

A Citizen's Guide to Megan's Law



Issued as a public service by the
N.J. Office of the Attorney General,
Division of Criminal Justice
in conjunction with
the 21 county prosecutor's offices.



A MESSAGE FROM THE ATTORNEY GENERAL

Prompted by the tragic murders of Megan Kanka and Amanda Wengert, citizens of this state demanded a law that would let them know when a convicted sex offender is living in their neighborhood. Governor Christine Todd Whitman and state Legislature responded by approving a series of laws collectively known as "Megan's Law."

Megan's Law created a registration and notification procedure to alert law enforcement, schools, community organizations, and neighbors to the presence of a sex offender who authorities believe may pose a risk to the community. This information is designed to enhance public safety and awareness. However, no law can guarantee the protection of our children. There is no substitute for common-sense safety precautions, such as teaching our children whom to trust and knowing where they are at all times.

We are all partners in making this law work. We have an obligation to act responsibly with the information we receive. No one has the right to take the law into his or her own hands by threatening or harming a sex offender. Vigilante acts will be prosecuted to the full extent of the law.

This brochure answers many of the common questions that people ask about Megan's Law.

Thank you for your interest in this important public safety issue.

MEGAN'S LAW

The parents of 7-year-old Megan Kanka of Hamilton Township did not know that a twice-convicted sex offender was living across the street until that neighbor was charged with the brutal rape and murder of their daughter.

The crime -- occurring only months after a similar incident in Monmouth County -- prompted passage of state laws requiring notification about sex offenders who may pose a risk to the community.

New Jersey's law, commonly known as "Megan's Law," requires convicted sex offenders to register with local police.

Megan's Law also establishes a three-tier notification process to provide information about sex offenders to law enforcement agencies and, when appropriate, to the public. The type of notification is based on an evaluation of the risk to the community from a particular sex offender. The Attorney General's Office, in consultation with a special 12-member council, has provided county prosecutors, who must make that evaluation, with the factors to be used in determining the level of risk posed by the sex offender.

Equipped with the descriptions and whereabouts of sex offenders, communities will be better able to protect their children.

COMMON QUESTIONS ABOUT MEGAN'S LAW

Q. What is registration?

A. Sex offenders must fill out a registration form and submit it to their local police department. The form requests personal information of the sex offender, including home address and place of employment. The accuracy of the information on the form is confirmed. This information is kept by the Division of State Police in a Sex Offender Registry.

Q. What types of offenses require registration?

A. The offenses requiring registration include aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact if the victim is a minor, endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child, endangering the welfare of a child through acts involving pornography featuring a child, promoting prostitution of a child, luring or enticing, kidnapping, criminal restraint, and false imprisonment if the victim is a minor and the offender is not a parent of the victim.

Q. Who is required to register?

A. Sex offenders who have been convicted since Megan's Law went into effect on October 31, 1994, or who were serving a sentence on the effective date of the law are required to register. Sex offenders who have been found to be repetitive and compulsive by experts and the courts, regardless of the date of conviction, are required to register.

Q. Are juvenile sex offenders required to register?

A. A juvenile sex offender is a person who commits a sex offense while under the age of 18. Juvenile sex offenders must register like adults.

Q. Are sex offenders convicted in another state required to register when they move to New Jersey?

A. Sex offenders convicted in another state are required to register within 10 days of moving to New Jersey. In addition, sex offenders convicted in another state are required to register even if they are just attending school or are employed in New Jersey.

Q. Are sex offenders required to report changes of address?

A. Sex offenders are required to report every change of address. Sex offenders must notify the local police at least 10 days prior to the move. In addition, law enforcement agencies will monitor whether sex offenders are reporting changes of addresses. Some sex offenders must verify their addresses annually. Others must verify their addresses every 90 days.

Q. How long must sex offenders register?

A. All sex offenders subject to Megan's Law must register for the remainder of their lives. Sex offenders may apply to the court to be removed from the Sex Offender Registry if they committed only one offense, have not committed another offense for 15 years, and prove that they are not likely to pose a threat to the safety of others. Juvenile sex offenders may also apply to the court to be removed from the Sex Offender Registry if they were under the age of 14 at the time of their offense but are now over the age of 18.

Q. What if a sex offender fails to register?

A. Failure to comply is a third degree crime. If you know someone has been convicted of a crime requiring registration, you can always provide that information to the local police or county prosecutor. However, they will not be able to advise you whether or not that particular sex offender is registered.

Q. Once sex offenders are registered, how does the notification process work?

A. The county prosecutors receive the registration forms from the local police. The prosecutors then must determine the risk to the community -- the likelihood that the sex offender will commit another crime. In making that determination, the prosecutors weigh many factors set by statutes and the Attorney General's Guidelines. The prosecutors classify sex offenders in one of three tiers based on the degree of risk they pose to the public: low risk (Tier 1), moderate risk (Tier 2), or high risk (Tier 3). Classification in a tier determines who will receive notification.

Q. Who will receive notification?

A. If the risk level is low (Tier 1), law enforcement agencies are notified. If the risk level is moderate (Tier 2), in addition to law enforcement agencies, schools, licensed day care centers, summer camps, and registered community organizations are notified of sex offenders that they are likely to encounter because of the possibility that pedophiles and sexual predators will be drawn to these places. If the risk level is high (Tier 3), in addition to law enforcement agencies, schools, licensed day care centers, summer camps, registered community organizations, and members of the public are notified.

Q. What information is provided in a notification?

A. In all three levels of notification, the information provided includes the offender's name, description and photograph, address, place of employment or school if applicable, a description of the offender's vehicle and license plate number, and a brief description of the offense.

Q. How will I be informed?

A. You will receive personal notification of the location of all high risk (Tier 3) offenders that you are likely to encoun-

ter in your neighborhood. A law enforcement officer, such as a police officer, state police trooper, or investigator from your county prosecutor's office, will come to your door and deliver a notice to an adult member of your household.

Q. May I share information with friends?

A. You may share and discuss the information you have received with those residing in your household or with anyone caring for your children at your residence in your absence. You may NOT share this information with anyone outside your household or not in your care. You may NOT copy or post the notice. Law enforcement will notify all appropriate community members, schools, organizations, residences, and businesses.

Q. What if I move to a new neighborhood?

A. Megan's Law information is only given to persons already living in the neighborhood. This information will NOT be given by law enforcement agencies to persons who are considering moving into the neighborhood. Also, the seller may NOT be required as a condition of the sale to tell the buyer about Megan's Law notifications. However, once a home is actually purchased, the new owner may request Megan's Law notifications from the local police department.

Q. Is information available on the Internet?

A. Information is available on the Internet at the following website: www.njsp.org. Click onto the Sex Offender Registry icon. The law limits the information to be placed on the Internet to all high risk (Tier 3) offenders and some moderate risk (Tier 2) offenders. The law excludes juvenile sex offenders, except for Tier 3 juvenile sex offenders, most moderate risk offenders whose crimes were committed against members of their families or households, and most moderate sex offenders whose crimes were considered statutory because of age.

Q. What should I do if I receive a notification?

A. Reinforce general precautions about staying away from strangers and ask your children to tell you or their caretakers where they will be at all times. Use the information responsibly. Talk to your children. Tell them to treat the sex offender as a stranger. Tell them where the sex offender lives, what he or she looks like, and what to do if they encounter or are approached by that person. If you believe that a crime is being committed by a sex offender, contact your local law enforcement agency immediately as you would do in any case of suspected criminal activity.

Q. Are there any other steps I can take to protect my family?

A. There is no law that can ever completely protect us. Adults need to teach children about basic safety precautions. Check with your child's school to determine whether a program is in place to teach children about strangers. Also, check with the school and other locations where your child spends time on a regular basis to determine whether safety precautions are in place.

Q. What am I prohibited from doing?

A. Any actions taken against the individual named in the notification, including vandalism of property, verbal or written threats of harm, or physical violence against this person, his or her family, or employer, will result in arrest and prosecution for criminal acts. Vigilantism is not only a crime, it is an action that will undermine the efforts of those who have worked hard to enact this law.

For further information on Megan's Law or for additional copies of this publication, contact your county prosecutor's office at the phone number or address listed below.

Atlantic

4997 Unami Boulevard
Mays Landing, NJ 08330
609/909-7800

Bergen

Bergen County Justice Center
10 Main Street
Hackensack, NJ 07601
201/646-2300

Burlington

County Courts Complex
49 Rancocas Road
P.O. Box 6000
Mount Holly, NJ 08060
609/265-5035

Camden

25 North 5th Street
Camden, NJ 08102-1231
856/225-8400

Cape May

4 Moore Road
Cape May Court House, NJ
08210
609/465-1135

Cumberland

43 Fayette Street
Bridgeton, NJ 08302
856/453-0486

Essex

Essex County Courts Building
50 West Market Street
Newark, NJ 07102
973/621-4700

Gloucester

Justice Complex
Hunter & Euclid Streets
P.O. Box 623
Woodbury, NJ 08096
856/384-5500

Hudson

595 Newark Avenue
Admin. Building
Jersey City, NJ 07306
201/795-6400

Hunterdon

Justice Complex
65 Park Avenue
P. O. Box 756
Flemington, NJ 08822
908/788-1129

Mercer

Court House
P. O. Box 8068
Trenton, NJ 08650-0068
609/989-6309

Middlesex

25 Kirkpatrick Street
New Brunswick, NJ 08901
732/745-3333

Monmouth

71 Monument Park
Freehold, NJ 07728-1789
732/431-7160

Morris

Admin. & Records Bldg.
P. O. Box 900
Morristown, NJ 07963-0900
973/285-6200

Warren

Court House
413 2nd Street
Belvidere, NJ 07823
908/475-6287

Ocean

119 Hooper Avenue
P. O. Box 2191
Toms River, NJ 08754-2191
732/929-2027

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Passaic

401 Grand Street
Paterson, NJ 07505
973/881-4800

Salem

87 Market Street
Fenwick Building
P. O. Box 462
Salem, NJ 08079-0462
856/935-7510

Somerset

40 North Bridge Street
P. O. Box 3000
Somerville, NJ 08876-1262
908/231-7100

Sussex

19-21 High Street
Newton, NJ 07860
973/383-1570

Union

32 Rahway Avenue
Elizabeth, NJ 07202-2115
908/527-4500