

ASSEMBLY, No. 1287

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman GILL

1 AN ACT concerning sentencing of sex offenders and amending
2 P.L.1994, 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 court
10 imposing sentence on a person who has been convicted of aggravated
11 sex assault, sexual assault, aggravated criminal sexual contact,
12 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 shall include, in addition to any sentence
17 authorized by this Code, a special sentence of community supervision
18 for life.

19 b. The special sentence of community supervision required by this
20 section shall commence upon completion of the sentence imposed
21 pursuant to other applicable provisions of the Code of Criminal
22 Justice. Person serving a special sentence of community supervision
23 shall be supervise as if on parole and subject to conditions appropriate
24 to protect the public and foster rehabilitation. Such conditions shall
25 include, but not be limited to, outpatient psychological or psychiatric
26 treatment.

27 c. A person sentenced to a term of community supervision for life
28 may petition the Superior Court for release from community
29 supervision. The court shall grant a petition for release from a special
30 sentence of community supervision only upon proof that the person
31 has not committed crime for 15 years since the last conviction or
32 release from incarceration, whichever is later, and that the person is

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 not likely to pose a threat to the safety of others if released from
2 supervision.

3 d. A person who violates a condition of a special sentence of
4 community supervision without good cause is guilty of a crime of the
5 fourth degree.

6 e. (1) A person serving a special sentence of community
7 supervision imposed pursuant this section who commits a violation of
8 2C:11-3, 2C:11-4, section b. of 2C:12-1, 2C:13-1, 2C:13-6, 2C:14-2,
9 2C:14-3, 2C:24-4, a crime of the second degree under 2C:18-2 or
10 subsection a. o 2C:39-4, shall be sentenced to an extended term of
11 imprisonment.

12 (2) The court shall not impose a sentence of imprisonment
13 pursuant to this subsection unless the ground therefor has been
14 established at hearing after the conviction of the defendant and on
15 written notice to the defendant of the ground proposed. The
16 defendant shall have the right to hear and controvert the evidence
17 against him and to offer evidence upon the issue.

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

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20 2. This act shall take effect immediately.

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STATEMENT

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25 This bill would amend the "Violent Predator Incapacitation Act of
26 1994" to require a sex offender serving a special sentence of
27 community supervision to be subject to certian conditions which would
28 include, but not be limited to, outpatient psychological or psychiatric
29 treatment.

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34 Requires sex offenders serving special sentences of community
35 supervision to undergo outpatient psychological or psychiatric
36 treatment.