

ASSEMBLY, No. 773

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman BUONO

1 AN ACT concerning certain sex offenders and amending P.L.1994,  
2 c.130.

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

9 2. a. Notwithstanding any provision of law to the contrary, [a  
10 court imposing sentence on] a person who [has been] is convicted of  
11 aggravated sexual assault, sexual assault, aggravated criminal sexual  
12 contact, kidnapping pursuant to paragraph (2) of subsection c. of  
13 N.J.S.2C:13-1, endangering the welfare of a child by engaging in  
14 sexual conduct which would impair or debauch the morals of the child  
15 pursuant to subsection a. of N.J.S.2C:24-4, luring or an attempt to  
16 commit any such offense, or who, on the effective date of P.L. , c.  
17 (now pending before the Legislature as this bill), is serving a term of  
18 incarceration for a conviction of one of those offenses, shall [include,  
19 in addition to any sentence authorized by this Code, a special  
20 sentence], upon the completion of the term of imprisonment imposed  
21 by the court, be subject to a program of community supervision for life  
22 as hereinafter provided.

23 b. The special [sentence] program of community supervision  
24 required by this section shall commence upon completion of the  
25 sentence imposed pursuant to other applicable provisions of the Code  
26 of Criminal Justice. Persons [serving a] subject to this special  
27 [sentence] program of community supervision shall be supervised as  
28 if on parole and subject to conditions appropriate to protect the public  
29 and foster rehabilitation. Those special conditions shall include, but  
30 not be limited to, monthly psychological evaluations designed to assess  
31 the risk of re-offense and the need for additional or specialized  
32 outpatient counseling, therapy or treatment.

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 c. A person [sentenced] subject to [a term] the special program of  
2 community supervision for life authorized under this section may  
3 petition the Superior Court for release from that community  
4 supervision. The court shall grant a petition for release from [a] this  
5 special [sentence] program of community supervision only upon proof  
6 that the person has not committed a crime for 15 years since the last  
7 conviction or release from incarceration, whichever is later, and that  
8 the person is not likely to pose a threat to the safety of others if  
9 released from supervision.

10 d. A person who violates a condition of [a] the special [sentence]  
11 program of community supervision authorized under this section  
12 without good cause is guilty of a crime of the fourth degree.

13 e. (1) A person [serving a] participating in the special [sentence]  
14 program of community supervision [imposed] authorized pursuant this  
15 section who commits a violation of 2C:11-3, 2C:11-4, section b. of  
16 2C:12-1, 2C:13-1, 2C:13-6, 2C:14-2, 2C:14-3, 2C:24-4, a crime of  
17 the second degree under 2C:18-2 or subsection a. of 2C:39-4, shall be  
18 sentenced to an extended term of imprisonment.

19 (2) The court shall not impose a sentence of imprisonment  
20 pursuant to this subsection unless the ground therefor has been  
21 established at a hearing after the conviction of the defendant and on  
22 written notice to the defendant of the ground proposed. The  
23 defendant shall have the right to hear and controvert the evidence  
24 against him and to offer evidence upon the issue.

25 (cf: P.L.1994, c.130, s.2.)

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27 2. This act shall take effect immediately.

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30 STATEMENT

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32 This bill establishes mandatory, monthly psychological evaluations  
33 for all sex offenders who are released into the community supervision  
34 for life program. The bill also amends current law to clarify that the  
35 lifetime community supervision program applies to all persons  
36 presently incarcerated for specified sex offenses, not just those  
37 sentenced after the effective date of P.L.1994, c.130.

38 Under the provisions of the bill, all persons who are convicted of  
39 aggravated sexual assault, sexual assault, aggravated criminal sexual  
40 contact, kidnapping which involves a child and sexual misconduct,  
41 endangering the welfare of a child by engaging in sexual conduct  
42 which would impair or debauch the morals of the child, or any attempt  
43 to commit any such offense would be required to participate in a  
44 special program of community supervision when they complete their  
45 term of incarceration. As part of the program, all the participating  
46 offenders are required to undergo monthly psychological evaluation.

1 These evaluations are to be designed to determine whether there is a  
2 risk of re-offense on the part of the released offender or whether  
3 additional or specialized outpatient counseling, therapy or treatment  
4 is warranted.

5 In its current form, lifetime community supervision may be required  
6 only of offenders sentenced after the effective date of P.L.1994, c.130.

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11 Requires monthly psychological evaluations for sex offenders under  
12 lifetime community supervision.