



Senate Task Force on Internet Access to Sex Offender Registration Information

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Chairman

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New Jersey State Legislature
**SENATE TASK FORCE ON INTERNET ACCESS TO SEX
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October 1, 2001

Acting Governor/Senate President Donald T. DiFrancesco
Senate Minority Leader Richard J. Codey

Acting Governor/Senate President DiFrancesco and Senate Minority Leader Codey:

I am pleased to transmit with this letter the report of the Senate Task Force on Internet Access to Sex Offender Registration Information. This task force was created to study and make recommendations concerning the manner and scope of sex offender registration information to be provided through the Internet.

In 1994 Governor Whitman signed legislation creating a system of sex offender registration and community notification. Prompted by the tragic death of Megan Nicole Kanka, who was sexually assaulted and murdered by a convicted sex offender residing in her neighborhood, these laws informally became known as "Megan's Law." In 1996 federal legislation was enacted which required all states to release certain information about registered sex offenders that is necessary to protect the public.

Recently, the technology afforded by the Internet has enabled government agencies to make information concerning sex offenders highly accessible to the public. Over 30 states currently disseminate various degrees of information about sex offenders in this manner. While the protection of the public and especially our children is a most worthy and laudable goal, the use of the Internet for this purpose has presented certain dilemmas. The goal of the task force was to determine the most effective means to protect the citizens of this State, while reducing the potential for harm to victims and retaliation against offenders.

This report represents a thorough and comprehensive study of the issues associated with publication of sex offender registration information on the Internet. It summarizes the task force's activities and recommendations. These recommendations became law with the enactment of P.L.2001, c.167, and the web site should be operational before the end of this year.

I am most grateful to the talented members of the task force who gave generously of their time and efforts in this mission. They brought to this endeavor a broad spectrum of expertise in various disciplines including law, political science, psychology and victims' rights. Their contributions and the

Acting Governor/Senate President Donald T. DiFrancesco
Senate Minority Leader Richard J. Codey
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legislation which was ultimately enacted demonstrate the value of this form of legislative inquiry.

It is my sincere hope that this legislation will enhance Megan's Law to secure the safety of our children and other citizens by promoting the safe management of sex offenders in our communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Inverso". The signature is fluid and cursive, with the first name "Peter" and last name "Inverso" clearly distinguishable.

Senator Peter A. Inverso
Chairman

**SENATE TASK FORCE ON INTERNET ACCESS TO SEX
OFFENDER REGISTRATION INFORMATION**

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Senate Resolution No. 93 of 2001

P.L. 2001, c.167

I. BACKGROUND AND CREATION OF THE TASK FORCE

On October 31, 1994, Governor Christine Todd Whitman signed into law a package of bills requiring the registration of sex offenders and providing for community notification when a sex offender moves into a neighborhood. These laws, which collectively became known as "Megan's Law," were named after Megan Kanka, a Hamilton Township child who was sexually assaulted and murdered by a convicted sex offender residing in her neighborhood.

The federal Jacob Wetterling Act of 1994 and its 1996 Megan's Law amendment required all states to adopt sex offender registration and community notification provisions or face a loss of grant funds. In subsequent years, the technology afforded by the Internet has provided another tool to make this information readily accessible to the public. At present, approximately 33 states disseminate information concerning sex offenders on the Internet.

On May 11, 2000, Assemblymen Joel M. Weingarten and James W. Holzapfel introduced two pieces of legislation to permit dissemination of New Jersey sex offender information on the Internet. The first, Assembly Bill No. 5, established the sex offender Internet registry. Under the bill's provisions, a person would be able to gain access through the Internet to any and all available information concerning sex offenders who have been determined to be at moderate or high risk to re-offend. To obtain information concerning a sex offender who has been determined to be at low risk to re-offend, a person would be required to submit the name of the sex offender, as well as an additional item of identifying personal information, such as the offender's home address, social security or date of birth. On the same date, the assemblymen introduced Assembly Concurrent Resolution No. 1, which proposed an amendment to the New Jersey Constitution to allow the State to make available to the public certain information identifying sex offenders. A companion resolution, Senate Concurrent Resolution No. 2, was offered by Senator Peter A. Inverso and Senate President Donald T. DiFrancesco. On November 3, 2000, New Jersey voters approved the constitutional amendment by a three to one margin. Shortly thereafter, on December 11, 2000, the General Assembly passed Assembly Bill No. 5 to implement the provisions of the amendment.

In the interim, problems concerning Internet registries in other states were publicized by the news media, defense attorneys and the treatment community. There were reports of sex offenders and their innocent family members being stalked and harassed. Technical problems and outdated addresses on some states' web sites resulted in the posting of law abiding citizens' addresses as those of sex offenders. Victims of incest were traumatized by publication of information concerning the perpetrators of the crime committed against them. In some states, registration information concerning pre-adolescent and adolescent sex offenders is published, raising questions about the effect on any potential rehabilitation. There were even reports of pedophiles using Internet registries to prey on juvenile sex offenders.

Because of these problems and the need to determine the most effective means to protect the public, Senate President DiFrancesco urged the creation of a task force to conduct a thorough examination of the issues surrounding a sex offender Internet registry. On February 8, 2001, Senator

Inverso introduced Senate Resolution No. 93, which created the Senate Task Force on Internet Access to Sex Offender Registration Information. The resolution was passed by the full Senate on February 15, 2001.

The resolution specified that the task force was to consist of seven members appointed by the Senate President to evaluate the current statutes and make any recommendations for legislation deemed necessary. The task force was directed to study, review and make recommendations concerning the manner and scope of sex offender registration information to be provided through the Internet. The task force was specifically instructed to study, review and make recommendations concerning the following issues:

- Whether certain groups of sex offenders should be excluded from an Internet registry including, but not limited to, juveniles, offenders whose risk of re-offense has been assessed as low, offenders convicted of crimes involving consensual sexual activity and offenders convicted of crimes involving family members or other relatives;
- Whether additional funding or personnel would be required to ensure that an Internet registry would be continually monitored to ensure offender compliance and accuracy of its information; and
- Whether penalties for acts of vigilantism or harassment should be enhanced and whether there should be a program of community education concerning such penalties.

The resolution also required the Task Force to hold at least one public hearing to receive expert testimony as well as testimony from individual citizens.

The Task Force was required to report its findings, conclusions and recommendations, accompanied by any proposed legislation, within three months following its organizational meeting.

This report presents the Task Force's findings and recommendations.

II. PROCEEDINGS OF THE TASK FORCE

A. Public Hearings

The Task Force held two public hearings. The first hearing was held in the State House Annex in Trenton on May 3, 2001. The second hearing was held at Mercer County Community College in West Windsor on May 16, 2001.

Witnesses represented private citizens, government agencies, private associations, crime victims, attorneys and therapists who treat sex offenders and their victims. While some witnesses expressed support for the Internet registry, they also cautioned the Task Force to proceed carefully and consider several significant issues.

Several witnesses stated that an Internet registry would undermine a sex offender's stability in the community, hinder the treatment process, and increase the risk of re-offense. Some witnesses expressed concern that disseminating the names of juvenile sex offenders would stigmatize them and jeopardize any prospect of rehabilitation. Other witnesses pointed out that in cases of consensual and voluntary sex between a minor and adult, the adult is required to register as a sex offender and would be listed in the Internet registry. They questioned the value of disseminating information about certain low risk offenders whose acts were a crime strictly because of the age of the victim. Concern also was expressed about the possibility of offenders being harassed.

Incest survivors stated that the existence of an Internet registry bearing the name of the perpetrator would have discouraged them from reporting the crime; they did not want to expose themselves or their families as victims and suffer additional trauma. Witnesses also said that an Internet registry could be used to educate the public about sexual abuse and as a tool to manage sex offenders.

An attorney testified that there is a privacy right that attaches to a person's home address, and that dissemination of sex offenders' addresses on the Internet would damage the expectation of privacy that all persons have in their home address.

B. Executive Sessions

The task force held executive sessions on May 31, 2001 and June 11, 2001.

III. TASK FORCE RECOMMENDATIONS

The Task Force concluded that protection of the public could most effectively be accomplished by making available on the Internet registration information concerning sex offenders who are a high or moderate risk to re-offend.

In some instances, however, there are countervailing interests that support excluding information about certain moderate risk offenders. The Task Force believes that the State has a legitimate interest in facilitating the rehabilitation of juvenile sex offenders who are not a high risk to re-offend. In addition, the public safety is not served by making registration information available concerning certain incest offenders, particularly where disclosure of such information would harm or traumatize the victim. Providing registration information concerning certain cases of consensual sex, where the victim consented to the act but was not of the legal age to do so, may not enhance the protection of the public. If the risk posed by a specific offender warrants inclusion, however, there should be a process to make that offender's registration information available.

After careful consideration of the testimony presented at the public hearings, position statements and other materials submitted, and a review of the experiences of other states, the Task Force makes the following recommendations:

- The public should be able to gain access through the Internet to all available information concerning Tier Three sex offenders (high risk to re-offend) or for whom Tier Three community notification was ordered by the court.
- With certain exceptions, the public should be able to gain access to all available information concerning Tier Two offenders (moderate risk to re-offend) or for whom Tier Two community notification has been ordered by the court. Specifically, an exception should be made when the sole sex offense committed by the offender is one of the following: (1) the offender was a juvenile who was adjudicated delinquent for the sex offense; (2) a violation of N.J.S.2C:14-2 (sexual assault) or N.J.S.2C:14-3 (criminal sexual contact) where the offender was related to the victim by blood or affinity to the third degree or was a foster parent, a guardian or stands in loco parentis within the victim's household; or (3) a violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 where the victim assented to the commission of the offense, but by reason of age was not capable of giving lawful consent.
- Information about a Tier Two offender who falls within these exceptions may be made available to the public on the Internet registry if the risk to the general public posed by the offender is substantially similar to that posed by Tier Two offenders who do not fall under the exceptions.
- Information should not be made available on the Internet concerning Tier One offenders (low risk to re-offend), or for Tier Two offenders for whom the court has not ordered Tier Two notification.

- The following items from the sex offender's registration information should be made available: the offender's name and any aliases the offender has used; any sex offense committed by the offender; the date and location of disposition; a brief description of the offense, including the victim's gender and minor status; the offender's modus operandi, if any; whether the risk of re-offense by the offender is moderate or high; the offender's age, race, sex, date of birth, height, weight, hair, eye color and any distinguishing scars or tattoos; a photograph of the offender and the date entered into the registry; the make, model, color, year and license plate number of any vehicle operated by the offender; and the street address, zip code, municipality and county in which the offender resides.
- The Internet registry should contain (1) warnings that any person who uses the information to threaten, intimidate or harass another, or who misuses the information may be criminally prosecuted; and (2) an explanation of its limitations.
- The Attorney General should strive to ensure that the information contained in the Internet registry is accurate, and that the registry is revised and updated as appropriate in a timely and efficient manner.
- The Internet registry should contain information concerning sex offenders, the operation of Megan's Law, crime prevention and personal safety, and links to appropriate State web sites.
- No person should be sued for failure to investigate or disclose Internet registry information.
- An Internet Advisory Council should be established to consult with and provide recommendations to the Attorney General on the implementation of the Internet registry.
- The Department of Law and Public Safety should receive an appropriation of \$500,000 for the Internet registry, with \$200,000 being allocated to the Division of State Police and \$300,000 to the counties in the form of grants.
- Penalties should be provided for misuse of the Internet registry.

These recommendations became law on July 23, 2001 with the enactment of P.L.2001, c.167.

SENATE RESOLUTION No. 93

STATE OF NEW JERSEY

209th LEGISLATURE

INTRODUCED FEBRUARY 8, 2001

Sponsored by:
Senator PETER A. INVERSO
District 14 (Mercer and Middlesex)

SYNOPSIS

Creates "Senate Task Force on Internet Access to Sex Offender Registration Information."

CURRENT VERSION OF TEXT

As introduced.

SR93 INVERSO

1 A **SENATE RESOLUTION** creating a task force to study the
2 dissemination of sex offender registry information on the Internet.

3
4 **WHEREAS**, Approximately 33 states disseminate information
5 concerning sex offenders on the Internet, with varying degrees of
6 information available to the public; and

7 **WHEREAS**, There is a compelling governmental interest in protecting
8 the physical and psychological well-being of children, and many of
9 this State's leaders and concerned citizens believe that the public
10 safety would be enhanced by making certain information contained
11 in the sex offender central registry established as a result of the
12 enactment of Megan's Law available to the public through the
13 Internet; and

14 **WHEREAS**, Proponents argue that the technology afforded by the
15 Internet would make this information readily accessible to parents,
16 educators and private entities, enabling them to take the appropriate
17 precautions to avoid placing potential victims at risk; and

18 **WHEREAS**, Placing this information on the Internet will reach more
19 citizens at a minimal cost and eliminate the problem of unofficial or
20 illegal dissemination of registry information encountered under the
21 current community notification system; and

22 **WHEREAS**, Information concerning unsolved crimes and wanted,
23 unconvicted criminals is being published on the Internet and is
24 aiding law enforcement in solving crimes and apprehending
25 suspects; and

26 **WHEREAS**, Opponents, however, argue that Internet access to sex
27 offender registries harms and leads to the victimization of innocent
28 persons who are not sexual abusers, as well as sex offenders
29 identified under the law; and

30 **WHEREAS**, Numerous problems have occurred in states that
31 disseminate sex offender registration information on the Internet,
32 including but not limited to the harassment of innocent families, the
33 exposure of incest victims, publication of law-abiding citizens'

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3

1 addresses as the abode of a sex offender, labeling juveniles as sex
2 offenders for life who are not worthy of rehabilitation, and the
3 stalking of juvenile offenders by adult pedophiles who obtained
4 personal information from Internet registries; and

5 **WHEREAS**, Because of this emotional and spirited debate and the need
6 to determine the most efficient means to promote the safety of our
7 children and other citizens, it is entirely fitting and proper for this
8 House to conduct a thorough and deliberate examination of all the
9 arguments surrounding this critical issue; now, therefore,

10

11 **BE IT RESOLVED** *by the Senate of the State of New Jersey:*

12

13 1. There is hereby created a Senate task force to be known as the
14 "Senate Task Force on Internet Access to Sex Offender Registration
15 Information" to consist of seven members appointed by the Senate
16 President as follows: two members of the Senate, no more than one of
17 whom shall be of the same political party; one member who shall be
18 recommended by the County Prosecutors Association; one member
19 who shall be a defense attorney with experience in the representation
20 of sex offenders; one member who by training or experience has an
21 interest in and knowledge of the rights of crime victims; one member
22 with training in psychiatry, psychology or a related discipline who has
23 training and experience in the treatment of sex offenders; and one
24 member who has training and provides instruction in an academic
25 setting in the disciplines of law, criminal justice, criminology or
26 sociology or related social sciences. Any vacancy in the membership
27 of the Task force shall be filled by appointment in the same manner as
28 the original appointment was made.

29

30 2. The task force shall organize as soon as possible after the
31 appointment of its members. The Senate President shall select a
32 chairman and vice chairman from among the legislative members. The
33 chairman shall appoint a secretary who need not be a member of the

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1 task force.

2

3 3. a. The task force is directed to study, review and make
4 recommendations concerning the manner and scope of sex offender
5 registration information to be provided through the Internet.

6 b. The task force should study, review and make recommendations
7 concerning the following issues:

8 (1) Whether certain groups of sex offenders should be excluded
9 including, but not limited to, juveniles, offenders whose risk of re-
10 offense has been assessed as low, offenders convicted of crimes
11 involving consensual sexual activity and offenders convicted of crimes
12 involving family members or relatives;

13 (2) Whether additional funding or personnel would be required to
14 ensure that an Internet registry would be continually monitored to
15 ensure offender compliance and accuracy of its information; and

16 (3) Whether penalties for acts of vigilantism or harassment should
17 be enhanced and whether there should be a program of community
18 education concerning such penalties.

19 c. The task force shall evaluate the current statutes and make any
20 recommendations for legislation it deems necessary.

21

22 4. The task force shall be entitled to call to its assistance and avail
23 itself of the services and assistance of the officials and employees of
24 the State and its political subdivisions and their departments, boards,
25 bureaus, commissions and agencies as it may require and as may be
26 available to it for the purposes of the task force and may expend those
27 funds as may be appropriated or otherwise made available to it for the
28 purposes of its study.

29

30 5. The task force shall report its findings, conclusions and
31 recommendations to the Senate, accompanied by any legislation to be
32 enacted, within three months following the first organizational meeting
33 of the task force.

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1 6. The task force may meet and shall hold at least one public
2 hearing at the place or places it designates during the sessions or
3 recesses of the Legislature.

4
5 STATEMENT

6
7 This bill creates a Senate task force to be known as the "Senate
8 Task Force on Internet Access to Sex Offender Registration
9 Information." The task force would consist of seven members
10 appointed by the Senate President as follows: two members of the
11 Senate, but no more than one of the same political party; one member
12 representing the County Prosecutors Association; one member
13 representing defense attorneys with experience in the representation
14 of sex offenders; one member who by training or experience has an
15 interest in and knowledge of the rights of crime victims; one member
16 with training in psychiatry, psychology or a related discipline who has
17 training and experience in the treatment of sex offenders; and one
18 member who has training and provides academic instruction in the
19 disciplines of law, criminal justice, criminology or sociology or related
20 social sciences.

21 The task force is directed to study, review and make
22 recommendations concerning the manner and scope in which access
23 to sex offender registration information will be made available through
24 the Internet.

25 The bill also provides that the task force should examine whether
26 (1) certain groups of sex offenders should be excluded, such as
27 juveniles, offenders whose risk of re-offense has been assessed as low,
28 offenders convicted of crimes involving consensual sexual activity and
29 offenders convicted of crimes involving family members or relatives;
30 (2) additional funding or personnel are required to ensure offender
31 compliance and accuracy of the registry; and (3) penalties for
32 vigilantism and harassment should be enhanced and whether there
33 should be a program of community education concerning such

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6

1 penalties.

2 The bill instructs the task force to hold at least one public hearing.

3 The task force's findings, conclusions and recommendations,

4 accompanied by any proposed legislation, are to be reported within

5 three months following its first organizational meeting.

CHAPTER 167

AN ACT concerning sex offender registration and community notification, supplementing P.L.1994, c.128, and making an appropriation.

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

C.2C:7-12 Findings, declarations relative to sex offender central registry on the Internet.

1. The Legislature finds and declares that the public safety will be enhanced by making information about certain sex offenders contained in the sex offender central registry established pursuant to section 4 of P.L.1994, c.133 (C.2C:7-4) available to the public through the Internet. Knowledge of whether a person is a convicted sex offender at risk of re-offense could be a significant factor in protecting oneself and one's family members, or those in care of a group or community organization, from recidivist acts by the offender. The technology afforded by the Internet would make this information readily accessible to parents and private entities, enabling them to undertake appropriate remedial precautions to prevent or avoid placing potential victims at risk. Public access to registry information is intended solely for the protection of the public, and is not intended to impose additional criminal punishment upon any convicted sex offender.

The Legislature further finds and declares that, in some instances, countervailing interests support a legislative determination to exclude from the Internet registry the registration information of certain sex offenders. For example, the interest in facilitating rehabilitation of juveniles who have been adjudicated delinquent for the commission of one sex offense, but who do not present a relatively high risk of re-offense, justifies the decision to limit public access to information about such juveniles through the Internet. Other instances where the Legislature has determined that making sex offender registry information available to the general public through the Internet would not necessarily serve the public safety purposes of the law include moderate risk offenders whose sole sex offense involved incest or consensual sex. However, in such cases, the legislature deems it appropriate and consistent with the public safety purposes of the law to provide a process that permits inclusion of information about these individuals in the Internet registry where public access would be warranted, based on the relative risk posed by the particular offender.

C.2C:7-13 Development, maintenance of system on the Internet registry.

2. a. Pursuant to the provisions of this section, the Superintendent of State Police shall develop and maintain a system for making certain information in the central registry established pursuant to subsection d. of section 4 of P.L.1994, c.133 (C.2C:7-4) publicly available by means of electronic Internet technology.

b. The public may, without limitation, obtain access to the Internet registry to view an individual registration record, any part of, or the entire Internet registry concerning all offenders whose risk of re-offense is high or for whom the court has ordered notification in accordance with paragraph (3) of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8), regardless of the age of the offender.

c. Except as provided in subsection d. of this section, the public may, without limitation, obtain access to the Internet registry to view an individual registration record, any part of, or the

entire Internet registry concerning offenders whose risk of re-offense is moderate and for whom the court has ordered notification in accordance with paragraph (2) of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8).

d. The individual registration record of an offender whose risk of re-offense has been determined to be moderate and for whom the court has ordered notification in accordance with paragraph (2) of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not be made available to the public on the Internet registry if the sole sex offense committed by the offender which renders him subject to the requirements of P.L.1994, c.133 (C.2C:7-1 et seq.) is one of the following:

(1) An adjudication of delinquency for any sex offense as defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2);

(2) A conviction or acquittal by reason of insanity for a violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 under circumstances in which the offender was related to the victim by blood or affinity to the third degree or was a foster parent, a guardian, or stood in loco parentis within the household; or

(3) A conviction or acquittal by reason of insanity for a violation of N.J.S.2C:14-2 or N.J.S.2C:14-3 in any case in which the victim assented to the commission of the offense but by reason of age was not capable of giving lawful consent.

e. Notwithstanding the provisions of paragraph d. of this subsection, the individual registration record of an offender to whom an exception enumerated in paragraph (1), (2) or (3) of subsection d. of this section applies shall be made available to the public on the Internet registry if the State establishes by clear and convincing evidence that, given the particular facts and circumstances of the offense and the characteristics and propensities of the offender, the risk to the general public posed by the offender is substantially similar to that posed by offenders whose risk of re-offense is moderate and who do not qualify under the enumerated exceptions.

f. The individual registration records of offenders whose risk of re-offense is low or of offenders whose risk of re-offense is moderate but for whom the court has not ordered notification in accordance with paragraph (2) of subsection c. of section 3 of P.L.1994, c.128 (C.2C:7-8) shall not be available to the public on the Internet registry.

g. The information concerning a registered offender to be made publicly available on the Internet shall include: the offender's name and any aliases the offender has used or under which the offender may be or may have been known; any sex offense as defined in subsection b. of section 2 of P.L.1994, c.133 (C.2C:7-2) for which the offender was convicted, adjudicated delinquent or acquitted by reason of insanity, as the case may be; the date and location of disposition; a brief description of any such offense, including the victim's gender and indication of whether the victim was less than 18 years old or less than 13 years old; a general description of the offender's modus operandi, if any; the determination of whether the risk of re-offense by the offender is moderate or high; the offender's age, race, sex, date of birth, height, weight, hair, eye color and any distinguishing scars or tattoos; a photograph of the offender and the date on

which the photograph was entered into the registry; the make, model, color, year and license plate number of any vehicle operated by the offender; and the street address, zip code, municipality and county in which the offender resides.

C.2C:7-14 Responsibilities of Attorney General.

3. The Attorney General shall:

a. Ensure that the Internet registry contains warnings that any person who uses the information contained therein to threaten, intimidate or harass another, or who otherwise misuses that information may be criminally prosecuted;

b. Ensure that the Internet registry contains an explanation of its limitations, including statements advising that a positive identification of an offender whose registration record has been made available may be confirmed only by fingerprints; that some information contained in the registry may be outdated or inaccurate; and that the Internet registry is not a comprehensive listing of every person who has ever committed a sex offense in New Jersey;

c. Strive to ensure the information contained in the Internet registry is accurate, and that the data therein is revised and updated as appropriate in a timely and efficient manner; and

d. Provide in the Internet registry information designed to inform and educate the public about sex offenders and the operation of Megan's Law, as well as pertinent and appropriate information concerning crime prevention and personal safety, with appropriate links to relevant web sites operated by the State of New Jersey.

C.2C:7-15 Immunity for failure to investigate, disclose information.

4. No action shall be brought against any person for failure to investigate or disclose any information from the registry that is compiled or made available to the citizens of this State pursuant to P.L.2001, c.167 (C.2C:7-12 et seq.).

C.2C:7-16 Authorized use of disclosed information; prohibited uses.

5. a. Any information disclosed pursuant to this act may be used in any manner by any person or by any public, governmental or private entity, organization or official, or any agent thereof, for any lawful purpose consistent with the enhancement of public safety.

b. Any person who uses information disclosed pursuant to this act to commit a crime shall be guilty of a crime of the third degree. Any person who uses information disclosed pursuant to this act to commit a disorderly persons or petty disorderly persons offense shall be guilty of a disorderly persons offense and shall be fined not less than \$500 or more than \$1,000, in addition to any other penalty or fine imposed.

c. Except as authorized under any other provision of law, use of any of the information disclosed pursuant to this act for the purpose of applying for, obtaining, or denying any of the following, is prohibited:

- (1) Health insurance;
- (2) Insurance;

- (3) Loans;
- (4) Credit;
- (5) Education, scholarships, or fellowships;
- (6) Benefits, privileges, or services provided by any business establishment, unless for a purpose consistent with the enhancement of public safety; or
- (7) Housing or accommodations.

d. Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the information disclosed pursuant to this act, the Attorney General, or any county or municipal prosecutor having jurisdiction, or any person aggrieved by the misuse of that information is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for the pattern or practice of misuse. The foregoing remedies shall be independent of and in addition to any other remedies or procedures that may be available under other provisions of law.

e. Evidence that a person obtained information about an offender from the Internet registry within one year prior to committing a criminal offense against that offender shall give rise to an inference that the person used information in violation of subsection b. of this section.

C.2C:7-17 Severability.

6. The provisions of this act shall be deemed to be severable, and if any phrase, clause, sentence, word or provision of this act is declared to be unconstitutional, invalid or inoperative in whole or in part, or the applicability thereof to any person is held invalid, by a court of competent jurisdiction, the remainder of this act shall not thereby be deemed to be unconstitutional, invalid or inoperative and, to the extent it is not declared unconstitutional, invalid or inoperative, shall be effectuated and enforced.

C.2C:7-18 Internet Registry Advisory Council.

7. An Internet Registry Advisory Council is established to consult with and provide recommendations to the Attorney General concerning the making of sex offender registration records available to the public on the Internet. The council shall consist of nine persons who, by experience or training, have a personal interest or professional expertise in law enforcement, crime prevention, victim advocacy, criminology, psychology, parole, public education or community relations. The members of the council shall be appointed in the following manner: three shall be appointed by the Governor, of whom no more than two shall be of the same political party; three shall be appointed by the President of the Senate, of whom no more than two shall be of the same political party; and three shall be appointed by the Speaker of the General Assembly, of whom no more than two shall be of the same political party. Any vacancies occurring in the membership shall be filled in the same manner as the original appointments. The council shall hold at least two meetings per year to review the

implementation and operations of the Internet registry.

C.2C:7-19 Citation of acts, system as "Megan's Law."

8. This act and the system of registration and community notification provided pursuant to P.L.1994, c.133 and P.L.1994, c.128 (C.2C:7-1 through 11) shall be known and may be cited as "Megan's Law."

9. There is hereby appropriated from the General Fund to the Department of Law and Public Safety \$500,000 for the implementation of this act; of this amount, \$200,000 shall be provided to the Division of State Police, and \$300,000 shall be provided to the counties in the form of grants.

10. This act shall take effect immediately, but shall remain inoperative until the first day of the sixth month after enactment

Approved July 23, 2001.

