

FAILURE TO REGISTER AS A SEX OFFENDER
(N.J.S.A. 2C:7-2a)

The indictment charges the defendant with the offense of failing to register as a sex offender as follows:

(Read pertinent count of the indictment)

The statute on which this charge is based provides that an actor is guilty of the offense of failing to register as a sex offender if he/she has been convicted (or adjudicated delinquent or found not guilty by reason of insanity)¹ for commission of a sex offense and if he/she knowingly fails to register as a sex offender as required by law.

In order for you to find the defendant guilty of failing to register as a sex offender, you must find that the State has proved beyond a reasonable doubt the following elements:

- (1) that the defendant was required by law to register as a sex offender; and
- (2) that the defendant knowingly failed to register as a sex offender as required by law.

The first element that the State must prove beyond a reasonable doubt is that the defendant was required by law to register as a sex offender. The law requires that those who have been convicted (adjudicated delinquent or found not guilty by reason of insanity)² of a sex offense, as that term is defined by the law, must register as sex offenders.

The law defines sex offense as follows:

(Choose appropriate section)

- (1) a conviction for:
 - (a) aggravated sexual assault;
 - (b) sexual assault;
 - (c) aggravated criminal sexual contact;

¹ If the indictment is based on a sex offense as defined in N.J.S.A. 2C:7-2b(1), this language should be omitted. If the indictment is based on a sex offense as defined in N.J.S.A. 2C:7-2b(2) or (3), this language should be included in the charge.

² If the indictment is based on a sex offense as defined in N.J.S.A. 2C:7-2b(1), this language should be omitted. If the indictment is based on a sex offense as defined in N.J.S.A. 2C:7-2b(2) or (3), this language should be included in the charge.

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- (d) kidnaping pursuant to N.J.S.A. 2C:13-1c(2); or
- (e) an attempt to commit any of these crimes.

A conviction for any of these offenses constitutes a sex offense if the sentencing court found that the defendant's conduct was characterized by a pattern of repetitive, compulsive behavior.³

A conviction is defined as an adjudication that the defendant committed the offense. A conviction can arise through a guilty plea or through a guilty finding by a judge or jury.

(or)

- (2) a conviction, adjudication of delinquency or acquittal by reason of insanity for:
 - (a) aggravated sexual assault;
 - (b) sexual assault;
 - (c) aggravated criminal sexual contact;
 - (d) kidnaping pursuant to N.J.S.A. 2C:13-1c(2);
 - (e) endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child pursuant to N.J.S.A. 2C:24-4a;
 - (f) endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4b(4);
 - (g) luring or enticing a child pursuant to N.J.S.A. 2C:13-6;
 - (h) criminal sexual contact pursuant to N.J.S.A. 2C:14-3b if the victim is a minor;
 - (i) kidnaping pursuant to N.J.S.A. 2C:13-1 if the victim is a minor and the offender is not the parent of the victim;
 - (j) criminal restraint pursuant to N.J.S.A. 2C:13-2 if the victim is a minor and the offender is not the parent of the victim;
 - (k) false imprisonment pursuant to N.J.S.A. 2C:13-3 if the victim is a minor and the offender is not the parent of the victim; or
 - (l) an attempt to commit any of these crimes;

A conviction, adjudication of delinquency or acquittal by reason of insanity for any of the above offenses constitutes a sex offense if:

³ This is so regardless of the date of the commission of the offense or the date of conviction. N.J.S.A. 2C:7-2b(1).

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- (a) the conviction, adjudication of insanity or acquittal by reason of insanity was entered on or after October 31, 1994, the effective date of this statute; or
- (b) the defendant was serving a sentence of incarceration, probation, parole or other form of community supervision on October 31, 1994, the effective date of this statute, as a result of the offense; or
- (c) the defendant was confined following acquittal by reason of insanity or as a result of civil commitment on October 31, 1994, the effective date of this statute.

A conviction is defined as an adjudication that the defendant committed the offense. A conviction can arise through a guilty plea or through a guilty finding by a judge or jury.

An adjudication of delinquency means a finding by a judge that a juvenile offender committed an act which, if committed by an adult, would constitute the offense.

An acquittal by reason of insanity is a finding by a judge or jury that the defendant was not criminally responsible for his/her conduct because he/she was legally insane.

(or)

(3) a conviction, adjudication of delinquency or acquittal by reason of insanity entered or imposed under the laws of the United States, this State or another state for an offense similar to:

- (a) aggravated sexual assault;
- (b) sexual assault;
- (c) aggravated criminal sexual contact;
- (d) kidnapping pursuant to N.J.S.A. 2C:13-1c(2);
- (e) endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child pursuant to N.J.S.A. 2C:24-4a;
- (f) endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4b(4);
- (g) luring or enticing a child pursuant to N.J.S.A. 2C:13-6;
- (h) criminal sexual contact pursuant to N.J.S.A. 2C:14-3b if the victim is a minor;
- (i) kidnapping pursuant to N.J.S.A. 2C:13-1 if the victim is a minor and the offender is not the parent of the victim;
- (j) criminal restraint pursuant to N.J.S.A. 2C:13-2 if the victim is a minor and the offender is not the parent of the victim; or

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- (k) false imprisonment pursuant to N.J.S.A. 2C:13-3 if the victim is a minor and the offender is not the parent of the victim; or
- (l) an attempt to commit any of these crimes.

A conviction, adjudication of delinquency or acquittal by reason of insanity for any offense similar to the above offenses constitutes a sex offense if:

- (a) the conviction, adjudication of delinquency or acquittal by reason of insanity was entered on or after October 31, 1994, the effective date of this statute; or
- (b) the defendant was serving a sentence of incarceration, probation, parole or other form of community supervision on October 31, 1994, the effective date of this statute, as a result of the offense; or
- (c) the defendant was confined following acquittal by reason of insanity or as a result of civil commitment on October 31, 1994, the effective date of this statute.

A conviction is defined as an adjudication that the defendant committed the offense. A conviction can arise through a guilty plea or through a guilty finding by a judge or jury.

An adjudication of delinquency means a finding by a judge that a juvenile offender committed an act which, if committed by an adult, would constitute the offense.

An acquittal by reason of insanity is a finding by a judge or jury that the defendant was not criminally responsible for his/her conduct because he/she was legally insane.

(or)

(4) a conviction or adjudication of delinquency entered or imposed under the laws of the United States, this State or another state for an offense similar to:

- (a) aggravated sexual assault;
- (b) sexual assault;
- (c) aggravated criminal sexual contact;
- (d) kidnapping pursuant to N.J.S.A. 2C:13-1c(2); or
- (e) an attempt to commit any of these crimes.

A conviction or adjudication of delinquency for an offense similar to any of the above offenses constitutes a sex offense if the sentencing court found that the offender's conduct was

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characterized by a pattern of repetitive, compulsive behavior or similar standard.⁴

A conviction is defined as an adjudication that the defendant committed the offense. A conviction can arise through a guilty plea or through a guilty finding by a judge or jury.

An adjudication of delinquency means a finding by a judge that a juvenile offender committed an act which, if committed by an adult, would constitute the offense.

* * *

The second element that the State must prove beyond a reasonable doubt is that the defendant, knowing of his/her obligation to register (or re-register) as a sex offender, knowingly failed to register (or re-register) as required by law.

The law imposes certain registration obligations on persons who have been convicted (adjudicated delinquent or found not guilty by reason of insanity)⁵ for the commission of a sex offense as I have previously defined that term for you.

(Charge appropriate section)

(1) A defendant who is under supervision in the community on probation, parole, furlough, work release, or a similar program must have registered at the time he/she is placed under supervision or by February 28, 1995,⁶ whichever is later.⁷

(or)

(2) A defendant confined in a correctional or juvenile facility or involuntarily committed must have registered prior to release.⁸

(or)

(3) A defendant moving to or returning to this State from another jurisdiction must have a local police force, the defendant must have registered with the chief law-enforcement officer

⁴ This is so regardless of the date of the commission of the offense or the date of conviction. N.J.S.A. 2C:7-2b(3).

⁵ If the indictment is based on a sex offense as defined in N.J.S.A. 2C:7-2b(1), this language should be omitted. If the indictment is based on a sex offense as defined in N.J.S.A. 2C:7-2b(2) or (3), this language should be included in the charge.

⁶ This is 120 days from October 31, 1994, the effective date of the statute.

⁷ Where an issue arises as to the defendant's compliance with the procedures established by the appropriate agency, the jury should be instructed as to what the appropriate procedures were.

⁸ Where an issue arises as to the defendant's compliance with the procedures established by the appropriate agency, the jury should be instructed as to what the appropriate procedures were.

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office of the municipality in which the defendant will reside by February 28, 1995,⁹ or within 70 days of first residing in or returning to a municipality in this State, whichever is later. If the municipality does not have a local police force, the defendant must have registered with the superintendent of State Police within the same time period.

(or)

(4) A defendant who is required to register on the basis of a conviction prior to the effective date of this act who is not confined or under supervision on October 31, 1994, the effective date of the statute, must have registered by February 28, 1995¹⁰ with the chief law enforcement officer of the municipality in which the defendant will reside. If the municipality does not have a local police force, the defendant must have registered with the Superintendent of State Police within the time period.

(or)

(5) A defendant who changed addresses within this State must have notified the law-enforcement agency with which he/she previously registered and must have re-registered with the appropriate law-enforcement agency no less than 10 days before he/she intends to first reside at his/her new address. The appropriate law-enforcement agency is the local police force of the municipality in which the defendant will reside. If the municipality does not have a local police force, the defendant must have registered with the Superintendent of State Police.

* * *

A person acts knowingly with respect to the nature of his/her conduct or the attendant circumstances if he/she is aware that his/her conduct is of that nature, or that such circumstances exist, or he/she is aware of a high probability of their existence. A person acts knowingly with respect to a result of his/her conduct if he/she is aware that it is practically certain that his/her conduct will cause such a result.

If you find that the State has proved each element of the offense beyond a reasonable doubt, then you must find the defendant guilty.

If you find that the State has failed to prove any element of the offense beyond a

⁹ This is 120 days from October 31, 1994, the effective date of the statute.

¹⁰ This is 120 days from October 31, 1994, the effective date of the statute.

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reasonable doubt, then you must find the defendant not guilty.