

ASSEMBLY, No. 373

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen HOLZAPFEL and MALONE

1 AN ACT concerning certain sex offenders and amending
2 N.J.S.2C:47-3.

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

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7 1. N.J.S.2C:47-3 is amended to read as follows:
8 2C:47-3. Disposition.

9 a. If the report of the examination reveals that the offender's
10 conduct was characterized by a pattern of repetitive, compulsive
11 behavior, the court shall determine whether the offender's conduct was
12 so characterized and shall record its findings on the judgment of
13 conviction.

14 b. If the court finds that the offender's conduct was characterized
15 by a pattern of repetitive, compulsive behavior, the court **[may, upon**
16 **the recommendation of the Adult Diagnostic and Treatment**
17 **Center,]**shall sentence the offender to be incarcerated at a correctional
18 facility other than the Adult Diagnostic and Treatment Center, until
19 such time as the Special Classification Review Board and the
20 Commissioner of Corrections find the offender to be amenable to
21 treatment, at which time the offender shall be sentenced to the Center
22 for a program of specialized treatment for his mental condition [or] ;
23 provided however, the court may place the offender on probation with
24 the requirement, as a condition of probation, that he receive outpatient
25 psychological or psychiatric treatment as prescribed.

26 c. A sentence of incarceration or probation imposed pursuant to
27 subsection b. of this section shall be set in accordance with chapters
28 43, 44 and 45 of this code.

29 d. The court shall impose sentence in accordance with chapters 43,
30 44 and 45 of this Title and not as provided in subsection b. of this
31 section:

32 (1) If it shall appear from the report of such examination made of

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 such person that the offender's conduct was not characterized by a
2 pattern of repetitive, compulsive behavior; or

3 (2) If the report of the examination does not recommend that the
4 offender be sentenced to the Adult Diagnostic and Treatment Center
5 for treatment or placed on probation conditioned upon receipt of
6 treatment.

7 e. The court may, in its discretion, sentence an offender who is
8 eligible for sentence pursuant to subsection b. of this section in
9 accordance with chapters 43, 44 and 45 of this Title.

10 (cf: P.L.1994, c.134, s.2)

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12 2. This act shall take effect immediately.

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STATEMENT

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17 Under current law, most sex offenders who are convicted of
18 aggravated sexual assault, sexual assault or aggravated criminal sexual
19 contact, or an attempt to commit any of these crimes, and who are
20 found to be "compulsive and repetitive," are sentenced to a term of
21 imprisonment at the Adult Diagnostic and Treatment Center (ADTC).
22 Under the provisions of this bill, these sex offenders would be
23 incarcerated at another correctional facility until the Special
24 Classification Review Board and the Commissioner of Corrections find
25 the offender to be amenable to treatment, at which time the offender
26 would be transferred to the ADTC.

27 This bill implements a recommendation of the Joint Task Force to
28 Study the ADTC, which was established by the Legislature with the
29 enactment of the package of bills known as "Megan's Law." During
30 its study, the task force heard testimony that long term treatment for
31 sex offenders is not effective. The task force also concluded that an
32 offender who does not desire or would not benefit from treatment
33 should not be incarcerated at the ADTC. In addition, there was a
34 consensus that many current ADTC inmates do not have a sense that
35 they are being punished and that the inmates are not paying the debt
36 they owe to society.

37 The task force recommended that sex offenders be required to serve
38 "hard time" in general population prison in order to pay their debt to
39 society. Sex offenders should spend only the last few years of their
40 incarceration in the ADTC for the specific purpose of receiving
41 treatment.

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45 Requires certain sex offenders to serve part of sentence in general
46 population prison.