

Megan's Law

A Guide for Community Organizations, Schools & Daycare Centers



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 OFFICE OF 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. As a community organization involved with children or victims of sexual or domestic violence, you can play an important role in making Megan's Law work. As a first step, I encourage you to register with local police so that your organization will be notified about certain sex offenders living in your community. By registering, you will help to make your community safer and protect your children.

This booklet answers many of the common questions that are asked by community organizations, schools, and day care centers about Megan's Law. If you have further questions or if you wish to obtain additional copies, contact your county prosecutor's office.

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

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

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

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

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

*Prepared by the New Jersey
Division of Criminal Justice*

MEGAN'S 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

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.

Community organizations that care for children or victims of sexual or domestic violence may receive information about moderate and high risk offenders they are likely to encounter who are released to, or who reside in, their municipalities. In order to ensure receiving this information, these groups must register with their local law enforcement agencies. Each county prosecutor's office may only include specific organizations on a list of the groups or persons to be notified about the presence of moderate and high risk sex offenders. Schools, day care centers, and summer camps are automatically included on the list and need not register.

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. Why is the role of my organization critical to the success of the law?

A. Equipped with descriptions and the whereabouts of pedophiles and sexual predators, those responsible for the care of our children and for victims of domestic and sexual violence will be in a better position to protect those vulnerable populations. Organizations should report any suspicious activity to their local law enforcement agency.

Q. Are we to treat this information in a confidential manner?

A. This information is intended for staff members who directly care for or supervise children or victims. You may NOT share this information with anyone outside of the community organization. Specifically, you may NOT share this information with those under your care or supervision, their parents, guardians or other relatives, your own family members, or the media. You may NOT copy or post the notice. Law enforcement will notify all appropriate community members, schools, organizations, residences, and businesses.

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.

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. 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 my organization do when it receives this information?

A. Schools and organizations should take appropriate steps to educate and alert staff members who are charged with the care and supervision of children or victims of domestic and sexual violence. Notification is provided to these schools and organizations because of the possibility that pedophiles and sexual predators will be drawn to these locations. Staff members should be provided with the information which is contained in the notification. Guidance in providing this information to staff members can be obtained from the county prosecutor's office.

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. Which community organizations should register?

A. Only those groups, organizations, and agencies that own or operate an establishment where children gather under their care, or where women or other vulnerable groups are cared for, should register. The county prosecutor's office shall

reject organizations that do not meet these requirements. All private and public educational institutions, including licensed day care centers and summer camps, likely to encounter a particular offender automatically receive the information and are not required to register.

Q. Where does my organization register in order to receive this notification?

A. Organizations must register with their local police department or, if the community has no local police, with the State Police having jurisdiction in that community. The law enforcement agency must keep a list of community agencies and organizations and will use that list when notifications are necessary. The list is also provided to the county prosecutor's office.

Q. Does my organization have to update its information?

A. Your organization should inform the county prosecutor's office if there is any change in the basic information provided during initial registration.

Q. Does my organization have to participate in the notification process?

A. Unless you are an educational institution, licensed day care center, or summer camp, you will not receive information about sex offenders unless you register with the local police department. You are under no legal obligation to register. However, all community groups eligible to be notified are encouraged to participate in the process.