

[First Reprint]

**ASSEMBLY, No. 1253**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblywoman MARLENE CARIDE**

**District 36 (Bergen and Passaic)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Co-Sponsored by:**

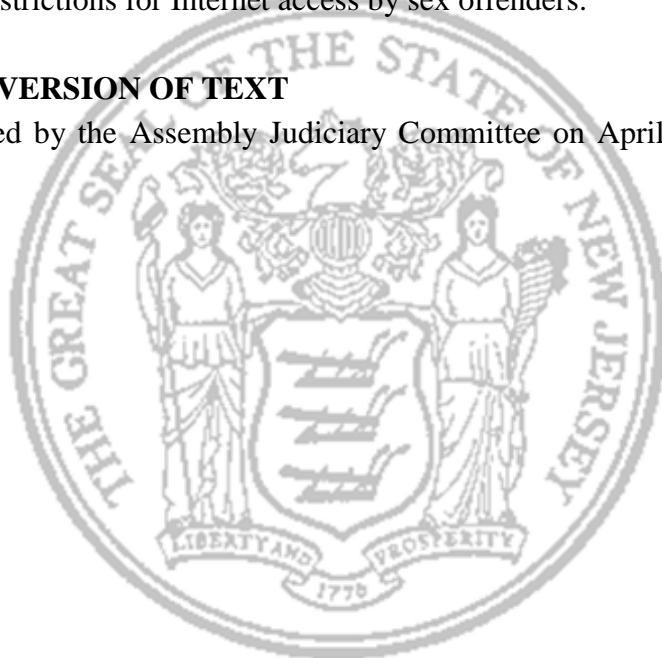
**Assemblyman Wimberly**

**SYNOPSIS**

Revises restrictions for Internet access by sex offenders.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Judiciary Committee on April 4, 2016, with amendments.



**(Sponsorship Updated As Of: 6/17/2016)**

1 AN ACT concerning certain sex offenders and <sup>1</sup>**[supplementing**  
2 chapter 7 of Title 2C of the New Jersey Statutes] amending  
3 various sections of the statutory law<sup>1</sup>.  
4

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

8 <sup>1</sup>**[1.** As used in this act:

9 “Sex offender” means a person who has been convicted,  
10 adjudicated delinquent or found not guilty by reason of insanity for  
11 the commission of a sex offense, as defined in subsection b. of  
12 section 2 of P.L.1994, c.133 (C.2C:7-2) which involves a victim  
13 under 18 years of age. This term shall also include a person who  
14 has been convicted, adjudicated delinquent or found not guilty by  
15 reason of insanity for an offense similar to any offense enumerated  
16 in paragraph (2) of subsection b. of section 2 of P.L.1994, c.133  
17 (C.2C:7-2) or who has received a sentence on the basis of criteria  
18 similar to the criteria set forth in paragraph (1) of subsection b. of  
19 section 2 of P.L.1994, c.133 (C:2C:7-2) entered or imposed under  
20 the laws of a foreign government or other jurisdiction in the United  
21 States which involves a victim under 18 years of age;

22 “Social networking website” means an internet website that  
23 allows users to create a profile containing personal information that  
24 is accessible by third parties and that allows communication among  
25 users;

26 “Third party” means a person other than the user, the operator, or  
27 an employee of the operator; and

28 “Use” means to create an online profile, page, or similar account  
29 on the social networking website that allows the user to post  
30 personal information that may be viewed by third parties, or to  
31 contact or attempt to contact other users of the social networking  
32 website.]<sup>1</sup>  
33

34 <sup>1</sup>**[2. a.** It shall be unlawful for a sex offender to use a social  
35 networking website.

36 b. A person who violates subsection a. of this section is guilty  
37 of a crime of the third degree.

38 c. A sex offender shall provide the chief law enforcement  
39 officer of the municipality in which the offender resides with any e-  
40 mail address, username, or identifier used on the Internet by that  
41 person.

42 d. A person who fails to provide the appropriate law  
43 enforcement agency with such information or notify the agency of a

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AJU committee amendments adopted April 4, 2016.

1 change in the person's email address, username, or identifier or who  
2 provides false information concerning the person's email address,  
3 username, or identifier is guilty of a crime of the fourth degree. **】**<sup>1</sup>  
4

5 <sup>1</sup>1. Section 1 of P.L.2007, c.219 (C.2C:43-6.6) is amended to  
6 read as follows:

7 1. a. In the case of a person who has been convicted,  
8 adjudicated delinquent or found not guilty by reason of insanity for  
9 the commission of a sex offense as defined in subsection b. of  
10 section 2 of P.L.1994, c.133 (C.2C:7-2), and who is required to  
11 register as provided in subsections c. and d. of section 2 of  
12 P.L.1994, c.133 (C.2C:7-2), or who is serving a special sentence of  
13 community or parole supervision for life as provided in section 2 of  
14 P.L.1994, c.130 (C.2C:43-6.4), or who has been convicted,  
15 adjudicated delinquent or found not guilty by reason of insanity for  
16 a violation of N.J.S.2C:34-3, and where the trier of fact makes a  
17 finding that a computer or any other device with Internet capability  
18 was used to facilitate the commission of the crime the court shall, in  
19 addition to any other disposition, order the following Internet access  
20 conditions:

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

28 (2) 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, parole officer, law  
31 enforcement officer or assigned computer or information  
32 technology specialist, including the retrieval and copying of all data  
33 from the computer or device and any internal or external peripherals  
34 and removal of such information, equipment or device to conduct a  
35 more thorough inspection;

36 (3) 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 (4) 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 and

43 (5) Require the person to disclose all passwords, email  
44 addresses, usernames or identifiers used by the person to access any  
45 data, information, image, program, signal or file on the person's  
46 computer or any other device with Internet capability.

1       b. A person who fails to comply with the Internet access  
2 conditions set forth in this section shall be guilty of a crime of the  
3 **【fourth】** third degree.

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

8       d. The Attorney General or the County Prosecutor may petition  
9 the court to impose restrictions pursuant to this section upon any  
10 person who is required to register as provided in section 2 of  
11 P.L.1994, c.133 (C.2C:7-2) for a sex offense set forth in paragraph  
12 (3) of subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2).<sup>1</sup>  
13 (cf: P.L.2007, c.219, s.1)  
14

15       <sup>1</sup>2. N.J.S.2C:45-1 is amended to read as follows:

16       2C:45-1. Conditions of Suspension or Probation.

17       a. When the court suspends the imposition of sentence on a  
18 person who has been convicted of an offense or sentences him to be  
19 placed on probation, it shall attach such reasonable conditions,  
20 authorized by this section, as it deems necessary to insure that he  
21 will lead a law-abiding life or is likely to assist him to do so. These  
22 conditions may be set forth in a set of standardized conditions  
23 promulgated by the county probation department and approved by  
24 the court.

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

27       (1) To support his dependents and meet his family  
28 responsibilities;

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

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

33       (4) To pursue a prescribed secular course of study or vocational  
34 training;

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

37       (6) To refrain from frequenting unlawful or disreputable places  
38 or consorting with disreputable persons;

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

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

42       (9) To remain within the jurisdiction of the court and to notify  
43 the court or the probation officer of any change in his address or his  
44 employment;

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

48       (11) To pay a fine;

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

4 (13) To require the performance of community-related service;  
5 and

6 (14) To be subject to Internet access conditions pursuant to  
7 paragraph (2) of subsection d. of this section.

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

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

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

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

36 (a) Prohibit the person from accessing or using a computer or  
37 any other device with Internet capability without the prior written  
38 approval of the court, except the person may use a computer or any  
39 other device with Internet capability in connection with that  
40 person's employment or search for employment with the prior  
41 approval of the person's probation officer;

42 (b) Require the person to submit to periodic unannounced  
43 examinations of the person's computer or any other device with  
44 Internet capability by a probation officer, law enforcement officer  
45 or assigned computer or information technology specialist,  
46 including the retrieval and copying of all data from the computer or  
47 device and any internal or external peripherals and removal of such

1 information, equipment or device to conduct a more thorough  
2 inspection;

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

7 (d) Require the person to submit to any other appropriate  
8 restrictions concerning the person's use or access of a computer or  
9 any other device with Internet capability; and

10 (e) Require the person to disclose all passwords, email addresses,  
11 usernames or identifiers used by the person to access any data,  
12 information, image, program, signal or file on the person's computer  
13 or any other device with Internet capability.

14 e. When the court sentences a person who has been convicted  
15 of a crime to be placed on probation, it may require him to serve a  
16 term of imprisonment not exceeding 364 days as an additional  
17 condition of its order. When the court sentences a person convicted  
18 of a disorderly persons offense to be placed on probation, it may  
19 require him to serve a term of imprisonment not exceeding 90 days  
20 as an additional condition of its order. In imposing a term of  
21 imprisonment pursuant to this subsection, the sentencing court shall  
22 specifically place on the record the reasons which justify the  
23 sentence imposed. The term of imprisonment imposed hereunder  
24 shall be treated as part of the sentence, and in the event of a  
25 sentence of imprisonment upon the revocation of probation, the  
26 term of imprisonment served hereunder shall be credited toward  
27 service of such subsequent sentence. A term of imprisonment  
28 imposed under this section shall be governed by the "Parole Act of  
29 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

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

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

46 g. Of the moneys collected under the provisions of subsection  
47 d. of this section, \$15.00 of each monthly fee collected before  
48 January 1, 1995 shall be deposited in the temporary reserve fund

1 created by section 25 of P.L.1993, c.275, and \$10.00 of each shall  
2 be deposited into a "Community Service Supervision Fund" which  
3 shall be established by each county. The moneys in the  
4 "Community Service Supervision Fund" shall be expended only in  
5 accordance with the provisions of State law as shall be enacted to  
6 provide for expenditures from this fund for the purpose of  
7 supervising and monitoring probationers performing community  
8 service to ensure, by whatever means necessary and appropriate,  
9 that probationers are performing the community service ordered by  
10 the court and that the performance is in the manner and under the  
11 terms ordered by the court.<sup>1</sup>

12 (cf: P.L.2007, c.219, s.4)

13

14 <sup>1</sup>3. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to  
15 read as follows:

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

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

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

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

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

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

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

4 (e) Require the person to disclose all passwords, email addresses,  
5 usernames or identifiers used by the person to access any data,  
6 information, image, program, signal or file on the person's computer  
7 or any other device with Internet capability.

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

23 d. The appropriate board panel may parole an inmate to any  
24 residential facility funded in whole or in part by the State if the  
25 inmate would not otherwise be released pursuant to section 9 of  
26 P.L.1979, c.441 (C.30:4-123.53) without such placement. But if the  
27 residential facility provides treatment for mental illness or mental  
28 retardation, the board panel only may parole the inmate to the  
29 facility pursuant to the laws and admissions policies that otherwise  
30 govern the admission of persons to that facility, and the facility  
31 shall have the authority to discharge the inmate according to the  
32 laws and policies that otherwise govern the discharge of persons  
33 from the facility, on 10 days' prior notice to the board panel. The  
34 board panel shall acknowledge receipt of this notice in writing prior  
35 to the discharge. Upon receipt of the notice the board panel shall  
36 resume jurisdiction over the inmate.

37 e. Parole officers shall provide assistance to the parolee in  
38 obtaining employment, education or vocational training or in  
39 meeting other obligations to assure the parolee's compliance with  
40 meeting legal requirements related to sex offender notification,  
41 address changes and participation in rehabilitation programs as  
42 directed by the assigned parole officer.

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

46 g. If the board has granted parole to any inmate from a State  
47 correctional facility or juvenile facility and the court has imposed a  
48 fine on such inmate, the appropriate board panel shall release such

1 inmate on condition that the parolee make specified fine payments  
2 to the State Parole Board or the Juvenile Justice Commission. For  
3 violation of such conditions, or for violation of a special condition  
4 requiring restitution, parole may be revoked only for refusal or  
5 failure to make a good faith effort to make such payment.

6 h. Upon collection of the fine the same shall be paid over by  
7 the Department of Corrections or by the Juvenile Justice  
8 Commission to the State Treasury.<sup>1</sup>

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

10

11 <sup>1</sup>~~[3.]~~4.<sup>1</sup> This act shall take effect immediately.