123.59 through 30:4-123.63 and
9 30:4-123.65), and shall be subject to conditions appropriate to
10 protect the public and foster rehabilitation. Such conditions may
11 include the requirement that the person comply with the conditions
12 set forth in subsection f. and subsection g. of this section
13 concerning use of a computer or other device with access to the
14 Internet. If the defendant violates a condition of a special sentence
15 of parole supervision for life, the defendant shall be subject to the
16 provisions of sections 16 through 19 and 21 of P.L.1979, c.441
17 (C.30:4-123.60 through 30:4-123.63 and 30:4-123.65), and for the
18 purpose of calculating the limitation on time served pursuant to
19 section 21 of P.L.1979, c.441 (C.30:4-123.65) the custodial term
20 imposed upon the defendant related to the special sentence of parole
21 supervision for life shall be deemed to be a term of life
22 imprisonment. When the court suspends the imposition of sentence
23 on a defendant who has been convicted of any offense enumerated
24 in subsection a. of this section, the court may not suspend
25 imposition of the special sentence of parole supervision for life,
26 which shall commence immediately, with the Division of Parole of
27 the State Parole Board maintaining supervision over that defendant,
28 including the defendant's compliance with any conditions imposed
29 by the court pursuant to N.J.S.2C:45-1, in accordance with the
30 provisions of this subsection. Nothing contained in this subsection
31 shall prevent the court from at any time proceeding under the
32 provisions of N.J.S.2C:45-1 through 2C:45-4 against any such
33 defendant for a violation of any conditions imposed by the court
34 when it suspended imposition of sentence, or prevent the Division
35 of Parole from proceeding under the provisions of sections 16
36 through 19 and 21 of P.L.1979, c.441 (C.30:4-123.60 through 30:4-
37 123.63 and C.30:4-123.65) against any such defendant for a
38 violation of any conditions of the special sentence of parole
39 supervision for life, including the conditions imposed by the court
40 pursuant to N.J.S.2C:45-1.

41 In any such proceeding by the Division of Parole, the provisions
42 of subsection c. of section 3 of P.L.1997, c.117 (C.30:4-123.51b)
43 authorizing revocation and return to prison shall be applicable to
44 such a defendant, notwithstanding that the defendant may not have
45 been sentenced to or served any portion of a custodial term for
46 conviction of an offense enumerated in subsection a. of this section.

47 c. A person sentenced to a term of parole supervision for life
48 may petition the Superior Court for release from that parole

1 supervision. The judge may grant a petition for release from a
2 special sentence of parole supervision for life only upon proof by
3 clear and convincing evidence that the person has not committed a
4 crime for 15 years since the last conviction or release from
5 incarceration, whichever is later, and that the person is not likely to
6 pose a threat to the safety of others if released from parole
7 supervision. Notwithstanding the provisions of section 22 of
8 P.L.1979, c.441 (C.30:4-123.66), a person sentenced to a term of
9 parole supervision for life may be released from that parole
10 supervision term only by court order as provided in this subsection.

11 d. A person who violates a condition of a special sentence
12 imposed pursuant to this section without good cause is guilty of a
13 crime of the fourth degree. Notwithstanding any other law to the
14 contrary, a person sentenced pursuant to this subsection shall be
15 sentenced to a term of imprisonment, unless the court is clearly
16 convinced that the interests of justice so far outweigh the need to
17 deter this conduct and the interest in public safety that a sentence to
18 imprisonment would be a manifest injustice. Nothing in this
19 subsection shall preclude subjecting a person who violates any
20 condition of a special sentence of parole supervision for life to the
21 provisions of sections 16 through 19 and 21 of P.L.1979, c.441
22 (C.30:4-123.60 through 30:4-123.63 and C.30:4-123.65) pursuant to
23 the provisions of subsection c. of section 3 of P.L.1997, c.117
24 (C.30:4-123.51b).

25 e. A person who, while serving a special sentence of parole
26 supervision for life imposed pursuant to this section, commits a
27 violation of N.J.S.2C:11-3, N.J.S.2C:11-4, N.J.S.2C:11-5,
28 subsection b. of N.J.S.2C:12-1, N.J.S.2C:13-1, section 1 of
29 P.L.1993, c.291 (C.2C:13-6), N.J.S.2C:14-2, N.J.S.2C:14-3,
30 N.J.S.2C:24-4, N.J.S.2C:18-2 when the offense is a crime of the
31 second degree, or subsection a. of N.J.S.2C:39-4 shall be sentenced
32 to an extended term of imprisonment as set forth in N.J.S.2C:43-7,
33 which term shall, notwithstanding the provisions of N.J.S.2C:43-7
34 or any other law, be served in its entirety prior to the person's
35 resumption of the term of parole supervision for life.

36 f. The special sentence of parole supervision for life required
37 by this section may include any of the following Internet access
38 conditions:

39 (1) Prohibit the person from accessing or using a computer or
40 any other device with Internet capability without the prior written
41 approval of the court except the person may use a computer or any
42 other device with Internet capability in connection with that
43 person's employment or search for employment with the prior
44 approval of the person's parole officer;

45 (2) Require the person to submit to periodic unannounced
46 examinations of the person's computer or any other device with
47 Internet capability by a parole officer, law enforcement officer or
48 assigned computer or information technology specialist, including

1 the retrieval and copying of all data from the computer or device
2 and any internal or external peripherals and removal of such
3 information, equipment or device to conduct a more thorough
4 inspection;

5 (3) Require the person to submit to the installation on the
6 person's computer or device with Internet capability, at the person's
7 expense, one or more hardware or software systems to monitor the
8 Internet use; and

9 (4) Require the person to submit to any other appropriate
10 restrictions concerning the person's use or access of a computer or
11 any other device with Internet capability.

12 g. Any person who is required to register as a sex offender
13 pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2) and who is
14 permitted to use the Internet, create a profile on, or use the
15 functionality of a social networking website as defined in that
16 section to contact or attempt to contact other social networking
17 website users shall include in his profile for the website an
18 indication that he is a sex offender, and shall include notice of the
19 crime for which he was convicted, the jurisdiction of conviction, a
20 description of his physical characteristics, and his residential
21 address. If the person's registration information has been included
22 in the Internet Registry pursuant to section 1 of P.L.2001 c.167
23 (C.2C:7-12 et seq.) the person shall include a link to the Internet
24 Registry. The person shall ensure that this information is displayed
25 in his profile for the social networking website and that such
26 information is visible to, or is able to be viewed by, other users and
27 visitors of the website. Any person who fails to comply with the
28 conditions set forth in this subsection shall be guilty of a crime of
29 the fourth degree.

30 (cf: P.L.2007, c.219, s.3)

31

32 3. Section 1 of P.L.2007, c.219 (C.2C:43-6.6) is amended to
33 read as follows:

34 1. a. In the case of a person who has been convicted,
35 adjudicated delinquent or found not guilty by reason of insanity for
36 the commission of a sex offense as defined in subsection b. of
37 section 2 of P.L.1994, c.133 (C.2C:7-2), and who is required to
38 register as provided in subsections c. and d. of section 2 of
39 P.L.1994, c.133 (C.2C:7-2), or who is serving a special sentence of
40 community or parole supervision for life as provided in section 2 of
41 P.L.1994, c.130 (C.2C:43-6.4), or who has been convicted,
42 adjudicated delinquent or found not guilty by reason of insanity for
43 a violation of N.J.S.2C:34-3, and where the trier of fact makes a
44 finding that a computer or any other device with Internet capability
45 was used to facilitate the commission of the crime the court shall, in
46 addition to any other disposition, order the following Internet access
47 conditions:

1 (1) Prohibit the person from accessing or using a computer or
2 any other device with Internet capability without the prior written
3 approval of the court except, if such person is on probation or
4 parole, the person may use a computer or any other device with
5 Internet capability in connection with that person's employment or
6 search for employment with the prior approval of the person's
7 probation or parole officer;

8 (2) Require the person to submit to periodic unannounced
9 examinations of the person's computer or any other device with
10 Internet capability by a probation officer, parole officer, law
11 enforcement officer or assigned computer or information
12 technology specialist, including the retrieval and copying of all data
13 from the computer or device and any internal or external peripherals
14 and removal of such information, equipment or device to conduct a
15 more thorough inspection;

16 (3) Require the person to submit to the installation on the
17 person's computer or device with Internet capability, at the person's
18 expense, one or more hardware or software systems to monitor the
19 Internet use; and

20 (4) Require the person to submit to any other appropriate
21 restrictions concerning the person's use or access of a computer or
22 any other device with Internet capability.

23 (5) Require the person, who is otherwise not prohibited from
24 using a social networking website as defined in paragraph (3) of
25 subsection d. of section 2 of P.L.1994, c.133 (C.2C:7-2), and who
26 creates a profile or uses the functionality of the website to contact
27 or attempt to contact other networking website users to include on
28 the site notice of the crime for which he was convicted, the
29 jurisdiction of conviction, a description of his physical
30 characteristics, and his residential address. If the person's
31 registration information has been included in the Internet Registry
32 pursuant to section 1 of P.L.2001 c.167 (C.2C:7-12 et seq.) the
33 person shall include a link to the Internet Registry. The offender
34 shall notify the host of the networking site of the user's offender
35 status.

36 b. A person who fails to comply with the Internet access
37 conditions set forth in this section shall be guilty of a crime of the
38 fourth degree.

39 c. The appropriate agency heads shall promulgate guidelines
40 which set forth standards to guide agency action in regard to the
41 specific Internet access conditions which may be imposed on a
42 person pursuant to the provisions of this act.

43 d. The Attorney General or the County Prosecutor may petition
44 the court to impose restrictions pursuant to this section upon any
45 person who is required to register as provided in section 2 of
46 P.L.1994, c.133 (C.2C:7-2) for a sex offense set forth in paragraph
47 (3) of subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2).

48 (cf: P.L.2007, c.219, s.3)

1 4. N.J.S.2C:45-1 is amended to read as follows:

2 2C:45-1. Conditions of Suspension or Probation.

3 a. When the court suspends the imposition of sentence on a
4 person who has been convicted of an offense or sentences him to be
5 placed on probation, it shall attach such reasonable conditions,
6 authorized by this section, as it deems necessary to insure that he
7 will lead a law-abiding life or is likely to assist him to do so. These
8 conditions may be set forth in a set of standardized conditions
9 promulgated by the county probation department and approved by
10 the court.

11 b. The court, as a condition of its order, may require the
12 defendant:

13 (1) To support his dependents and meet his family
14 responsibilities;

15 (2) To find and continue in gainful employment;

16 (3) To undergo available medical or psychiatric treatment and to
17 enter and remain in a specified institution, when required for that
18 purpose;

19 (4) To pursue a prescribed secular course of study or vocational
20 training;

21 (5) To attend or reside in a facility established for the
22 instruction, recreation or residence of persons on probation;

23 (6) To refrain from frequenting unlawful or disreputable places
24 or consorting with disreputable persons;

25 (7) Not to have in his possession any firearm or other dangerous
26 weapon unless granted written permission;

27 (8) (Deleted by amendment, P.L.1991, c.329);

28 (9) To remain within the jurisdiction of the court and to notify
29 the court or the probation officer of any change in his address or his
30 employment;

31 (10) To report as directed to the court or the probation officer, to
32 permit the officer to visit his home, and to answer all reasonable
33 inquiries by the probation officer;

34 (11) To pay a fine;

35 (12) To satisfy any other conditions reasonably related to the
36 rehabilitation of the defendant and not unduly restrictive of his
37 liberty or incompatible with his freedom of conscience;

38 (13) To require the performance of community-related service;
39 and

40 (14) To be subject to Internet access conditions pursuant to
41 paragraph (2) and (3) of subsection d. of this section.

42 In addition to any condition of probation, the court may enter an
43 order prohibiting a defendant who is convicted of a sex offense
44 from having any contact with the victim including, but not limited
45 to, entering the victim's residence, place of employment or business,
46 or school, and from harassing or stalking the victim or victim's
47 relatives in any way, and may order other protective relief as
48 provided in section 2 of P.L.2007, c.133 (C.2C:14-12).

1 c. The court, as a condition of its order, shall require the
2 defendant to pay any assessments required by section 2 of P.L.1979,
3 c.396 (C.2C:43-3.1) and shall, consistent with the applicable
4 provisions of N.J.S.2C:43-3, N.J.S.2C:43-4 and N.J.S.2C:44-2 or
5 section 1 of P.L.1983, c.411 (C.2C:43-2.1) require the defendant to
6 make restitution.

7 d. (1) In addition to any condition imposed pursuant to
8 subsection b. or c., the court shall order a person placed on
9 probation to pay a fee, not exceeding \$25.00 per month for the
10 probationary term, to probation services for use by the State, except
11 as provided in subsection g. of this section. This fee may be waived
12 in cases of indigency upon application by the chief probation officer
13 to the sentencing court.

14 (2) In addition to any conditions imposed pursuant to subsection
15 b. or c., the court may order a person who has been convicted or
16 adjudicated delinquent of a sex offense as defined in subsection b.
17 of section 2 of P.L.1994, c.133 (C.2C:7-2), and who is required to
18 register as provided in subsections c. and d. of section 2 of
19 P.L.1994, c.133 (C.2C:7-2), or who has been convicted or
20 adjudicated delinquent for a violation of N.J.S.2C:34-3 to be
21 subject to any of the following Internet access conditions:

22 (a) Prohibit the person from accessing or using a computer or
23 any other device with Internet capability without the prior written
24 approval of the court, except the person may use a computer or any
25 other device with Internet capability in connection with that
26 person's employment or search for employment with the prior
27 approval of the person's probation officer;

28 (b) Require the person to submit to periodic unannounced
29 examinations of the person's computer or any other device with
30 Internet capability by a probation officer, law enforcement officer
31 or assigned computer or information technology specialist,
32 including the retrieval and copying of all data from the computer or
33 device and any internal or external peripherals and removal of such
34 information, equipment or device to conduct a more thorough
35 inspection;

36 (c) Require the person to submit to the installation on the
37 person's computer or device with Internet capability, at the person's
38 expense, one or more hardware or software systems to monitor the
39 Internet use; and

40 (d) Require the person to submit to any other appropriate
41 restrictions concerning the person's use or access of a computer or
42 any other device with Internet capability.

43 (3) Any person who is required to register as a sex offender
44 pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2) and who is
45 permitted to use the Internet, create a profile on, or use the
46 functionality of a social networking website, as defined by
47 paragraph (3) of subsection d. of section 2 of P.L.1994, c.133
48 (C.2C:7-2) to contact or attempt to contact other social networking

1 website users, shall include in his profile for the website an
2 indication that he is a sex offender and shall include notice of the
3 crime for which he was convicted, the jurisdiction of conviction, a
4 description of his physical characteristics, and his residential
5 address. If the person's registration information has been included
6 in the Internet Registry pursuant to section 1 of P.L.2001 c.167
7 (C.2C:7-12 et seq.) the person shall include a link to the Internet
8 Registry. The person shall ensure that this information is displayed
9 in his profile for the social networking website and that such
10 information is visible to, or is able to be viewed by, other users and
11 visitors of the website.

12 e. When the court sentences a person who has been convicted
13 of a crime to be placed on probation, it may require him to serve a
14 term of imprisonment not exceeding 364 days as an additional
15 condition of its order. When the court sentences a person convicted
16 of a disorderly persons offense to be placed on probation, it may
17 require him to serve a term of imprisonment not exceeding 90 days
18 as an additional condition of its order. In imposing a term of
19 imprisonment pursuant to this subsection, the sentencing court shall
20 specifically place on the record the reasons which justify the
21 sentence imposed. The term of imprisonment imposed hereunder
22 shall be treated as part of the sentence, and in the event of a
23 sentence of imprisonment upon the revocation of probation, the
24 term of imprisonment served hereunder shall be credited toward
25 service of such subsequent sentence. A term of imprisonment
26 imposed under this section shall be governed by the "Parole Act of
27 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

28 Whenever a person is serving a term of parole as a result of a
29 sentence of incarceration imposed as a condition of probation,
30 supervision over that person shall be maintained pursuant to the
31 provisions of the law governing parole. Upon termination of the
32 period of parole supervision provided by law, the county probation
33 department shall assume responsibility for supervision of the person
34 under sentence of probation. Nothing contained in this section shall
35 prevent the sentencing court from at any time proceeding under the
36 provisions of this chapter against any person for a violation of
37 probation.

38 f. The defendant shall be given a copy of the terms of his
39 probation or suspension of sentence and any requirements imposed
40 pursuant to this section, stated with sufficient specificity to enable
41 him to guide himself accordingly. The defendant shall
42 acknowledge, in writing, his receipt of these documents and his
43 consent to their terms.

44 g. Of the moneys collected under the provisions of subsection
45 d. of this section, \$15.00 of each monthly fee collected before
46 January 1, 1995 shall be deposited in the temporary reserve fund
47 created by section 25 of P.L.1993, c.275, and \$10.00 of each shall
48 be deposited into a "Community Service Supervision Fund" which

1 shall be established by each county. The moneys in the
2 "Community Service Supervision Fund" shall be expended only in
3 accordance with the provisions of State law as shall be enacted to
4 provide for expenditures from this fund for the purpose of
5 supervising and monitoring probationers performing community
6 service to ensure, by whatever means necessary and appropriate,
7 that probationers are performing the community service ordered by
8 the court and that the performance is in the manner and under the
9 terms ordered by the court.
10 (cf: P.L.2007, c.219, s.4)

11
12 5. Section 15 of P.L.1979, c441 (C.30:4-123.59) is amended to
13 read as follows:

14 15. a. Each adult parolee shall at all times remain in the legal
15 custody of the Commissioner of Corrections and under the
16 supervision of the State Parole Board and each juvenile parolee
17 shall at all times remain in the legal custody of the Juvenile Justice
18 Commission established pursuant to section 2 of P.L.1995, c.284
19 (C.52:17B-170), except that the Commissioner of Corrections or the
20 Executive Director of the Juvenile Justice Commission, after
21 providing notice to the Attorney General, may consent to the
22 supervision of a parolee by the federal government pursuant to the
23 Witness Security Reform Act, Pub.L.98-473 (18 U.S.C. s.3521 et
24 seq.). An adult parolee, except those under the Witness Security
25 Reform Act, shall remain under the supervision of the State Parole
26 Board and in the legal custody of the Department of Corrections,
27 and a juvenile parolee, except those under the Witness Security
28 Reform Act, shall remain under the supervision of the Juvenile
29 Justice Commission, as appropriate, in accordance with the policies
30 and rules of the board.

31 b. (1) Each parolee shall agree, as evidenced by his signature to
32 abide by specific conditions of parole established by the appropriate
33 board panel which shall be enumerated in writing in a certificate of
34 parole and shall be given to the parolee upon release. Such
35 conditions shall include, among other things, a requirement that the
36 parolee conduct himself in society in compliance with all laws and
37 refrain from committing any crime, a requirement that the parolee
38 will not own or possess any firearm as defined in subsection f. of
39 N.J.S.2C:39-1 or any other weapon enumerated in subsection r. of
40 N.J.S.2C:39-1, a requirement that the parolee refrain from the use,
41 possession or distribution of a controlled dangerous substance,
42 controlled substance analog or imitation controlled dangerous
43 substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, a
44 requirement that the parolee obtain permission from his parole
45 officer for any change in his residence, and a requirement that the
46 parolee report at reasonable intervals to an assigned parole officer.
47 In addition, based on prior history of the parolee or information
48 provided by a victim or a member of the family of a murder victim,

1 the member or board panel certifying parole release pursuant to
2 section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any
3 other specific conditions of parole deemed reasonable in order to
4 reduce the likelihood of recurrence of criminal or delinquent
5 behavior, including a requirement that the parolee comply with the
6 Internet access conditions set forth in paragraph (2) and (3) of this
7 subsection. Such special conditions may include, among other
8 things, a requirement that the parolee make full or partial
9 restitution, the amount of which restitution shall be set by the
10 sentencing court upon request of the board. In addition, the member
11 or board panel certifying parole release may, giving due regard to a
12 victim's request, impose a special condition that the parolee have no
13 contact with the victim, which special condition may include, but
14 need not be limited to, restraining the parolee from entering the
15 victim's residence, place of employment, business or school, and
16 from harassing or stalking the victim or victim's relatives in any
17 way. Further, the member, board panel or board certifying parole
18 release may impose a special condition that the person shall not
19 own or possess an animal for an unlawful purpose or to interfere in
20 the performance of duties by a parole officer.

21 (2) In addition, the member or board panel certifying parole
22 release may impose on any person who has been convicted or
23 adjudicated delinquent for the commission of a sex offense as
24 defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2),
25 and who is required to register as provided in subsections c. and d.
26 of section 2 of P.L.1994, c.133 (C.2C:7-2), or who has been
27 convicted or adjudicated delinquent for a violation of N.J.S.2C:34-3
28 any of the following Internet access conditions:

29 (a) Prohibit the person from accessing or using a computer or
30 any other device with Internet capability without the prior written
31 approval of the court, except the person may use a computer or any
32 other device with Internet capability in connection with that
33 person's employment or search for employment with the prior
34 approval of the person's parole officer;

35 (b) Require the person to submit to periodic unannounced
36 examinations of the person's computer or any other device with
37 Internet capability by a parole officer, law enforcement officer or
38 assigned computer or information technology specialist, including
39 the retrieval and copying of all data from the computer or device
40 and any internal or external peripherals and removal of such
41 information, equipment or device to conduct a more thorough
42 inspection;

43 (c) Require the person to submit to the installation on the
44 person's computer or device with Internet capability, at the person's
45 expense, one or more hardware or software systems to monitor the
46 Internet use; and

1 (d) Require the person to submit to any other appropriate
2 restrictions concerning the person's use or access of a computer or
3 any other device with Internet capability.

4 (3) Any person who is required to register as a sex offender
5 pursuant to section 2 of P.L.1994, c.133 (C.2C:7-2) and who is
6 permitted to use the Internet, create a profile on, or use the
7 functionality of a social networking website, as defined by
8 paragraph (3) of subsection d. of section 2 of P.L.1994, c.133
9 (C.2C:7-2) to contact or attempt to contact other social networking
10 website users, shall include in his profile for the website an
11 indication that he is a sex offender and shall include notice of the
12 crime for which he was convicted, the jurisdiction of conviction, a
13 description of his physical characteristics, and his residential
14 address. If the person's registration information has been included
15 in the Internet Registry pursuant to section 1 of P.L.2001 c.167
16 (C.2C:7-12 et seq.) the person shall include a link to the Internet
17 Registry. The person shall ensure that this information is displayed
18 in his profile for the social networking website and that such
19 information is visible to, or is able to be viewed by, other users and
20 visitors of the website.

21 c. The appropriate board panel may in writing relieve a parolee
22 of any parole conditions, and may permit a parolee to reside outside
23 the State pursuant to the provisions of the Uniform Act for Out-of-
24 State Parolee Supervision (N.J.S.2A:168-14 et seq.), the Interstate
25 Compact on Juveniles, P.L.1955, c.55 (C.9:23-1 to 9:23-4), and,
26 with the consent of the Commissioner of the Department of
27 Corrections or the Executive Director of the Juvenile Justice
28 Commission after providing notice to the Attorney General, the
29 federal Witness Security Reform Act, if satisfied that such change
30 will not result in a substantial likelihood that the parolee will
31 commit an offense which would be a crime under the laws of this
32 State. The appropriate board panel may revoke such permission,
33 except in the case of a parolee under the Witness Security Reform
34 Act, or reinstate relieved parole conditions for any period of time
35 during which a parolee is under its jurisdiction.

36 d. The appropriate board panel may parole an inmate to any
37 residential facility funded in whole or in part by the State if the
38 inmate would not otherwise be released pursuant to section 9 of
39 P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the
40 residential facility provides treatment for mental illness or mental
41 retardation, the board panel only may parole the inmate to the
42 facility pursuant to the laws and admissions policies that otherwise
43 govern the admission of persons to that facility, and the facility
44 shall have the authority to discharge the inmate according to the
45 laws and policies that otherwise govern the discharge of persons
46 from the facility, on 10 days' prior notice to the board panel. The
47 board panel shall acknowledge receipt of this notice in writing prior

1 to the discharge. Upon receipt of the notice the board panel shall
2 resume jurisdiction over the inmate.

3 e. Parole officers shall provide assistance to the parolee in
4 obtaining employment, education or vocational training or in
5 meeting other obligations to assure the parolee's compliance with
6 meeting legal requirements related to sex offender notification,
7 address changes and participation in rehabilitation programs as
8 directed by the assigned parole officer.

9 f. The board panel on juvenile commitments and the assigned
10 parole officer shall insure that the least restrictive available
11 alternative is used for any juvenile parolee.

12 g. If the board has granted parole to any inmate from a State
13 correctional facility or juvenile facility and the court has imposed a
14 fine on such inmate, the appropriate board panel shall release such
15 inmate on condition that the parolee make specified fine payments
16 to the State Parole Board or the Juvenile Justice Commission. For
17 violation of such conditions, or for violation of a special condition
18 requiring restitution, parole may be revoked only for refusal or
19 failure to make a good faith effort to make such payment.

20 h. Upon collection of the fine the same shall be paid over by
21 the Department of Corrections or by the Juvenile Justice
22 Commission to the State Treasury.

23 (cf: P.L. 2007, c.219, s.5)

24

25 6. This act shall take effect on the first day of the third month
26 following enactment.

27

28

29

STATEMENT

30

31 This bill requires persons who are required to register as a sex
32 offender to provide notification of that fact on social networking
33 websites.

34 The bill expands sex offender registration requirements to
35 include this disclosure on the offender's profile on any social
36 networking sites.

37 In addition, the bill requires any person required to register as a
38 sex offender to provide the appropriate law enforcement agency
39 with a list of e-mail addresses, screen names, or other identities
40 used for web-based chats, instant messaging, or a social networking
41 website. This bill also requires registered sex offenders to provide
42 a list of any social networking websites of which they are a
43 member.

44 Several social networking sites, such as Facebook and
45 Match.com, already prohibit sex offenders from using their sites in
46 their terms of service.

47 This bill is modeled on recently enacted Louisiana legislation.