

Plea Forms

Directive #7-96
(Supersedes Directive #1-88,
#7-89, #3-90 and #5-94)
Amended by #10-97,
#4-98 and #2-99)
Issued by:

November 18, 1996

James J. Ciania
Administrative Director

The Supreme Court, at its Administrative Conference on September 25, 1996, approved the recommendation, contained in the Criminal Practice Committee's 1994-96 Report, for revision of the *Plea Form* and the *Supplemental Plea Form for Sexual Offenses*. The Court also approved the Committee's recommendation for a new form containing *Additional Questions for Certain Sexual Offenses*.

This Directive is being issued to implement the plea forms approved by the Supreme Court. It is also intended to consolidate all existing Directives involving plea forms into one Directive for ease of reference.

1. PLEA FORM

The *Plea Form* was amended to provide for the increased transaction fees for probation cases and the transaction fee instituted for "all other individuals making payments on court imposed financial obligations through the probation division" required by L. 1994, c.9.

2. SUPPLEMENTAL PLEA FORM FOR SEXUAL OFFENSES

The *Supplemental Plea Form for Sexual Offenses* was amended to add kidnapping pursuant to N.J.S.A. 2C:13-1c(2) to the list of crimes for which the supplemental form would be utilized. This is necessary in light of L. 1994, c.130.

3. ADDITIONAL QUESTIONS FOR CERTAIN SEXUAL OFFENSES

A new form entitled, *Additional Questions for Certain Sexual Offenses*, was added for use in certain sexual offenses. The new form contains questions regarding registration, address verification, community notification, community supervision for life and DNA testing. All of these provisions are contained in "Megan's Law."

4. SUPPLEMENTAL PLEA FORM FOR NON-NEGOTIATED PLEAS

There are no changes to this supplemental plea form.

5. SUPPLEMENTAL PLEA FORM FOR DRUG OFFENSES

There are no changes to this supplemental plea form.

Enclosed are revised copies (English and Spanish translation) of all the plea forms.

EDITOR'S NOTE

Supersedes Directives #1-88, #7-89, #3-90 and #5-94 which have been deleted from this compilation. Amended by Directive #10-97, Directive #4-98 and Directive #2-99, the basic plea form in both its English and Spanish versions has been deleted.

SUPPLEMENTAL PLEA FORM
FOR SEXUAL OFFENSES

The following additional questions need to be answered only if you are pleading guilty to an offense of Aggravated Sexual Assault, Sexual Assault or Aggravated Criminal Sexual Contact or kidnapping pursuant to N.J.S.A. 2C:13-1c(2) or an attempt to commit one of these crimes.

- | | | | |
|----|---|-------|------|
| 1. | Do you understand you will be required to submit to a physical and psychological examination at the Avenel Diagnostic and Treatment Center the purpose of which is to determine if your conduct in committing the offense was characterized by a pattern of repetitive and compulsive behavior? | [YES] | [NO] |
| 2. | Do you understand if the examination reveals that your conduct is characterized by a pattern of repetitive and compulsive behavior, the judge may sentence you to confinement at the Adult Diagnostic and Treatment Center for a program of specialized treatment for your mental condition? | [YES] | [NO] |
| 3. | Do you understand you will be able to challenge the findings of the Adult Diagnostic and Treatment Center in a hearing and that at that hearing you will have the right to confront the witnesses against you and to cross examine them and then present evidence on your own behalf? | [YES] | [NO] |
| 4. | Do you understand if you are sentenced to the Adult Diagnostic and Treatment Center | | |
| | a. that any future parole will not be guided by the normal parole guidelines? | [YES] | [NO] |
| | b. that you will be eligible for release when the State Parole Board, after receiving a recommendation from a special classification review board, finds that you are capable of making an acceptable social adjustment in the community? | [YES] | [NO] |
| | c. that you could spend more time in treatment than you would spend if sentenced to state prison? | [YES] | [NO] |

DATE: _____

DEFENSE ATTORNEY _____

PROSECUTOR _____

Defendant

SUPPLEMENTAL PLEA FORM FOR SEXUAL OFFENSES
FORMULARIO DE DECLARACIÓN SUPLEMENTAL PARA DELITOS SEXUALES

The following additional questions need to be answered only if you are pleading guilty to an offense of Aggravated Sexual Assault, Sexual Assault or Aggravated Criminal Sexual Contact or kidnapping pursuant to *N.J.S.A. 2C:13-1c(2)* or an attempt to commit one of these crimes.

Usted debe contestar a las siguientes preguntas adicionales solamente si se está declarando culpable de un acto criminal de Agresión Sexual con Agravantes, Agresión Sexual o Contacto Sexual Criminal con Agravantes o rapto conforme a *N.J.S.A. 2C:13-1c(2)* o el intento de cometer uno de dichos delitos.

1. Do you understand you will be required to submit to a physical and psychological examination at the Avenel Diagnostic and Treatment Center the purpose of which is to determine if your conduct in committing the offense was characterized by a pattern of repetitive and compulsive behavior?

(YES/SÍ) (NO)

)Entiende usted que se requerirá que se someta a un examen físico y psicológico en el Centro Diagnóstico y de Tratamiento de Avenel con el propósito de determinar si su conducta se caracterizaba por un patrón de comportamiento repetidor y compulsivo cuando cometió el delito?

2. Do you understand if the examination reveals that your conduct is characterized by a pattern of repetitive and compulsive behavior, the judge may sentence you to confinement at the Adult Diagnostic and Treatment Center for a program of specialized treatment for your mental condition?

(YES/SÍ) (NO)

)Entiende usted que si el examen revela que su conducta se caracteriza por un patrón de comportamiento repetidor y compulsivo, el (la) juez lo (la) podrá sentenciar a la reclusión en el Centro Diagnóstico y de Tratamiento para un programa de tratamiento especializado para su condición mental?

3. Do you understand you will be able to challenge the findings of the Adult Diagnostic and Treatment Center in a hearing and that at that hearing you will have the right to confront the witnesses against you and to cross examine them and then present evidence on your own behalf?

(YES/SÍ) (NO)

)Entiende usted que podrá disputar en una vista los hallazgos del Centro Diagnóstico y de Tratamiento y que en esa vista tendrá el derecho de confrontar a los testigos en su contra, de contrainterrogarlos y entonces de presentar pruebas a su favor?

4. Do you understand if you are sentenced to the Adult Diagnostic and Treatment Center)Entiende usted que si lo (la) sentencian al Centro Diagnóstico y de Tratamiento de Adultos

- a. that any future parole will not be guided by the normal parole guidelines?

(YES/SÍ) (NO)

las pautas normales de libertad bajo palabra no regirán para cualquier libertad bajo palabra en el futuro?

- b. that you will be eligible for release when the State Parole Board, after receiving a recommendation from a special classification review board, finds that you are capable of making an acceptable social adjustment in the community?

(YES/SÍ) (NO)

usted reunirá las condiciones necesarias para que lo (la) pongan en libertad cuando la Junta Estatal de Libertad Bajo Palabra, una vez que reciba la recomendación de una junta especial de revisión de clasificaciones, encuentre que usted es capaz de un adaptación social aceptable en la comunidad?

- c. that you could spend more time in treatment than you would spend if sentenced to state prison?

(YES/SÍ) (NO)

usted podría pasar más tiempo bajo tratamiento que el que pasaría si lo (la) sentenciaran a una prisión estatal?

DATE: _____
FECHA: _____

DEFENSE ATTORNEY _____ PROSECUTOR _____
ABOGADO DEFENSOR FISCAL
(ABOGADO DEFENSORA)

DEFENDANT _____
ACUSADO (ACUSADA)

ADDITIONAL QUESTIONS FOR CERTAIN SEXUAL OFFENSES

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(4), luring or enticing a child pursuant to 2C:24-4a, criminal sexual contact pursuant to 2C:14-3b if the victim is a minor, 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, or any attempt to commit any such offense.

1. Registration

- a) Do you understand that you must register with certain Public agencies? [YES] [NO]
- b) 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 agency, no less than 10 days before you intend to reside at the new address ? [YES] [NO]

2. Address Verification

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]

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. Community Supervision for Life

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]

5. DNA Testing

- a) Do you also understand that if you are pleading to aggravated sexual assault, sexual assault pursuant to 2C:14-2, aggravated criminal sexual contact or criminal sexual contact pursuant to 2C:14-3 or any attempt to commit any of these

crimes, you will be required to provide a blood sample as a condition of the sentence imposed?

[YES]

[NO]

b) Do you understand that this blood sample will be used to determine your specific genetic markers (DNA) and that the results will be kept in an offender population database?

[YES]

[NO]

Date_____

Defendant_____

Defense Attorney_____

Prosecutor_____

ADDITIONAL QUESTIONS FOR CERTAIN SEXUAL OFFENSES
PREGUNTAS ADICIONALES PARA CIERTOS ACTOS CRIMINALES SEXUALES

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(4), luring or enticing a child pursuant to 2C:24-4a, criminal sexual contact pursuant to 2C:14-3b if the victim is a minor, 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, or any attempt to commit any such offense.

Usted debe contestar a estas preguntas adicionales si se declara culpable al acto criminal de agresión sexual con agravantes, agresión sexual, contacto sexual criminal con agravantes, rapto bajo 2C:13-1c(2), poner en peligro el bienestar de un niño (una niña) participando en conducta sexual que perjudicaría o corrompería las morales del niño (de la niña) bajo 2C:24-4a, poner en peligro el bienestar de un niño (una niña) conforme a 2C:24-4b(4), seduciendo o atrayendo con engaño a un niño (una niña) conforme a 2C:24-4a, contacto sexual criminal conforme a 2C:14-3b si la víctima es un (una) menor, restricción criminal conforme a 2C:13-2 o encarcelamiento falso conforme a 2C:13-3 si la víctima es un (una) menor y el infractor (la infractora) no es uno de los padres, o cualquier intento de cometer cualquiera de dichos actos criminales.

1. Registration/Registro

- a) Do you understand that you must register with certain Public agencies?

(YES/SÍ) (NO)

) Entiende usted que debe registrarse con ciertas agencias públicas?

- b) 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 agency, no less than 10 days before you intend to reside at the new address?

(YES/SÍ) (NO)

) Entiende usted que si cambia de residencia debe notificar a la agencia del orden público donde usted está registrado (registrada) y debe 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 una agencia principal del orden público, no menos de 10 días antes que usted tenga la intención de residir en la dirección nueva?

2. Address Verification/Verificación de la Dirección

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/SÍ) (NO)

Si usted se declara culpable a agresión sexual con agravantes, agresión sexual, contacto sexual criminal con agravantes, rapto conforme a 2C:13-1c(2) o cualquier intento de cometer cualquiera de dichos delitos y cuando lo (la) sentencien el (la) Juez encuentra que su conducta se caracterizaba por un patrón de comportamiento repetidor y compulsivo, usted tiene que verificar su dirección con la agencia apropiada del orden público cada 90 días o si el (la) juez encuentra que su conducta

no se caracteriza por un patrón de comportamiento repetidor y compulsivo usted tiene que verificar su dirección una vez al año?

3. Notification/Notificación

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/SÍ)

(NO)

)Entiende usted que el requerimiento de registro podrá resultar en que se notifique a agencias del orden público, a organizaciones en la comunidad o al público en general, de que lo (la) libertaron del encarcelamiento o de su presencia en la comunidad?

4. Community Supervision for Life/Supervisión Perpetua en la Comunidad

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/SÍ)

(NO)

)Entiende usted que si se declara culpable al delito de agresión sexual con agravantes, agresión sexual, contacto sexual criminal con agravantes, rapto conforme a 2C:13-1c(2), poner en peligro el bienestar de un niño (una niña) participando en conducta sexual que perjudicaría o corrompería las morales del niño (de la niña) conforme a 2C:24-4a, de atraer con engaño, o el intento de cometer cualquiera de dichos delitos, el (la) Juez, además de cualquier otra sentencia, le impondrá una sentencia especial de supervisión perpetua en la comunidad?

5. DNA Testing/Exámenes de DNA

a) Do you also understand that if you are pleading to aggravated sexual assault, sexual assault pursuant to 2C:14-2, aggravated criminal sexual contact or criminal sexual contact pursuant to 2C:14-3 or any attempt to commit any of these crimes, you will be required to provide a blood sample as a condition of the sentence imposed?

(YES/SÍ)

(NO)

)Entiende usted también que si se declara culpable de agresión sexual con agravantes, agresión sexual conforme a 2C:14-2, contacto sexual criminal con agravantes o contacto sexual criminal conforme a 2C:14-3 o de cualquier intento de cometer cualquiera de dichos delitos, se requerirá que usted suministre una prueba de sangre como condición de la sentencia que le impongan?

b) Do you understand that this blood sample will be used to determine your specific genetic markers (DNA) and that the results will be kept in an offender population database?

(YES/SÍ)

(NO)

)Entiende que dicha muestra de sangre se utilizará para determinar sus marcadores genéticos específicos (DNA) y que los resultados se guardarán en una base de datos de la

población de los que han cometido actos criminales?

Date _____
Fecha _____

Defendant _____
Acusado (Acusada) _____

Defense Attorney _____
Abogado Defensor (Defensora) _____

Prosecutor _____
Fiscal _____

SUPPLEMENTAL PLEA FORM FOR
NON-NEGOTIATED PLEAS

This form should be filled out only in cases where the defendant is pleading guilty based on the judge's representation as to what the maximum sentence will be.

1. List any promises or representations that have been made by the judge as to what your sentence will be.

2. Do you understand that if the judge determines at the time of sentencing that imposing a sentence no greater than that which he or she promised would not serve the interests of justice, then the judge may order your plea be vacated or you will be allowed to withdraw your plea, and your case will proceed to trial.

[YES]

[NO]

Date: _____

Defendant

Approved by:
(For purposes of plea only)

Judge

Prosecutor

FORMULARIO DE DECLARACIÓN SUPLEMENTARIO

PARA

DECLARACIONES NO NEGOCIADAS

Este formulario se debe completar solamente en los casos en que el acusado (la acusada) se está declarando culpable basado en la manifestación del (de la) juez en cuanto a la sentencia máxima que le dará.

1. Enumere cualquier promesa o manifestación que le ha hecho el (la) juez en cuanto a la sentencia que le dará.

2.)Entiende que si, en el momento de dictar sentencia, el (la) juez determina que al imponer una sentencia no mayor que la que él o ella le prometió, no se tendrían en cuenta los intereses de la justicia, entonces el (la) juez podrá ordenar que se anule su declaración, o a usted le permitirán retirar su declaración, y se proseguirá a conocer su causa.

[SÍ]

[NO]

Fecha: _____

El Acusado (La Acusada)

Aprobado por:
(Solamente para los efectos
de la declaración)

El (La) Juez

El (La) Fiscal

SUPPLEMENTAL PLEA FORM FOR DRUG OFFENSES

The following additional questions need to be answered only if you are pleading guilty pursuant to an offense under *N.J.S.A. 2C:35-1 et seq.* or *N.J.S.A. 2C:36-1 et seq.*

24. Have you and the Prosecutor entered into any agreement to provide for a lesser sentence or period of parole ineligibility than would otherwise be required? (If yes, be sure to include in questions 12 and 13 above.) [YES] [NO]
25. Do you understand that if you plead guilty
- a. You will be required to forfeit your drivers license for a period of time from 6 to 24 months? [YES] [NO]
- b. You will be required to pay a forensic laboratory fee of \$50 for each offense for which you plead guilty? [YES] [NO]
- c. You will be required to pay a mandatory drug enforcement and demand reduction (D.E.D.R.) penalty as listed below for each offense for which you plead guilty? [YES] [NO]

The mandatory penalties are as follows:

- (1) \$3,000 in the case of a 1st degree crime
- (2) \$2,000 in the case of a 2nd degree crime
- (3) \$1,000 in the case of a 3rd degree crime
- (4) \$ 750 in the case of a 4th degree crime
- (5) \$ 500 in the case of a disorderly persons or petty disorderly persons offense

TOTAL D.E.D.R. Penalty _____

DATE: _____

DEFENSE ATTORNEY _____

PROSECUTOR _____

DEFENDANT

FORMULARIO DE DECLARACIÓN SUPLEMENTAL

PARA DELITOS RELACIONADOS CON DROGAS

Es necesario contestar a las siguientes preguntas adicionales solamente si Ud. se declara culpable de acuerdo con un delito bajo *N.J.S.A. 2C:35-1 et seq.* o *N.J.S.A. 2C:36-1 et seq.*

24. **)** Se han comprometido por algún acuerdo Ud. y el (la) Fiscal que se estipule una sentencia o un período en que no está en condiciones de estar bajo libertad condicional menores a los que se requerieran si no se hubieran comprometido? (En caso afirmativo, asegúrese de incluirlo en las preguntas 12 y 13 que anteceden.) [SÍ] [NO]

25. **)** Entiende que si se declara culpable

a. se requerirá que Ud. pierda su licencia de conductor (conductora) por un período de 6 a 24 meses? [SÍ] [NO]

b. se requerirá que Ud. pague el cargo de \$50 del laboratorio forense por cada delito de que se declara culpable? [SÍ] [NO]

c. se requerirá que pague una pena obligatoria antinarcótica y de reducción de la demanda (D.E.D.R.) según se enumeren a continuación por cada delito de que se declara culpable? [SÍ] [NO]

Las penas obligatorias son las siguientes:

(1) \$3,000 en el caso de un delito de primer grado

(2) \$2,000 en el caso de un delito de segundo grado

(3) \$1,000 en el caso de un delito de tercer grado

(4) \$ 750 en el caso de un delito de cuarto grado

(5) \$ 500 en el caso de una infracción por conducta contra la moral pública o por conducta menor contra la moral pública

Pena TOTAL de D.E.D.R. _____

FECHA: _____

EL (LA) ABOGADO DEFENSOR (DEFENSORA) _____

EL ACUSADO (LA ACUSADA)

EL (LA) ABOGADO ACUSADOR (ACUSADORA) _____