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[Questions or comments regarding this Directive may be directed to (609) 984-4228.]

Directive # 10-10

TO: **Assignment Judges**
Family Presiding Judges

FROM: **Glenn A. Grant, J.A.D.**

SUBJ: **Family -- Mandated Questions for Certain Sexual Offenses for Use with Juvenile Plea Agreements (CN 11425)**

DATE: **October 15, 2010**

This Directive promulgates for immediate statewide use a new form entitled "Mandated Questions for Certain Sexual Offenses" (CN 11425), to be appended to a plea agreement when a juvenile pleads guilty to sexual offenses enumerated in Megan's Law, N.J.S.A. 2C:7-1 to -23. The form was approved by the Judicial Council for mandatory use. The questions cover the following areas:

- Registration Requirement
- Change of Address
- Address Verification
- Community Notification
- Internet Posting
- Use of Internet
- Eligibility to Terminate Registration
- AIDS/HIV Testing
- Civil Commitment

Pursuant to R. 5:21A, the court must determine that a factual basis exists for the plea, that the juvenile enters into the plea voluntarily and that the juvenile understands the nature of the charge and the consequences of the plea. The questions in Form CN 11425 ensure that the juvenile who pleads guilty to those sex offenses is informed regarding the plea's possible significant lifelong consequences.

Rule 5:21A also provides that "[b]efore accepting a plea of guilty, the court may require a juvenile to complete, insofar as applicable, and sign the appropriate plea form prescribed by the Administrative Director of the Courts." When the court uses a form to enter a plea, it must use the approved juvenile plea form (CN 11144). The questions set forth in CN 11425 replace those sex offense questions on the current juvenile plea form. The current juvenile plea form will be revised in due course, but the importance of asking these sex offense questions requires the immediate promulgation of the supplemental plea form. CN 11425 must be used as a mandatory addendum to the current juvenile plea form (CN 11144) when pleading guilty to the enumerated sex offenses.

A juvenile's defense attorney is responsible for reviewing a plea agreement with his or her client to ensure the juvenile understands all aspects of pleading guilty to an offense. The defense attorney also is responsible for executing and submitting the plea agreement to the court. The defense attorney's review is especially important when pleading guilty to the sexual offenses because of the complex requirements set forth in Megan's Law. When accepting the plea, the judge should ask the juvenile's attorney on the record whether he or she reviewed the plea agreement, including the sex offense questions, with the juvenile and answered all of the juvenile's questions.

A Spanish translation version of the questions will be promulgated upon completion. Any questions or comments regarding this Directive should be directed to Assistant Director Harry T. Cassidy at (609) 984-4228.

G.A.G.

Attachment: Addendum to Juvenile Plea Agreement Mandated Questions for Certain Sexual Offenses (CN 11425)

c: Chief Justice Stuart Rabner
Steven D. Bonville, Chief of Staff
Attorney General Paula T. Dow
Public Defender Yvonne Smith Segars
Stephen Taylor, Director, Division of Criminal Justice
County Prosecutors
Regional Deputy Public Defenders
AOC Directors and Assistant Directors
Trial Court Administrators
Family Division Managers
Joanne M. Dietrich, Chief
Assistant Family Division Managers
Janis Alloway, Asst. Chief
David Tang, Family Practice
Francis W. Hoeber, Special Assistant
Gurpreet M. Singh, Special Assistant

ATTACHMENT

FOUR-PAGE ADDENDUM TO JUVENILE PLEA FORM

MANDATED QUESTIONS FOR CERTAIN SEXUAL OFFENSES

ENGLISH VERSION

New Jersey Judiciary

Addendum to Juvenile Plea Agreement
Mandated Questions for Certain Sexual Offenses

Please Circle Appropriate Answer

Registration Requirement:

1. Do you understand that you must register with certain public agencies if you are admitting to any of the following offenses? (*N.J.S.A.* 2C:7-2.a.(1)). [YES] [NO]
   - aggravated sexual assault;
   - sexual assault;
   - aggravated criminal sexual contact;
   - kidnapping under *N.J.S.A.* 2C:13-1.c.(2);
   - endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under *N.J.S.A.* 2C:24-4.a;
   - endangering the welfare of a child under *N.J.S.A.* 2C:24-4.b.(3), -4.b.(4) or -4.b.(5)(a);
   - luring or enticing under *N.J.S.A.* 2C:13-6;
   - criminal sexual contact under *N.J.S.A.* 2C:14-3.b if the victim is a minor;
   - kidnapping under *N.J.S.A.* 2C:13-1 if the victim is a minor and the offender is not the parent of the victim;
   - criminal restraint under *N.J.S.A.* 2C:13-2 if the victim is a minor and the offender is not the parent of the victim;
   - false imprisonment under *N.J.S.A.* 2C:13-3 if the victim is a minor and the offender is not the parent of the victim;
   - knowingly promoting prostitution of a child under *N.J.S.A.* 2C:34-1.b.(3) or -1.b.(4); or
   - an attempt to commit any of these enumerated offenses.

2. If you are incarcerated, do you understand that upon your release from incarceration you must register with the chief law enforcement officer of the municipality in which you reside or, if the municipality does not have a local police force, the Superintendent of State Police (if you are not incarcerated, you must register with the appropriate law enforcement officer immediately)? (*N.J.S.A.* 2C:7-2.c.(2)). [YES] [NO]

3. Do you understand that if you fail to register or re-register you may be charged with an offense? (*N.J.S.A.* 2C:7-2.a.(3)). [YES] [NO]

4. Do you understand that if you move and return to New Jersey from another jurisdiction, you shall register with the chief law enforcement officer of the municipality in which you will reside or, if the municipality does not have a local police force, the Superintendent of State Police within 10 days of returning to a municipality in New Jersey? (*N.J.S.A.* 2C:7-2.c.(3)). [YES] [NO]

5. Do you understand that if you work or attend school in another State, but remain a New Jersey resident, you must still register in the State where you are employed or attend school if there is such a registration requirement in that State? This out of state registration is in addition to the registration in your home town, and does not change your obligation to register where you live in New Jersey. [YES] [NO]

6. Do you understand that if you enroll or work at an institution of higher education or other post-secondary school in New Jersey, you must register within 10 days of commencement of such attendance or employment with the law enforcement unit of the educational institution, if any? (*N.J.S.A.* 2C:7-2.c.(7)). [YES] [NO]

7. Do you understand that, once you have registered, you must notify the law enforcement agency where you are registered in person of any change of employment or school enrollment status within 5 days of such change? (N.J.S.A. 2C:7-2.d.(1)). [YES] [NO]

Change of Address:

8. Do you understand that if you move to another state, you will be subject to any and all laws governing sex offender registration for that State? [YES] [NO]

9. Do you understand that if you move to another state, you must notify the law enforcement agency where you are currently registered within 10 days before moving in order to be removed from the New Jersey State Police Sex Offender Registry? [YES] [NO]

10. Do you understand that if you change your address within the State you must notify the law enforcement agency where you are registered, and must re-register with the chief law enforcement officer of the municipality in which you will reside, or the Superintendent of the State Police if the municipality does not have a chief law enforcement officer or agency, no less than 10 days before you move to the new address? (*N.J.S.A.* 2C:7-2.d.(1)). [YES] [NO]

11. Do you understand that if you fail to notify the appropriate law enforcement agency of a change of address, you may be charged with an offense? (*N.J.S.A.* 2C:7-2.d.(1)). [YES] [NO]

Address Verification:

12. Do you understand that you must verify your address with the appropriate law enforcement agency, and this verification must occur: [YES] [NO]
    ☐ annually ☐ every 90 days? (*N.J.S.A.* 2C:7-2.e).

13. Do you understand that if you provide false information concerning your residence or fail to verify your address you may be charged with an offense? (*N.J.S.A.* 2C: 7-2.e). [YES] [NO]

Community Notification:

14. Do you understand that the requirement of registration will result in notification to law enforcement, and possibly to community organizations and the public at large, of your release from incarceration and your presence in the community? (*N.J.S.A.* 2C:7-6). [YES] [NO]

Internet Posting:

15. Do you understand that your name, age, race, gender, date of birth, height, weight, eye color, any distinguishing scars or tattoos you have, your photograph, the make, model, color, year and license plate number of any vehicle you operate, your street address, zip code, municipality and county in which you reside and a description of the offense to which you are admitting, may be publicly available on the Internet? (*N.J.S.A.* 2C:7-13). [YES] [NO]

Use of Internet:

16. Do you understand that you must provide the appropriate law enforcement agency with information as to whether you have routine access to or use of a computer or device with Internet capability? (*N.J.S.A.* 2C:7-2.d.(2)).
This law applies if the offense was committed on or after February 25, 2008. [N/A] [YES] [NO]

17. Do you understand that if you fail to notify the appropriate law enforcement agency as to whether you have routine access to or use of a computer or device with Internet capability or a change in such use or access, you may be charged with an offense? (*N.J.S.A.* 2C:7-2.d.(2)).
This law applies if the offense was committed on or after February 25, 2008. [N/A] [YES] [NO]

18. Do you understand that your computer or any other device with Internet capability may be subject to periodic unannounced examination, if ordered by the court? (*N.J.S.A.* 2C:43-6.6). [YES] [NO]

Eligibility to Terminate Registration:

19. Do you understand that if you were under the age of 14 when the offense was committed, you can apply to the court to terminate your registration obligation at age 18? (In re Registrant J.G., 169 N.J. 304 (2001)). [YES] [NO]

20. Do you understand that if you were age 14 or older when the offense was committed, you can apply to the court to terminate your registration obligation 15 years after adjudication or release from a correctional facility, whichever is later? (*N.J.S.A.* 2C:7-2.f and -2.g). [YES] [NO]

AIDS/HIV Testing:

21. Do you understand that if you are admitting to aggravated sexual assault or sexual assault under *N.J.S.A.* 2C:14-2.a or *N.J.S.A.* 2C:14-2.c, you must submit to a test for acquired immune deficiency syndrome (AIDS), or infection with the human immunodeficiency virus (HIV), or related virus identified as a possible cause of AIDS? (*N.J.S.A.* 2A:4A-43.1). [N/A] [YES] [NO]

Civil Commitment:

22. Do you understand that if you are admitting to a sexually violent offense, you may upon completion of your term of incarceration, be civilly committed to another facility for up to life if the court finds, after a hearing, that you are in need of involuntary civil commitment? (A sexually violent offense is defined by the New Jersey Sexually Violent Predator Act, *N.J.S.A.* 30:4-27.24, et seq. Such offenses include: aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping under *N.J.S.A.* 2C:13-1.c.(2)(b); criminal sexual contact; felony murder under *N.J.S.A.* 2C:11-3.a.(3) if the underlying crime is sexual assault; an attempt to commit any of these offenses; or a criminal offense with substantially the same elements as any offense enumerated above, entered or imposed under the laws of the United States, this State or another state; or any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense.) [YES] [NO]

Juvenile: _____ Date: _____

Parent or Guardian: _____ Date: _____

Defense Attorney: _____ Date: _____

Distribution:

- ☐ Juvenile/parent or guardian
- ☐ Defense Attorney
- ☐ Prosecutor
- ☐ County Probation Division