

ASSEMBLY, No. 2767

STATE OF NEW JERSEY

INTRODUCED MARCH 3, 1997

By Assemblymen CARABALLO and WISNIEWSKI

1 AN ACT concerning sex offenders and amending P.L.1994, c.133  
2 (C.2C:7-2).

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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.133 (C.2C:7-2) is amended to read as  
8 follows:

9 2. a. A person who has been convicted, adjudicated delinquent or  
10 found not guilty by reason of insanity for commission of a sex offense  
11 as defined in subsection b. of this section shall register as provided in  
12 subsections c. and d. of this section. A person who fails to register as  
13 required under this act shall be guilty of a crime of the fourth degree.

14 b. For the purposes of this act a sex offense shall include the  
15 following:

16 (1) Aggravated sexual assault, sexual assault, aggravated criminal  
17 sexual contact, kidnapping pursuant to paragraph (2) of subsection c.  
18 of N.J.S.2C:13-1 or an attempt to commit any of these crimes if the  
19 court found that the offender's conduct was characterized by a pattern  
20 of repetitive, compulsive behavior, regardless of the date of the  
21 commission of the offense or the date of conviction;

22 (2) A conviction, adjudication of delinquency, or acquittal by  
23 reason of insanity for aggravated sexual assault; sexual assault;  
24 aggravated criminal sexual contact; kidnapping pursuant to paragraph  
25 (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a  
26 child by engaging in sexual conduct which would impair or debauch  
27 the morals of the child pursuant to subsection a. of N.J.S.2C:24-4;  
28 endangering the welfare of a child pursuant to paragraph (4) of  
29 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section  
30 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact pursuant to  
31 N.J.S.2C:14-3b. if the victim is a minor; kidnapping pursuant to  
32 N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false  
33 imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and  
34 the offender is not the parent of the victim; or an attempt to commit

**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 any of these enumerated offenses if the conviction, adjudication of  
2 delinquency or acquittal by reason of insanity is entered on or after the  
3 effective date of this act or the offender is serving a sentence of  
4 incarceration, probation, parole or other form of community  
5 supervision as a result of the offense or is confined following acquittal  
6 by reason of insanity or as a result of civil commitment on the effective  
7 date of this act;

8 (3) A conviction, adjudication of delinquency or acquittal by  
9 reason of insanity for an offense similar to any offense enumerated in  
10 paragraph (2) or a sentence on the basis of criteria similar to the  
11 criteria set forth in paragraph (1) of this subsection entered or imposed  
12 under the laws of the United States, this State or another state .or a  
13 foreign country with due process requirements substantially similar to  
14 those of the United States if the offense was committed on or after the  
15 effective date of P.L. , c. (now pending before the Legislature  
16 as this bill).

17 c. A person required to register under the provisions of this act  
18 shall do so on forms to be provided by the designated registering  
19 agency as follows:

20 (1) A person who is required to register and who is under  
21 supervision in the community on probation, parole, furlough, work  
22 release, or a similar program, shall register at the time the person is  
23 placed under supervision or no later than 120 days after the effective  
24 date of this act, whichever is later, in accordance with procedures  
25 established by the Department of Corrections, the Department of  
26 Human Services, the Juvenile Justice Commission established pursuant  
27 to section 2 of P.L.1995, c.284 (C.52:17B-170) or the Administrative  
28 Office of the Courts, whichever is responsible for supervision;

29 (2) A person confined in a correctional or juvenile facility or  
30 involuntarily committed who is required to register shall register prior  
31 to release in accordance with procedures established by the  
32 Department of Corrections, the Department of Human Services or the  
33 Juvenile Justice Commission;

34 (3) A person moving to or returning to this State from another  
35 jurisdiction shall register with the chief law enforcement officer of the  
36 municipality in which the person will reside or, if the municipality does  
37 not have a local police force, the Superintendent of State Police within  
38 120 days of the effective date of this act or 70 days of first residing in  
39 or returning to a municipality in this State, whichever is later;

40 (4) A person required to register on the basis of a conviction prior  
41 to the effective date who is not confined or under supervision on the  
42 effective date of this act shall register within 120 days of the effective  
43 date of this act with the chief law enforcement officer of the  
44 municipality in which the person will reside or, if the municipality does  
45 not have a local police force, the Superintendent of State Police.

1 d. Upon a change of address, a person shall notify the law  
2 enforcement agency with which the person is registered and must  
3 re-register with the appropriate law enforcement agency no less than  
4 10 days before he intends to first reside at his new address.

5 e. A person required to register under paragraph (1) of subsection  
6 b. of this section or under paragraph (3) of subsection b. due to a  
7 sentence imposed on the basis of criteria similar to the criteria set forth  
8 in paragraph (1) of subsection b. shall verify his address with the  
9 appropriate law enforcement agency every 90 days in a manner  
10 prescribed by the Attorney General. A person required to register  
11 under paragraph (2) of subsection b. of this section or under paragraph  
12 (3) of subsection b. on the basis of a conviction for an offense similar  
13 to an offense enumerated in paragraph (2) of subsection b. shall verify  
14 his address annually in a manner prescribed by the Attorney General.  
15 One year after the effective date of this act, the Attorney General shall  
16 review, evaluate and, if warranted, modify pursuant to the  
17 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)  
18 the verification requirement.

19 f. A person required to register under this act may make  
20 application to the Superior Court of this State to terminate the  
21 obligation upon proof that the person has not committed an offense  
22 within 15 years following conviction or release from a correctional  
23 facility for any term of imprisonment imposed, whichever is later, and  
24 is not likely to pose a threat to the safety of others.

25 (cf: P.L.1995, c.280, s.18)

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27 2. This act shall take effect immediately.

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#### STATEMENT

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32 This bill includes convictions for sex offenses in certain foreign  
33 countries under the registration provisions of Megan's Law. Those  
34 countries with due process requirements substantially similar to those  
35 of the United States would be included under the bill's provisions. The  
36 bill's provisions would be applicable only to offenses committed on or  
37 after the bill's effective date.

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43 Requires registration for sex offense convictions in certain foreign  
countries.