

ASSEMBLY, No. 3380

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED OCTOBER 15, 2012

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblyman SEAN T. KEAN

District 30 (Monmouth and Ocean)

Co-Sponsored by:

Assemblywoman Simon

SYNOPSIS

Requires persons convicted of human trafficking of a child or engaging in prostitution of a child to register as sex offenders.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/10/2013)

1 AN ACT concerning registration of sex offenders and amending
2 P.L.1994, c. 11.

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. 11 (C.2C:7-2) is amended to read as
8 follows:

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

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

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

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

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

34 (2) A conviction, adjudication of delinquency, or acquittal by
35 reason of insanity for aggravated sexual assault; sexual assault;
36 aggravated criminal sexual contact; kidnapping pursuant to
37 paragraph (2) of subsection c. of N.J.S.2C:13-1; human trafficking
38 where the victim is under the age of 18 pursuant to section 1 of
39 P.L.2005, c.77 (C.2C:13-8); endangering the welfare of a child by
40 engaging in sexual conduct which would impair or debauch the
41 morals of the child pursuant to subsection a. of N.J.S.2C:24-4;
42 endangering the welfare of a child pursuant to paragraph (3) or (4)
43 or subparagraph (a) of paragraph (5) of subsection b. of
44 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
45 c.291 (C.2C:13-6); criminal sexual contact pursuant to N.J.S.2C:14-

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

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

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

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

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

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

1 (4) A person required to register on the basis of a conviction
2 prior to the effective date who is not confined or under supervision
3 on the effective date of this act shall register within 120 days of the
4 effective date of this act with the chief law enforcement officer of
5 the municipality in which the person will reside or, if the
6 municipality does not have a local police force, the Superintendent
7 of State Police;

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

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

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

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

45 (2) A person required to register under this act shall provide the
46 appropriate law enforcement agency with information as to whether
47 the person has routine access to or use of a computer or any other
48 device with Internet capability. A person who fails to notify the

1 appropriate law enforcement agency of such information or of a
2 change in the person's access to or use of a computer or other
3 device with Internet capability or who provides false information
4 concerning the person's access to or use of a computer or any other
5 device with Internet capability is guilty of a crime of the fourth
6 degree.

7 e. A person required to register under paragraph (1) of
8 subsection b. of this section or under paragraph (3) of subsection b.
9 due to a sentence imposed on the basis of criteria similar to the
10 criteria set forth in paragraph (1) of subsection b. shall verify his
11 address with the appropriate law enforcement agency every 90 days
12 in a manner prescribed by the Attorney General. A person required
13 to register under paragraph (2) of subsection b. of this section or
14 under paragraph (3) of subsection b. on the basis of a conviction for
15 an offense similar to an offense enumerated in paragraph (2) of
16 subsection b. shall verify his address annually in a manner
17 prescribed by the Attorney General. One year after the effective
18 date of this act, the Attorney General shall review, evaluate and, if
19 warranted, modify pursuant to the "Administrative Procedure Act,"
20 P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement.
21 Any person who knowingly provides false information concerning
22 his place of residence or who fails to verify his address with the
23 appropriate law enforcement agency or other entity, as prescribed
24 by the Attorney General in accordance with this subsection, is
25 guilty of a crime of the fourth degree.

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

33 g. A person required to register under this section who has
34 been convicted of, adjudicated delinquent, or acquitted by reason of
35 insanity for more than one sex offense as defined in subsection b. of
36 this section or who has been convicted of, adjudicated delinquent,
37 or acquitted by reason of insanity for aggravated sexual assault
38 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault
39 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not
40 eligible under subsection f. of this section to make application to
41 the Superior Court of this State to terminate the registration
42 obligation.

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

44

45 2. This act shall take effect immediately.

1 STATEMENT

2

3 This bill would expand Megan’s Law to require persons
4 convicted of human trafficking where the victim is under the age of
5 18 or engaging in prostitution with a person under the age of 18 to
6 comply with the State’s sex offender registry.

7 Under the provisions of Megan’s Law sex offenders who have
8 been convicted, adjudicated delinquent or found not guilty by
9 reason of insanity for the commission of a “sex offense” must
10 register with the State and provide notification to the community.
11 “Sex offense” is defined as aggravated sexual assault, sexual
12 assault, aggravated criminal sexual contact, kidnapping,
13 endangering the welfare of a child under certain circumstances,
14 luring or enticing a child, criminal sexual contact, criminal restraint,
15 false imprisonment; knowingly promoting prostitution of a child, or
16 an attempt to commit any of these enumerated offenses.