SENATE, No. 1717



STATE OF NEW JERSEY

217th LEGISLATURE



INTRODUCED FEBRUARY 29, 2016

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Establishes Sex Offender Management Commission; amends Megan’s Law in response to federal Adam Walsh Child Protection and Safety Act of 2006.

CURRENT VERSION OF TEXT

As introduced.



An Act concerning sex offenders, supplementing Title 2C of the New Jersey Statutes, and amending and repealing various parts of the statutory law.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. (New section) This act shall be known and may be cited as "Megan's Law."

2. (New section) As used in this act:

“Commission” means the Sex Offender Management Commission created in section 3 of this act.

“Sex offender” or “offender” means a person who has been convicted, adjudicated delinquent, or found not guilty by reason of insanity for a sex offense.

“Sex offense” means a conviction, adjudication of delinquency, or acquittal by reason of insanity for a Tier I, Tier II, or Tier III offense. The term shall include a conviction, adjudication of delinquency or acquittal by reason of insanity for an offense similar to any offense enumerated in the definitions in this section for a Tier I offense, Tier II offense, or Tier III offense entered or imposed under the laws of the United States, this State or another state, or a conviction in a foreign country with sufficient procedural safeguards and due process as determined by the Attorney General of the United States.

“Superintendent” means the Superintendent of State Police in the Department of Law and Public Safety.

“Tier I offense” includes lewdness; invasion of privacy if the victim is a minor; sexual assault pursuant to subsection b. and paragraph (4) of subsection c. of N.J.S.2C:14-2 if the victim assented to the commission of the offense but by reason of age was not capable of giving lawful consent; endangering the welfare of a child pursuant to subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4; any sex offense not included as a Tier II or Tier III offense; or an attempt or conspiracy to commit any of these offenses.

“Tier II offense” includes criminal coercion pursuant to N.J.S.2C:13-5; luring or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6);human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8); criminal sexual contact pursuant to N.J.S.2C:14-3 if the victim is a minor; obscenity for persons under 18 pursuant to paragraphs (1) and (2) of subsection b. and paragraphs (1) and (2) of subsection c. of N.J.S.2C:34-3; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraph (3) or (4) or subparagraph (a) of paragraph (5) of subsection b. of N.J.S.2C:24-4; kidnapping, criminal restraint or false imprisonment if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; an attempt or conspiracy to commit any of these offenses; or any subsequent Tier I offense punishable by more than one year imprisonment committed by a Tier I offender.

“Tier III offense” includes aggravated sexual assault pursuant to paragraphs (1) through (7) of subsection a. of N.J.S.2C:14-2; sexual assault pursuant to subsection b. of N.J.S.2C:14-2, if the victim did not assent; sexual assault pursuant to paragraphs (1) through (3) of subsection c. of N.J.S.2C:14-2; sexual assault pursuant to paragraph (4) of subsection c. of N.J.S.2C:14-3 if the victim did not assent; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; an attempt or conspiracy to commit any of these offenses; or any subsequent Tier II offense punishable by more than one year imprisonment committed by a Tier II offender.

3. (New section) a. A Sex Offender Management Commission is established in, but not of, the Department of Law and Public Safety. The commission is allocated to the Department of Law and Public Safety for the purpose of complying with Article V, Section IV, paragraph 1 of the New Jersey Constitution. The Attorney General shall be the request officer for the commission within the meaning of section 6 of article 3 of P.L.1944, c.112 (C.52:27B-15) and shall exercise that authority and other administrative functions, powers and duties consistent with the provisions of this act.

b. The commission shall consist of an executive director, an executive board and such facilities, officers, employees and organizational units as provided herein or as otherwise necessary to the performance of the commission’s duties and responsibilities.

c. The executive director shall be appointed by the Governor with the advice and consent of the Senate and shall serve at the pleasure of the Governor during the Governor's term of office and until a successor is appointed and qualified.

d. The executive board shall consist of 11 members as follows:

(1) as ex-officio members, the Attorney General or a designee, the Chief Justice of the Supreme Court or a designee, the Chairman of the State Parole Board or a designee, the Commissioner of Corrections or a designee, the Commissioner of Children and Families or a designee, the Executive Director of the Juvenile Justice Commission or a designee, the Superintendent of State Police or a designee; and the President of the New Jersey Prosecutors Association or a designee.

(2) as public members appointed by the Governor with the advice and consent of the Senate:

(a) one member who is a law enforcement officer;

(b) one member who is a licensed mental health professional with expertise in the treatment of sex offenders; and

(c) one member who has training and experience in the area of sexual abuse and treating victims of sexual abuse.

(3) Members of the executive board shall serve without compensation for their services to the commission. The executive board shall meet at least quarterly and at such other times as designated by the chair.

e. The commission shall have the following powers, duties and responsibilities:

(1) to specify qualifications for and to employ, within the limits of available appropriations and subject to the provisions of this act and Title 11A of the New Jersey Statutes, such staff as are necessary to accomplish the work of the commission or as are needed for the proper performance of the functions and duties of the commission, including but not limited to any other employees who shall be in the unclassified service and shall be deemed confidential employees for the purposes of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.);

(2) to utilize such staff of the Department of Law and Public Safety as the Attorney General, within the limits of available appropriations, may make available to the commission;

(3) to organize the work of the commission in appropriate bureaus and other organizational units;

(4) to enter into contracts and agreements with State, county and municipal governmental agencies and with private entities for the purpose of providing services and treatment for sex offenders and programs for the prevention of sex offenses;

(5) to contract for the services of professional and technical personnel and consultants as necessary to fulfill the statutory responsibilities of the commission;

(6) to establish minimum standards for the identification, evaluation, classification, treatment and continued monitoring of sex offenders;

(7) to determine the risk of re-offense posed by sex offenders and to administer and coordinate with counties and municipalities community notification concerning sex offenders;

(8) to formulate and adopt standards and rules for the efficient conduct of the work of the commission, the services and programs within its jurisdiction, and its officers and employees;

(9) to provide for the development of the services and programs concerning sex offenders within its jurisdiction and to promote the integration of State, county and municipal services and programs concerning sex offenders;

(10) to institute, or cause to be instituted, such legal proceedings or processes as may be necessary to enforce properly and give effect to any of its powers or duties, including the authority to compel by subpoena, subject to the sanction for contempt of subpoena issued by a court, attendance and production of records;

(11) to provide for the timely and efficient collection and analysis of data regarding sex offenders to ensure the continuing review and evaluation of services, policies, and procedures;

(12) to perform such other functions as may be prescribed by law; and

(13) to promulgate guidelines necessary to implement and effectuate the purposes of this act.

4. (New section) The functions, powers, duties, and authority of the commission are allocated as follows:

a. The following shall be vested in the executive board and may not be delegated:

(1) formulation of the policy and direction of the work of the commission to meet the purposes of this act;

(2) approval of the organization of the work of the commission including establishment of appropriate subdivisions; and

(3) approval of the commission's budget for submission by the Attorney General as request officer; and

(4) designation of an acting executive director to serve in the absence of the executive director, or, in the event of a vacancy in that office.

b. The executive director shall be responsible for the immediate supervision of the work of the commission and the day to day exercise and performance of the commission's functions, powers, duties and authority.

c. All functions, powers, duties and authority of the commission set forth in subsection e. of section 3 of P.L. , c.   (C.       ) (pending before the legislature as this bill) not specifically allocated to the executive board or to the executive director shall reside in the executive board but may be delegated to the executive director at the discretion of the executive board.

5. (New section) a. (1) A person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for commission of a sex offense shall register pursuant to the provisions of this section.

(2) A person who in another jurisdiction is required to register as a sex offender shall register in this State pursuant to the provisions of this section if the offender is:

(a) enrolled on a full-time or part-time basis in any public or private educational institution in this State, including any secondary school, trade or professional institution, institution of higher education or other post-secondary school, or

(b) employed or carries on a vocation in this State, on either a full-time or a part-time basis, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year.

(3) A person who fails to register in accordance with the provisions of this act shall be guilty of a crime of the third degree.

b. The person shall register in a form and manner prescribed by the superintendent as follows:

(1) A person who is required to register and who is under supervision in the community on probation, parole, furlough, work release, or a similar program, shall register at the time the person is placed under supervision in accordance with procedures established by the Commissioner of Corrections, the Commissioner of Human Services, the Executive Director of the Juvenile Justice Commission, or the Administrative Director of the Administrative Office of the Courts, as appropriate;

(2) A person confined in a correctional or juvenile facility or involuntarily committed shall register prior to release in accordance with procedures established by the Commissioner of Corrections, the Commissioner of Human Services or the Executive Director of the Juvenile Justice Commission, as appropriate, and, within 48 hours of release, shall also register with the chief law enforcement officer of the municipality in which the person resides or, if the municipality does not have a police force, the Superintendent of State Police;

(3) A person moving to or returning to this State from another jurisdiction shall register with the chief law enforcement officer of the municipality in which the person will reside or, if the municipality does not have a police force, the superintendent within three days of first residing in or returning to a municipality in this State;

(4) A person required to register on the basis of a conviction prior to the effective date who is not confined or under supervision on the effective date of this act shall register with the chief law enforcement officer of the municipality in which the person will reside or, if the municipality does not have a police force, the superintendent;

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

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

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

(8) In the case of any initial registration, the person shall register in the municipality where the person was convicted, adjudicated delinquent, or found not guilty by reason of insanity if that municipality is different from the municipality where the person has registered to reside; and

(9) A person registered pursuant to the provisions of this section shall notify the chief law enforcement officer or the superintendent, as appropriate, not less than 21 days before undertaking any travel to a country or jurisdiction outside of the United States. The chief law enforcement officer or superintendent shall forward this information to the appropriate federal agency pursuant to guidelines of the Attorney General.

c. (1) Upon a change of address, a person shall register with the appropriate law enforcement agency not more than three business days after he begins to reside at the new address. Upon a change of employment or school enrollment status, a person shall notify the appropriate law enforcement agency not more than three business days after any such change. A person who fails to notify the appropriate law enforcement agency of a change of address or status in accordance with this subsection is guilty of a crime of the fourth degree.

(2) A person required to register under this act shall provide the appropriate law enforcement agency with information as to whether the person has routine access to or use of a computer or any other device with Internet capability. A person who fails to notify the appropriate law enforcement agency of such information or of a change in the person's access to or use of a computer or other device with Internet capability or who provides false information concerning the person's access to or use of a computer or any other device with Internet capability is guilty of a crime of the fourth degree.

d. A person who is designated as a Tier III sex offender shall verify his address with the appropriate law enforcement agency every 90 days. A person registered as a Tier II sex offender shall verify his address with the appropriate law enforcement agency every 180 days, and a person registered as a Tier I sex offender shall verify his address annually with the appropriate law enforcement agency. Verification shall be in-person and in a form and manner prescribed by the Attorney General. Any person who knowingly provides false information concerning his place of residence or who fails to verify his address with the appropriate law enforcement agency or other entity, as prescribed by the Attorney General in accordance with this subsection, is guilty of a crime of the fourth degree.

e. (1) A Tier I sex offender shall be required to register for 15 years after initial registration by the offender. Provided the offender has not been convicted of another sex offense within 10 years of the initial registration, the court shall terminate the offender’s obligation to register.

(2) A Tier II sex offender shall be required to register for 25 years after initial registration by the offender.

(3) A Tier III sex offender shall be required to register for the duration of the offender’s life; provided, however, if the offender was a juvenile at the time the offense was committed, and the offender has not committed another crime or offense within 25 years of the initial registration, the court shall terminate the offender’s obligation to register.

6. (New section) a. A court imposing a sentence, disposition or order of commitment following acquittal by reason of insanity shall notify the offender of the obligation to register pursuant tosection 5 P.L. , c. (C. ) (pending before the Legislature as this bill). The court also shall inform the offender that if he is convicted of or found not guilty by reason of insanity for a subsequent sex offense the Attorney General shall designate the offender as being a high risk to reoffend.

b. The Commissioner of Corrections, the Administrative Director of the Administrative Office of the Courts, the Executive Director of the Juvenile Justice Commission and the Commissioner of Human Services shall establish procedures for:

(1) notifying persons under their supervision of the obligation to register pursuant to this act; and

(2) registration by persons with the appropriate law enforcement agency who are under supervision in the community on probation, parole, furlough, work release or similar program outside the facility, and registration with the appropriate law enforcement agency of persons who are released from the facility in which they are confined without supervision.

c. The Chief Administrator of the Motor Vehicle Commission shall provide notification of the registration requirement to applicants for a permit or license to operate a motor vehicle and applicants for an identification card issued pursuant to section 2 of P.L.1980, c.47 (C.39:3-29.3).

d. The commission shall conduct a public information and education program to assist members of the public in understanding the provisions of this act.

7. (New section) a. The superintendent, in consultation with the Attorney General, shall prescribe the form and manner of registration required pursuant to the provisions of this act. The individual registration record shall include:

(1) a statement in writing signed by the person required to register acknowledging that the person has been advised of the obligation to register and verify his registration imposed by this act; (2) the person's name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; address of legal residence; address of any current temporary residence; date and place of employment; and any anticipated or current school enrollment, including but not limited to enrollment at or employment by any institution of higher education;

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

(4) any other information that the Attorney General deems necessary, including criminal and corrections records, nonprivileged personnel, treatment, and abuse registry records, and evidentiary genetic markers when available.

b. Within three days of receipt of an individual registration record, the registering agency shall forward the information required under subsection a. of this section to the superintendent. The superintendent shall promptly transmit the conviction data and fingerprints to the Federal Bureau of Investigation.

c. The superintendent shall maintain a statewide registry of all individual registration records provided pursuant to the provisions of this act.

8. (New section) Individual registration records maintained pursuant to this act shall be open to any law enforcement agency in this State, the United States or any other state and may be released to the Division of Youth and Family Services in the Department of Children and Families or any other agency responsible for conducting employment related background checks under the National Child Protection Act of 1993 (42 U.S.C. 5119a) for use in carrying out their statutory responsibilities. Law enforcement agencies in this State shall be authorized to release relevant and necessary information regarding sex offenders to the public when the release of the information is necessary for public protection.

9. (New section) a. The commission shall assess the risk of re-offense by an offender within 30 days after that offender has registered pursuant to the provisions of section 5 of P.L. , c. (C. ) (pending before the Legislature as this bill). The offender shall be determined to be at low, moderate, or high risk to re-offend. Within 45 days after the offender has registered, the risk assessment shall be reviewed in a hearing before a judge of the Superior Court. Notice shall be served upon the offender at least 10 days prior to the hearing. If an offender is convicted of, adjudicated delinquent for, or pleads not guilty by reason of insanity to any sex offense after the tier determination pursuant to this subsection, that offender shall be designated as at high risk to reoffend. If an offender is convicted of another sex offense after the initial tier determination, the offender shall be designated as at high risk to reoffend.

b. After review of the risk assessment, notification of the location of the offender shall be provided to the appropriate law enforcement agencies and members of the public likely to encounter the offender. Notification also shall be made to the victim of the offender, regardless of the offender’s risk to reoffend. The chief law enforcement officer of the municipality or the superintendent, as appropriate, shall effectuate notification of the location of offenders under the direction of the commission.

c. If the offender’s risk of re-offense is determined to be moderate or high pursuant to this section, the commission shall notify members of the public likely to encounter the offender. For the initial contact with and notification to a member of the public, the chief law enforcement officer or the superintendent, as appropriate, shall effectuate the notification of the location of offenders by hand delivery. At the time of the initial contact and notification, the chief law enforcement officer or superintendent, as appropriate, shall inform members of the public that they may request to receive future notifications of offender location by telephone, electronic mail, or first class mail.

d. The Attorney General shall promulgate guidelines for the dissemination of the registration records of offenders who are at moderate or high risk to reoffend to agencies and organizations that are responsible for the care of children and women including, but not limited to, schools, day care centers, religious and youth organizations, and domestic violence shelters.

10. (New section) a. After the determination of an offender’s tier pursuant to section 9 of P.L. , c. (C. ) (pending before the Legislature as this bill), an offender may petition to have the court reconsider and modify the tier designation if more than two years have elapsed since the initial determination. The offender shall have the burden of demonstrating that the tier designation should be modified.

b. The Attorney General or a county prosecutor may petition the court to reconsider an offender’s tier designation if the offender has been charged with or indicted for a sex offense or upon the receipt of any information indicating that the offender may be at increased risk to reoffend.

11. (New section) a. Pursuant to the provisions of this section, the superintendent shall develop and maintain a system for making certain information in the central registry publicly available by means of electronic Internet technology.

b. Except as provided in subsection c. of this section, the public may, without limitation, obtain access to the Internet registry to view an individual registration record, any part of, or the entire Internet registry concerning all offenders.

c. The individual registration record of an offender shall not be made available to the public on the Internet registry if:

(1) the offense committed by the offender is an adjudication of delinquency for any sex offense; or

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

d. The information concerning a registered offender to be made publicly available on the Internet shall include: the offender's name and any aliases the offender has used or under which the offender may be or may have been known; any sex offense for which the offender was convicted, adjudicated delinquent or acquitted by reason of insanity, as the case may be; the date and location of disposition; a brief description of any such offense, including the victim's gender and indication of whether the victim was less than 18 years old or less than 13 years old; a general description of the offender's modus operandi, if any; the determination of whether the risk of re-offense by the offender is low, moderate or high; the offender's age, race, sex, date of birth, height, weight, hair, eye color and any distinguishing scars or tattoos; a photograph of the offender and the date on which the photograph was entered into the registry; the make, model, color, year and license plate number of any vehicle operated by the offender; and the street address, zip code, municipality and county in which the offender resides.

e. (1) The commission shall provide a means for automatic notification to persons registered pursuant to paragraph (2) of this subsection by electronic mail when an offender’s individual registration record is initially posted on the Internet pursuant to this section, when the offender registers a new address in a different county or zip code from the offender’s previous address or when any other information on the registry concerning that offender is updated or revised.

(2) A person may request to be notified and register an electronic mail address to receive notification pursuant to paragraph (1) of this section for not more than three counties or zip codes.

f. Whenever an offender registers or revises registration information, the State Police shall forward that registration or revised information to the National Sex Offender Registry. The State Police shall publish any revised information on the Internet registry within three days of receiving such information.

12. (New section) The Attorney General shall:

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

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

c. Strive to ensure the information contained in the Internet registry is accurate, that the data therein is revised and updated as appropriate in a timely and efficient manner, notify the appropriate federal authorities in the case of offenders who have absconded, and revise the registry to reflect offenders who have not complied with registration and verification; and

d. Provide in the Internet registry information designed to inform and educate the public about sex offenders and the operation this act, as well as pertinent and appropriate information concerning crime prevention and personal safety, with appropriate links to relevant web sites.

13. (New section) a. Any information disclosed pursuant to this act may be used in any manner by any person or by any public, governmental or private entity, organization or official, or any agent thereof, for any lawful purpose consistent with the enhancement of public safety.

b. Any person who uses information disclosed pursuant to this act to commit a crime shall be guilty of a crime of the third degree. Any person who uses information disclosed pursuant to this act to commit a disorderly persons or petty disorderly persons offense shall be guilty of a disorderly persons offense and shall be fined not less than $500 or more than $1,000, in addition to any other penalty or fine imposed.

c. Except as authorized under any other provision of law, use of any of the information disclosed pursuant to this act for the purpose of applying for, obtaining, or denying any of the following, is prohibited:

(1) health insurance;

(2) insurance;

(3) loans;

(4) credit;

(5) education, scholarships, or fellowships;

(6) benefits, privileges, or services provided by any business establishment, unless for a purpose consistent with the enhancement of public safety; or

(7) housing or accommodations.

d. Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the information disclosed pursuant to this act, the Attorney General, or any county or municipal prosecutor having jurisdiction, or any person aggrieved by the misuse of that information is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for the pattern or practice of misuse. The foregoing remedies shall be independent of and in addition to any other remedies or procedures that may be available under other provisions of law.

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

14. Section 2 of P.L.2007, c.327 (C.2A:168A-8) is amended to read as follows:

2. A certificate may be issued pursuant to this act as follows:

a. (1) A court, in its discretion, may issue a certificate at the time of sentencing if the applicant:

(a) is a qualified offender, who is being sentenced to a non-incarcerative sentence for a second, third or fourth degree crime;

(b) has established that a specific licensing or employment disqualification, forfeiture or bar, will apply to him, and may endanger his ability to maintain existing public employment or employment for which he has made application, or to engage in a business enterprise for which a license or certification is required;

(c) has no pending criminal charges, and there is no information presented that such a charge is imminent; and

(d) has established that the relief is consistent with the public interest.

(2) A certificate issued under this subsection shall apply only to the specific disability, forfeiture or bar that is affected, which must be specifically described in the certificate document.

b. (1) A supervising authority may issue a certificate in regard to a qualified offender who is, or had previously been, under supervision by the supervising authority if the supervising authority determines that:

(a) the applicant is convicted of a second, third or fourth degree offense and is eligible for relief under subsection c. of this section;

(b) the applicant has not been convicted of a crime since the conviction for which he is under supervision, has no pending criminal charge, and there is no information presented that such a charge is imminent;

(c) issuing the certificate will not pose a substantial risk to public safety; and

(d) issuing the certificate will assist in the successful reintegration of the offender and is consistent with the public interest.

(2) A certificate issued pursuant to this subsection may suspend disabilities, forfeitures and bars generally within the limits of this act, or only certain disabilities, forfeitures and bars, specifically named in the certificate document.

c. A qualified offender is eligible for relief under subsection b. of this section if the offender has not been convicted of:

(1) a first degree crime;

(2) an offense to which section 2 of P.L.1997, c.117 (C.2C:43-7.2) applies;

(3) a second degree offense defined in chapters 13, 14, 15, 16, 24, 27, 30, 33, 38 of Title 2C of the New Jersey Statutes;

(4) a violation of subsection a. of N.J.S.2C:24-4 or paragraph (4) of subsection b. of N.J.S.2C:24-4;

(5) a crime requiring registration pursuant to **[**section 2 of P.L.1994, c.133 (C.2C:7-2)**]** P.L. , c. (C. ) (pending before the Legislature as this bill);

(6) a crime committed against a public entity or against a public officer;

(7) a crime enumerated in subsection b. of section 2 of P.L.2007, c.49 (C.43:1-3.1) committed by a public employee, which involves or touches upon the employee's office, position or employment, such that the crime was related directly to the person's performance in, or circumstances flowing from, the specific public office or employment held by the person;

(8) any crime committed against a person 16 years of age or younger, or a disabled or handicapped person; or

(9) a conspiracy or attempt to commit any of the crimes described in this subsection.

d. (1) A supervising authority may issue a certificate in regard to a qualified offender, when three years have passed since the applicant has completed the incarcerative or supervisory portion of his sentence, whichever is later, and the supervising authority finds that:

(a) the applicant is eligible for such relief as defined in subsection e. of this section;

(b) issuing the certificate does not pose a substantial risk to public safety; and

(c) issuing the certificate will assist in the successful reintegration of the offender and is consistent with the public interest.

(2) The certificate issued pursuant to this subsection may suspend disabilities, forfeitures and bars generally within the limits of this act, or only certain disabilities, forfeitures and bars specifically named in the certificate document.

e. A qualified offender is eligible for relief under subsection d. of this section if he has remained without criminal involvement since his conviction, including that he has not subsequently been convicted of a crime, has no pending charges for any crime, and there is no information presented that such a charge is imminent; and is applying for relief from a conviction other than:

(1) a first degree crime;

(2) any of the offenses to which section 2 of P.L.1997, c.117 (C.2C:43-7.2) applies;

(3) a violation of subsection a. of N.J.S.2C:24-4 or paragraph (4) of subsection b. of N.J.S.2C:24-4;

(4) a crime requiring registration pursuant to **[**section 2 of P.L.1994, c.133 (C.2C:7-2)**]** P.L. , c. (C. ) (pending before the Legislature as this bill);

(5) a crime enumerated in subsection b. of section 2 of P.L.2007, c.49 (C.43:1-3.1) committed by a public employee, which involves or touches upon the employee's office, position or employment, such that the crime was related directly to the person's performance in, or circumstances flowing from, the specific public office or employment held by the person;

(6) a crime committed against a person 16 years of age or younger, or a disabled or handicapped person; or

(7) a conspiracy or attempt to commit any offense described in this paragraph.

(cf: P.L.2007, c.327, s.2)

15. Section 2 of P.L.2007, c.19 (C.2C:7-2.1) is amended to read as follows:

2. a. No person confined in a correctional or juvenile facility or involuntarily committed who is required to register under the provisions of **[**P.L.1994, c.133 (C.2C:7-1 et seq.)**]** P.L. , c.    (C.        ) (pending before the Legislature as this bill) shall be released from that confinement prior to expiration of sentence or termination from supervision or of custody, as the case may be, until the address set forth on his form of registration as his proposed place of residence has been verified as valid in accordance with procedures established by the Attorney General, which shall include provisions governing written notification of appropriate State and local officials. The address verification shall take place prior to the scheduled date of release and shall be provided to the department to which the individual is confined or committed or the commission, as appropriate. Nothing in this section shall be construed to require a person to be held in confinement or involuntary commitment beyond the date of expiration of that person's sentence, termination from supervision, or judicially ordered termination of custody, as the case may be.

b. No person under supervision in the community on probation, parole, furlough, work release or any similar program who is required to register under the provisions of **[**P.L.1994, c.133 (C.2C:7-1 et seq.)**]** P.L. , c. (C. ) (pending before the legislature as this bill) shall be released from that supervision until the address set forth on his form of registration as his proposed place of residence has been verified as valid. The address verification shall take place prior to the scheduled date of release.

(cf: P.L.2007, c.19, s.2)

16. Section 1 of P.L.2009, c.139 (C.2C:7-22) is amended to read as follows:

1. As used in this act:

"Excluded sex offender" means a person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for the commission of a sex offense, as defined in **[**subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2)**]** section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill), which involves a victim under 18 years of age.

"Youth serving organization" means a sports team, league, athletic association or any other corporation, association or organization, excluding public and nonpublic schools, which provides recreational, educational, cultural, social, charitable or other activities or services to persons under 18 years of age.

(cf: P.L.2009, c.139, s.1)

17. Section 1 of P.L.2005, c.73 (C.2C:14-10) is amended to read as follows:

1. a. In addition to any fine, fee, assessment or penalty authorized under the provisions of Title 2C of the New Jersey Statutes, a person convicted of a sex offense, as defined in section 2 of **[**P.L.1994, c.133 (C.2C:7-2)**]** P.L. , c. (C. ) (pending before the Legislature as this bill), shall be assessed a penalty for each such offense not to exceed:

(1) $2,000, when the conviction is a crime of the first degree;

(2) $1,000, when the conviction is a crime of the second degree;

(3) $750, when the conviction is a crime of the third degree; and

(4) $500, when the conviction is a crime of the fourth degree.

b. All penalties provided for in this section shall be collected as provided for collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the Department of the Treasury as provided in subsection c. of this section.

c. All moneys collected pursuant to this section shall be forwarded to the Department of the Treasury to be deposited in the "Sex Crime Victim Treatment Fund" established in the State Treasury by section 2 of P.L.2005, c.73 (C.52:4B-43.2).

(cf: P.L. 2005, c. 73, s.1)

18. Section 1 of P.L.2007, c.133 (C.2C:14-11) is amended to read as follows:

1. As used in this act:

"Sex offense" means a sex offense as defined in **[**subsection b. of**]** section 2 of **[**P.L.1994, c.133 (C.2C:7-2)**]** P.L. , c. (C. ) (pending before the Legislature as this bill).

"Victim" means a "victim" as defined in N.J.S.2C:14-1.

(cf: P.L.2007, c.133, s.1)

19. Section 11 of P.L.2001, c.81 (C.2C:43-3.6) is amended to read as follows:

11. a. In addition to any fine, fee, assessment or penalty authorized under the provisions of Title 2C of the New Jersey Statutes, a person convicted of a sex offense, as defined in section 2 of **[**P.L.1994, c. 133 (C.2C:7-2)**]** P.L. , c. (C. ) (pending before the Legislature as this bill), shall be assessed a penalty of $800 for each such offense.

b. All penalties provided for in this section, collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department of the Treasury to be deposited in the "Statewide Sexual Assault Nurse Examiner Program Fund" established pursuant to section 12 of P.L.2001, c.81 (C.52:4B-59).

(cf: P.L.2001, c.81, s.11)

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

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

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

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

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

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

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

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

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

(cf: P.L.2007, c.219, s.1)

21. N.J.S.2C:45-1 is amended to read as follow:

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

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

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

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

(2) To find and continue in gainful employment;

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

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

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

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

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

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

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

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

(11) To pay a fine;

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

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

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

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

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

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

(2) In addition to any conditions imposed pursuant to subsection b. or c., the court may order a person who has been convicted or adjudicated delinquent of a sex offense as defined in **[**subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2)**]** section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill), and who is required to register as provided in **[**subsections c. and d. of section 2 of P.L.1994, c.133 (C.2C:7-2)**]** P.L. , c. (C. ) (pending before the Legislature as this bill), or who has been convicted or adjudicated delinquent for a violation of N.J.S.2C:34-3 to be subject to any of the following Internet access conditions: (a) Prohibit the person from accessing or using a computer or any other device with Internet capability without the prior written approval of the court, except the person may use a computer or any other device with Internet capability in connection with that person's employment or search for employment with the prior approval of the person's probation officer;

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

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

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

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

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

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

g. Of the moneys collected under the provisions of subsection d. of this section, $15.00 of each monthly fee collected before January 1, 1995 shall be deposited in the temporary reserve fund created by section 25 of P.L.1993, c.275, and $10.00 of each shall be deposited into a "Community Service Supervision Fund" which shall be established by each county. The moneys in the "Community Service Supervision Fund" shall be expended only in accordance with the provisions of State law as shall be enacted to provide for expenditures from this fund for the purpose of supervising and monitoring probationers performing community service to ensure, by whatever means necessary and appropriate, that probationers are performing the community service ordered by the court and that the performance is in the manner and under the terms ordered by the court.

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

22. Section 15 of P.L.1979, c.441 (C.30:4-123.59) is amended to read as follows:

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

b. (1) Each parolee shall agree, as evidenced by his signature to abide by specific conditions of parole established by the appropriate board panel which shall be enumerated in writing in a certificate of parole and shall be given to the parolee upon release. Such conditions shall include, among other things, a requirement that the parolee conduct himself in society in compliance with all laws and refrain from committing any crime, a requirement that the parolee will not own or possess any firearm as defined in subsection f. of N.J.S.2C:39-1 or any other weapon enumerated in subsection r. of N.J.S.2C:39-1, a requirement that the parolee refrain from the use, possession or distribution of a controlled dangerous substance, controlled substance analog or imitation controlled dangerous substance as defined in N.J.S.2C:35-2 and N.J.S.2C:35-11, a requirement that the parolee obtain permission from his parole officer for any change in his residence, and a requirement that the parolee report at reasonable intervals to an assigned parole officer. In addition, based on prior history of the parolee or information provided by a victim or a member of the family of a murder victim, the member or board panel certifying parole release pursuant to section 11 of P.L.1979, c.441 (C.30:4-123.55) may impose any other specific conditions of parole deemed reasonable in order to reduce the likelihood of recurrence of criminal or delinquent behavior, including a requirement that the parolee comply with the Internet access conditions set forth in paragraph (2) of this subsection. Such special conditions may include, among other things, a requirement that the parolee make full or partial restitution, the amount of which restitution shall be set by the sentencing court upon request of the board. In addition, the member or board panel certifying parole release may, giving due regard to a victim's request, impose a special condition that the parolee have no contact with the victim, which special condition may include, but need not be limited to, restraining the parolee from entering the victim's residence, place of employment, business or school, and from harassing or stalking the victim or victim's relatives in any way. Further, the member, board panel or board certifying parole release may impose a special condition that the person shall not own or possess an animal for an unlawful purpose or to interfere in the performance of duties by a parole officer.

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

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

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

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

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

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

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

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

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

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

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

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

23. Section 3 of P.L.2007, c.272 (C.56:8-170) is amended to read as follows:

3. As used in this act:

a. "Criminal background screening" means a name search for a person's criminal convictions initiated by an on-line dating service provider and conducted by one of the following means:

(1) By searching available and regularly updated government public record databases for criminal convictions so long as such databases, in the aggregate, provide substantial national coverage; or

(2) By searching a database maintained by a private vendor that is regularly updated and is maintained in the United States with substantial national coverage of criminal history records and sexual offender registries.

b. "Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

c. "Division" means the Division of Consumer Affairs in the Department of Law and Public Safety.

d. "Internet dating service" means a person or entity directly or indirectly in the business, for profit, of offering, promoting or providing access to dating, relationship, compatibility, matrimonial or social referral services principally on or through the Internet.

e. "Internet service provider" means any person, business or organization qualified to do business in this State that provides individuals, corporations, or other entities with the ability to connect to the Internet through equipment that is located in this State.

f. "Member" means a customer, client or participant who submits to an Internet dating service information required to access the service for the purpose of engaging in dating, relationship, compatibility, matrimonial or social referral.

g. "New Jersey member" means a member who provides a New Jersey billing address or zip code when registering with the service.

h. "Criminal conviction" means a conviction for any crime including but not limited to any sex offense that would qualify the offender for registration pursuant to **[**section 2 of P.L.1994, c.133 (C.2C:7-2)**]** P.L. , c. (C. ) (pending before the Legislature as this bill) or under another jurisdiction's equivalent statute.

(cf: P.L.2007, c.272, s.3)

24. The following are hereby repealed:

Sections 1 through 5 of P.L.1994, c.133 (C.2C:7-1 through 2C:7-5);

Sections 1 through 6 of P.L.1994, c.128 (C.2C:7-6 through 2C:7-11);

Sections 1 through 19 of P.L.2001, c.167 (C.2C:7-12 through 2C:7-19).

25. This act shall take effect on the first day of the fourth month after enactment.

STATEMENT

This bill amends New Jersey’s Megan’s Law in response to requirements of the federal Adam Walsh Child Protection and Safety Act of 2006 (hereinafter the Adam Walsh Act). The Sex Offender Registration and Notification Act (SORNA), enacted as part of the Adam Walsh Act, created standards for state sex offender registration and community notification.

This bill also creates a Sex Offender Management Commission in, but not of, the Department of Law and Public Safety. The commission would be overseen by an 11-member executive board. The executive director would be appointed by the Governor with the advice and consent of the Senate and serve at the pleasure of the Governor during the Governor's term of office.

The executive board is to consist of the following eight ex-officio members or their designees: the Attorney General, the Chief Justice of the Supreme Court, the Chairman of the State Parole Board, the Commissioner of Corrections, the Commissioner of Children and Families, the Executive Director of the Juvenile Justice Commission, the Superintendent of State Police, and the President of the New Jersey Prosecutors Association.

Three public members also would serve on the executive board, and would be appointed by the Governor with the advice and consent of the Senate. The public members would include: a law enforcement officer; a licensed mental health professional with expertise in the treatment of sex offenders; and a member with training and experience in the area of sexual abuse and treating victims of sexual abuse.

The commission’s powers, duties and responsibilities include:

* establishing minimum standards for the identification, evaluation, classification, treatment and continued monitoring of sex offenders;
* determining the risk of re-offense posed by sex offenders;
* administering and coordinating, with counties and municipalities, community notification concerning sex offenders;
* providing for the development of services and programs concerning sex offenders and promoting the integration of State, county and municipal services and programs concerning sex offenders;
* providing for the timely and efficient collection and analysis of data regarding sex offenders to ensure the continuing review and evaluation of services, policies and procedures.

Under this bill, a sex offender’s tier would be determined by the offense for which that offender was convicted in order to comply with the federal SORNA. Pursuant to SORNA, sex offenders would be assigned a tier designation.

The bill also requires sex offenders to verify their addresses with the appropriate law enforcement agency based upon the sex offender’s tier. An offender who is designated as a Tier III offender is to verify his address with the appropriate law enforcement agency every 90 days. A Tier II offender is to verify his address with the every 180 days, and a person registered as a Tier I offender is to verify his address annually. The bill also revises the duration of the registration requirement depending upon the sex offender’s tier.

Currently, under Megan’s Law, the county prosecutor conducts a risk assessment for a convicted sex offender to determine the offender’s risk of committing future offenses. Under the provisions of this bill, the commission would conduct a risk assessment to determine whether the offender is at low, moderate or high risk to reoffend. A judge of the Superior Court would hold a hearing to review the risk assessment, and the offender would be provided with notice of the hearing and an opportunity to be heard.

After the risk assessment, law enforcement would conduct community notification under the direction of the commission. The bill expands the current Megan’s Law door-to-door community notification program to include moderate risk offenders. Under current law, door-to-door notification is provided only for high risk offenders. The bill requires the initial notification to be in-person. A member of the public may thereafter agree to receive notification by telephone, electronic mail, or first class mail. The Attorney General is required to promulgate guidelines for the dissemination of the registration records of moderate and high risk offenders to agencies and organizations that are responsible for the care of children and women including, but not limited to, schools, day care centers, religious and youth organizations, and domestic violence shelters. Information concerning moderate and high risk offenders is provided to these groups under current law.

The bill also continues the use of a sex offender Internet registry to comply with notification requirements of SORNA. The public would have access to the registration record of all offenders except for juveniles and certain consensual sex offenses. The bill specifies the information that must be made available.

The commission is required to provide for notification by email to members of the public who register to receive certain information, such as when a sex offender changes his address or when other information concerning that offender is updated on the registry.

The bill also makes technical amendments to certain sections of the statutes that refer to the current sex offender registration and community notification statutes.

The federal government has advised the states that failure to implement the SORNA requirements of the Adam Walsh Act will eventually result in the annual loss of ten percent of their Byrne Justice Assistance Grant program (Byrne JAG) formula grant.