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[Questions and/or comments may be directed to 609-292-4638.]

Directive # 04-14
(Modifies Directives #14-08 and #6-13)

TO: **ASSIGNMENT JUDGES**
CRIMINAL PRESIDING JUDGES

FROM: **GLENN A. GRANT, J.A.D.**

SUBJ: **CRIMINAL PLEA FORMS – REVISIONS TO THREE FORMS**

DATE: **JULY 31, 2014**

This Directive promulgates (1) revisions to the *Additional Questions for Certain Sexual Offenses* plea form; (2) revisions to the *Supplemental Plea Form for Graves Act Offenses*; and (3) revisions to the *Supplemental Plea Form for No Early Release Act (NERA) Cases* (*N.J.S.A.* 2C:43-7.2), as recommended by the Supreme Court Criminal Practice Committee in light of recent legislative amendments. These revised forms are being promulgated pursuant to *Rule* 3:9-2, which provides that plea forms are to be in a form "prescribed by the Administrative Director of the Courts."

You should begin using these forms as soon as possible. English and English-Spanish versions of all forms promulgated by this Directive are attached. Each form also will be posted separately on the forms page of the Judiciary Internet website at http://www.judiciary.state.nj.us/forms.htm.

Plea Forms

1. Additional Questions for Certain Sexual Offenses — Attachment 1

(Supersedes Attachment 5 of Directive #14-08)

The *Additional Questions for Certain Sexual Offenses* plea form is being updated to incorporate new language in accordance with revisions to the statutes governing Megan's Law and Parole Supervision for Life. The amendments to the form also update the penalties that may be imposed for convictions of certain sexual offenses.

(a) **Notification of Change in Employment or School Enrollment Status.** New Question 1(b)(2) is being added to advise the defendant of the obligation to notify law enforcement of an employment or school enrollment status change pursuant to *N.J.S.A.* 2:7-2(d)(1).

(b) **Failure to Notify of Change in Address, Employment or School Status.** New Question 1(b)(3) is being added to specify that, pursuant to *N.J.S.A.* 2:7-2(d)(1), it is a third degree crime to fail to notify law enforcement of an address change, employment change, or school enrollment status change if the offense is committed on or after July 1, 2014 (for offenses committed prior to that date this is a fourth degree crime).

(c) **Internet Access.** Question 1e is being revised to specify that, pursuant to *N.J.S.A.* 2:7-2(d)(2), it is a third degree crime for the defendant to fail to notify the appropriate law enforcement agency about routine access to or use of a computer or device with Internet capability, or a change in such use or access, if the offense is committed on or after July 1, 2014 (for offenses committed prior to that date this is a fourth degree crime).

(d) **Address Verification.** Question 2b is being revised to specify that, pursuant to *N.J.S.A.* 2:7-2(e), it is a third degree crime for the defendant to provide false information concerning his or her residence, or to fail to verify his or her address, if the offense is committed on or after July 1, 2014 (for offenses committed prior to that date this is a fourth degree crime).

(e) **Violation of a Condition of Community Supervision for Life.** New Question 4(a)(4) is being added to explain that, pursuant to *N.J.S.A.* 2C:43.6.4, it is a fourth degree crime to violate, or attempt to violate, a condition of community supervision for life if the crime occurs before July 1, 2014. Question 4(a)(4) further explains that if the offense occurs on or after July 1, 2014, it is a third degree crime to violate, or attempt to violate, a condition of community supervision for life.

Upon conviction for a violation of a condition of community supervision for life occurring on or after July 1, 2014, the defendant will receive a special sentence of parole supervision for life. The imposition of parole supervision for life for a conviction for a violation of a condition of community supervision for life represents a change with respect to the consequences for this crime. It is thus important to ensure that defendants pleading guilty to the crime of a violation of community supervision for life, when the violation occurred on or after July 1, 2014, are advised of the potential consequences associated with a term of parole supervision for life, including the authority of the parole board to administratively revoke parole supervision and that the defendant may be sentenced to a prison term.

As highlighted at the top of the plea form, persons pleading guilty to an indictable charge of a violation of a condition of community supervision for life pursuant to *N.J.S.A.* 2C:43-6.4 when the violation occurred on or after July 1, 2014 should answer Question 4b of this plea form. Question 4b describes the potential consequences that arise from a violation of a condition of parole supervision for life.

(f) **Parole Supervision for Life Offenses.** Question 4(b)(1) is being updated to include that, pursuant to *N.J.S.A.* 2C:43-6.4a, a person convicted of a violation of a condition of a special sentence of community supervision for life shall receive a special sentence of parole supervision for life, if the crime occurred on or after July 1, 2014. Additionally, new Question 4(b)(2) is being added to explain that a defendant convicted of child pornography is eligible for a special sentence of parole supervision for life. For the enumerated child pornography offenses, upon motion of the prosecutor the court shall impose a special sentence of parole supervision for life, "unless the court finds on the record that the special sentence is not needed to protect the community or deter the defendant from future criminal activity."

Former questions 4(b)(2), (b)(3), (b)(4) and (b)(5) are being redesignated as questions 4(b)(3), (b)(4), (b)(5) and (b)(6), respectively.

(g) **Violation of a Condition of Parole Supervision for Life.** Question 4(b)(6) – as renumbered – is being revised to add that, pursuant to *N.J.S.A.* 2C:43-6.4d, it is a third degree crime to violate a condition of parole supervision for life if the offense is committed on or after July 1, 2014 (for offenses committed prior to that date this is a fourth degree crime).

(h) **Internet Posting.** New Question 5b is being added to explain that, pursuant to *N.J.S.A.* 2C:7-2, information about persons whose conduct was found to be characterized by a pattern of repetitive, compulsive behavior may be made publically available on the Internet.

(i) **Surcharge Penalty for Certain Sex Offenses.** New Question 8 is being added to explain that, pursuant to *N.J.S.A.* 2C:43-3.7, the court shall impose a $100 fine upon persons convicted of certain enumerated sex offenses.

(j) **Sex Offender Supervision Fund Penalty.** New Question 9 is being added to explain that, pursuant to *N.J.S.A.* 30:4-123.97, the court may impose a penalty of $30 per month. This is a mandatory penalty, except that it shall not be assessed if the person's income does not exceed 149 percent of the federal poverty level.

2. Supplemental Plea Form for Graves Act Cases **Attachment 2**
(Supersedes Attachment 1 of Directive #6-13)

The *Supplemental Plea Form for Graves Act Cases* is being updated to conform to revisions to *N.J.S.A.* 2C:43-6c; 6g and *N.J.S.A.* 2C:39-5.

The Governor signed S-2804 into law as *P.L.* 2013, *c.* 133, revising the *Graves Act* statute effective August 8, 2013. The revisions provide that if the defendant is convicted of unlawful possession of an assault firearm, *N.J.S.A.* 2C:39-5(f), a mandatory minimum term pursuant to the *Graves Act* shall be imposed. The law also provides that a

mandatory minimum term pursuant to the *Graves Act* shall not be imposed if the defendant is convicted of unlawful possession of an air gun, spring gun, or BB gun pursuant to *N.J.S.A.* 2C:39-5b(2); or unlawful possession of an unloaded rifle or shotgun, pursuant to *N.J.S.A.* 2C:39-5c(1); or unlawful possession of a loaded rifle or shotgun, pursuant to *N.J.S.A.* 2C:39-5c(2), if the rifle or shotgun is an air gun, spring gun or BB gun.

3. Supplemental Plea Form for *No Early Release Act* (NERA) Cases (*N.J.S.A.* 2C:43-7.2) **Attachment 3**
(Supersedes Attachment 10 of Directive #14-08)

The *Supplemental Plea Form for No Early Release Act (NERA) Cases* (*N.J.S.A.* 2C:43 7.2) is being updated to include several additional applicable offenses and their effective dates, based upon a number of legislative changes.

Any questions or comments regarding this Directive, or the appended forms, should be directed to Assistant Director Joseph J. Barraco at (609) 292-4638.

G.A.G

Attachments

cc: Chief Justice Stuart Rabner
Acting Attorney General John Hoffman
Public Defender Joseph Krakora
Criminal Division Judges
Elie Honig, Director, Division of Criminal Justice
County Prosecutors
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Trial Court Administrators
Susan Callaghan, Chief, Criminal Practice
Criminal Division Managers
Assistant Criminal Division Managers
Gurpreet M. Singh, Special Assistant
Melaney Payne, Criminal Practice

ATTACHMENT 1

Additional Questions for Certain Sexual Offenses

English and English-Spanish

New Jersey Judiciary
Additional Questions for Certain Sexual Offenses

NOTE:

If you are pleading guilty to a violation of a condition of community supervision for life, pursuant to *N.J.S.A.* 2C:43-6.4 and the violation occurred on or after July 1, 2014 you should answer Question 4b.

These additional questions need to be answered if you are pleading guilty to the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), (4) or (5)(a), luring or enticing a child pursuant to 2C:13-6, criminal sexual contact pursuant to 2C:14-3b if the victim is a minor; kidnapping pursuant to 2C:13-1, criminal restraint pursuant to 2C:13-2 or false imprisonment pursuant to 2C:13-3 if the victim is a minor and the offender is not the parent, promoting child prostitution pursuant to 2C:34-1b(3), (4), or any attempt to commit any such offense. Note also that Question 7 includes the offense of felony murder if the underlying crime is sexual assault, as well as 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, or an attempt to commit these offenses.

1. Registration

a) Do you understand that you must register with certain public agencies? [Yes] [No]

b) (1) Do you understand that if you change residence 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 State Police if the municipality does not have a chief law enforcement officer, no less than 10 days before you intend to reside at the new address? [Yes] [No]

(2) Do you understand that if you change employment or school enrollment status you must notify the appropriate law enforcement agency no later than 5 days after the change? [Yes] [No]

(3) Do you understand that if you fail to notify the appropriate law enforcement agency of a change of address or status you may be charged with a third degree crime, and may receive a sentence of imprisonment of up to 5 years **(if the offense was committed on or after July 1, 2014)** or you may be charged with a fourth degree crime and may receive a sentence of imprisonment of up to 18 months **(if the offense was committed before July 1, 2014)?** [Yes] [No]

c) Do you understand that if you fail to register or re-register you may be charged with a third degree crime and receive a sentence of imprisonment of up to 5 years? [Yes] [No]

d) Do you understand that you must provide the appropriate law enforcement agency with information about your routine access to or use of a computer or device with Internet capability? **(if the offense was committed on or after February 25, 2008)** [Yes] [No]

e) Do you understand that if you fail to notify the appropriate law enforcement agency about your 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 a third degree crime and may receive a sentence of imprisonment of up to 5 years **(if the offense was committed on or after July 1, 2014)** or you may be charged with a fourth degree crime and may receive a sentence of imprisonment of up to 18 months? **(if the offense was committed on or after February 25, 2008 but before July 1, 2014)** [Yes] [No]

2. Address Verification

a) Do you understand that if you are pleading guilty to aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2) or any attempt to commit any of these crimes and at sentencing the court finds that your conduct was characterized by a pattern of repetitive, compulsive behavior you must verify your address with the appropriate law enforcement agency every 90 days or if the court finds your conduct is not characterized by a pattern of repetitive and compulsive behavior, you must verify your address annually? [Yes] [No]

b) Do you understand that if you provide false information concerning your residence or fail to verify your address you may be charged with a third degree crime and receive a sentence of imprisonment up to 5 years **(if the offense was committed on or after July 1, 2014)** or a fourth degree crime and receive a sentence of imprisonment of up to 18 months **(if the offense was committed on or after March 7, 2007)**? [Yes] [No]

3. Notification

Do you understand that the requirement of registration may result in notification to law enforcement, community organizations, or the public at large, of your release from incarceration or presence in the community? [Yes] [No]

4. a) Community Supervision for Life **(only complete if the offense occurred before January 14, 2004). (If the offense occurred on or after January 14, 2004, the defendant should complete Question 4b, Parole Supervision for Life).**

(1) Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to 2C:24-4a, luring, or an attempt to commit any such offense, the court, in addition to any other sentence, will impose a special sentence of community supervision for life? [Yes] [No] [NA]

(2) Do you understand that being sentenced to community supervision for life means that: you will be supervised for at least 15 years as if on parole, and subject to conditions appropriate to protect the public and foster rehabilitation, including, but not limited to counseling; Internet access or use; and other restrictions, which may include restrictions on where you can live, work or travel? [Yes] [No] [NA]

(3) Do you understand that the restrictions on where you can live may include restrictions on residing in a home with minor children? [Yes] [No] [NA]

(4) Do you understand that if you violate a condition of community supervision for life and you are indicted and convicted for that violation, you may receive a sentence of imprisonment of up to 5 years and a special sentence of parole supervision for life **(if the violation of the condition occurred on or after July 1, 2014)** or you may receive a sentence of up to 18 months **(if the violation of the condition occurred before July 1, 2014)**? [Yes] [No] [NA]

b) Parole Supervision for Life **(only complete if the offense occurred on or after January 14, 2004).**

(1) Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in [Yes] [No] [NA]

sexual conduct which would impair or debauch the morals of a child pursuant to 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), luring or an attempt to commit any of these offenses and the offense occurred on or after January 14, 2004, or violating a condition of a special sentence of community supervision for life if the violation occurred on or after July 1, 2014 the court, in addition to any other sentence, will impose a special sentence of parole supervision for life?

4. b) (2) **(only complete if the offense occurred on or after August 14, 2013)** [Yes] [No] [NA]

Do you understand that if you are pleading guilty to the crime of child pornography pursuant to *N.J.S.A.* 2C:24-4b(4) or *N.J.S.A.* 2C:24-4b(5) or an attempt to commit either of these offenses and the offense occurred on or after August 14, 2013, in addition to any other sentence, and upon motion of the prosecutor, the court shall impose a special sentence of parole supervision of life, unless the court finds on the record that parole supervision for life is not needed to protect the community or deter you from future criminal activity?

(3) Do you understand that being sentenced to parole supervision for life means that upon release from incarceration or immediately upon imposition of a suspended sentence you will be supervised by the Division of Parole for at least 15 years and will be subject to provisions and conditions of parole, including conditions appropriate to protect the public and foster rehabilitation, such as, but not limited to, counseling, Internet access or use, and other restrictions which may include restrictions on where you can live, work, travel or persons you can contact? [Yes] [No] [NA]

(4) Do you understand that the restrictions on where you can live may include restrictions on residing in a home with minor children? [Yes] [No] [NA]

(5) Do you understand that if you violate a condition of parole supervision for life, your parole may be revoked and you can be sent to prison for 12 to 18 months for each revocation that occurs while you are being supervised and that the prison term you receive cannot be reduced by commutation or work credits? [Yes] [No] [NA]

(6) Do you understand that if you violate a condition of parole supervision for life on or after July 1, 2014, and you are indicted and convicted for that violation, you will receive a sentence of imprisonment up to 5 years or if the violation occurred before July 1, 2014, you will receive a sentence of imprisonment of up to 18 months and that the sentence you receive could be in addition to any prison term you may receive from the Parole Board for a violation of parole supervision for life? [Yes] [No] [NA]

5. Internet Posting

a) Do you understand that as a result of your conviction your name, age, race, sex, 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, the street address, zip code, municipality and county in which you reside and a description of the offense for which you are pleading guilty, may be publicly available on the Internet? [Yes] [No]

b) Do you understand that if you are convicted and your conduct was found to be characterized by a pattern of repetitive and compulsive behavior your name, age, race, sex, 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, the street address, zip code, municipality and county in which you reside and a [Yes] [No]

description of the offense for which you are pleading guilty, may be publicly available on the Internet?

6. Statewide Sexual Assault Nurse Examiner Program Penalty

Do you understand that if the crime occurred on or after May 4, 2001 as a result of your guilty plea you will be required to pay a penalty of $800 for each offense for which you are pleading guilty? [Yes] [No]

7. Civil Commitment

Do you understand that if you are convicted of a sexually violent offense, such as aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2)(b), criminal sexual contact, felony murder if the underlying crime is sexual assault, an attempt to commit any of these offenses, 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, 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? [Yes] [No]

8. Surcharge Penalty for Certain Sex Offenses

Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact or criminal sexual contact and the offense occurred on or after July 1, 2002, the court shall impose fine of $100? [Yes] [No]

9. Sex Offender Supervision Fund Penalty

Do you understand that if the offense was committed on or after July 1, 2014, as a result of your guilty plea you may be required to pay a Sex Offender Supervision Penalty of $30 per month? [Yes] [No]

10. Sex Crime Victim Treatment Fund Penalty (S.C.V.T.F.)

Do you understand that if the crime occurred on or after April 26, 2005, as a result of your guilty plea you will be required to pay a mandatory Sex Crime Victim Treatment Fund (S.C.V.T.F.) penalty as listed below for each offense for which you pled guilty? [Yes] [No]

The mandatory penalties are as follows:

(1) Up to $2,000 in the case of a 1st degree crime
(2) Up to $1,000 in the case of a 2nd degree crime
(3) Up to$750 in the case of a 3rd degree crime
(4) Up to $500 in the case of a 4th degree crime

Total S.C.V.T.F. Penalty: $ _____

Date: _____ Defendant: _____

Defense Attorney: _____

Prosecutor: _____

Poder Judicial de Nueva Jersey
New Jersey Judiciary

Preguntas adicionales para ciertos delitos sexuales
Additional Questions for Certain Sexual Offenses

Las demandas, pedimentos y demás papeles presentados al tribunal deben estar en inglés.
Complaints, motions and other papers submitted to the court should be in English

NOTA:

Si usted se está declarando culpable de un incumplimiento de una condición de la supervisión de por vida en la comunidad, conforme a *N.J.S.A.* 2C:43-6.4, y el incumplimiento ocurrió el 1 de julio de 2014, o después de esa fecha, debe contestar la Pregunta 4b.

NOTE:

If you are pleading guilty to a violation of a condition of community supervision for life, pursuant to N.J.S.A. 2C:43-6.4 and the violation occurred on or after July 1, 2014 you should answer Question 4b.

Usted debe contestar estas preguntas adicionales si se declara culpable del delito de agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto según 2C:13-1c(2), poner en peligro el bienestar de un niño participando en conducta sexual que perjudique o pervierta la moral del niño según 2C:24-4a, poner en peligro el bienestar de un niño conforme a 2C:24-4b(3), (4) o (5)(a), seducir o atraer con engaño a un niño conforme a 2C:13-6, abuso deshonesto conforme a 2C:14-3b si la víctima es un menor; rapto conforme a 2C:13-1, constreñimiento ilegal conforme a 2C:13-2 o privación ilegal de libertad conforme a 2C:13-3 si la víctima es un menor y el infractor no es uno de los padres, fomento de la prostitución infantil conforme a 2C:34-1b(3), (4), o cualquier intento de cometer cualquiera de dichos delitos. Tenga en cuenta también que la pregunta 7 incluye el delito de homicidio preterintencional si el delito subyacente es agresión sexual, así como cualquier delito respecto al cual el juez hace constar en el acta su decisión específica de que, dadas las circunstancias del caso, dicho delito se debe considerar un delito de violencia sexual, o un intento de cometer dichos delitos.

These additional questions need to be answered if you are pleading guilty to the offense of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), (4) or (5)(a), luring or enticing a child pursuant to 2C:13-6, criminal sexual contact pursuant to 2C:14-3b if the victim is a minor; kidnapping pursuant to 2C:13-1, criminal restraint pursuant to 2C:13-2 or false imprisonment pursuant to 2C:13-3 if the victim is a minor and the offender is not the parent, promoting child prostitution pursuant to 2C:34-1b(3), (4), or any attempt to commit any such offense. Note also that Question 7 includes the offense of felony murder if the underlying crime is sexual assault, as well as 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, or an attempt to commit these offenses.

1. Registro
   Registration

   a) ¿Entiende usted que tiene que registrarse con ciertas agencias públicas? [Sí/Yes] [No/No]
   Do you understand that you must register with certain public agencies?

   b) (1) ¿Entiende usted que si cambia de residencia tiene que notificar a la agencia del orden público donde está registrado y tiene que volver a registrarse con el oficial principal del orden público del municipio en que usted residirá, o con el Superintendente de la Policía Estatal si el municipio no tiene un oficial principal del orden público, por lo menos 10 días antes de la fecha en que usted piensa residir en la dirección nueva? [Sí/Yes] [No/No]
   Do you understand that if you change residence 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 State Police if the municipality does not have a chief law enforcement officer, no less than 10 days before you intend to reside at the new address?

   b) (2) ¿Entiende usted que si cambia su situación de empleo o matrícula escolar tiene que notificárselo a la agencia apropiada del orden público a más tardar 5 días después del cambio? [Sí/Yes] [No/No]

Do you understand that if you change employment or school enrollment status you must notify the appropriate law enforcement agency no later than 5 days after the change?

b) (3) ¿Entiende usted que si no le notifica a la agencia apropiada del orden público un cambio de dirección o situación puede que le acusen de un delito de tercer grado por el que puede recibir una condena de encarcelamiento de hasta 5 años **(si el delito se cometió el primero de julio del 2014 o después de esa fecha)** o puede que le acusen de un delito de cuarto grado y podría recibir una condena de encarcelamiento de hasta 18 meses **(si el delito se cometió antes del primero de julio del 2014)**? [Sí/Yes] [No/No]

Do you understand that if you fail to notify the appropriate law enforcement agency of a change of address or status you may be charged with a third degree crime, and may receive a sentence of imprisonment of up to 5 years **(if the offense was committed on or after July 1, 2014)** or you may be charged with a fourth degree crime and may receive a sentence of imprisonment of up to 18 months **(if the offense was committed before July 1, 2014)?**

c) ¿Entiende usted que de no registrarse o volver a registrarse, puede que le acusen de haber cometido un delito de tercer grado y podría recibir una condena de encarcelamiento de hasta 5 años? [Sí/Yes] [No/No]

Do you understand that if you fail to register or re-register you may be charged with a third degree crime and receive a sentence of imprisonment of up to 5 years?

d) ¿Entiende usted que debe suministrar a la agencia apropiada del orden público información sobre su acceso habitual o uso de una computadora o un aparato con capacidad de Internet? **(si el delito se cometió el 25 de febrero del 2008 o después de esa fecha)** [Sí/Yes] [No/No]

Do you understand that you must provide the appropriate law enforcement agency with information about your routine access to or use of a computer or device with Internet capability? **(if the offense was committed on or after February 25, 2008)**

e) ¿Entiende usted que si no le notifica a la agencia apropiada del orden público sobre su acceso habitual o uso de una computadora o un aparato con capacidad de Internet o sobre un cambio en dicho uso o acceso, es posible que le acusen de un delito de tercer grado y podría recibir una condena de encarcelamiento de hasta 5 años **(si el delito se cometió el el primero de julio del 2014 o después de esa fecha)** o es posible que le acusen de un delito de cuarto grado por el cual podría recibir una condena de encarcelamiento de hasta 18 meses **(si el delito se cometió el 25 de febrero del 2008 o después de esa fecha, pero antes del primero de julio del 2014)?** [Sí/Yes] [No/No]

Do you understand that if you fail to notify the appropriate law enforcement agency about your 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 a third degree crime and may receive a sentence of imprisonment of up to 5 years **(if the offense was committed on or after July 1, 2014)** or you may be charged with a fourth degree crime and may receive a sentence of imprisonment of up to 18 months **(if the offense was committed on or after February 25, 2008 but before July 1, 2014)**?

2. Verificación de su dirección
Address Verification

a) ¿Entiende que si usted se declara culpable de agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto conforme a 2C:13-1c(2) o cualquier tentativa de cometer cualquiera de dichos delitos, y al momento de dictarle la pena el juez determina que su conducta se caracterizaba por un patrón de comportamiento repetitivo y compulsivo, usted debe verificar su dirección con la agencia apropiada del orden público cada 90 días, o si el juez determina que su conducta no se caracterizaba por un patrón de comportamiento repetitivo y compulsivo, usted tiene que verificar su dirección una vez al año? [Sí/Yes] [No/No]

Do you understand that if you are pleading guilty to aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2) or any attempt to commit any of these crimes and at sentencing the court finds that your conduct was characterized by a pattern of repetitive,

compulsive behavior you must verify your address with the appropriate law enforcement agency every 90 days or if the court finds your conduct is not characterized by a pattern of repetitive and compulsive behavior, you must verify your address annually?

b) ¿Entiende usted que si suministra información falsa sobre su residencia o no verifica su dirección, puede que se le acuse de haber cometido un delito de tercer grado y podría recibir una condena de encarcelamiento de hasta 5 años **(si el delito se cometió el primero de julio del 2014 o después de esa fecha)** o un delito de cuarto grado y recibir una condena de encarcelamiento de hasta 18 meses **(si el delito se cometió el 7 de marzo del 2007 o después de esa fecha)**? [Sí/Yes] [No/No]

Do you understand that if you provide false information concerning your residence or fail to verify your address you may be charged with a third degree crime and receive a sentence of imprisonment up to 5 years **(if the offense was committed on or after July 1, 2014)** or a fourth degree crime and receive a sentence of imprisonment of up to 18 months **(if the offense was committed on or after March 7, 2007)**?

3. Notificación
Notification

¿Entiende usted que el requisito de registro puede tener como resultado que se les notifique a las agencias del orden público, a las organizaciones de la comunidad o al público en general, que fue liberado del encarcelamiento o de su presencia en la comunidad? [Sí/Yes] [No/No]

Do you understand that the requirement of registration may result in notification to law enforcement, community organizations, or the public at large, of your release from incarceration or presence in the community?

4. a) Supervisión de por vida en la comunidad **(conteste solamente si el delito ocurrió antes del 14 de enero del 2004). (Si el delito ocurrió el 14 de enero del 2004 o después de esa fecha, el acusado debe contestar la pregunta 4b, Supervisión bajo libertad condicional de por vida.)**

Community Supervision for Life **(only complete if the offense occurred before January 14, 2004). (If the offense occurred on or after January 14, 2004, the defendant should complete Question 4b, Parole Supervision for Life).**

(1) ¿Entiende usted que si se declara culpable de un delito de agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto conforme a 2C:13-1c(2), poner en peligro el bienestar de un niño participando en conducta sexual que perjudique o pervierta la moral del niño conforme a 2C:24-4a, seducir, o la tentativa de cometer cualquiera de dichos delitos, el juez, además de cualquier otra condena, le impondrá una pena especial de supervisión de por vida en la comunidad? [Sí/Yes] [No/No]

Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to 2C:24-4a, luring, or an attempt to commit any such offense, the court, in addition to any other sentence, will impose a special sentence of community supervision for life?

(2) ¿Entiende usted que la condena de supervisión de por vida en la comunidad significa que: usted estará bajo supervisión durante un mínimo de 15 años como si se encontrara en libertad condicional y estará sujeto a las condiciones que sean apropiadas para proteger al público y promover su rehabilitación, las cuales incluirán, pero no se limitarán a asesoramiento; acceso o uso de Internet; y otras restricciones que podrán incluir restricciones en cuanto a dónde usted puede vivir, trabajar o viajar? [Sí/Yes] [No/No] [No corresponde/NA]

Do you understand that being sentenced to community supervision for life means that: you will be supervised for at least 15 years as if on parole, and subject to conditions appropriate to protect the public and foster rehabilitation, including, but not limited to counseling; Internet access or use; and other restrictions, which may

include restrictions on where you can live, work or travel?

(3) ¿Entiende usted que las restricciones en cuanto a dónde podrá vivir pueden incluir restricciones en cuanto a residir en un hogar con menores? [Sí/Yes] [No/No] [No corresponde/NA]

Do you understand that the restrictions on where you can live may include restrictions on residing in a home with minor children?

(4) ¿Entiende usted que si infringe una condición de la supervisión de por vida en la comunidad, y le acusan formalmente y le condenan por dicho incumplimiento, es posible que reciba una condena de encarcelamiento de hasta 5 años y una condena especial de supervisión de la libertad condicional de por vida **(si el incumplimiento de la condición ocurrió el primero de julio del 2014 o después de esa fecha)** o es posible que reciba una condena de encarcelamiento de hasta 18 meses **(si el incumplimiento de la condición ocurrió antes del primero de julio del 2014)**? [Sí/Yes] [No/No] [No corresponde/NA]

Do you understand that if you violate a condition of community supervision for life and you are indicted and convicted for that violation, you may receive a sentence of imprisonment of up to 5 years and a special sentence of parole supervision for life **(if the violation of the condition occurred on or after July 1, 2014)** or you may receive a sentence of up to 18 months **(if the violation of the condition occurred before July 1, 2014)**?

4. ☐ Supervisión bajo libertad condicional de por vida **(conteste solamente si el delito ocurrió el 14 de enero del 2004 o después de esa fecha)**.

Parole Supervision for Life **(only complete if the offense occurred on or after January 14, 2004)**.

(1) ¿Entiende usted que si se declara culpable de un delito de agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto conforme a 2C:13-1c(2), poner en peligro el bienestar de un niño participando en conducta sexual que perjudique o pervierta la moral del niño conforme a 2C:24-4a, poner en peligro el bienestar de un niño conforme a 2C:24-4b(3), seducir, o la tentativa de cometer cualquiera de dichos delitos, y el delito ocurrió el 14 de enero del 2004 o después de esa fecha, o de una infracción de una condena especial de supervisión de por vida en la comunidad si la infracción ocurrió el primero de julio del 2014 o después de esa fecha el juez, además de cualquier otra condena, le impondrá una pena especial de supervisión bajo libertad condicional de por vida? [Sí/Yes] [No/No] [No corresponde/NA]

Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child pursuant to 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), luring or an attempt to commit any of these offenses and the offense occurred on or after January 14, 2004, or violating a condition of a special sentence of community supervision for life if the violation occurred on or after July 1, 2014 the court, in addition to any other sentence, will impose a special sentence of parole supervision for life?

(2) **(complete esto solamente si el delito ocurrió el 14 de agosto del 2013 o después de esa fecha)** [Sí/Yes] [No/No] [No corresponde/NA]

¿Entiende usted que si se está declarando culpable del delito de pornografía juvenil conforme a *N.J.S.A.* 2C:24-4b(4) o *N.J.S.A.* 2C:24-4b(5) o un intento de cometer cualquiera de dichos delitos y el delito ocurrió el 14 de agosto del 2013 o después de esa fecha, además de cualquier otra condena, y a solicitud del fiscal, el juez le impondrá una

condena especial de supervisión de por vida de la libertad condicional, a menos que el juez determine y conste en el acta que la supervisión de la libertad condicional de por vida no es necesaria para proteger a la comunidad o para impedir que usted cometa alguna actividad delictiva en el futuro?

(only complete if the offense occurred on or after August 14, 2013)

Do you understand that if you are pleading guilty to the crime of child pornography pursuant to *N.J.S.A.* 2C:24-4b(4) or *N.J.S.A.* 2C:24-4b(5) or an attempt to commit either of these offenses and the offense occurred on or after August 14, 2013, in addition to any other sentence, and upon motion of the prosecutor, the court shall impose a special sentence of parole supervision of life, unless the court finds on the record that parole supervision for life is not needed to protect the community or deter you from future criminal activity?

(3) ¿Entiende usted que la condena de supervisión bajo libertad condicional de por vida significa que al ser puesto en libertad después de su encarcelamiento o de inmediato en el momento de la imposición de una sentencia suspendida, será supervisado por la División de Libertad Condicional por un mínimo de 15 años y estará sujeto a las disposiciones y condiciones de la libertad condicional, las cuales incluirán las condiciones que sean apropiadas para proteger al público y promover la rehabilitación, y que dichas condiciones podrán incluir, pero no se limitarán a asesoramiento, el acceso o uso de Internet y otras restricciones entre las que podría haber restricciones en cuanto a dónde usted podrá vivir, trabajar, viajar o las personas con quienes podrá comunicarse? [Sí/Yes] [No/No] [No corresponde/NA]

Do you understand that being sentenced to parole supervision for life means that upon release from incarceration or immediately upon imposition of a suspended sentence you will be supervised by the Division of Parole for at least 15 years and will be subject to provisions and conditions of parole, including conditions appropriate to protect the public and foster rehabilitation, such as, but not limited to, counseling, Internet access or use, and other restrictions which may include restrictions on where you can live, work, travel or persons you can contact?

4. b) (4) ¿Entiende que las restricciones en cuanto a dónde podrá vivir pueden incluir restricciones en cuanto a residir en un hogar con menores? [Sí/Yes] [No/No] [No corresponde/NA]

Do you understand that the restrictions on where you can live may include restrictions on residing in a home with minor children?

(5) ¿Entiende usted que si infringe una condición de la supervisión bajo libertad condicional de por vida, le podrán revocar la libertad condicional y lo podrán enviar a la cárcel por un período de entre 12 y 18 meses por cada revocación que ocurra mientras lo están supervisando, y que el término de encarcelamiento que reciba no se podrá reducir por conmutación o créditos por trabajo? [Sí/Yes] [No/No] [No corresponde/NA]

Do you understand that if you violate a condition of parole supervision for life, your parole may be revoked and you can be sent to prison for 12 to 18 months for each revocation that occurs while you are being supervised and that the prison term you receive cannot be reduced by commutation or work credits?

(6) ¿Entiende usted que si infringe una condición de la supervisión bajo libertad condicional de por vida el primero de julio del 2014 o después de esa fecha y se le acusa formalmente y se le condena por dicha infracción, recibirá una condena de encarcelamiento de hasta 5 años o si la infracción ocurrió antes del primero de julio del 2014, recibirá una condena de encarcelamiento de hasta 18 meses y que la condena que reciba puede ser agregada a cualquier término de encarcelamiento que [Sí/Yes] [No/No] [No corresponde/NA]

pueda recibir de la Junta de Libertad Condicional por una infracción de la supervisión bajo libertad condicional de por vida?

Do you understand that if you violate a condition of parole supervision for life on or after July 1, 2014, and you are indicted and convicted for that violation, you will receive a sentence of imprisonment up to 5 years or if the violation occurred before July 1, 2014, you will receive a sentence of imprisonment of up to 18 months and that the sentence you receive could be in addition to any prison term you may receive from the Parole Board for a violation of parole supervision for life?

5. Divulgación en el Internet
   Internet Posting

a) ¿Entiende usted que como resultado de su condena, pueden estar públicamente disponibles en Internet su nombre y apellido, edad, raza, sexo, fecha de nacimiento, estatura, peso, color de los ojos, cualquier cicatriz o tatuaje distintivo que tenga, su fotografía, la marca, el modelo, el color, año y número de la placa de cualquier vehículo que opere, la dirección, código postal, municipio y condado en que reside y una descripción del delito del que se está declarando culpable? [Sí/Yes] [No/No]

Do you understand that as a result of your conviction your name, age, race, sex, 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, the street address, zip code, municipality and county in which you reside and a description of the offense for which you are pleading guilty, may be publicly available on the Internet?

b) ¿Entiende usted que si le condenan y se determinó que su conducta se caracterizaba por un patrón de conducta repetitiva y compulsiva, su nombre y apellido, edad, raza, sexo, fecha de nacimiento, estatura, peso, color de los ojos, cualquier cicatriz o tatuaje distintivos que tenga, su fotografía, la marca, el modelo, color, año y número de placa de cualquier vehículo que opere, su dirección, código postal, municipio y condado en que reside y una descripción del delito del cual se declara culpable, pueden estar disponibles públicamente en Internet? [Sí/Yes] [No/No]

Do you understand that if you are convicted and your conduct was found to be characterized by a pattern of repetitive and compulsive behavior your name, age, race, sex, 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, the street address, zip code, municipality and county in which you reside and a description of the offense for which you are pleading guilty, may be publicly available on the Internet?

6. Multa del programa estatal de enfermeras examinadoras de víctimas de agresiones sexuales
   Statewide Sexual Assault Nurse Examiner Program Penalty

¿Entiende usted que si el delito ocurrió el 4 de mayo de 2001 o después de esa fecha, como resultado de su declaración de culpabilidad, se requerirá que pague una multa de $800 por cada delito del cual se está declarando culpable? [Sí/Yes] [No/No]

Do you understand that if the crime occurred on or after May 4, 2001 as a result of your guilty plea you will be required to pay a penalty of $800 for each offense for which you are pleading guilty?

7. Confinamiento civil
   Civil Commitment

¿Entiende usted que si lo condenan por un delito de violencia sexual, como por ejemplo agresión sexual con agravantes, agresión sexual, abuso deshonesto con agravantes, rapto conforme a 2C:13-1c(2)(b), abuso deshonesto, homicidio preterintencional si el delito subyacente es agresión sexual, un intento de cometer cualquiera de dichos delitos o cualquier delito respecto al cual el juez hace constar en el acta su decisión específica de que, dadas las circunstancias del caso, el delito se debe considerar un delito de violencia sexual, cuando [Sí/Yes] [No/No]

usted cumpla su término de encarcelamiento, es posible que mediante un proceso civil lo confinen en otra instalación hasta de por vida si después de una audiencia el juez decide que un confinamiento civil involuntario es necesario para usted?

Do you understand that if you are convicted of a sexually violent offense, such as aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2)(b), criminal sexual contact, felony murder if the underlying crime is sexual assault, an attempt to commit any of these offenses, 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, 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?

8. Recargo como penalidad para ciertos delitos sexuales
   Surcharge Penalty for Certain Sex Offenses

¿Entiende usted que si se está declarando culpable del delito de agresión sexual con agravantes, agresión sexual, contacto sexual criminal agravado o contacto sexual criminal y el delito ocurrió el primero de julio del 2002 o después de esa fecha, el juez le impondrá una multa de $100? [Sí/Yes] [No/No]

Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact or criminal sexual contact and the offense occurred on or after July 1, 2002, the court shall impose fine of $100?

9. Penalidad para el fondo de supervisión de delincuentes sexuales
   Sex Offender Supervision Fund Penalty

¿Entiende usted que si el delito se cometió el primero de julio del 2014 o después de esa fecha, como resultado de su declaración de culpabilidad se puede requerir que pague una penalidad para el fondo de supervisión de delincuentes sexuales de $30 por mes? [Sí/Yes] [No/No]

Do you understand that if the offense was committed on or after July 1, 2014, as a result of your guilty plea you may be required to pay a Sex Offender Supervision Penalty of $30 per month?

10. Multas del fondo para el tratamiento de víctimas de delitos sexuales (S.C.V.T.F.)
    Sex Crime Victim Treatment Fund Penalty (S.C.V.T.F.)

¿Entiende usted que si el delito ocurrió el 26 de abril del 2005 o después de esa fecha, a consecuencia de su declaración de culpabilidad usted tendrá que pagar una multa obligatoria para el Fondo para el Tratamiento de Víctimas de Delitos Sexuales (S.C.V.T.F.), tal como se indica a continuación, por cada delito del cual usted se declaró culpable? [Sí/Yes] [No/No]

Las multas obligatorias son las siguientes:

(1) Un máximo de $2,000 por un delito de 1er grado
(2) Un máximo de $1,000 por un delito de 2º grado
(3) Un máximo de $750 por un delito de 3er grado
(4) Un máximo de $500 por un delito de 4º grado

Multa TOTAL de S.C.V.T.F $ _____

Do you understand that if the crime occurred on or after April 26, 2005, as a result of your guilty plea you will be required to pay a mandatory Sex Crime Victim Treatment Fund (S.C.V.T.F.) penalty as listed below for each offense for which you pled guilty?The mandatory penalties are as follows:

(1) Up to $2,000 in the case of a 1st degree crime
(2) Up to $1,000 in the case of a 2nd degree crime
(3) Up to $750 in the case of a 3rd degree crime
(4) Up to $500 in the case of a 4th degree crime

TOTAL S.C.V.T.F. Penalty:$ _____

Fecha/Date _____ Acusado/Defendant _____

Abogado defensor/Defense Attorney _____

Fiscal/Prosecutor _____

ATTACHMENT 2

Supplemental Plea Form
For Graves Act Cases

English and English-Spanish

New Jersey Judiciary

Supplemental Plea Form for Graves Act Offenses (*N.J.S.A.* 2C: 43-6c)

NOTE

You are not subject to a mandatory Graves Act parole ineligibility term if you are pleading guilty to unlawful possession of a handgun, that is an air gun, spring gun, or BB gun pursuant to *N.J.S.A.* 2C:39-5b(2); unlawful possession of an unloaded rifle or shotgun, *N.J.SA.* 2C:39-5c(1); or unlawful possession of a rifle or shotgun that is an air gun, spring gun, or BB gun, *N.J.S.A.* 2C:39-5c(2).

You are pleading to a Graves Act offense. This means:

A. (1) You are pleading guilty to possession of a firearm with intent to use it against the person of another or to murder, aggravated manslaughter, manslaughter, aggravated assault, kidnapping, aggravated sexual assault, aggravated criminal sexual contact, robbery, burglary or escape; or

(2) You are pleading guilty to one of the following offenses that occurred on or after January 13, 2008: possession of a shotgun, *N.J.S.A.* 2C:39-3b; possession of a defaced weapon, *N.J.S.A.* 2C:39-3d; possession of a weapon (firearm) for an unlawful purpose, *N.J.S.A.* 2C:39-4a; possession of a firearm while in the course of committing a CDS offense or other offenses, *N.J.S.A.* 2C:39-4.1a; unlawful possession of a machine gun, handgun, rifle or shotgun, *N.J.S.A.* 2C:39-5a, b or c; certain persons not to have weapons, *N.J.S.A.* 2C:39-7; or manufacture, transport, disposition and defacement of machine guns, sawed-off shotguns, defaced firearms or assault firearms. *N.J.S.A.* 2C:39-9a, b, e or g; or

(3) You are pleading guilty to the following offense that occurred on or after August 8, 2013: unlawful possession of an assault firearm, *N.J.S.A.* 2C:39-5(f).

AND/OR

B. You are also admitting, by virtue of this plea, that while in the course of committing or attempting to commit one of the crimes, including the immediate flight therefrom, you used or were in possession of a firearm.

1. Do you understand that because of your plea of guilty to [Yes] [No]

_____

you will be subject to a minimum period of time before you will be eligible for parole (a parole ineligibility term) under the Graves Act (as set forth in question 7 on the Main Plea Form)?

2. Do you understand that by pleading guilty and admitting that you used or were in possession of a firearm that is a _____, (type of firearm) while in the course of committing or attempting to commit one of the crimes, you are waiving your right to have a jury determine, beyond a reasonable doubt, that you used or possessed a firearm during the course of committing or attempting to commit one of the crimes? [Yes] [No]

3. Does any other mandatory sentencing provision apply to the Graves Act count that provides for a greater period of parole ineligibility (e.g., NERA, Three Strikes, Murder)? [Yes] [No] [NA]

If so, which one?

_____

Date _____ Defendant _____

Defense Attorney _____

Prosecutor _____

Poder Judicial de Nueva Jersey
New Jersey Judiciary

Formulario suplementario para una declaración de culpabilidad por delitos según la Ley Graves (*N.J.S.A.* 2C: 43-6c)

Supplemental Plea Form for Graves Act Offenses (*N.J.S.A.* 2C: 43-6c)

Las demandas, pedimentos y demás papeles presentados al tribunal deben estar en inglés.
Complaints, motions and other papers submitted to the court should be in English

NOTA:

Usted no está sujeto a un período obligatorio durante el cual no reúne las condiciones necesarias para la libertad condicional según la Ley Graves si se está declarando culpable de la tenencia ilícita de un arma de mano que es una pistola de aire comprimido, pistola de resorte, o pistola de balines (municiones), conforme a *N.J.S.A.* 2C:39-5b(2); la tenencia ilícita de un rifle o una escopeta que no esté cargada, *N.J.S.A.* 2C:39-5c(1); o la tenencia ilícita de un rifle o una escopeta que es un rifle de aire comprimido, un rifle de resorte, o una carabina de municiones, *N.J.S.A.* 2C:39-5c(2).

NOTE

You are not subject to a mandatory Graves Act parole ineligibility term if you are pleading guilty to unlawful possession of a handgun that is an air gun, spring gun, or BB gun pursuant to *N.J.S.A.* 2C:39-5b(2); unlawful possession of an unloaded rifle or shotgun, *N.J.SA.* 2C:39-5c(1); or unlawful possession of a rifle or shotgun that is an air gun, spring gun, or BB gun, *N.J.S.A.* 2C:39-5c(2).

Usted se está declarando culpable de un delito según la Ley Graves. Eso significa que:
You are pleading to a Graves Act offense. This means:

A. (1) Se declara culpable de la posesión de un arma de fuego con la intención de usarla contra otra persona, o de homicidio, homicidio impremeditado con agravantes, homicidio impremeditado, agresión con agravantes, rapto, agresión sexual con agravantes, abuso deshonesto con agravantes, robo, allanamiento con fines delictivos, o fuga; o

(2) Se declara culpable de uno de los siguientes delitos que ocurrió el 13 de enero del 2008 o después de esa fecha: tenencia de una escopeta, *N.J.S.A.* 2C:39-3b; tenencia de un arma desfigurada, *N.J.S.A.* 2C:39-3d; tenencia de un arma (de fuego) para un propósito ilícito, *N.J.S.A.* 2C:39:4a; tenencia de un arma de fuego durante la comisión de un delito de sustancia peligrosa controlada (CDS) u otros delitos, *N.J.S.A.* 2C:39-4.1a; posesión ilícita de una ametralladora, pistola, rifle o escopeta, *N.J.S.A.* 2C:39-5a, b o c; ciertas personas que no tienen permiso para tener armas, *N.J.S.A.* 2C:39-7; o la fabricación, el transporte, la disposición o desfiguración de ametralladoras, escopetas recortadas, armas de fuego desfiguradas o armas de fuego de asalto, *N.J.S.A.* 2C:39-9a, b, e o g; o

(3) Se declara culpable del siguiente delito que ocurrió el 8 de agosto del 2013 o después de esa fecha: la tenencia ilícita de un arma de fuego de asalto, *N.J.S.A.* 2C:39-5(f).

(1) You are pleading guilty to possession of a firearm with intent to use it against the person of another or to murder, aggravated manslaughter, manslaughter, aggravated assault, kidnapping, aggravated sexual assault, aggravated criminal sexual contact, robbery, burglary or escape; or

(2) You are pleading guilty to one of the following offenses that occurred on or after January 13, 2008: possession of a shotgun, *N.J.S.A.* 2C:39-3b; possession of a defaced weapon, *N.J.S.A.* 2C:39-3d; possession of a weapon (firearm) for an unlawful purpose, *N.J.S.A.* 2C:39-4a; possession of a firearm while in the course of committing a CDS offense or other offenses, *N.J.S.A.* 2C:39-4.1a; unlawful possession of a machine gun, handgun, rifle or shotgun, *N.J.S.A.* 2C:39-5a., b or c; certain persons not to have weapons, *N.J.S.A.* 2C:39-7; or manufacture, transport, disposition and defacement of machine guns, sawed-off shotguns, defaced firearms or assault firearms. *N.J.S.A.* 2C:39-9a., b, e or g. or

(3) You are pleading guilty to the following offense that occurred on or after August 8, 2013: unlawful possession of an assault firearm, *N.J.S.A.* 2C:39-5(f).

Y/O AND/OR

B. También admite, en virtud de esta declaración de culpabilidad, que cuando estaba cometiendo o tratando de cometer uno de los delitos, incluyendo su fuga inmediata del lugar de los hechos, usted usó un arma de fuego o tenía una en su posesión.
You are also admitting, by virtue of this plea, that while in the course of committing or attempting to commit one of the crimes, including the immediate flight therefrom, you used or were in possession of a firearm.

1. ¿Entiende que por su declaración de culpabilidad a [Sí/Yes] [No/No]
Do you understand that because of your plea of guilty to

_____

se requerirá que cumpla un período mínimo de tiempo de la condena impuesta antes de que esté en condiciones de recibir libertad condicional, conforme a la Ley Graves (tal como se expresa en la pregunta 7 del formulario para la declaración de culpabilidad que consta de tres páginas?
you will be subject to a minimum period of time before you will be eligible for parole (a parole ineligibility term) under the Graves Act (as set forth in question 7 on the three-page plea form)?

2. ¿Entiende que al declararse culpable y admitir que usó o tenía en su posesión un arma de fuego que es un _____ (tipo de arma de fuego) cuando estaba cometiendo o tratando de cometer uno de los mencionados delitos, usted renuncia a su derecho a que un jurado determine, más allá de una duda razonable, que usó o poseía un arma de fuego cuando cometió o trató de cometer uno de los delitos? [Sí/Yes] [No/No]
Do you understand that by pleading guilty and admitting that you used or were in possession of a firearm that is a _____, (type of firearm) while in the course of committing or attempting to commit one of the crimes, you are waiving your right to have a jury determine, beyond a reasonable doubt, that you used or possessed a firearm during the course of committing or attempting to commit one of the crimes?

3. ¿Corresponde al cargo imputado según la Ley Graves alguna otra disposición obligatoria de sentencia que estipule un período más largo durante el cual no pueda recibir libertad condicional (v.g., NERA, Tercera vez, Homicidio)? [Sí/Yes] [No/No] [No corresponde /NA]
Does any other mandatory sentencing provision apply to the Graves Act count that provides for a greater period of parole ineligibility (e.g., NERA, Three Strikes, Murder)?

Si corresponde alguna, ¿cuál es?
If so, which one?

_____

Fecha _____ Acusado _____
Date Defendant

Abogado Defensor _____
Defense Attorney

Fiscal _____
Prosecutor

ATTACHMENT 3

Supplemental Plea Form
For *No Early Release Act*

English and English-Spanish

New Jersey Judiciary
Supplemental Plea Form for *No Early Release Act* (NERA) Cases (*N.J.S.A.* 2C:43-7.2)

The following questions need to be answered only if you are pleading guilty to one of the following first or second degree crimes that occurred **on or after June 29, 2001**: murder, aggravated manslaughter or manslaughter, vehicular homicide, aggravated assault, disarming a law enforcement officer, kidnapping, aggravated sexual assault, sexual assault, robbery, carjacking, aggravated arson by placing another person in danger of death or serious bodily injury, burglary, theft by extortion by obtaining property of another by threatening to inflict bodily injury on, or physically confine or restrain anyone or commit another offense, booby traps in manufacturing or distributing of CDS facilities, or strict liability for drug induced deaths; or that **occurred on or after June 18, 2002**: terrorism, or producing or possessing chemical weapons, biological agents or nuclear or radiological devices; or that **occurred on or after January 13, 2008**: first degree racketeering; or that **occurred on or after August 14, 2013**: child pornography; or that **occurred on or after November 1, 2013**: firearms trafficking.

1. Do you understand that because of your plea of guilty to [Yes] [No]

   _____
   (List First or Second Degree Violent Crime(s) to Which *NERA* Applies)

   you will be required to serve 85% of the sentence imposed for that offense(s) before you will be eligible for parole on that offense(s)?

2. Do you understand that because you have pled guilty to these charges the court must impose a _____ year term of parole supervision and that term will begin as soon as you complete the sentence of incarceration? [Yes] [No]
   First Degree Term of Parole Supervision - 5 years
   Second Degree Term of Parole Supervision - 3 years

3. Do you understand that if you violate the conditions of your parole supervision that your parole may be revoked and you may be subject to return to prison to serve all or any portion of the remaining period of parole supervision, even if you have completed serving the term of imprisonment previously imposed? [Yes] [No]

Date: _____ Defendant: _____

Defense Attorney: _____

Prosecutor: _____

Poder Judicial de Nueva Jersey
New Jersey Judiciary

Formulario suplementario para una declaración de culpabilidad en causas sujetas a la *Ley Contra Puestas en Libertad Prematuras* (NERA) (*N.J.S.A.* 2C:43-72)

Supplemental Plea Form for *No Early Release Act* (NERA) Cases (N.J.S.A. 2C:43-7.2)

Las demandas, pedimentos y demás papeles presentados ante el tribunal deben estar en inglés.
Complaints, motions and other papers submitted to the court should be in English

Es necesario que conteste las siguientes preguntas solamente si se está declarando culpable de uno de los siguientes delitos graves de primer o segundo grado que ocurrió **el 29 de junio del 2001 o después de esa fecha**: asesinato, homicidio no premeditado con agravantes u homicidio no premeditado, homicidio con vehículo, agresión con agravantes, desarmar a un agente del orden público, secuestro, agresión sexual con agravantes, agresión sexual, robo con violencia, robo de un automóvil con personas adentro, incendio intencional con agravantes que expone a otra persona al peligro de muerte o lesiones corporales graves, escalamiento o allanamiento con fines delictivos, robo mediante extorsión al obtener bienes de otro amenazándole con infligirle lesiones corporales, o restringir o sujetar a cualquier persona, o cometer otro delito, trampas explosivas en instalaciones de fabricación o distribución de CDS o responsabilidad objetiva por muertes provocadas por drogas; o que **ocurrió el 18 de junio del 2002 o después de esa fecha;** terrorismo, o producir o poseer armas químicas, agentes biológicos o dispositivos nucleares o radiológicos; o que **ocurrió el 13 de enero del 2008 o después de esa fecha:** delitos de mafia de primer grado; o que **ocurrió el 14 de agosto del 2013 o después de esa fecha;** pornografía infantil; o que **ocurrió el 1 de noviembre del 2013 o después de esa fecha;** tráfico de armas de fuego.

The following questions need to be answered only if you are pleading guilty to one of the following first or second degree crimes that occurred **on or after June 29, 2001**: murder, aggravated manslaughter or manslaughter, vehicular homicide, aggravated assault, disarming a law enforcement officer, kidnapping, aggravated sexual assault, sexual assault, robbery, carjacking, aggravated arson by placing another person in danger of death or serious bodily injury, burglary, theft by extortion by obtaining property of another by threatening to inflict bodily injury on, or physically confine or restrain anyone or commit another offense, booby traps in manufacturing or distributing of CDS facilities or strict liability for drug induced deaths; or that **occurred on or after June 18, 2002**: terrorism, or producing or possessing chemical weapons, biological agents or nuclear or radiological devices; or that **occurred on or after January 13, 2008**: first degree racketeering; or that **occurred on or after August 14, 2013**: child pornography; or that **occurred on or after November 1, 2013**: firearms trafficking.

1. ¿Entiende que por su declaración de culpabilidad a [Sí/Yes] [No/No]
   Do you understand that because of your plea of guilty to

   _____

   (Relacione los delitos violentos de primer o segundo grado que están incluidos en *NERA*
   List First or Second Degree Violent Crime(s) to Which *NERA* Applies)

   se requerirá que cumpla el 85% de la condena impuesta por ese delito o esos delitos antes que reúna las condiciones para recibir libertad condicional por ese delito o esos delitos?
   you will be required to serve 85% of the sentence imposed for that offense(s) before you will be eligible for parole on that offense(s)?

2. ¿Entiende que porque se ha declarado culpable de estos cargos, el juez al dictarle la pena tiene que imponerle un período de supervisión de la libertad condicional de _____ años, y que dicho período comenzará en cuanto usted termine de cumplir la sentencia de encarcelamiento? [Sí/Yes] [No/No]
   Período de supervisión de la libertad condicional por un delito de primer grado - 5 años
   Período de supervisión de la libertad condicional por un delito de segundo grado -3 años

   Do you understand that because you have pled guilty to these charges the court must impose a _____ year term of parole supervision and that term will begin as soon as you complete the sentence of incarceration?
   First Degree Term of Parole Supervision - 5 years
   Second Degree Term of Parole Supervision - 3 years

3. ¿Entiende que si infringe las condiciones de la supervisión de su libertad condicional, se podrá revocar su libertad condicional y es posible que tenga que volver a la prisión para cumplir todo el período de supervisión de su libertad condicional o cualquier porción del período de supervisión de la libertad condicional restante, aun cuando ya usted hubiera terminado de cumplir el período de encarcelamiento que se le impuso anteriormente? [Sí/Yes] [No/No]

   Do you understand that if you violate the conditions of your parole supervision that your parole may be revoked and you may be subject to return to prison to serve all or any portion of the remaining period of parole supervision, even if you have completed serving the term of imprisonment previously imposed?

Fecha/Date: _____ Acusado)/Defendant: _____

Abogado Defensor/Defense Attorney: _____

Fiscal/Prosecutor _____