

SENATE, No. 523

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1996

By Senator BASSANO

1 AN ACT concerning certain sex offenders and amending  
2 N.J.S.2C:47-3.

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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. N.J.S.2C:47-3 is amended to read as follows:

8 2C:47-3. Disposition.

9 a. If the report of the examination reveals that the offender's  
10 conduct was characterized by a pattern of repetitive, compulsive  
11 behavior, the court shall determine whether the offender's conduct was  
12 so characterized and shall record its findings on the judgment of  
13 conviction.

14 b. If the court finds that the offender's conduct was characterized  
15 by a pattern of repetitive, compulsive behavior, the court [may, upon  
16 the recommendation of the Adult Diagnostic and Treatment  
17 Center,]shall sentence the offender to be incarcerated at a correctional  
18 facility other than the Adult Diagnostic and Treatment Center, until  
19 such time as the Special Classification Review Board and the  
20 Commissioner of Corrections find the offender to be amenable to  
21 treatment, at which time the offender shall be sentenced to the Center  
22 for a program of specialized treatment for his mental condition [or] ;  
23 provided however, the court may place the offender on probation with  
24 the requirement, as a condition of probation, that he receive outpatient  
25 psychological or psychiatric treatment as prescribed.

26 c. A sentence of incarceration or probation imposed pursuant to  
27 subsection b. of this section shall be set in accordance with chapters  
28 43, 44 and 45 of this code.

29 d. The court shall impose sentence in accordance with chapters 43,  
30 44 and 45 of this Title and not as provided in subsection b. of this  
31 section:

32 (1) If it shall appear from the report of such examination made of  
33 such person that the offender's conduct was not characterized by a  
34 pattern of repetitive, compulsive behavior; or

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 (2) If the report of the examination does not recommend that the  
2 offender be sentenced to the Adult Diagnostic and Treatment Center  
3 for treatment or placed on probation conditioned upon receipt of  
4 treatment.

5 e. The court may, in its discretion, sentence an offender who is  
6 eligible for sentence pursuant to subsection b. of this section in  
7 accordance with chapters 43, 44 and 45 of this Title.

8 (cf: P.L.1994, c.134, s.2)

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10 2. This act shall take effect immediately.

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13 STATEMENT

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15 Under current law, most sex offenders who are convicted of  
16 aggravated sexual assault, sexual assault or aggravated criminal sexual  
17 contact, or an attempt to commit any of these crimes, and who are  
18 found to be "compulsive and repetitive," are sentenced to a term of  
19 imprisonment at the Adult Diagnostic and Treatment Center (ADTC).  
20 Under the provisions of this bill, these sex offenders would be  
21 incarcerated at another correctional facility until the Special  
22 Classification Review Board and the Commissioner of Corrections find  
23 the offender to be amenable to treatment, at which time the offender  
24 would be transferred to the ADTC.

25 This bill implements a recommendation of the Joint Task Force to  
26 Study the ADTC, which was established by the Legislature with the  
27 enactment of the package of bills known as "Megan's Law." During  
28 its study, the task force heard testimony that long term treatment for  
29 sex offenders is not effective. The task force also concluded that an  
30 offender who does not desire or would not benefit from treatment  
31 should not be incarcerated at the ADTC. In addition, there was a  
32 consensus that many current ADTC inmates do not have a sense that  
33 they are being punished and that the inmates are not paying the debt  
34 they owe to society.

35 The task force recommended that sex offenders be required to serve  
36 "hard time" in general population prison in order to pay their debt to  
37 society. Sex offenders should spend only the last few years of their  
38 incarceration in the ADTC for the specific purpose of receiving  
39 treatment.

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44 Requires certain sex offenders to serve part of sentence in general  
45 population prison.