

# SENATE, No. 1248

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JANUARY 30, 2006

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

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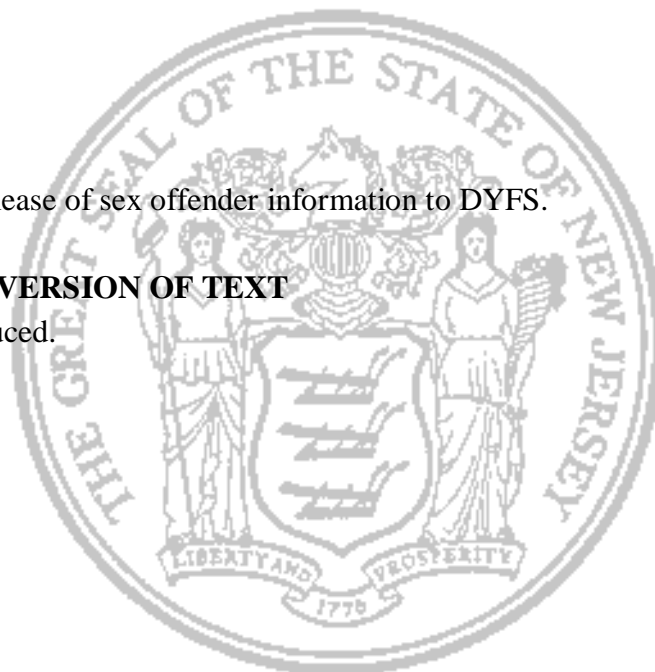
**Senators Allen, McNamara, Assemblymen O'Toole, Rumpf, Chivukula  
and Stack**

**SYNOPSIS**

Allows release of sex offender information to DYFS.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/17/2006)**

1 AN ACT concerning sex offender information and amending  
2 P.L.1994, c.133.

3

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

6

7 1. Section 5 of P.L.1994, c.133 (C.2C:7-5) is amended to read as  
8 follows:

9 5. a. Records maintained pursuant to this act shall be open to  
10 any law enforcement agency in this State, the United States or any  
11 other state and may be released to the Division of Youth and Family  
12 Services in the Department of Human Services for use in carrying  
13 out its responsibilities under law. Law enforcement agencies in this  
14 State shall be authorized to release relevant and necessary  
15 information regarding sex offenders to the public when the release  
16 of the information is necessary for public protection in accordance  
17 with the provisions of P.L.1994, c.128 (C.2C:7-6 et seq.).

18 b. An elected public official, public employee, or public agency  
19 is immune from civil liability for damages for any discretionary  
20 decision to release relevant and necessary information, unless it is  
21 shown that the official, employee, or agency acted with gross  
22 negligence or in bad faith. The immunity provided under this  
23 section applies to the release of relevant information to other  
24 employees or officials or to the general public.

25 c. Nothing in this act shall be deemed to impose any liability  
26 upon or to give rise to a cause of action against any public official,  
27 public employee, or public agency for failing to release information  
28 as authorized in subsection d. of this section.

29 d. Nothing in this section shall be construed to prevent law  
30 enforcement officers from notifying members of the public exposed  
31 to danger of any persons that pose a danger under circumstances  
32 that are not enumerated in this act.

33 (cf: P.L.1994, c.133, s.5)

34

35 2. This act shall take effect immediately.

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STATEMENT

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40 This bill would allow the release of sex offender information to  
41 the Division of Youth and Family Services (DYFS) in the  
42 Department of Human Services for use in carrying out its  
43 responsibilities under law.

44 For purposes of community notification and Internet publication  
45 under Megan's Law, county prosecutors assess a sex offender's risk

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**S1248 VITALE, MADDEN**

1 of reoffense and categorize the offender as low risk (Tier I),  
2 moderate risk (Tier II) or high risk (Tier III). Attorney General  
3 guidelines require the county prosecutors to compile and maintain a  
4 separate file for each sex offender containing all information and  
5 documentation used to make this assessment.

6 Information contained in these files may be sought by DYFS in  
7 carrying out its duties under law, such as in an investigation  
8 involving the care, custody or placement of a child or determining  
9 whether a child may be at risk of abuse or neglect. The information  
10 also may be useful to DYFS in court proceedings. This bill clarifies  
11 that records maintained pursuant to Megan's Law may be released  
12 to DYFS for use in carrying out these duties.