

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, Nos. 1889 and 1929**

**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

ADOPTED JUNE 9, 2005

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**SYNOPSIS**

Establishes pilot program for satellite-based monitoring of certain sex offenders and authorizes certain sex offenders to submit to annual polygraph; appropriates \$3 million.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on June 23, 2005, with amendments.

**(Sponsorship Updated As Of: 7/1/2005)**

1 **AN ACT** concerning the monitoring of certain sex offenders,  
2 supplementing Title 30 of the Revised Statutes and making an  
3 appropriation.

4

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

7

8 1. This act may be known and shall be cited as the "Sex Offender  
9 Monitoring Pilot Project Act."

10

11 2. The Legislature finds and declares:

12 a. Offenders who commit serious and violent sex crimes have  
13 demonstrated high recidivism rates and, according to some studies, are  
14 four to five times more likely to commit a new sex offense than those  
15 without such prior convictions, thereby posing an unacceptable level  
16 of risk to the community.

17 b. Intensive supervision of serious and violent sex offenders is a  
18 crucial element in both the rehabilitation of the released inmate and the  
19 safety of the surrounding community.

20 c. Technological solutions currently exist to provide improved  
21 supervision and behavioral control of sex offenders following their  
22 release.

23 d. These solutions also provide law enforcement and correctional  
24 professionals with new tools for electronic correlation of the  
25 constantly updated geographic location of supervised sex offenders  
26 following their release with the geographic location of reported  
27 crimes, to possibly link released offenders to crimes or to exclude  
28 them from ongoing criminal investigations.

29 e. Continuous 24 hours per day, seven days per week, monitoring  
30 is a valuable and reasonable requirement for those offenders who are  
31 determined to be a high risk to reoffend, were previously committed  
32 as sexually violent predators and conditionally discharged, or received  
33 or are serving a special sentence of community or parole supervision  
34 for life. A pilot program should be established to study its  
35 effectiveness.

36

37 3. a. As used in this act:

38 "Chairman" means the Chairman of the State Parole Board.

39 "Monitored subject" means:

40 (1) a person whose risk of reoffense has been determined to be  
41 high pursuant to section 3 of P.L.1994, c.128 (C.2C:7-8); and

42 (2) a person who the chairman deems appropriate for continuous  
43 satellite-based monitoring pursuant to the provisions of this act and  
44 who:

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate SBA committee amendments adopted June 23, 2005.**

1 (a) was subject to civil commitment as a “sexually violent  
2 predator” in accordance with the provisions of P.L.1998, c.71  
3 (C.30:4-27.24 et seq.) and has been conditionally discharged or  
4 discharged pursuant to section 13 of P.L.1998, c.71 (C.30:4-27.36);

5 (b) has been sentenced to a term of community or parole  
6 supervision for life pursuant to section 2 of P.L.1994, c.130  
7 (C.2C:43-6.4); or

8 (c) has been convicted of or adjudicated delinquent for a sex  
9 offense enumerated in subsection b. of section 2 of P.L.1994, c. 133  
10 (C.2C:7-2) and the victim of the offense was under 18 years of age or  
11 60 years of age or older, regardless of the date of conviction.

12 b. In addition to those offenders whose risk of reoffense has been  
13 determined to be high pursuant to section 3 of P.L.1994, c.128  
14 (C.2C:7-8), the chairman, in exercising his discretion in determining  
15 subjects to monitor <sup>1</sup>[electronically pursuant to] through time  
16 correlated or continuous tracking of their geographic location<sup>1</sup> under  
17 the pilot program authorized by this act, shall consider the risk to the  
18 public posed by the subject, based on relevant risk factors such as the  
19 seriousness of the offense, the age of the victim or victims, the degree  
20 of force and contact, and any other factors the chairman deems  
21 appropriate. <sup>1</sup>[Electronic monitoring] Time correlated or continuous  
22 tracking of the offender's geographic location<sup>1</sup> shall not be provided  
23 during the time a monitored subject is in custody due to arrest,  
24 incarceration or civil commitment.

25 c. Nothing in this act shall be construed to preclude a judge from  
26 ordering <sup>1</sup>time correlated or continuous tracking of the person's  
27 geographic location or other<sup>1</sup> electronic monitoring as a condition of  
28 discharge of a person committed pursuant to P.L.1998, c.71 (C.30:4-  
29 27.24 et seq.), or as a condition or requirement of supervision <sup>1</sup>[,  
30 release or discharge]<sup>1</sup> for any other person <sup>1</sup>[subject to probation or  
31 parole supervision] sentenced pursuant to N.J.S.2C:45-1 or sentenced  
32 to a term of community or parole supervision for life pursuant to  
33 section 2 of P.L. 1994, c. 130 (2C:43-6.4)<sup>1</sup>.

34

35 4. a. The chairman, in consultation with the Attorney General,  
36 shall establish a two year pilot program for the continuous, satellite-  
37 based monitoring of not more than 250 subjects. The system shall  
38 provide for the capability of active and passive monitoring, or a  
39 combination of both.

40 b. The monitoring system, at a minimum, shall provide:

41 (1) Time-correlated or continuous tracking of the geographic  
42 location of the monitored subject using a global positioning system  
43 based on satellite and other location technology; and

44 (2) An automated monitoring system that can be used to permit  
45 law enforcement agencies to compare the geographic positions of  
46 monitored subjects with reported crime incidents and whether the  
47 subject was in the proximity of such reported crime incidents.

1 c. The State Parole Board shall develop procedures to determine,  
2 investigate, and report on a 24 hours per day basis a monitored  
3 subject's noncompliance with the terms and conditions of the pilot  
4 program. All reports of noncompliance shall be investigated  
5 immediately by a parole or law enforcement officer.

6 d. The chairman may promulgate guidelines to effectuate the  
7 provisions of this act.

8  
9 5. Notwithstanding any provision of law, rule or regulation to the  
10 contrary, the chairman, Attorney General, Superintendent of State  
11 Police and <sup>1</sup>~~federal, State,~~<sup>1</sup> county and municipal law enforcement  
12 agencies may share criminal incident information with each other and  
13 the vendor selected by the chairman to provide the monitoring  
14 equipment for the pilot program. The chairman may direct the vendor  
15 to use data obtained pursuant to this act in preparing correlation  
16 reports for distribution and use by <sup>1</sup>~~federal,~~<sup>1</sup> State, county and  
17 municipal law enforcement agencies.

18  
19 6. A person who is monitored under the pilot program established  
20 pursuant to this act and who fails to comply with its requirements is  
21 guilty of a crime of the third degree. Nothing in this act shall be  
22 construed to preclude a person who violates any condition of a special  
23 sentence of community or parole supervision for life from being  
24 subjected to the provisions of sections 16 through 19 and 21 of  
25 P.L.1979, c.441 (C.30:4-123.60 through 30:4-123.63 and C.30:4-  
26 123.65) pursuant to the provisions of subsection c. of section 3 of  
27 P.L.1997, c.117 (C.30:4-123.51b). Nothing in this act shall be  
28 construed to preclude a person on conditional discharge pursuant to  
29 P.L.1998, c. 71 (C.30:4-27.24 et seq.) who violates any condition of  
30 discharge imposed by the court from being subjected to the provisions  
31 of paragraph (3) of subsection c. of section 9 of P.L.1998, c.71  
32 (C.30:4-27.32).

33  
34 7. <sup>1</sup>~~[A]~~ Any<sup>1</sup> person who tampers with, removes or vandalizes a  
35 device worn or utilized by a monitored subject pursuant to this act is  
36 guilty of a crime of the third degree.

37  
38 8. The chairman shall submit a report evaluating the effectiveness  
39 of the pilot program to the Governor and the Legislature <sup>1</sup>within 90  
40 days<sup>1</sup> upon completion of the pilot program. The report shall  
41 recommend whether the pilot program should be continued <sup>1</sup>~~[and~~  
42 ~~expanded into]~~as<sup>1</sup> a Statewide program.

1       9. There is appropriated \$3,000,000 from the General Fund to the  
2 State Parole Board for the purposes of implementing the two year  
3 pilot program established pursuant to this act.

4

5       10. The State Parole Board, on at least an annual basis, may  
6 administer to all offenders serving a special sentence of community or  
7 parole supervision for life, imposed pursuant to section 2 of P.L.1994,  
8 c.130 (C.2C:43-6.4), polygraph examinations in order to obtain  
9 information necessary for risk management and treatment and to  
10 reduce the offender's denial mechanisms. A polygraph examination  
11 shall be conducted by a polygrapher trained specifically in the use of  
12 the polygraph for the monitoring of sex offenders, where available, and  
13 shall be paid for by the offender. The results of the polygraph  
14 examination shall not be used as evidence in court to prove that a  
15 violation of the special sentence of community or parole supervision  
16 for life or condition of discharge has occurred.

17

18       11. This act shall take effect immediately, and sections 1 through  
19 9 shall expire two years after enactment.