

ASSEMBLY, No. 1288

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman GILL and Assemblyman COHEN

1 AN ACT providing immunity to certain organizations who give notice  
2 concerning sex offenders and the payment of certain costs,  
3 amending and supplementing P.L.1994, c.128.  
4

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

7  
8 1. Section 4 of P.L.1994, c.128 (C.2C:7-9) is amended to read as  
9 follows:

10 4. a. Notwithstanding any other provision of law to the contrary  
11 and except as provided in subsection b. of this section, any person who  
12 provides or fails to provide information relevant to the procedures set  
13 forth in this act shall not be liable in any civil or criminal action.  
14 Nothing herein shall be deemed to grant any such immunity to any  
15 person for his willful or wanton act of commission or omission.

16 b. A person or organization who receives notification pursuant to  
17 the provisions of paragraph (2) of subsection c. of section 3 of  
18 P.L.1994, c.128 (C.2C:7-8) and who disseminates or fails to  
19 disseminate the contents of such notification shall not be liable under  
20 any circumstances in any civil or criminal action.

21 (cf: P.L.1994, c.128, s.9)  
22

23 2. (New section) All costs incurred by a municipality in providing  
24 notification pursuant to the provisions of sections 2 and 3 of P.L.1994,  
25 c.128 (C.2C:7-7 and 2C:7-8) and all costs incurred by a county  
26 prosecutor in assessing risk pursuant to subsection d. of section 3 of  
27 P.L.1994, c.128 (C.2C:7-8) shall be paid by the State.  
28

29 3. This act shall take effect immediately.

**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.**

## STATEMENT

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3 P.L.1994, c.128, known as "Megan's Law," provides for community  
4 notification pursuant to guidelines issued by the Attorney General  
5 when a sex offender is released from a correctional facility or when a  
6 sex offender changes his address and moves into a municipality.

7 As required by guidelines issued by the Attorney General, the chief  
8 law enforcement officer of the municipality where the inmate intends  
9 to reside would notify the community that a sex offender plans to  
10 reside there. Notification also would be given when a sex offender  
11 changes his address and moves into a municipality.

12 The guidelines would provide for three levels of notification  
13 depending upon the degree of the risk of re-offense. Under the second  
14 and third level of notification (if risk of re-offense is moderate or high)  
15 organizations in the community including schools, religious and youth  
16 organizations would be notified in addition to law enforcement  
17 agencies likely to encounter the offender.

18 P.L.1994, c.128 also provides that any person who provides or fails  
19 to provide information relevant to its procedures would not be liable  
20 in any civil or criminal action. Nothing in the bill would be deemed to  
21 grant any such immunity to any person for his willful or wanton act of  
22 commission or omission. Under the provisions of this bill, the  
23 community organizations or any member notified pursuant to the  
24 second level of notification would be immune from liability in any civil  
25 or criminal action under any circumstances for disseminating or failing  
26 to disseminate the contents of any notification received.

27 P.L.1994, c. 128 also requires county prosecutors to assess the risk  
28 of reoffense by an offender so that the appropriate notification will be  
29 provided. Under the provisions of this bill, all costs incurred by a  
30 municipality in providing notification and all costs incurred by a county  
31 prosecutor in assessing risk of reoffense would be paid by the State.  
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35  
36 Provides for immunity concerning receipt of notice and State payment  
37 of notification costs under Megan's law.