#### AI Assisted Research

#### **Ouestion Presented**

Under New Jersey criminal code, which triggers a Megan's Law violation, a new criminal charge or a new criminal conviction?

#### **Response:**

Under New Jersey law, Megan's Law violations are triggered by new criminal convictions rather than merely new criminal charges. This distinction is evident in the statutory language and judicial interpretations of Megan's Law, which governs sex offender registration and notification requirements. Megan's Law Violation Triggered By Conviction Megan's Law requires individuals convicted of certain sex offenses to register with law enforcement and imposes ongoing obligations, such as address verification and notification of changes in employment or school enrollment. Failure to comply with these requirements constitutes a violation of Megan's Law and is punishable as a criminal offense. Specifically, N.J.S.A. 2C:7-2(a)(3) states that a person who fails to register as required under the act is guilty of a third-degree crime ( N.J.S.A. 2C:7-2)[1]. Similarly, failure to notify law enforcement of changes in address or status is also classified as a third-degree crime under subsection (d) of the same statute ( N.J.S.A. 2C:7-2)[1]. The statutory framework further clarifies that Megan's Law obligations may be terminated only if the registrant has not committed an offense within 15 years following conviction or release from incarceration, whichever is later, and is not likely to pose a threat to public safety. This provision underscores that a new conviction—not merely a charge—is the relevant trigger for determining compliance with Megan's Law (In re A.D., 441 N.J.Super. 403 (2015))[2]. Judicial Interpretation Of Megan's Law Violations New Jersey courts have consistently interpreted Megan's Law violations as contingent upon criminal convictions rather than charges. For example, in Matter of M.H., the court denied the registrant's motion to terminate Megan's Law obligations because he had committed a failure-to-register offense within 15 years of his original sex offense conviction. The court emphasized that the statutory termination requirements hinge on the absence of new convictions during the specified period (Matter of M.H., 475 N.J.Super. 580 (2023))[3]. Similarly, in Matter of A.D., the court held that any offense—not limited to sex offenses—committed within the 15-year period disqualifies a registrant from seeking termination of Megan's Law obligations (In re A.D., 441 N.J.Super. 403 (2015))[2]. The Supreme Court of New Jersey reinforced this interpretation in Matter of H.D., where it reversed an Appellate Division decision that had allowed registrants to terminate their obligations despite committing non-predicate Megan's Law offenses within the 15-year period. The Court concluded that subsection (f) of N.J.S.A. 2C:7-2 plainly requires the absence of any new convictions during the relevant timeframe (Matter of H.D., 241 N.J. 412 (2020))[4]. Megan's Law Certificate **Revocation** Further evidence that convictions, rather than charges, trigger Megan's Law violations can be found in the provisions governing the revocation of certificates issued under N.J.S.A. 2A:168A-7 through -12. These certificates, which relieve certain

1

employment or occupational disabilities, are automatically revoked if the holder is subsequently convicted of a crime. However, the certificate may be reinstated if the criminal charges or indictment are dismissed or if the individual is acquitted after trial. This distinction between charges and convictions aligns with the broader statutory scheme of Megan's Law (New Jersey Directives Dir. 02-24)[5]. In summary, under New Jersey law, Megan's Law violations are triggered by new criminal convictions rather than new criminal charges. This principle is firmly established in the statutory language of N.J.S.A. 2C:7-2 and has been consistently upheld by New Jersey courts in cases such as Matter of M.H., Matter of A.D., and Matter of H.D. (Matter of M.H., 475 N.J.Super. 580 (2023))[3].

Commentary about this question (3)

## § 45:8. Collateral consequences—Registration of sex offenders (New Jersey Practice Series TM • 32 N.J. Prac., Criminal Practice and Procedure § 45:8 (2025 ed.))

Megan's Law registration obligations in New Jersey are triggered specifically by a conviction, not merely by the filing of a new criminal charge. The registration requirement is considered a collateral consequence of conviction and pertains to designated sexual offenses such as aggravated sexual assault, sexual assault, aggravated criminal sexual contact, and other crimes involving minors. Convicted individuals must register with law enforcement agencies and update their personal information periodically. Failure to comply with registration constitutes a third-degree crime. This remedial statute imposes ongoing supervision and registration duties on offenders, including notification to the public and parole supervision in certain cases. The focus on conviction underscores the statutory intent to link registration and notification obligations directly to a finding of guilt rather than initiation of criminal proceedings. The document primarily addresses New Jersey's legislative framework concerning sex offender registration post-conviction under Megan's Law.

# § 10:16. Community registration and notification statutes—Introduction: The law's particulars (Modern Scientific Evidence: The Law and Science of Expert Testimony • 2 Mod. Sci. Evidence § 10:16 (2024-2025 Edition))

Megan's Law in New Jersey mandates registration and community notification for convicted sex offenders, triggered by specific convictions. The statute applies to offenders convicted of designated sexual offenses both before and after the law's effective date. The registration requirement arises following conviction, not merely upon a new criminal charge. Notification procedures are tiered based on assessed risk of reoffense, with constitutional safeguards ensuring due process in determining the appropriate notification level. The prosecutor initially assigns risk categories, but courts oversee and may revise these assessments after notice, counsel, and hearing rights are provided to offenders. This framework underscores that the triggering event for Megan's Law obligations is a criminal conviction rather than the filing of a new charge, and it details the legal process for risk classification and notification under New Jersey law.

## A. Public Policy (Guralnick's New Jersey Family Law Annotated • N.J. Family Law Ann. C Ch. 6 I A)

New Jersey's Megan's Law establishes a framework for sex offender registration and community notification to protect public safety from recidivist sex offenders and those committing predatory acts against children. The law is a civil regulatory scheme rather than a criminal statute, emphasizing registration requirements following convictions. Court rulings affirm that Megan's Law provisions apply upon conviction, not merely upon new criminal charges. The legislation and case law demonstrate that the triggering event for registration and notification requirements is a criminal conviction, as shown by distinctions drawn in case law between arrest or charges and final adjudication. The law's comprehensive scope has led to constitutional challenges focusing on due process and ex post facto concerns, which hinge on the timing and finality of convictions. Therefore, Megan's Law's obligation to register is tied legally and procedurally to a new criminal conviction rather than a new charge.

The above response is AI-generated and may contain errors. It should be verified for accuracy.

#### Sources (20)

### 1. 2C:7-2 Registration of sex offenders; definitions (NJ ST 2C:7-2)

...a. (1) A person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity for commission of a sex offense as defined in subsection b. of this section shall register as provided in subsections c. and d. of this section. (2) A person who in another jurisdiction is required to register as a sex offender and (a) is enrolled on a full-time or part-time basis in any public or private educational institution in this State, including any secondary school, trade or professional institution, institution of higher education or other post-secondary school, or (b) is employed or carries on a vocation in this State, on either a full-time or a part-time basis, with or without compensation, for more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar year, shall register in this State as provided in subsections c. and d. of...

...b. For the purposes of this act a sex offense shall include the following: (3) A conviction, adjudication of delinquency, or acquittal by reason of insanity for an offense similar to any offense enumerated in paragraph (2) or a sentence on the basis of criteria similar to the criteria set forth in paragraph (1) of this subsection entered or imposed under the laws of the United States, this State, or another state....

## 2. In re A.D. (Superior Court of New Jersey, Appellate Division. • July 20, 2015 • 441 N.J.Super. 403 • 119 A.3d 241)

...Appellants are registered sex offenders whose Law Division applications to terminate their obligations under Megan's Law's registration requirements, N.J.S.A. 2C:7-1 to -5 (the Registration Law), were denied. The Registration Law authorizes a court to terminate a registrant's obligations if, among other requirements, the registrant "has not committed an offense within 15 years following conviction or release . whichever is larger, and is not likely to pose a threat to the safety of others." N.J.S.A. 2C:7-2f.

Appellants' applications were denied because each appellant had committed an offense-though not a sex offense-within the fifteen year period....

## 3. Matter of M.H. (Superior Court of New Jersey, Appellate Division. • May 25, 2023 • 475 N.J.Super. 580 • 295 A.3d 1258)

...Registrant M.H. appeals from a Law Division order denying his motion to terminate his obligations under Megan's Law, N.J.S.A. 2C:7-1 to -23. Because M.H. committed a failure-to-register offense within fifteen years of his sex offense conviction, the court concluded he failed to satisfy the termination requirements under N.J.S.A. 2C:7-2(f) (subsection (f)). Before us, M.H. contends he poses no greater risk of committing a sex offense than any other member of the general public and the obligations imposed upon him by Megan's Law therefore violate his due process and equal protection rights guaranteed by the New Jersey Constitution....

...I. In January 2004, over eleven years after his initial conviction, M.H. pled guilty to a fourth-degree failure-to-register charge based on his violation of his Megan's Law reporting obligations, N.J.S.A. 2C:7-2(d). In light of this offense, M.H. is precluded from availing himself of subsection (f)'s termination procedures. Under the statute, a person subject to Megan's Law requirements may move to terminate that obligation only upon submission of proof the person "has not committed an offense within (fifteen) years following" the later of either the "person's conviction or release from a correctional facility" if a custodial sentence is imposed, and "is not likely to pose a threat to the safety of others." N.J.S.A. 2C:7-2(f)....

### 4. Matter of H.D. (Supreme Court of New Jersey. • March 17, 2020 • 241 N.J. 412 • 228 A.3d 1235)

...The Appellate Division held that H.D. and J.M., two Megan's Law registrants who committed non-predicate Megan's Law offenses within fifteen years of their sex offense convictions but then remained offense-free for a fifteen-year period, satisfied subsection (f). We conclude the judgment of the Appellate Division is inconsistent with subsection (f)'s plain language and therefore reverse....

...C. The registrants' subsection (g) argument is likewise unavailing. Around the time Megan's Law was passed, Congress enacted the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act and tied state funding to compliance with its federal registration requirements. To meet those requirements, the New Jersey Legislature enacted N.J.S.A. 2C:7-2(g) in 2002. State in Interest of C.K., 233 N.J. 44, 60-61, 182 A.3d 917 (2018). Subsection (g) denies Megan's Law registration relief to those perceived to be the most dangerous sex offenders – individuals "convicted of, adjudicated delinquent, or acquitted by reason of insanity for more than one sex offense" or "for aggravated sexual assault" or "sexual assault." N.J.S.A. 2C:7-2(g). Other Megan's Law registrants are unaffected by subsection (g)'s limitations and may still seek registration relief....

### 5. Directive 02-24. Criminal—Procedures for Certificates to Suspend Certain Employment or Occupational Disabilities Related to Criminal Convictions (NJ Directives Dir. 02-24)

...March 4, 2024 Issued by Glenn A. Grant, J.A.D., Acting Administrative Director As approved by the Judicial Council, this Directive promulgates procedures and forms that address applications by individuals convicted of criminal offenses who petition the court to issue a Certificate to Suspend Certain Employment or Occupational Disabilities (hereinafter "Certificates") in accordance with N.J.S.A. 2A:168A-7 through -12. These Certificates may be issued by the "supervising authority" pursuant to N.J.S.A. 2A:168A-7(c)(3). The court is defined as the supervising authority if the petitioner was subject to probation or was not required to serve a period of supervision, and as the State Parole Board if the petitioner served parole supervision. An applicant who is a parolee and who is seeking relief must file an application with the State Parole Board. The attached forms include: (a) a Summary of Eligibility (Attachment 1); (b) the Application to Suspend Employment/Occupational Disabilities (Attachment 2); (c) the Certificate...

...Note: Certain convictions will render the person ineligible for a Certificate, for example NERA crimes (N.J.S.A. 2C:43-7.2), second degree crimes defined in chapters 13, 14, 15, 16, 24, 27, 30, 33, 38 of Title 2C of the New Jersey Statutes, and Megan's Law crimes under N.J.S.A. 2C:7-2. See N.J.S.A. 2A:168A-8(c)....

### **<u>6. State v. Brown</u>** (Supreme Court of New Jersey. • January 25, 2021 • 245 N.J. 78 • 243 A.3d 1233)

...New Jersey's law governing the sex offender registration and notification system, N.J.S.A. 2C:7-1 to -23, is commonly known as Megan's Law, after the victim of a tragedy that spurred the law's passage. Enacted in 1994, Megan's Law imposed a registration requirement on convicted sex offenders and, in its original form, made failure to register chargeable as a fourth-degree offense. The statutory scheme has been amended a number of times. Pertinent here is the 2007 amendment through which the Legislature prospectively elevated failure to register to a third-degree offense....

...III .A. In 1994, the Legislature enacted Megan's Law, now codified at N.J.S.A. 2C:7-1 to -23, for the express purpose of establishing a sex offender registry that would "provide law enforcement with additional information critical to preventing and promptly resolving incidents involving sexual abuse and missing persons." N.J.S.A. 2C:7-1(b). The law requires any individual convicted of certain sex offenses to register with the police department of the municipality in which he or she resides. N.J.S.A. 2C:7-2(c). Megan's Law further provided at the time that failure to register was punishable as a fourth-degree offense. L. 1994, c. 133, S 2(a). In addition, annual address verification obligations and registration requirements are imposed on a registrant who moves into or out of New Jersey or changes his or her residence. See N.J.S.A. 2C:7-2(c), (d)....

## 7. Matter of A.A. (Superior Court of New Jersey, Appellate Division. • November 15, 2019 • 461 N.J.Super. 385 • 221 A.3d 603)

...I. It appears his (New York) conviction is Megan's Law in (New Jersey). (The New York) statute resembles. our Luring Statute(,) (N.J.S.A.) 2C:13-6(,) which makes him Megan's Law. He's already living in (New Jersey and) should already be registered.

Technically, he's in violation. If you agree to the supervision, make him register (with the local police department) ASAP. We will need copies of his entire file in order to tier him once he registers....

...This appeal requires us to address the general procedure and related due process protections afforded to individuals who committed crimes outside New Jersey when law enforcement allege that those crimes are "similar to" Megan's Law offenses under N.J.S.A. 2C:7-1 to -23, and therefore require registration in this State....

## 8. Matter of R.S. (Supreme Court of New Jersey. • July 02, 2024 • 258 N.J. 58 • 317 A.3d 463)

...A 2014 amendment to the Registration and Community Notification Laws, collectively known as "Megan's Law," requires that certain sex offenders be placed on the New Jersey Sex Offender Internet Registry, including those "whose risk of re-offense is moderate or low and whose conduct was found to be characterized by a pattern of repetitive, compulsive behavior pursuant to the provisions of N.J.S.A. 2C:47-3." L. 2013, c. 214 S 2 (codified at N.J.S.A. 2C:7-13(b)(2)) (effective July 1, 2014)....

...III .A. Following "the abduction, rape, and murder of seven-year-old Megan Kanka by her neighbor," who unbeknownst to Megan's family was a convicted sex offender, In re Registrant H.D., 241 N.J. 412, 419, 228 A.3d 1235 (2020), the New Jersey Legislature enacted Megan's Law in 1994, L. 1994, c. 133 (originally codified at N.J.S.A. 2C:7-1 to -11). The Legislature declared that "(t)he danger of recidivism posed by sex offenders" requires certain sex offenders to register with law enforcement officials. N.J.S.A. 2C:7-1(a). The registration system allows law enforcement "to identify and alert the public when necessary for the public safety" in addition to providing law enforcement "with additional information critical to preventing and promptly resolving incidents involving sexual abuse and missing persons." Id. at -1(a), (b). Megan's Law delegates responsibility for implementing the registration and notification systems to various governmental institutions, including to the Attorney General and the Administrative Office of the Courts. See, e.g., id. at -3(2)....

## 9. Doe v. Poritz (Superior Court of New Jersey, Law Division, Burlington County. • February 22, 1995 • 283 N.J.Super. 372 • 661 A.2d 1335)

...The New Jersey State Legislature enacted Megan's Law because it determined the "danger of recidivism posed by sex offenders and offenders who commit other predatory acts against children, and the dangers posed by persons who prey on others as a result of mental illness, require a system of registration that will permit law enforcement officials to identify and alert the public when necessary for the public safety." N.J.S.A. 2C:7-1.a. It further determined that such a system would "provide law enforcement with additional information critical to preventing and promptly resolving incidents involving sexual abuse and missing persons." N.J.S.A. 2C:7-1.b....

## **10. Matter of R.H.** (Supreme Court of New Jersey. • July 01, 2024 • 258 N.J. 1 • 316 A.3d 593)

...I. Megan's Law requires "(a) person who has been convicted, adjudicated delinquent or found not guilty by reason of insanity" of certain sex offenses to register with law

enforcement. Id. at -2(a)(1). Section 2(b) of the statute defines the term "sex offense" and lists various offenses that can trigger Megan's Law obligations. Id. at -2(b)....

## 11. In re R.B. (Superior Court of New Jersey, Appellate Division. • April 15, 2005 • 376 N.J.Super. 451 • 870 A.2d 732)

...R.B. was released from prison on September 25, 2002, and registered pursuant to Megan's Law with the Union City police. Nevertheless, on June 21, 2003, he moved in the Law Division for an order declaring that his federal conviction did not come within the purview of Megan's Law because the conviction was not similar to an enumerated offense under Megan's Law. The State argued, and the Law Division agreed, that R.B. was required to register because his conviction under count three was similar to New Jersey's luring statute. On reconsideration, the judge reaffirmed his original decision, but adopted new reasoning for doing so. He found that R.B.'s federal conviction was sufficiently similar to N.J.S.A. 9:6-1(e), New Jersey's child abuse statute, to require registration....

...Because Megan's Law, which requires registration of sex offenders, impinges on liberty interests and triggers both procedural due process and the fairness doctrine in New Jersey, the court must balance the need for public safety with individual rights. U.S.C.A. Const.Amend. 14....

...Bringing these principles to bear, we conclude that so long as the conviction being compared to a Megan's Law enumerated offense contains the same essential elements, and the underlying purposes of the crimes are consonant, the conviction should be considered similar to the Megan's Law enumerated offense for purposes of requiring sex offender registration in New Jersey. Because the elements of the offense cannot be viewed in a vacuum, to make this determination may entail examining the facts underlying the offense as charged in the indictment. We believe this approach will reconcile the competing public policies of protecting the public against sex offenders, while also ensuring the potential registrant's due process rights....

...Defendant had notice, as was required by due process, that conduct underlying his federal conviction for sexual exploitation of children would require him to register as sex offender in New Jersey under Megan's Law, though such conduct did not violate Megan's Law enumerated offense of child endangerment because defendant's victims were 17 years old, where defendant's conduct satisfied Megan's Law enumerated offense of child luring, which applied to victims under age 18; fact that the two New Jersey offenses overlapped, but differed with respect to victim's age, did not result in an ambiguity as to whether defendant's conduct was prohibited under New Jersey law. U.S.C.A. Const.Amend. 14; 18 U.S.C.A. S 2251(a); N.J.S.A. 2C:24-4, 2C:7-2(b)(2, 3), 2C:13-6, 9:6-1, 9:6-3....

## 12. In re Registrant J.G. (Supreme Court of New Jersey. • July 17, 2001 • 169 N.J. 304 • 777 A.2d 891)

...This appeal concerns the application of the Registration and Community Notification Law, N.J.S.A. 2C:7–1 to –5 (Registration Law) and N.J.S.A. 2C:7–6 to –11 (Community Notification Law), collectively known as Megan's Law, to a juvenile who pled guilty in

1996 to conduct that, if committed by an adult, would constitute the crime of second-degree sexual assault in violation of N.J.S.A. 2C:14–2c(1). The juvenile was ten years old when the incident occurred, and the victim was the juvenile's eight-year-old female cousin. In June 1999 the Law Division classified J.G. as a Tier 2 offender and ordered notification of various elementary and middle schools in the vicinity of J.G.'s residence. The Appellate Division affirmed the Tier 2 classification, but limited notification only to the specific school that J.G. is or will be attending. We granted J.G.'s Petition for Certification, 165 N.J. 602, 762 A.2d 217 2000), challenging J.G.'s classification, the application of Megan's...

## 13. Matter of C.J. (Superior Court of New Jersey, Appellate Division. • December 02, 2022 • 474 N.J. Super. 97 • 286 A.3d 678)

...A. The Melvin Court was concerned with the use of acquitted conduct to increase a defendant's punishment-at sentencing. Ibid. A criminal sentence is punishment for illegal activity as distinguished from Megan's Law, which our Supreme Court has determined is not designed to punish a defendant. As noted, Megan's Law is intended "to protect the community from the dangers of recidivism by sexual offenders." C.A., 146 N.J. at 80, 679 A.2d 1153; N.J.S.A. 2C:7-1(a). As opposed to punishing a defendant, "(t)he expressed purposes of the registration and notification procedures (under Megan's Law) are 'public safety' and 'preventing and promptly resolving incidents involving sexual abuse and missing persons." A.A., 461 N.J. Super. at 394, 221 A.3d 603 (citing N.J.S.A. 2C:7-1). "The law is remedial and not intended to be punitive." Ibid. (citing Doe, 142 N.J. at 12-13, 662 A.2d 367)....

## 14. Matter of M.L. (Superior Court of New Jersey, Appellate Division. • August 16, 2024 • 479 N.J.Super. 433 • 322 A.3d 854)

...Megan's Law, governing sex offender registration, is intended to protect the community from the dangers of recidivism by sexual offenders. N.J. Stat. Ann. S 2C:7-1 et seq....

## 15. Matter of C.A. (Supreme Court of New Jersey. • July 31, 1996 • 146 N.J. 71 • 679 A.2d 1153)

...I. We explained the purpose behind Megan's Law in detail in Doe v. Poritz, supra, 142 N.J. at 12-20, 662 A.2d 367. The Legislature enacted Megan's Law to protect the community from the dangers of recidivism by sexual offenders. N.J.S.A. 2C:7-1a. The Legislature also wanted to provide law enforcement agencies with additional information about sex offenders in their community because that information is "critical to preventing and promptly resolving incidents involving sexual abuse and missing persons." N.J.S.A. 2C:7-1b. The statute provides that sex offenders shall register with local authorities. N.J.S.A. 2C:7-2a. The sex offenses that trigger required registration are set forth in N.J.S.A. 2C:7-2b....

## 16. 11:5-6.4 Obligations of licensees to public and to each other (NJ ADC 11:5-6.4)

...MEGAN'S LAW STATEMENT-Under New Jersey law, the county prosecutor determines whether and how to provide notice of the presence of convicted sex offenders in an area....

#### 17. 2C:7-1. Legislative findings and declarations (NJ ST 2C:7-1)

...The Legislature finds and declares: a. The danger of recidivism posed by sex offenders and offenders who commit other predatory acts against children, and the dangers posed by persons who prey on others as a result of mental illness, require a system of registration that will permit law enforcement officials to identify and alert the public when necessary for the public safety. b. A system of registration of sex offenders and offenders who commit other predatory acts against children will provide law enforcement with additional information critical to preventing and promptly resolving incidents involving sexual abuse and missing persons.b. A system of registration of sex offenders and offenders who commit other predatory acts against children will provide law enforcement with additional information critical to preventing and promptly resolving incidents involving sexual abuse and missing persons....

## 18. 2C:13-6 Luring, enticing child by various means, attempts; crime of second degree; subsequent offense, mandatory imprisonment (NJ ST 2C:13-6)

...Luring, enticing child by various means, attempts; crime of second degree; subsequent offense, mandatory imprisonment; definitions. a. A person commits a crime of the second degree if he attempts, via electronic or any other means, to lure or entice a child or one who he reasonably believes to be a child into a motor vehicle, structure or isolated area, or to meet or appear at any other place, with a purpose to commit a criminal offense with or against the child. b. As used in this section: "Child" as used in this act means a person less than 18 years old. "Electronic means" as used in this section includes, but is not limited to, the Internet, which shall have the meaning set forth in N.J.S.2C:24-4. "Structure" as used in this act means any building, room, ship, vessel or airplane and also means any place adapted for overnight accommodation of persons,...

...f. Notwithstanding the provisions of N.J.S.2C:1-8 or any other law, a conviction under this section shall not merge with a conviction of any other criminal offense, nor shall such other conviction merge with a conviction under this section, and the court shall impose separate sentences upon each violation of this section and any other criminal offense. The court may not suspend or make any other non-custodial disposition of any person sentenced pursuant to this section....

## 19. In re T.T. (Supreme Court of New Jersey. • October 03, 2006 • 188 N.J. 321 • 907 A.2d 416)

...I. Both the State and the Attorney General argue that T.T. is subject to the registration requirement of Megan's Law, and that we should reject the Appellate Division's engrafting of a new "sexual motivation" element onto the predicate offense for the applicability of the statute....

## 20. 9:6-1. Abuse, abandonment, cruelty and neglect of child; what constitutes (NJ ST 9:6-1)

...Abuse of a child shall consist in any of the following acts: (a) disposing of the custody of a child contrary to law; (b) employing or permitting a child to be employed in any vocation or employment injurious to its health or dangerous to its life or limb, or contrary to the laws of this State; (c) employing or permitting a child to be employed in any occupation, employment or vocation dangerous to the morals of such child; (d) the habitual use by the parent or by a person having the custody and control of a child, in the hearing of such child, of profane, indecent or obscene language; (e) the performing of any indecent, immoral or unlawful act or deed, in the presence of a child, that may tend to debauch or endanger or degrade the morals of the child; (f) permitting or allowing any other person to perform any indecent, immoral or unlawful act in the presence of the child that may tend to debauch or endanger the morals of such child; (g) using excessive physical restraint on the child under circumstances which do not indicate that the child's behavior is harmful to himself, others or property; or (h) in an institution as defined in section 1 of P.L.1974, c. 119 (C. 9:6-8.21), willfully isolating the child from ordinary social contact under circumstances which indicate emotional or social deprivation....

#### Administrative decisions and guidance (3)

# 1. S.R., Petitioner, v. NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF HOUSING AND COMMUNITY RESOURCES, Respondent. (December 01, 2023 • 2023 WL 9380415)

- ...Office of Administrative Law State of New Jersey S.R., Petitioner, v. NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, DIVISION OF HOUSING AND COMMUNITY RESOURCES...
- ...General, appearing for respondent (Matthew J. Platkin, Attorney General of New Jersey, attorney) BEFORE KIM C. BELIN, ALJ: STATEMENT OF THE CASE...
- ...is classified as a Tier 1 offender (low risk) under Megan's Law, requiring him to maintain a lifetime registration as a sex...
- [...DCA transmitted the contested case to the Office of Administrative Law (OAL), where it was filed on August 24, 2022. FN1...

## 2. MOTOR VEHICLE COMMISSION, Petitioner, v. ALEXANDER W. TRAINOR, Respondent. (May 09, 2018 • 2018 WL 2423570)

- ...Office of Administrative Law State of New Jersey MOTOR VEHICLE COMMISSION, Petitioner, v. ALEXANDER W. TRAINOR, Respondent. Motor...
- ...21-14.5(a) and (c) to suspend, indefinitely, the New Jersey passenger endorsement on the commercial driver license ("CDL") of respondent...
- ...Alexander W. Trainor. The issues are whether the respondent's prior criminal charges and convictions are adequate to merit disqualification within the provisions of N.J.A.C...
- ...on his CDL based on information that he had disqualifying criminal charges/convictions. (P-8.) By letter dated July 25, 2017, the respondent...

# 3. JOHN PANTIRMAS, Petitioner, v. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION - RADIATION PROTECTION PROGRAM, Respondent. (April 24, 2014 • 2014 WL 1809653)

...Office of Administrative Law State of New Jersey JOHN PANTIRMAS, Petitioner, v. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION - RADIATION PROTECTION PROGRAM, Respondent. Professional Boards...

- ...General, for respondent (John J. Hoffman, Acting Attorney General of New Jersey, attorney) BEFORE MUMTAZ BARI-BROWN, ALJ: STATEMENT OF THE CASE...
- ...Application Denial and Sanction issued by the Commissioner of the New Jersey Department of Environmental Protection (Department or DEP) under the Radiation...
- ...2012, the matter was transmitted to the Office of Administrative Law (OAL) as a contested case pursuant to N.J.S.A . 52:14B...

#### Practical Law (3)

#### 1. Real Estate Finance: New Jersey (State Q&A • Law stated as of 23-Dec-2024)

A Q&A guide to commercial real estate finance law for borrowers and lenders in New Jersey. This Q&A addresses state laws relating to security instruments, usury, limitations on personal liability, recording requirements and taxes, priority issues, mechanics' liens, landlord liens, title insurance matters, and foreclosure procedures primarily impacting lending transactions in a commercial real estate context. Federal, local, or municipal law may impose additional or different requirements. Answers to questions can be compared across a number of jurisdictions (see Real Estate Finance: State Q&A Tool).

- ...The following is a nonexclusive list of endorsements commonly used by lenders in New Jersey commercial real estate transactions. Not all endorsements are applicable to each transaction. For a full list of available endorsements, consult the New Jersey Land Title Insurance Rating Bureau's Manual of Rates and Charges or contact an approved title company....
- ...Title insurance premiums and service charges for lenders' title policies are regulated by statute in New Jersey (N.J.S.A. 17:46B-1 to 17:46B-63). The cost of title insurance is not negotiable. Title companies may offer discounted reissue rates....
- ...The civil usury laws do not apply to loans of \$50,000 or more unless secured by a first lien on real property containing one to six dwelling units (N.J.S.A. 31:1-1(e)(1)). Counties, municipalities, and other public entities are exempt from the usury ceiling (N.J.S.A. 31:1-7). Corporations, LLPs, and LLCs are barred from asserting usury as a defense (N.J.S.A. 31:1-6). For additional exemptions under state law, see State Q&A, Consumer Financial Regulation: New Jersey: Question 5: Exemptions....
- ... New Jersey has both criminal and civil usury laws. The criminal usury interest rate limits are:...

#### 2. Background Check Laws: New Jersey (State Q&A • Law stated as of 05-Jul-2025)

A Q&A guide to background check and employment reference law for private employers in New Jersey. This Q&A addresses employers' obligations when conducting criminal

and non-criminal background checks and penalties for violating these laws. Federal, local, or municipal law may impose additional or different requirements. Answers to questions can be compared across a number of jurisdictions (see Background Check Laws: State Q&A Tool).

...For criminal background checks, employers must use forms prescribed by either the New Jersey State Police or the FBI and submit those forms to the New Jersey State Bureau of Identification. The applicant must sign the forms. (N.J.A.C. 13:59-1.4.)...

...As defined, criminal history record information is information collected by criminal justice agencies and stored in the central repository of the New Jersey State Bureau of Identification, the National Crime Information Center, or other states' computerized repositories containing criminal history record information consisting of identifiable descriptions and notations of:...

...Subject to the limitations of the Opportunity to Compete Act, described above, employers may obtain criminal conviction records from the New Jersey State Bureau of Identification and use the information to determine an individual's qualifications for employment, volunteer work, or other performance of services (N.J.A.C. 13:59-1.2(a))....

...For any law identified in Question 1 addressing criminal background checks, please describe how an employer can collect criminal background information and what an employer can do with criminal background information, including:...

#### 3. Real Estate Ownership: New Jersey (State Q&A • Law stated as of 22-Jul-2025)

A Q&A guide to commercial real estate laws for owners and purchasers in New Jersey. This Q&A addresses state laws and customs that impact the ownership, purchase, and sale of commercial real estate, including real property taxes, transfer taxes, instruments for transferring fee title, execution and recording requirements, necessary disclosures, title insurance matters, and risk of loss. Federal, local, or municipal law may impose additional or different requirements. Answers to questions can be compared across a number of jurisdictions (see Real Estate Ownership: State Q&A Tool).

...New Jersey statutory law provides model short form acknowledgment certificates ( N.J.S.A. 52:7-10.12). The examples below are not based directly on the statutory short forms but instead reflect variations commonly used by New Jersey real estate practitioners. They are sufficient assuming the acknowledgment meets all other requirements ( N.J.S.A. 52:7-10.12 and 52:7-19). New Jersey has adopted remote online notarization (RON) ( N.J.S.A. 52:7-10 to 52:7-19; N.J.A.C. 17:50-1.1 to 1.18); Question 21). There may be specific requirements for acknowledgments certified using RON. For more information, see Electronic Signatures, Recording, and Notarization Laws for Real Estate Transactions: State Comparison Chart: New Jersey...

...Real estate investment trusts (REITs) are statutorily permitted in New Jersey (N.J.S.A. 14A:1-2.1(q)). Although REITs are active in New Jersey, title to investment property is most often held by limited liability companies....

...Limited liability companies are the most common form of investment vehicles for real property and the most common entities used in New Jersey. Limited partnerships and corporations are also used to a lesser extent....

...A Q&A guide to commercial real estate laws for owners and purchasers in New Jersey. This Q&A addresses state laws and customs that impact the ownership, purchase, and sale of commercial real estate, including real property taxes, transfer taxes, instruments for transferring fee title, execution and recording requirements, necessary disclosures, title insurance matters, and risk of loss. Federal, local, or municipal law may impose additional or different requirements. Answers to questions can be compared across a number of jurisdictions (see Real Estate Ownership: State Q&A Tool)....

#### Additional secondary sources (3)

1. CRIMINAL LAW-BIAS-INTIMIDATION LAWS-NEW JERSEY SUPREME COURT HOLDS THAT CONVICTION BASED ON VICTIM'S REASONABLE BELIEF THAT BIAS MOTIVATED THE OFFENSE VIOLATES DUE PROCESS.—STATE v. POMIANEK, 110 A.3D 841 (N.J. 2015) (Harvard Law Review • 129 Harv. L. Rev. 867)

In 2010, Dharun Ravi used a webcam to spy on his Rutgers roommate, Tyler Clementi, having sex with another man. The situation garnered national attention when Clementi leapt to his death from the George Washington Bridge. Ravi was convicted under New Jersey's bias-intimidation statute when the jury determined that Clementi "reasonably believed" that he had been targeted because he was gay. Recently, in State v. Pomianek, the New Jersey Supreme Court ruled that the same provision used to convict Ravi was unconstitutionally vague. In so ruling, the court declined to follow the reasoning of the state's Appellate Division, which had resolved the case through constitutional avoidance grounded in free speech concerns. Instead, the New Jersey Supreme Court ruled on due process grounds. Although the outcome was effectively the same, the New Jersey Supreme Court's departure from the lower court's First Amendment reasoning may obviate deeper free speech issues in another...

- ...[FN62] The Appellate Division suggested that a literal reading of New Jersey's biasintimidation law would criminalize Pomianek's speech on the basis of its effect on Brodie alone: had Brodie not felt targeted because of his race, then Pomianek would not have been convicted under the statute....
- ...After the U.S. Supreme Court struck down New Jersey's original bias-intimidation statute in Apprendi v. New Jersey, [FN40] state legislators introduced a new bias-intimidation bill under which the "purpose to intimidate on the basis of bias" would be "an element of the offense" and therefore "tried to the jury."...
- .... 642 A.2d 349 (N.J. 1994). Vawter held that New Jersey could not criminalize the use of a "symbol . that exposes another to threats of violence, contempt or hatred on the basis of race, color, creed or religion." Id. at 352...
- ...[FN45] The court rejected New Jersey's argument that subsection (a)(3) was no different from other strict liability laws, such as laws enhancing penalties for drug distribution within 1000 feet of a school....

## 2. § 101:37. Order—Denying termination of defendant's obligations under Megan's Law (New Jersey Pleading and Practice Forms • 10B N.J. Pl. & Pr. Forms § 101:37)

a person required to register under this act may make application to the Superior Court of this State to terminate the obligation upon proof that the person has not committed an offense within 15 years following conviction or release from a correctional facility for any term of imprisonment imposed, whichever is later, and is not likely to pose a threat to the safety of others. A person sentenced to a term of parole supervision for life may petition the Superior Court for release from that parole supervision. The judge may grant a petition for release from a special sentence of parole supervision for life only upon proof by clear and convincing evidence that the person has not committed a crime for 15 years since the last conviction or release from incarceration, whichever is later, and that the person is not likely to pose a threat to the safety of others if released from parole supervision. Notwithstanding the provisions of N.J.S.A. 30:4-123.66, a person sentenced to a term of...

- ...Specifically, at the time of [his/her] conviction in [year of conviction], the law provided that [he/she] would be eligible to be removed from Megan's Law registration obligations after the passage of fifteen years....
- ...... a judge imposing sentence on a person who has been convicted of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.A. 2C:13-1, endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.A. 2C:24-4, endangering...
- ...The court addresses the novel issue as to whether a convicted sex offender, who is subject to a lifetime bar to termination of Megan's Law registration may nevertheless be eligible for termination from the requirements of CSL and PSL....
- ...Effective January 8, 2002, [number of years] years after registrant entered a guilty plea in this matter, the Legislature enacted N.J.S.A. 2C:7-2(g), which provides, in part, that any person convicted, adjudicated delinquent, or acquitted not guilty by reason of insanity of certain offenses is subject to Megan's Law registration for life, without possibility of termination....

## 3. D. Community Notification (Guralnick's New Jersey Family Law Annotated • N.J. Family Law Ann. C Ch. 6 I D)

Within 45 days after receiving notification pursuant to section 1 of P.L.1994, c. 135 (C. 30:4–123.53a et seq.) that an inmate convicted of or adjudicated delinquent for a sex offense as defined in section 2 of P.L.1994, c. 133 (C. 2C:7–1 et al.) is to be released from incarceration and after receipt of registration as required therein, the chief law enforcement officer of the municipality where the inmate intends to reside shall provide notification in accordance with the provisions of section 3 of this act of that inmate's release to the community. If the municipality does not have a police force, the Superintendent of State Police shall provide notification.

...Artway v. Attorney General of State of N.J., 81 F.3d 1235 (3d Cir. 1996) (Tier 2 and 3 notification provisions under Megan's Law are punitive, rather than regulatory, and therefore violate ex post facto laws in retroactive application)....

- ...Paul P. v. Verniero, 170 F.3d 396 (3d Cir.1999) (Upholding Megan's law against constitutional challenge to registration and community notification provisions; finding that disclosure of home addresses of offenders did not violate right to privacy)....
- ...W.P. v. Poritz, 931 F. Supp. 1199 (D.N.J. 1996) (Overcoming constitutional attacks and affirming the remedial purpose of Megan's Law; analogizing the legislation to other parole notification laws which had not historically been regarded as punitive)....
- ...G.H. v. Township of Galloway, 199 N.J. 135, 971 A.2d 401 (2009) (Invalidating municipal ordinances that prohibited sex offenders from living within designated distance of schools, parks, playgrounds, public libraries and day care centers; holding that local laws were preempted by Megan's Law)....

#### **Current awareness (3)**

## 1. Man convicted of phishing scheme that hooked \$23 million defense contract (WESTLAW Data Privacy Daily Briefing • 2022 WL 1311059)

A federal jury in New Jersey has found a California man guilty of participating in a phishing scheme that led to the theft of a Defense Department contract payment of more than \$23 million.

- ...A federal jury in New Jersey has found a California man guilty of participating in a phishing scheme that led to the theft of a Defense Department contract payment of more than \$23 million....
- ...Using the information, Oyuntur and his co-conspirators logged in to the company's GSA account and changed the company's bank routing and account numbers to those of a New Jersey business controlled by a group member, the indictment said....
- ...Oyuntur was charged with two counts of bank fraud and one count each of conspiracy to commit bank fraud, using an unauthorized device to commit fraud, aggravated identity theft and making false statements to federal officers....
- ... Man convicted of phishing scheme that hooked \$23 million defense contract...

## 2. COVID-19 roundup: Court closures and procedural changes (WESTLAW TODAY Covid-19 Briefing • 2021 WL 1117854)

Some courts around the country are starting to reopen amid the coronavirus pandemic, while others remain closed or have restrictions in place. Below is a roundup, updated weekly, of measures taken by federal and state courts.

- ...(Updated Feb. 17, 2021) The U.S. District Court for the District of New Jersey on Jan. 27 suspended all in-person judicial proceedings in both civil and criminal cases through March 12....
- ...Per a Feb. 25 order, people arrested or charged with misdemeanor fire restriction violations under Titles 36 or 43 of the Code of Federal Regulations may waive an appearance before a U.S. magistrate judge and avoid criminal conviction by paying \$300 plus administrative fees to the Central Violations Bureau....

...(Updated March 10, 2021) — On Feb. 24, the U.S. District Court for the Western District of New York, citing the "magnitude of COVID-19 and, in particular, new strains of the virus," ordered the continued use of telephone and video conferencing through April 23 for certain criminal proceedings under Section 15002(b)(1) of the Coronavirus Aid, Relief, and Economic Security Act....

...(Updated Feb. 17, 2021) — The U.S. District Court for the District of New Hampshire on Dec. 8, 2020, ordered that given "logistical challenges," in any criminal proceeding before a magistrate judge, defense counsel may sign a document on behalf of a criminal defendant after personally reviewing the substance and meaning of the document with the client and obtaining the client's consent to sign it....

## 3. COVID-19 roundup: Court closures and procedural changes (WESTLAW TODAY Covid-19 Briefing • 2021 WL 1293200)

Some courts around the country are starting to reopen amid the coronavirus pandemic, while others remain closed or have restrictions in place. Below is a roundup, updated weekly, of measures taken by federal and state courts.

...(Updated Feb. 17, 2021) — The U.S. District Court for the District of New Jersey on Jan. 27 suspended all in-person judicial proceedings in both civil and criminal cases through March 12....

...Per a Feb. 25 order, people arrested or charged with misdemeanor fire restriction violations under Titles 36 or 43 of the Code of Federal Regulations may waive an appearance before a U.S. magistrate judge and avoid criminal conviction by paying \$300 plus administrative fees to the Central Violations Bureau....

...(Updated March 10, 2021) — On Feb. 24, the U.S. District Court for the Western District of New York, citing the "magnitude of COVID-19 and, in particular, new strains of the virus," ordered the continued use of telephone and video conferencing through April 23 for certain criminal proceedings under Section 15002(b)(1) of the Coronavirus Aid, Relief, and Economic Security Act....

...(Updated Feb. 17, 2021) — The U.S. District Court for the District of New Hampshire on Dec. 8, 2020, ordered that given "logistical challenges," in any criminal proceeding before a magistrate judge, defense counsel may sign a document on behalf of a criminal defendant after personally reviewing the substance and meaning of the document with the client and obtaining the client's consent to sign it....