

ASSEMBLY, No. 1066

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman WISNIEWSKI

1 AN ACT to protect children from sexual offenders and supplementing
2 chapter 7 of Title 2C of the New Jersey Statutes.

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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. As used in this act:

8 "Childcare center" means any facility which is maintained for the
9 care, development or supervision of children who attend the facility for
10 less than 24 hours a day. The term shall include, but not be limited to,
11 drop-in centers, nighttime centers, day nurseries, nursery and play
12 schools, cooperative child centers, centers for children with special
13 needs, centers serving sick children, infant-toddler programs, school
14 age child care programs, employer supported centers, and
15 kindergartens that are not an integral part of a public or private
16 educational system or institution.

17 "Playground" means a piece of property set apart for outdoor
18 games and recreation. The property, which may be owned, operated
19 or otherwise under the control of a public or private entity, may or
20 may not be equipped with devices for such games and recreation.

21 "Sexual offense" means aggravated sexual assault; sexual assault;
22 aggravated criminal sexual contact; kidnapping pursuant to paragraph
23 (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a
24 child by engaging in sexual conduct which would impair or debauch
25 the morals of the child pursuant to paragraph (4) of subsection b. of
26 N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993,
27 c.291 (C.2C:13-6); criminal sexual contact pursuant to
28 N.J.S.2C:14-3b. if the victim is a minor; kidnapping pursuant to
29 N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false
30 imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and
31 the offender is not the parent of the victim; any similar offense under
32 the laws of any other jurisdiction, or any attempt to commit any of
33 these enumerated offenses.

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35 2. a. It shall be a crime of the third degree for any person who has

1 been convicted, adjudicated delinquent or found not guilty by reason
2 of insanity of a sexual offense and required to register under the
3 provisions of P.L.1994, c.133 (C.2C:7-1 et seq.) to enter upon or
4 come within 1,000 feet of any school property used for school
5 purposes which is owned by or leased to any elementary or secondary
6 school or school board; to board or attempt to board any school bus;
7 or to enter upon or come within 1,000 feet of any playground or
8 childcare center under circumstances not manifestly appropriate or
9 justified.

10 b. It shall not be a defense to a prosecution for a violation of this
11 section that no juveniles or students were present on the school
12 property or that school was not in session at the time of the offense,
13 or that no juveniles were present on the playground or at the daycare
14 center.

15 c. In a prosecution under this section, a map produced or
16 reproduced by any municipal or county engineer for the purpose of
17 depicting the location and boundaries of the area on or within 1,000
18 feet of any property used for school purposes which is owned by or
19 leased to any elementary or secondary school or school board, or any
20 playground or daycare center, or a true copy of such a map, shall,
21 upon proper authentication, be admissible and shall constitute prima
22 facie evidence of the location and boundaries of those areas, provided
23 that the governing body of the municipality or county has adopted a
24 resolution or ordinance, as appropriate, approving the map as the
25 official finding and record of the location and boundaries of those
26 areas. Any map approved pursuant to this subsection may be changed
27 from time to time by the governing body of the municipality or county.
28 The original of every map approved or revised pursuant to this
29 subsection, or a true copy thereof, shall be filed with the clerk of the
30 municipality or county, and shall be maintained as an official record of
31 the municipality or county. Nothing in this subsection shall be
32 construed to preclude the prosecution from introducing or relying
33 upon any other evidence or testimony to establish any element of this
34 offense; nor shall this subsection be construed to preclude the use or
35 admissibility of any map or diagram other than the one which has been
36 approved by the governing body of the municipality or county,
37 provided that the map or diagram is otherwise admissible pursuant to
38 the Rules of Evidence.

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40 3. This act shall take effect immediately.

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STATEMENT

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45 This bill establishes "sex offender free zones" around schools,
46 playgrounds and childcare centers.

1 Under the provisions of the bill, persons who have been convicted,
2 adjudicated delinquent or found not guilty by reason of insanity of a
3 sexual offense, and required to register under the provisions of
4 "Megan's Law" (P.L.1994, c.133; C.2C:7-1 et seq.), are prohibited
5 from entering upon or coming within 1,000 feet of any school
6 property, playground or childcare center, or boarding or attempting to
7 board a school bus, unless their reason for entering that property or
8 area is "manifestly appropriate or justified." Violators would be guilty
9 of a crime of the third degree. A crime of the third degree is
10 punishable by a fine of not more than \$7,500, imprisonment for a term
11 of three to five years, or both.

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16 Establishes "sex offender free zones" around schools, playgrounds and
17 childcare centers.