

SUPREME COURT OF NEW JERSEY

It is ORDERED that, effective immediately and until further order, the appended “Outline of Procedure for Megan’s Law Cases” is adopted; and

It is FURTHER ORDERED that this Order supersedes the Order of the Court dated December 27, 2001 adopting the “Outline of Procedure for Hearings on Objections to Tier 2 or Tier 3 Classification, Scope of Notification Determinations and/or Listing on the Sex Offender Internet Registry Under the Registration and Community Notification Laws (Megan’s Law).”

/s/ Stuart Rabner

Chief Justice

Dated: March 31, 2009

***OUTLINE OF PROCEDURES
FOR
MEGAN'S LAW CASES***

**Adopted (Revised Version)
March 31, 2009
Supreme Court of New Jersey**

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I. CASES PREVIOUSLY DISPOSED OUTLINE OF PROCEDURE FOR DETERMINATION WHETHER TO LIST REGISTRANT ON THE SEX OFFENDER INTERNET REGISTRY AND/OR ANY OTHER ISSUES THAT MAY ARISE¹

A. TOTAL DAYS UNTIL COURT DETERMINATION

The court shall render its determination whether to list registrant on the Sex Offender Internet Registry and/or any other issues that may arise within 45 days of the date of the notice of the registrant, except as provided in D.3.(g) below.

B. PERSONAL SERVICE OF NOTICE

Personal service of the Notice shall be made by a designee or employee of the prosecutor not having a direct interest in the tier classification or scope of notification. Where the registrant was represented by counsel on the previously disposed case, the Notice shall also be served on counsel by regular mail, together with a copy of the court's order and the Registrant Risk Assessment Scale or the Juvenile Risk Assessment Scale (hereinafter the Procedures will refer to the Scales as Risk Assessment Scale).

C. PROCESS PRIOR TO HEARING

Because the Supreme Court decision allows the registrant 14 days to object to tier 2 or tier 3 classification and/or scope of notification (See C.4. below), all steps necessary to comply with that 14 day time frame shall be expedited.

1. Assigned Counsel Request

- (a) Registrant shall be advised that he or she has five days from receipt of the Notice to request assigned counsel on the basis of indigence. (Registrant has 14 days to decide to object).
- (b) The decision as to indigence and appointment of counsel shall be made within two days of registrant's request.

2. Set Conference Date

The prosecutor, prior to preparation of the Notice, shall consult with the judge designated in that vicinage to hear Megan's Law cases to set the date for a conference, which shall be held between twenty-one and twenty-four days from the date of anticipated service of the Notice. The conference date shall be included in the Notice.

3. Discovery

- (a) Discovery may be provided to the registrant at any time after receipt of notice to list registrant on the Sex Offender Internet Registry.
- (b) Discovery is to be made available within two business days either of registrant's objection or of notice to the prosecutor that registrant has retained or been assigned counsel.

¹ For cases where the registrant was last tiered prior to July 23, 2001, L. 2001, c. 167 (Internet Registry Act), and the State is seeking inclusion on the Internet Registry.

- (1) “Made available” means available for pick up unless specific arrangements for mailing are made by the registrant or his/her counsel.
- (2) Discovery is defined as “all papers, documents and other materials compiled for the purpose of the prosecutor’s review” or determination to list the registrant on the Sex Offender Internet Registry.
- (3) Notwithstanding, any rule, regulation or policy of confidentiality, the registrant shall have the right to inspect and copy all papers, documents and other materials compiled for the purpose of the prosecutor’s review or which were relied on by the prosecutor in determining the registrant’s tier classification or the scope of notification, and any other records relating to the registrant’s mental or physical condition that may be maintained by other agencies or entities.
- (4) The prosecutor, or the custodian of any such records, may request an in camera judicial inspection of such records to determine whether there exists a continued need for confidentiality or whether disclosure should be withheld to require sanitization based on the need for confidentiality.

4. Objections

Objections to the prosecutor’s determination to list registrant on the Sex Offender Internet Registry and/or any other issues that may arise are required to be filed as follows within 14 calendar days of receipt of the Notice from the prosecutor:

- (a) Filed with the Designated Judge for hearing Megan’s Law objections, including therewith a copy of the prosecutor’s findings and statement of reasons.
- (b) Filed with the prosecutor on the same date as the filing with the Designated Judge.
- (c) On the registrant’s filing of any such objection, discovery shall be made available within two business days of the prosecutor’s receipt of that objection, if it has not previously been provided.
 - A copy of any such discovery shall also be provided to the Court.

D. CONDUCT OF IN CAMERA CONFERENCE

1. Attendance by Registrant

Registrant should be allowed to attend the conference (even if the registrant is incarcerated) or the registrant may opt to appear through counsel.

2. Issues

At the conference, registrant and the prosecutor shall be prepared to discuss the following:

- (a) Settlement possibilities.
- (b) The parties should be encouraged to attempt to resolve discovery disputes before the conference.
- (c) Counsel for the registrant shall identify those factors to which exception will be taken; this may be done in advance of the conference.
- (d) The need for the prosecutor or the registrant to retain an expert to examine the registrant.
- (e) Identities of any experts and dates for the exchange of expert reports.
- (f) Availability of those experts for a hearing.
- (g) Identification of documents.
- (h) Scheduling of hearing, if necessary.

3. Judge's Responsibility

- (a) Encourage settlement discussions.
- (b) Render a final decision if the judge determines that a final disposition can be made without a further hearing.
- (c) Resolve discovery issues.
- (d) Determine the need for experts.
- (e) Determine the necessity for and nature of any hearing, including:
 - What issues need to be resolved.
 - What issues can be decided on non-testimonial submissions.
 - What issues require testimony and by whom, with specific focus on whether expert testimony will be necessary.
 - Set the schedule for any non-testimonial submissions, with such submissions to be filed in advance of the hearing date.
 - If raised, determine whether changed circumstances or other factors

justify a redetermination of the registrant's tier level or scope of notification.

- (f) Registrant must be allowed to address the court.
- (g) Set date for hearing, which should be between 10 and 14 days from the date of the conference, except that (1) the time frame may be shorter if all parties agree, or (2) it may be longer for good cause shown, but no longer than 45 days from the date of the conference.

E. CONDUCT OF IN CAMERA HEARING

1. Evidential Burden

- (a) At the hearing, the prosecutor has the burden of persuasion by clear and convincing evidence as to tier classification and/or scope of notification.
- (b) If the prosecutor has provided Notice seeking to have a moderate risk registrant included on the Sex Offender Internet Registry and if the sole sex offense committed by the offender which renders him/her subject to Megan's Law is one of the following:
 - An adjudication of delinquency for any sex offense as defined in subsection b. of section 2 of P.L. 1994, c.133 (C.2C:7-2). (Registration of sex offender);
 - A conviction or acquittal by reason of insanity for a violation of N.J.S.A. 2C:14-2 (aggravated sexual assault and sexual assault) or N.J.S.A. 2C:14-3 (aggravated criminal sexual contact and criminal sexual contact) under circumstances in which the offender was related to the victim by blood or affinity to the third degree or was a resource family parent, a guardian, or stood in loco parentis within the household; or
 - A conviction or acquittal by reason of insanity for a violation of N.J.S.A. 2C:14-2 (aggravated sexual assault and sexual assault) or N.J.S.A. 2C:14-3 (aggravated criminal sexual contact and criminal sexual contact) in any case in which the victim assented to the commission of the offense but by reason of age was not capable of giving lawful consent;

- (c) the prosecutor must establish by clear and convincing evidence that, given the particular facts and circumstances of the offense and the characteristics and propensities of the offender, the risk to the general public posed by the offender is substantially similar to that posed by offenders whose risk of re-offense is moderate and who do not qualify under the above three exceptions.
- (d) The judge's determination that the burden of persuasion has been met and justifies or does not justify the proposed listing of the registrant on the Sex Offender Internet Registry and/or any other issues that may arise shall be supported by findings of facts and statement of reasons. See E.3 below.

2. Evidence

Although the rules of evidence do not apply in the hearing, the judge shall only consider evidence that is "relevant and trustworthy." See N.J.R.E. 101(a)(2)(C). The judge may also consider information from the Application For Judicial Review form, as completed by the registrant, including an objection filed pursuant to C.4., above, but neither the registrant's statement of objections and statement of reasons nor the absence of same shall be used against the registrant as admission or otherwise.

3. Final Determination

The judge shall make a final determination at the conclusion of the hearing. In all cases, the judge's final determination, including those based on the registrant's default, shall contain express findings of fact based on the standard of clear and convincing evidence that support the judge's conclusion that the State either has or has not met its burden of persuasion as to the proposed listing of the registrant on the Sex Offender Internet Registry and/or any other issues that may arise; such findings shall also be specifically included or expressly incorporated by reference in the final order.

F. NEW COUNTY OF RESIDENCE

Where a registrant has moved to a new county after the original conference/hearing was held, the "Notice of Proposed Inclusion on the Sex Offender Internet Registry (Web Site)" will be sent by the prosecutor of the new county of residence. All further proceedings shall be conducted by the designated judge in the current county of residence.

G. COURT ORDER

Subject to any applicable stay or injunctive order, if the judge determines that the registrant should be listed on the Sex Offender Internet Registry, the order shall contain a provision that the Prosecutor will not notify the State Police until the expiration of two full business days from the date of the final order. Copies of the executed order shall be provided by the court to the prosecutor and the attorney for the registrant.

H. MEGAN'S LAW JUDGE DESIGNATION

The judge who conducted the original conference/hearing shall conduct all proceedings for this determination unless that judge is unavailable or is no longer designated as a Megan's Law Judge in which event the proceedings shall be undertaken by the designated judge.

[Prosecutor's Letterhead]

**NOTICE OF PROPOSED INCLUSION ON THE
SEX OFFENDER INTERNET REGISTRY (WEB SITE)**

Registrant's Name
Address

Pursuant to the Court Order issued by Judge _____ on _____, you were previously determined to be a Tier / _____ Risk Offender under N.J.S.A. 2C:7-1 et seq. (commonly known as Megan's Law). A copy of the order is attached. Our updated review of the Risk Assessment Scale has resulted in the decision to include the information on the attached sample flyer on the **Sex Offender Internet Registry**, an Internet web site available to the public that contains identifying information about Tier 2/Moderate Risk and Tier 3/High Risk offenders.

Even though, based on our review, we have determined that you are a Tier 2/Moderate risk or Tier 3/High risk offender and therefore should be listed on the Sex Offender Internet Registry, you may feel there are grounds for you to challenge this determination. For example, you may believe you have an argument that, due to changed circumstances or for other reasons, you should now be classified or subject to notification as a Tier 1/Low risk offender (and therefore not be listed on the Sex Offender Internet Registry). Or, if you are a Tier 2/Moderate risk offender but you have committed no more than one sex offense, which was either (1) committed while you were a juvenile, (2) an incest offense or (3) an offense where your victim consented to the offense but was underage, you may qualify for an exception to being listed on the Sex Offender Internet Registry.

IF YOU BELIEVE THAT ONE OF THE STATUTORY EXCEPTIONS APPLIES TO YOU OR THAT THERE IS A VALID BASIS TO AMEND THE TIER CLASSIFICATION AND SO YOU WISH TO OBJECT TO BEING LISTED ON THE SEX OFFENDER INTERNET REGISTRY, you must complete the "**Application For Judicial Review**" form we have provided you and send that form **within 14 days** from the date you received this Notice to Judge _____, located at _____. A copy of the completed form should also be sent to this Office. We have provided you with envelopes to use.

If you cannot afford a lawyer, one will be appointed to represent you. If you wish to apply for a Public Defender, **you must do so within 5 days of the date you received this Notice. For further information on applying for the Public Defender, please refer to the Application For Judicial Review form.**

Any court hearings concerning your objections will not be open to the public. If you are challenging the proposed notification, **YOU MUST APPEAR AT THE TIME AND PLACE LISTED BELOW:**

Judge _____
Location _____
Time and Date _____

If you do not appear, the case will proceed without you and the Judge will enter a final Order concerning the proposed notification. The notification will not proceed until the Court has entered an order.

SPANISH TRANSLATION TO BE PUT ON BACK OF FORM

II. CASES NOT YET DISPOSED OUTLINE OF PROCEDURE FOR HEARINGS ON OBJECTIONS TO TIER 2 OR TIER 3 CLASSIFICATION, SCOPE OF NOTIFICATION DETERMINATIONS AND/OR LISTING ON THE SEX OFFENDER INTERNET REGISTRY

A. TOTAL DAYS UNTIL COURT DETERMINATION

The court shall render its tier classification, scope of notification determination and, if the prosecutor is seeking to list the registrant on the Sex Offender Internet Registry, a determination whether or not to list registrant on the Sex Offender Internet Registry within 45 days of the date of the notice to the registrant, except as provided in D.3.(g) below.

B. PERSONAL SERVICE OF NOTICE

Personal service of the Notice shall be made by a designee or employee of the prosecutor not having a direct interest in the tier classification or scope of notification.

C. PROCESS PRIOR TO HEARING

Because the Supreme Court decision allows registrant 14 days to object to tier 2 or tier 3 classification and scope of notification (See C.4. below), all steps necessary to comply with that 14 day time frame shall be expedited.

1. Assigned Counsel Request

- (a) Registrant to be informed that he or she has five days from receipt of the Notice to request assigned counsel on the basis of indigence. (Registrant has 14 days to decide to object).
- (b) The decision as to indigence and appointment of counsel to be made within two days of registrant's request.

2. Set Conference Date

The prosecutor, prior to preparation of the Notice, shall consult with the judge designated in that vicinage to hear Megan's Law cases to set the date for a conference, which shall be held between twenty-one and twenty-four days from the date of anticipated service of the Notice. The conference date shall be included in the Notice.

3. Discovery

- (a) Discovery may be provided to the registrant at any time after receipt of Notice of tier 2 or tier 3 classifications.
- (b) Discovery to be made available within two business days either of registrant's objection or of notice to the prosecutor that registrant has retained or been assigned counsel.

- (1) “Made available” means available for pick up, unless specific arrangements for mailing are made by the registrant or his/her counsel.
- (2) Discovery is defined as “all papers, documents and other materials compiled for the purpose of the prosecutor’s review” or determination to list the registrant on the Sex Offender Internet Registry.
- (3) Notwithstanding, any rule, regulation, or policy of confidentiality, the registrant shall have the right to inspect and copy all papers, documents and other materials compiled for purposes of the prosecutor’s review or which were relied on by the prosecutor in determining the registrant’s tier classification or the scope of notification, and any other records relating to the registrant’s mental or physical condition that may be maintained by other agencies or entities.
- (4) The prosecutor, or the custodian of any such records, may request an in camera judicial inspection of such records to determine whether there exists a continued need for confidentiality or whether disclosure should be withheld to require sanitization based on the need for confidentiality.

4. Objections

Objection to tier 2 or tier 3 classification, the scope of notification and/or to list the registrant on the Sex Offender Internet Registry are required to be filed as follows within 14 calendar days of receipt of the Notice from the prosecutor:

- (a) Filed with the Designated Judge for hearing Megan’s Law objections, including therewith a copy of the prosecutor’s findings and statement of reasons.
- (b) Filed with the prosecutor on the same date as the filing with the Designated Judge.
- (c) On the registrant’s filing of any such objection, discovery shall be made available within two business days of the prosecutor’s receipt of that objection, if it has not previously been provided.
 - A copy of any such discovery shall be provided to the court.

D. CONDUCT OF IN CAMERA CONFERENCE

1. Attendance by Registrant

Registrant should be allowed to attend the conference (even if the registrant is incarcerated) or the registrant may opt to appear through counsel.

2. Issues

At the conference, registrant and the prosecutor shall be prepared to discuss the following:

- (a) Settlement possibilities.
- (b) The parties should be encouraged to attempt to resolve discovery disputes before the conference.
- (c) Counsel for the registrant shall identify those factors to which exception will be taken; this may be done in advance of the conference.
- (d) The need for the prosecutor or the registrant to retain an expert to examine the registrant.
- (e) Identities of any experts and dates for the exchange of expert reports.
- (f) Availability of those experts for a hearing.
- (g) Identification of documents.
- (h) Scheduling of a hearing, if necessary.

3. Judge's Responsibility

- (a) Encourage settlement discussions.
- (b) Render a final decision if the judge determines that a final disposition can be made without a further hearing.
- (c) Resolve discovery issues.
- (d) Determine the need for experts.
- (e) Determine the necessity for and nature of any hearing, including:

- What issues need to be resolved.
 - What issues can be decided on non-testimonial submissions.
 - What issues require testimony and by whom, with specific focus on whether expert testimony will be necessary.
 - Set the schedule for any non-testimonial submissions, with such submissions to be filed in advance of the hearing date.
- (f) Registrant must be allowed to address the court.
- (g) Set date for hearing, which should be between 10 and 14 days from the date of the conference, except that (1) the time frame may be shorter if all parties agree, or (2) it may be longer for good cause shown, but no longer than 45 days from the date of the conference.

E. CONDUCT OF IN CAMERA HEARING

1. Evidential Burden

- (a) At the hearing, the prosecutor has the burden of persuasion by clear and convincing evidence on both tier classification and scope of notification.
- (b) If the prosecutor has provided Notice seeking to have a moderate risk registrant included on the Sex Offender Internet Registry and if the sole sex offense committed by the offender which renders him/her subject to Megan's Law is one of the following:
- An adjudication of delinquency for any sex offense as defined in subsection b. of section 2 of P.L. 1994, c. 133 (C.2C:7-2). (Registration of sex offender);
 - A conviction or acquittal by reason of insanity for a violation of N.J.S.A. 2C:14-2 (aggravated sexual assault and sexual assault) or N.J.S.A. 2C:14-3 (aggravated criminal sexual contact and criminal sexual contact) under circumstances in which the offender was related to the victim by blood or affinity to the third degree or was a resource family parent, a guardian, or stood in loco parentis within the household; or
 - A conviction or acquittal by reason of insanity for a violation of N.J.S.A. 2C:14-2 (aggravated sexual assault and sexual assault) or N.J.S.A. 2C:14-3 (aggravated criminal sexual contact and criminal sexual contact) in any case in which the victim assented to the commission of the offense but by reason of age was not capable of giving lawful consent;

- (c) the prosecutor must establish by clear and convincing evidence that, given the particular facts and circumstances of the offense and the characteristics and propensities of the offender, the risk to the general public posed by the offender is substantially similar to that posed by offenders whose risk of re-offense is moderate and who do not qualify under the above three exceptions.
- (d) The judge's determination that the burden of persuasion has been met and justifies or does not justify the tier classification, the scope of proposed notification and/or listing of the registrant on the Sex Offender Internet Registry shall be supported by findings of fact and statement of reasons. See E.3. below.

2. Evidence

Although the rules of evidence do not apply in the hearing, the judge shall only consider evidence that is "relevant and trustworthy." See N.J.R.E. 101(a)(2)(C). The judge may also consider information from the Application For Judicial Review form, as completed by the registrant, including any objection filed pursuant to C.4., above, but neither the registrant's statement of objections and statement of reasons nor the absence of same shall be used against the registrant as admissions or otherwise.

3. Final Determination

The judge shall make a final determination at the conclusion of the hearing. In all cases, the judge's final determination, including those based on registrant's default, shall contain express findings of fact based on the standard of clear and convincing evidence that support the judge's conclusion that the State either has or has not met its burden of persuasion both as to tier classification, scope of notification and/or listing of the registrant on the Sex Offender Internet Registry; such findings shall also be specifically included or expressly incorporated by reference in the final order.

F. COURT ORDER

Subject to any applicable stay or injunctive order, all orders authorizing notification shall contain a provision that they do not become effective until the expiration of two full business days from the date of the final order. If the judge determines that the offender should be listed on the Sex Offender Internet Registry, the order shall contain a provision that the prosecutor will not notify the State Police until the expiration of two full business days from the date of the final order. Copies of the executed order shall be provided by the court to the prosecutor and the attorney for the registrant.

[Prosecutor Letterhead]

**NOTICE OF PROPOSED TIER 2 CLASSIFICATION
NOTIFICATION TO THE COMMUNITY AND
INCLUSION ON THE SEX OFFENDER INTERNET REGISTRY (WEB SITE)**

Registrant's Name
Address

Pursuant to N.J.S.A. 2C:7-1 et seq. (commonly known as Megan's Law), it has been determined that you present a Moderate Risk of re-offense and should be classified as a TIER TWO offender. Consequently, this Office intends to distribute the attached notification form to schools and community organizations on the attached list. The information on the attached sample flyer will be included on the Sex Offender Internet Registry, an Internet web site available to the public that contains identifying information about Tier 2/Moderate Risk and Tier 3/High Risk offenders. The attached Risk Assessment Scale and Statement of Reasons set forth the basis for the Tier Two classification. We have also provided you with a manual that explains how the Risk Assessment Scale works.

IF YOU OBJECT TO THE TIER CLASSIFICATION, TO THE SCOPE OF NOTIFICATION OR TO BEING LISTED ON THE SEX OFFENDER INTERNET REGISTRY, you must complete the "**Application For Judicial Review**" form we have provided you and send that form **within 14 days from the date you received this Notice** to Judge _____ located at _____. A copy of the completed form should also be sent to this Office. We have provided you with envelopes to use.

You may, for example, have an argument that you should be classified as a Tier 1/low risk offender or that you fall within one of the statutory exceptions to being listed on the Sex Offender Internet Registry (for certain incest offenders, juvenile offenders, or cases where the victim consented to the offense but was underage).

If you cannot afford a lawyer, one will be appointed to represent you. If you wish to apply for a Public Defender, **you must do so within 5 days of the date you received this Notice. Please refer to the Application For Judicial Review form for further information to apply for a Public Defender.**

Any court hearings concerning your objections will not be open to the public. If you are challenging the proposed tier classification and scope of notification, **YOU MUST APPEAR AT THE TIME AND PLACE LISTED BELOW:**

Judge _____
Location _____
Time and Date _____

If you do not appear, the case will proceed without you and the Judge will enter a final Order concerning the proposed tier classification and scope of notification. No notification will proceed until the Court has reviewed the tier classification and scope of notification and has entered an order.

SPANISH TRANSLATION TO BE PUT ON BACK OF FORM

[Prosecutor's Letterhead]

**NOTICE OF PROPOSED TIER 2 CLASSIFICATION
AND NOTIFICATION TO THE COMMUNITY**

Pursuant to N.J.S.A. 2C:7-1 et seq. (commonly known as Megan's Law), it has been determined that you present a Moderate Risk of re-offense and should be classified as a TIER TWO offender. Consequently, this Office intends to distribute the attached notification form to schools and community organizations on the attached list. The attached Risk Assessment Scale and Statement of Reasons set forth the basis for the Tier Two classification. We have also provided you with a manual that explains how the Risk Assessment Scale works.

Because you fall within one of the exceptions to being listed on the Sex Offender Internet Registry, the determination has been made that the notification form will **not** be included on the Sex Offender Internet Registry (web site).

IF YOU OBJECT TO THE TIER CLASSIFICATION OR TO THE SCOPE OF NOTIFICATION, you must complete the "**Application For Judicial Review**" form we have provided you and send that form **within 14 days from the date you received this Notice** to Judge _____ located at _____. A copy of the completed form should also be sent to this Office. We have provided you with envelopes to use.

If you cannot afford a lawyer, one will be appointed to represent you. If you wish to apply for a Public Defender, **you must do so within 5 days of the date you received this Notice. Please refer to the Application For Judicial Review form for information about applying for a Public Defender.**

Any court hearings concerning your objections will not be open to the public. If you are challenging the proposed notification, **YOU MUST APPEAR AT THE TIME AND PLACE LISTED BELOW:**

Judge _____
Location _____
Time and Date _____

If you do not appear, the case will proceed without you and the Judge will enter a final Order concerning the proposed tier classification and scope of notification. No notification will proceed until the Court has reviewed the tier classification and scope of notification and has entered an order.

SPANISH TRANSLATION TO BE PUT ON BACK OF FORM

[Prosecutor's Letterhead]

**NOTICE OF PROPOSED TIER 3 CLASSIFICATION
NOTIFICATION TO THE COMMUNITY AND
INCLUSION ON THE SEX OFFENDER INTERNET REGISTRY (WEB SITE)**

Pursuant to N.J.S.A. 2C:7-1 et seq. (commonly known as Megan's Law), it has been determined that you present a High Risk of re-offense and should be classified as a TIER THREE offender. Consequently, this Office intends to distribute the attached notification form to the community near your residence and work place, as well as schools and community organizations included on the attached list that you are likely to encounter. You will also be listed on the Sex Offender Internet Registry, an Internet web site available to the public that contains identifying information about Tier 2/Moderate Risk and Tier 3/High Risk offenders. Attached is a sample flyer that shows the information that will be included on the Sex Offender Internet Registry. The attached Risk Assessment Scale and Statement of Reasons set forth the basis for that determination. We have also provided you with a manual that explains how the Risk Assessment Scale works.

IF YOU OBJECT TO THE TIER CLASSIFICATION OR TO THE SCOPE OF NOTIFICATION, you must complete the "**Application For Judicial Review**" form we have provided you and send that form **within 14 days from the date you received this Notice** to Judge _____ located at _____. A copy of the completed form should also be sent to this Office. We have provided you with envelopes to use.

If you cannot afford a lawyer, one will be appointed to represent you. If you wish to apply for a Public Defender, **you must do so within 5 days of the date you received this Notice. For further information regarding how to apply for a Public Defender, please refer to the Application For Judicial Review form.**

Any court hearings concerning your objections will not be open to the public. If you are challenging the proposed tier classification or scope of notification, **YOU MUST APPEAR AT THE TIME AND PLACE LISTED BELOW:**

Judge _____
Location _____
Time and Date _____

If you do not appear, the case will proceed without you and the Judge will enter a final Order concerning the proposed tier and scope of notification. No notification will proceed until the Court has reviewed the tier classification and scope of notification and has entered an order.

SPANISH TRANSLATION TO BE PUT ON BACK OF FORM

APPLICATION FOR JUDICIAL REVIEW

Note: Complete and return this form only if you wish to object to the Tier classification and/or community notification and/or being listed on the Sex Offender Internet Registry.

I HEREBY OBJECT TO THE PROPOSED TIER CLASSIFICATION AND/OR COMMUNITY NOTIFICATION AND/OR BEING LISTED ON THE SEX OFFENDER INTERNET REGISTRY AND I REQUEST THAT A HEARING BE CONDUCTED SO THAT A JUDGE MAY CONSIDER MY OBJECTIONS.

1. PERSONAL INFORMATION

NAME: _____ DATE OF BIRTH: _____
(please print)

ADDRESS: _____ PHONE NUMBER: _____

2. INTERPRETER

☐ Check this box if you need an interpreter.

An interpreter is needed for the following reasons:

☐ Language. If so, specify what language: _____

☐ Developmental disability. Specify: _____

☐ Other. Specify: _____

3. LAWYER INFORMATION

A. Private Lawyer

Check the box below if you have retained your own lawyer. Only check this box if you have spoken to the lawyer and that lawyer has agreed to represent you.

☐ I have hired the following named lawyer to represent me in this matter:

Name of lawyer: _____

Lawyer's address: _____

Lawyer's phone no.: _____

B. Court-Appointed Lawyer

Check the box below if you cannot afford a lawyer to represent you.

- ☐ I am unable to afford my own lawyer and request that the court appoint a lawyer to represent me.

If you checked this box, you must contact the court's indigence determination office at the phone number below to arrange for an appointment to determine whether you qualify for a court-appointed lawyer. You must call to arrange for this interview, or appear at the address below, no later than five (5) days from the date you received the Notice advising you of your right to appeal the proposed notification. Bring these forms and information regarding your income when you appear at the indigence-determination office.

Indigence-determination office phone number:

Contact person:_____

Address:_____

C. Self Representation

Check the box below if you wish to represent yourself in this matter and do not wish to retain a lawyer, or to have a lawyer appointed to represent you.

- ☐ I understand that I have the right to retain a lawyer to represent me or, if I cannot afford one, to have the court appoint a lawyer to represent me. I wish to represent myself in this matter.

If you are representing yourself, **contact the prosecutor two days after you file this application to obtain the materials relied upon to decide your tier classification.** If you believe that there is important information that the prosecutor did not have, you may provide it now.

4. I understand that if I fail to appear for the court conference on the date stated in the Notice, then my application for judicial review and objections to the Tier classification and/or notification and/or being listed on the Sex Offender Internet Registry will be dismissed, the matter will proceed without me, and the court will enter a final Order concerning the classification and notification proposed in my case.

SIGNATURE:_____ DATE:_____

III. MEGAN'S LAW MOTIONS

A. MOTION TO AMEND THE SCOPE OF NOTIFICATION

1. Total Days until Court Determination

The court shall render its determination within 45 days of the date of the Notice of Motion to Amend the Scope of Notification (Notice) of the registrant, except as provided in 4(b)(8) below.

2. Personal Service of Notice

Personal service of the Notice, along with a map, notification list, the Risk Assessment Scale, Risk Assessment Scale Manual, a copy of the court's prior order and Application For Judicial Review form, shall be made by a designee or employee of the prosecutor not having a direct interest in the tier classification or scope of notification. Where the registrant was represented by counsel on the previously disposed case, the Notice shall also be served on counsel by regular mail, together with a copy of the court's order, map showing the proposed notification area, notification list, and the Risk Assessment Scale.

3. Process Prior to Hearing

Because the Supreme Court decision allows the registrant 14 days to object to tier 2 or tier 3 classification and/or scope of notification (See 3(d) below), all steps necessary to comply with that 14 day time frame shall be expedited.

(a) Assigned Counsel Request

- (1)** Registrant shall be advised that he or she has five days from receipt of the Notice to request assigned counsel on the basis of indigence. (Registrant has 14 days to decide to object.)
- (2)** The decision as to indigence and appointment of counsel shall be made within two days of registrant's request.

(b) Set Conference Date

The prosecutor, prior to preparation of the Notice, shall consult with the judge designated in that county to hear Megan's Law cases to set the date for a conference, which shall be held between twenty-one and twenty-four days from the date of anticipated service of the Notice. The conference date shall be included in the Notice.

(c) Discovery

- (1)** Discovery may be provided to the registrant at any time after receipt of the Notice.
- (2)** Discovery is to be made available within two business days either of registrant's objection or of notice to the prosecutor that registrant has

retained or been assigned counsel.

- “Made available” means available for pick up unless specific arrangements for mailing are made by the registrant or his/her counsel.
- Discovery is defined as “all papers, documents and other materials compiled for the purpose of the prosecutor’s review” or determination on the motion.

(3) Notwithstanding, any rule, regulation or policy of confidentiality, the registrant shall have the right to inspect and copy all papers, documents and other materials compiled for the purpose of the prosecutor’s review or which were relied on by the prosecutor in determining the registrant’s tier classification or the scope of notification, and any other records relating to registrant’s mental or physical condition that may be maintained by other agencies or entities.

(4) The prosecutor, or the custodian of any such records, may request an in camera judicial inspection of such records to determine whether there exists a continued need for confidentiality or whether disclosure should be withheld to require sanitization based on the need for confidentiality.

(d) Objections

Objections to the prosecutor’s motion to amend the scope of notification and/or any other issues that may arise are required to be filed as follows within 14 calendar days of receipt of the Notice from the prosecutor:

- (1) Filed with the Designated Judge for hearing Megan’s Law objections, including therewith a copy of the prosecutor’s findings and statement of reasons.
- (2) Filed with the prosecutor on the same date as the filing with the Designated Judge.
- (3) On the registrant’s filing of any such objection, discovery shall be made available within two business days of the prosecutor’s receipt of that objection, if it has not previously been provided.
 - A copy of any such discovery shall also be provided to the Court.

4. Conduct of In Camera Conference

(a) Attendance by Registrant

Registrant should be allowed to attend the conference (even if the registrant is incarcerated) or the registrant may opt to appear through counsel.

(b) Issues

At the conference, registrant and the prosecutor shall be prepared to discuss the following:

- (1)** Settlement possibilities.
- (2)** The parties should be encouraged to attempt to resolve discovery disputes before the conference.
- (3)** Counsel for the registrant shall identify those factors to which exception will be taken; this may be done in advance of the conference.
- (4)** The need for the prosecutor or the registrant to retain an expert to examine the registrant.
- (5)** Identities of any experts and dates for the exchange of expert reports.
- (6)** Availability of those experts for a hearing.
- (7)** Identification of documents.
- (8)** Scheduling of hearing, if necessary.

(c) Judge's Responsibility

- (1)** Encourage settlement discussions.
- (2)** Render a final decision if the judge determines that a final disposition can be made without a further hearing.
- (3)** Resolve discovery issues.
- (4)** Determine the need for experts.
- (5)** Determine the necessity for and nature of any hearing, including:
 - What issues need to be resolved.
 - What issues can be decided on non-testimonial submissions.

- What issues require testimony and by whom, with specific focus on whether expert testimony will be necessary.
 - Set the schedule for any non-testimonial submissions, with such submissions to be filed in advance of the hearing date.
 - If raised, determine whether changed circumstances or other factors justify a redetermination of the registrant's tier level or scope of notification.
- (6) Registrant must be allowed to address the court.
- (7) Set date for hearing, which should be between 10 and 14 days from the date of the conference, except that (a) the time frame may be shorter if all parties agree, or (b) it may be longer for good cause shown, but no longer than 45 days from the date of the conference.

5. Conduct of In Camera hearing

(a) Evidential Burden

- (1) At the hearing, the prosecutor has the burden of persuasion by clear and convincing evidence as to tier classification and scope of notification.
- (2) If the prosecutor has provided Notice seeking to have a moderate risk registrant included on the Sex Offender Internet Registry and if the sole sex offense committed by the offender which renders him/her subject to Megan's Law is one of the following:
- An adjudication of delinquency for any sex offense as defined in subsection b. of section 2 of P.L. 1994, c.133 (C.2C:7-2). (Registration of sex offender);
 - A conviction or acquittal by reason of insanity for a violation of N.J.S.A. 2C:14-2 (aggravated sexual assault and sexual assault) or N.J.S.A. 2C:14-3 (aggravated criminal sexual contact and criminal sexual contact) under circumstances in which the offender was related to the victim by blood or

affinity to the third degree or was a resource family parent, a guardian, or stood in loco parentis within the household; or

- A conviction or acquittal by reason of insanity for a violation of N.J.S.A. 2C:14-2 (aggravated sexual assault and sexual assault) or N.J.S.A. 2C:14-3 (aggravated criminal sexual contact and criminal sexual contact) in any case in which the victim assented to the commission of the offense but by reason of age was not capable of giving lawful consent;
- (3) The prosecutor must establish by clear and convincing evidence that, given the particular facts and circumstances of the offense and the characteristics and propensities of the offender, the risk to the general public posed by the offender is substantially similar to that posed by offenders whose risk of re-offense is moderate and who do not qualify under the above three exceptions.
 - (4) The judge's determination that the burden of persuasion has been met and justifies or does not justify the proposed tier and scope of notification or listing of the registrant on the Sex Offender Internet Registry and/or any other issues that may arise shall be supported by findings of facts and statement of reasons.

(b) Evidence

Although the rules of evidence do not apply in the hearing, the judge shall only consider evidence that is "relevant and trustworthy." See N.J.R.E. 101(a)(2)(C). The judge may also consider information from the Application for Judicial Review form, as completed by the registrant, including an objection filed pursuant to 3(d), above, but neither the registrant's statement of objections and statement of reasons nor the absence of same shall be used against the registrant as an admission or otherwise.

(c) Final Determination

The judge shall make a final determination at the conclusion of the hearing. In all cases, including those based on the registrant's default, there shall be a case-specific evaluation with articulated findings on whether the prosecutor's office has met its burden of persuasion by clear and convincing evidence as to the tier classification, scope of notification, and/or listing of the registrant on the Sex Offender Internet Registry; such findings shall be specifically included or expressly incorporated by reference in the final order.

6. New County of Residence

Where a registrant has moved to a new county after the original conference/ hearing

was held, the Notice will be sent by the prosecutor of the new county of residence. All further proceedings shall be conducted by the designated Megan's Law Judge in the current county of residence.

7. Court Order

Subject to any applicable stay or injunctive order, all orders authorizing notification shall contain a provision that they do not become effective until the expiration of two full business days subsequent to the date of the execution of the order. If the judge determines that the offender will now be listed on the Sex Offender Internet Registry, the order shall contain a provision that the prosecutor will not notify the State Police until the expiration of two full business days from the date of the final order. Copies of the executed order shall be provided by the court to the prosecutor, and the attorney for the registrant, or the registrant, if pro se.

8. Megan's Law Judge Designation

The judge who conducted the original conference/hearing shall conduct all proceedings for this motion unless that judge is unavailable or is no longer designated as a Megan's Law Judge in which event the proceedings shall be undertaken by the designated Megan's Law Judge.

B. MOTION TO AMEND THE SCOPE OF NOTIFICATION FILED WITHIN SIX MONTHS OF THE COURT'S DETERMINATION AS TO TIER AND SCOPE OF NOTIFICATION AND THE REGISTRANT WAS REPRESENTED BY A PUBLIC DEFENDER/PRIVATE ATTORNEY IN THE PRIOR HEARING

1. Service on Registrant's Attorney

- (a) The prosecutor will forward the motion papers by regular mail to the public defender/private attorney who represented the registrant in the prior proceeding and file the motion with the court. The motion papers should include the Notice, map showing the proposed notification area, notification list, Risk Assessment Scale, copy of the court's prior order, and Application For Judicial Review form.
- (b) The assigned public defender/private attorney will attempt by telephone and/or letter to notify the registrant of the Motion to Amend the Scope of Notification hearing, and discuss the State's proposed tier level and scope of notification. Discovery should be made available immediately to counsel.

2. Personal Service of Notice

- (a) If the public defender/private attorney is unable to contact the registrant after seven days upon receipt of the prosecutor's motion, he/she will notify the county prosecutor.
- (b) The county prosecutor will then proceed to personally serve the papers on the registrant and the above procedures for handling a Motion to Amend the Scope of Notification in section III.A. will apply.

3. Consent Order

If the public defender/private attorney can locate the registrant and resolve the matter without a hearing, either as originally proposed by the prosecutor or through further negotiations, a consent order will be submitted by either the county prosecutor or the public defender/private attorney to the designated Megan's Law Judge within thirty days of receipt of the motion papers. The consent order shall set forth the agreed upon tier level and scope of notification for the court to review. The prosecutor, registrant's attorney, and the registrant must all sign the consent order. Copies of the executed order shall be provided by the court to the prosecutor and the registrant's attorney.

4. Hearing Request

In cases where the public defender/private attorney are unable to reach an agreement with the county prosecutor and thus are unable to resolve the matter by a consent order within fourteen days of service of the motion, defense counsel will submit a hearing request on the registrant's behalf to the court and the prosecutor. The court will schedule a first conference and the above procedures for conducting a conference/hearing in a Motion to Amend the Scope of Notification in section III.A. will apply.

[Prosecutor's Letterhead]

NOTICE OF MOTION TO AMEND THE SCOPE OF NOTIFICATION

Registrant's Name _____

Address _____

Pursuant to the Court Order issued by Judge _____ on _____, you were previously determined to be a TIER___ / ___risk offender under N.J.S.A. 2C:7-1 et seq. (commonly known as Megan's Law). You may have also been ordered to be included on the Sex Offender Internet Registry. A copy of the court order is attached. Due to your change of residence or employment, we are filing this motion to amend the scope of notification. Consequently, this Office intends to provide notification as shown on the attached map and Notification List, and if applicable, your information will be included on the **Sex Offender Internet Registry**, an Internet web site available to the public that contains identifying information about Tier 2/Moderate Risk and Tier 3/High Risk offenders. We have also attached an updated Risk Assessment Scale. We have also provided you with a manual that explains how the Risk Assessment Scale works.

Even though, based on our review, we have determined that you are a Tier 2/Moderate risk or Tier 3/High risk offender and if applicable, will be included on the Sex Offender Internet Registry, you may feel there are grounds for you to challenge this determination. For example, you may believe you have an argument that due to changed circumstances or for other reasons, you should now be classified or subject to notification as a Tier 1/Low risk offender. Or, if you are a Tier 2 /Moderate risk offender but you have committed no more than one sex offense, which was either (1) committed while you were a juvenile, (2) an incest offense or (3) an offense where your victim consented to the offense but was underage, you may qualify for an exception to being listed on the Sex Offender Internet Registry.

IF YOU BELIEVE THAT THERE IS A VALID BASIS TO AMEND THE TIER CLASSIFICATION AND/OR SCOPE OF NOTIFICATION SINCE YOUR LAST COURT DETERMINATION, AND YOU WISH TO OBJECT, you must complete the "**Application For Judicial Review**" form we have provided you and send that form **within 14 days** from the date you received this Notice to Judge _____, located at _____. A copy of the completed form should also be sent to this Office. We have provided you with envelopes to use.

If you cannot afford a lawyer, one will be appointed to represent you. If you wish to apply for a Public Defender, **you must do so within 5 days of the date you received this Notice. For further information on applying for the Public Defender, please refer to the Application For Judicial Review form.**

Any court hearings concerning your objections will not be open to the public. If you are challenging the proposed notification, **YOU MUST APPEAR AT THE TIME AND PLACE LISTED BELOW:**

Judge _____

Location _____

Time and Date _____

If you do not appear, the case will proceed without you and the Judge will enter a final Order concerning the proposed notification. The notification will not proceed until the Court has entered an order.

SPANISH TRANSLATION TO BE PUT ON BACK OF FORM

C. ALL OTHER MEGAN'S LAW MOTIONS

This section applies to the other Megan's Law motions, such as Motions to Re-tier because of changed circumstances; J.G. Motions filed in accordance with In re Registrant J.G., 169 N.J. 304 (2001); and Motions to Terminate Megan's Law Registration and Community Notification orders based upon N.J.S.A. 2C:7-2f.

1. Service of papers

- (a) The motion papers should be filed with the court located in the county where the registrant resides. The moving party should find out when hearings are held by the designated Megan's Law Judge prior to filing the motion. The motion papers should include a Notice of Motion with the date of the hearing included, Affidavit or Certification in Support of Motion, any materials in support of the motion, Proof of Service, and a proposed order. If the registrant is the moving party, a copy of the motion papers must also be filed with the prosecutor's office. If the prosecutor is the moving party, the papers should be served on the registrant, and where the registrant was represented by counsel on the previously disposed case, a copy should be served on counsel by regular mail.
- (b) Service on the court and the opposing party must be no later than 16 days before the specified return date on the Notice of Motion.

2. Response

Service of the reply papers must be filed with the court and on the other party not later than 8 days before the return date listed on the Notice of Motion. The reply papers should include an Affidavit or Certification in Opposition to Motion, any materials in response to the motion, and Proof of Service.

3. Consent Order

If the parties can reach an agreement prior to the scheduled court date in the Notice of Motion, a consent order setting forth in detail the agreed upon terms signed by the prosecutor, and registrant's attorney, or the registrant, if pro se, shall be submitted to the designated Megan's Law Judge. Copies of the executed order shall be provided by the court to the prosecutor, and the registrant's attorney, or registrant, if pro se.

4. Megan's Law Judge Designation

The judge who conducted the original conference/hearing shall conduct all proceedings for this motion unless that judge is unavailable or is no longer designated as a Megan's Law Judge in which event the proceedings shall be undertaken by the designated Megan's Law Judge.

5. Court Order

Once the court has made its determination on the motion, a copy of the executed order shall be forwarded by the court to the prosecutor, and the registrant's attorney, or registrant, if pro se.

IV. SPANISH TRANSLATION OF FORMS

[Encabezado de la fiscalía/demandante]

AVISO DE PROPUESTA DE INCLUSIÓN EN LA LISTA DEL REGISTRO VIRTUAL (PÁGINA EN LA RED) DE OFENSORES SEXUALES

Nombre de persona registrada
Dirección

Conforme a la Sentencia de la Corte dictada per el Juez _____ el _____, a usted previamente se le había denominado como un Ofensor con Riesgo de Nivel _____, según lo que establece la ley N.J.S.A. 2C:7-1 et seq. (conocida también como la Ley de Megan). Se adjunta una copia de esta sentencia. Después de efectuar una revisión de la Escala de Evaluación del Riesgo del Registrado decidimos incluir la información del adjunto folleto de muestra en el **Registro Virtual de Ofensores Sexuales**, que es un sitio en Internet puesto a la orden del público, donde se ofrece información que identifica a los Ofensores del Nivel 2/Riesgo Moderado y Ofensores de Nivel 3/Alto Riesgo.

Aunque a través de nuestra revisión hemos determinado que usted está clasificado en el Nivel 2/Riesgo Moderado o Nivel 3/Alto Riesgo, y que como tal su nombre debería incluirse en el Registro Virtual de Ofensores Sexuales, quizá usted considere que tiene base para objetar esta determinación. Por ejemplo, es posible que usted argumento que por haberse dado un cambio en sus circunstancias o por otras razones, ahora a usted debería clasificársele o notificársele como si fuera Ofensor de Nivel 1/Bajo Riesgo (de forma que no se le incluya en el Registro Virtual de Ofensores Sexuales). O bien, podría exonerarse su inclusión en la lista del Registro Virtual de Ofensores Sexuales, si usted está clasificado como Ofensor de Nivel 2/Riesgo Moderado pero ha cometido únicamente una ofensa sexual la cual, ya sea, (1) sucedió mientras usted era menor de edad, (2) la ofensa fue un incesto o (3) fue una ofensa en la que su víctima dio su consentimiento para la ofensa, pero era menor de edad, usted podría cumplir los requisitos para no estar en la lista del Registro Virtual de Ofensores Sexuales.

SI USTED CREE QUE UNA DE LAS EXCEPCIONES ESTABLECIDAS PUEDEN APLICARSE EN SU CASO O QUE HAY RAZONES VÁLIDAS PARA ENMENDAR EL NIVEL DE RIESGO QUE SE LE HA ASIGNADO Y DESEA OBJETAR SU INCLUSIÓN EN EL REGISTRO VIRTUAL DE OFENSORES SEXUALES, deberá llenar el formulario de “**Solicitud para Revisión Judicial**” proporcionado y regresarlo **dentro de los 14 días** siguientes a la fecha en que usted recibió este Aviso, al Juez _____, localizado en _____. Asimismo, deberá enviar copia de este formulario a esta Oficina. Nosotros le hemos proporcionado los sobres necesarios para ello.

Si no puede pagar el costo de un abogado, se nombrará a uno para que lo represente. Si usted quiere solicitar los servicios de un Defensor Público, **deberá hacerlo dentro de los 5 días siguientes a partir de la fecha de recibo de este Aviso. Para tener más información sobre cómo solicitar los servicios de un Defensor Público, por favor lea** el formulario de la Solicitud para Revisión Judicial.

Ninguna audiencia en la corte relacionada con sus objeciones será abierta al público. Si usted no esta de acuerdo con la notificación propuesta, **DEBERÁ PRESENTARSE EN LA DIRECCIÓN, FECHA Y HORA PREVISTAS A CONTINUACIÓN:**

Juez _____
Dirección _____
Fecha y Hora _____

Si usted no se presenta, el caso se llevará a cabo sin su presencia y el Juez dictará una Sentencia final concerniente a la notificación propuesta. La notificación no procederá sino hasta cuando la Corte haya

dictado sentencia.

**AVISO DE PROPUESTA DE CLASIFICACIÓN DE NIVEL 2,
NOTIFICACIÓN A LA COMUNIDAD E
INCLUSIÓN EN EL REGISTRO VIRTUAL (PÁGINA EN LA RED) DE OFENSORES SEXUALES**

Nombre de la persona registrada
Dirección

Según lo que establece la ley N.J.S.A. 2C:7-1 et seq. (conocida también como la Ley de Megan), se ha determinado que usted presenta un Riesgo Moderado de reincidencia en la ofensa y que se le debe clasificar como ofensor de NIVEL DOS. Por lo tanto, esta Oficina tiene intenciones de distribuir el formulario de notificación adjunto a las escuelas y organizaciones comunitarias de la lista que se anexa a esta carta. La información del folleto de muestra que se incluye en este documento se incluirá en el **Registro Virtual de Ofensores Sexuales**, que es un sitio en Internet puesto a la orden del público, donde se ofrece información que identifica a los Ofensores del Nivel 2/Riesgo Moderado y Ofensores de Nivel 3/Alto Riesgo. Asimismo, le proporcionamos un manual que explica la forma en que funciona la Escala de Evaluación de Riesgos.

SI USTED NO ESTÁ DE ACUERDO CON LA CLASIFICACIÓN ASIGNADA, CON EL ALCANCE DE LA NOTIFICACIÓN O CON SU INCLUSIÓN EN EL REGISTRO VIRTUAL DE OFENSORES SEXUALES, deberá llenar el formulario de **“Solicitud para Revisión Judicial”** proporcionado y regresario **dentro de los 14 días siguientes a la fecha en que usted recibió’ este Aviso**, al Juez _____, localizado en _____. Asimismo, deberá enviar copia de este formulario a esta Oficina. Nosotros le hemos proporcionado los sobres necesarios para ello.

Por ejemplo usted podría argumentar que se le debe clasificar como ofensor de Bajo Riesgo /Nivel 1 o que usted satisface el criterio de las excepciones estatutorias que lo exoneran de la inclusión en el Registro Virtual de Ofensores Sexuales (para ciertas personas que cometieron incesto, ofensores menores de edad o casos en los que la víctima dio su consentimiento para la ofensa, pero en que dicha víctima era menor de edad).

Si no puede pagar el costo de un abogado, se nombrará a uno para que lo represente. Si usted quiere solicitar los servicios de un Defensor Público, **deberá hacerlo dentro de los 5 días a partir de la fecha de recibo de este Aviso. Por favor lea el formulario de Solicitud de Revisión Judicial para obtener más información sobre el proceso de solicitud de los servicios de un Defensor Público.**

Ninguna audiencia en la corte relacionada con sus objeciones será abierta al público. Si usted no está de acuerdo con el nivel de clasificación y el alcance de la notificación, **DEBERÁ PRESENTARSE EN LA DIRECCIÓN, FECHA Y HORA PREVISTAS A CONTINUACIÓN:**

Juez _____
Dirección _____
Fecha y Hora _____

Si usted no se presenta, el caso se llevará a cabo sin su presencia y el Juez dictará una Sentencia final concerniente al nivel de clasificación y el alcance de la notificación propuestos. La notificación no procederá sino hasta que la Corte haya revisado el nivel de clasificación y el alcance de la notificación, y haya dictado sentencia.

**AVISO DE PROPUESTA DE CLASIFICACIÓN DE NIVEL 2 Y
NOTIFICACIÓN A LA COMUNIDAD**

Según lo que establece la ley N.J.S.A. 2C:7-1 et seq. (conocida también como la Ley de Megan), se ha determinado que usted presenta un Riesgo Moderado de reincidencia en la ofensa y que se le debe clasificar como ofensor de NIVEL DOS. Por lo tanto, esta Oficina tiene intenciones de distribuir el formulario de notificación adjunto a las escuelas y organizaciones comunitarias de la lista que se anexa a esta carta. La Escala de Evaluación de Riesgos y la Declaración de Razones incluidas, establecen la base de la clasificación en el Nivel Dos. Asimismo, le proporcionamos un manual que explica la forma en que funciona la Escala de Evaluación de Riesgos.

Debido a que usted puede satisfacer uno de los criterios para exonerar su inclusión en el Registro Virtual de Ofensores Sexuales, se ha decidido que el formulario de notificación **no** se incluirá en el Registro Virtual (página en la red) de Ofensores Sexuales.

SI USTED NO ESTÁ DE ACUERDO CON EL NIVEL DE CLASIFICACIÓN O EL ALCANCE DE LA NOTIFICACIÓN, deberá llenar el formulario de “**Solicitud para Revisión Judicial**” proporcionado y regresarlo **dentro de los 14 días siguientes a la fecha en que usted recibió este Aviso**, al Juez _____, localizado en _____. Asimismo, deberá enviar copia de este formulario a esta Oficina. Nosotros le hemos proporcionado los sobres necesarios para ello.

Si no puede pagar el costo de un abogado, se nombrará a uno para que lo represente. Si usted quiere solicitar los servicios de un Defensor Público, **deberá hacerlo dentro de los 5 días siguientes a partir de la fecha de recibo de este Aviso. Por favor lea el formulario de Solicitud de Revisión Judicial para obtener más información sobre el proceso de solicitud de los servicios de un Defensor Público.**

Ninguna audiencia en la corte relacionada con sus objeciones será abierta al público. Si usted no está de acuerdo con la notificación propuesta, **DEBERÁ PRESENTARSE EN LA DIRECCIÓN, FECHA Y HORA PREVISTAS A CONTINUACIÓN:**

Juez _____
Dirección _____
Fecha y Hora _____

Si usted no se presenta, el caso se llevará a cabo sin su presencia y el Juez dictará una Sentencia final concerniente al nivel de clasificación y el alcance de la notificación propuestos. La notificación no procederá sino hasta que la Corte haya revisado el nivel de clasificación y el alcance de la notificación, y haya dictado sentencia.

**AVISO DE PROPUESTA DE CLASIFICACIÓN 3
NOTIFICACIÓN A LA COMUNIDAD E
INCLUSIÓN EN EL REGISTRO VIRTUAL (PÁGINA EN LA RED) DE OFENSORES SEXUALES**

Según lo que establece la ley N.J.S.A. 2C:7-1 et seq. (conocida también como la Ley de Megan), se ha determinado que usted presenta un Riesgo Alto de reincidencia en la ofensa y que se le debe clasificar como ofensor de NIVEL TRES. Por lo tanto, esta Oficina tiene intenciones de distribuir el formulario de notificación adjunto a la comunidad cerca de su residencia y lugar de trabajo, así como a las escuelas y organizaciones comunitarias de la lista que se anexa a esta carta con las que usted posiblemente se va a relacionar. Asimismo, se le incluirá en el Registro Virtual de Ofensores Sexuales, que es un sitio en Internet puesto a la orden del público, donde se ofrece información que identifica a los Ofensores del Nivel 2/Riesgo Moderado y Ofensores de Nivel 3/Alto Riesgo. Hemos adjuntado a la presente carta un folleto de muestra con la información que se va a incluir en el Registro Virtual de Ofensores Sexuales. La Escala de Evaluación de Riesgos adjunta y la Declaración de Razones incluidas, establecen la base de esa determinación. Asimismo, le proporcionamos un manual que explica la forma en que funciona la Escala de Evaluación de Riesgos.

SI USTED NO ESTÁ DE ACUERDO CON LA CLASIFICACIÓN ASIGNADA O EL ALCANCE DE LA NOTIFICACIÓN, deberá llenar el formulario de “**Solicitud para Revisión Judicial**” proporcionado y regresarlo **dentro de los 14 días siguientes a la fecha en que usted recibió este Aviso**, al Juez _____, localizado en _____. Asimismo, deberá enviar copia de este formulario a esta Oficina. Nosotros le hemos proporcionado los sobres necesarios para ello.

Si no puede pagar el costo de un abogado, se nombrará a uno para que lo represente. Si usted quiere solicitar los servicios de un Defensor Público, **deberá hacerlo dentro de los 5 días siguientes a partir de la fecha de recibo de este Aviso. Por favor lea el formulario de Solicitud de Revisión Judicial para obtener más información sobre el proceso de solicitud de los servicios de un Defensor Público.**

Ninguna audiencia en la corte relacionada con sus objeciones será abierta al público. Si usted no está de acuerdo con el nivel de clasificación o el alcance de la notificación, **DEBERÁ PRESENTARSE EN LA DIRECCIÓN, FECHA Y HORA PREVISTAS A CONTINUACIÓN:**

Juez _____
Dirección _____
Fecha y Hora _____

Si usted no se presenta, el caso se llevará a cabo sin su presencia y el Juez dictará una Sentencia final concerniente al nivel de clasificación o alcance de la notificación propuestos. La notificación no procederá sino hasta que la Corte haya revisado el nivel de clasificación y el alcance de la notificación, y haya dictado sentencia.

AVISO DE UN PEDIMENTO PARA ENMENDAR EL ALCANCE DE LA NOTIFICACIÓN

Nombre y Apellido del Registrado
Dirección

Conforme a la Orden Judicial emitida por el Juez _____ el _____, se determinó anteriormente que usted es un delincuente del NIVEL____ / Riesgo____ bajo *N.J.S.A. 2C:7-1 et seq.* (que comúnmente se conoce como la Ley de Megan). Es posible que también se haya ordenado que usted se incluya en el Registro de Delincuentes Sexuales en el Internet. Se adjunta una copia de la orden judicial. Debido a su cambio de residencia o empleo, presentamos este pedimento para enmendar el alcance de la notificación. Por consiguiente, esta Oficina tiene la intención de dar notificación según se muestra en el mapa y la Lista de Notificaciones adjuntos y, si corresponde, su información se incluirá en el **Registro de Delincuentes Sexuales en el Internet**, un sitio web accesible al público que contiene información identificadora sobre delincuentes del Nivel 2/Riesgo moderado y del Nivel 3/Riesgo alto. También hemos adjuntado una Escala de Evaluación del Riesgo actualizada. También le hemos proporcionado un manual que explica cómo funciona la Escala de Evaluación del Riesgo.

Aun cuando, basado en nuestra revisión, hayamos determinado que usted es un delincuente del Nivel 2 /Riesgo moderado o del Nivel 3/Riesgo alto y, si corresponde, lo incluirán en el Registro de Delincuentes Sexuales en el Internet, es posible que usted crea que existan razones para disputar esta determinación. Por ejemplo, es posible que usted crea que pueda argumentar que, debido a un cambio de circunstancias o por otros motivos, se debe clasificar ahora como un delincuente del Nivel 1/Riesgo bajo o debe estar sujeto a notificación como tal. O, si usted es un delincuente del Nivel 2 /Riesgo moderado, pero ha cometido no más de un delito sexual que fue o bien (1) cometido cuando era menor de edad, (2) un delito de incesto o (3) un delito en que su víctima consintió en el delito pero era menor de edad, es posible que usted llene los requisitos para una excepción a la inclusión en el Registro de Delincuentes Sexuales en el Internet.

SI USTED CREE QUE EXISTE UNA BASE VÁLIDA PARA ENMENDAR LA CLASIFICACIÓN DE SU NIVEL O EL ALCANCE DE LA NOTIFICACIÓN, O AMBOS, DESDE LA ÚLTIMA DETERMINACIÓN JUDICIAL, Y DESEA OBJETAR, debe completar el formulario “**Solicitud de una Revisión Judicial**” que le hemos suministrado y enviar ese formulario, **dentro de los 14 días** a partir de la fecha en que usted haya recibido este Aviso, al Juez _____, localizado en _____. Una copia del formulario completado también se debe enviar a esta Oficina. Le hemos suministrado sobres para usar.

Si usted no puede pagar a un abogado, se nombrará a uno para representarlo. Si usted desea solicitar un Abogado de Oficio, **debe hacerlo dentro de los 5 días a partir de la fecha en que haya recibido este Aviso. Para más información para solicitar el Abogado de Oficio, refiérase al formulario de Solicitud de una Revisión Judicial.**

Las audiencias judiciales sobre sus objeciones no estarán abiertas al público. Si usted disputa la notificación propuesta, **DEBE COMPARECER A LA HORA Y EN EL LUGAR SIGUIENTES:**

Juez _____
Sitio _____
Hora y Fecha _____

Si no comparece, la causa seguirá adelante sin usted, y el Juez asentará una Orden final sobre la notificación propuesta. La notificación no se efectuará mientras el Juez no haya asentado una orden.

SOLICITUD PARA UNA REVISIÓN JUDICIAL

Nota: Llene y devuelva este formulario solamente si usted desea objetar en cuanto al Nivel de clasificación y/o a la notificación a la comunidad y/o a estar en la lista del Registro Virtual de Ofensores Sexuales.

POR ESTE MEDIO YO OBJETO EL NIVEL PROPUESTO DE CLASIFICACIÓN Y/O A QUE SE NOTIFIQUE A LA COMUNIDAD Y/O A QUE SE ME INCLUYA EN LA LISTA DEL REGISTRO VIRTUAL OFENSORES SEXUALES Y SOLICITO QUE SE LLEVE A CABO UNA AUDIENCIA, DE FORMA QUE UN JUEZ PUEDA CONSIDERAR MIS OBJECIONES.

1. INFORMACIÓN PERSONAL

NOMBRE: _____ FECHA DE NACIMIENTO: _____
(Letra de imprenta)

DIRECCIÓN: _____ NÚMERO DE TELÉFONO: _____

2. INTÉRPRETE

☐ Marque esta casilla si usted necesita un intérprete.

Es necesario tener a un intérprete por las razones siguientes:

☐ Idioma. Si es así, especifique cuál idioma: _____

☐ Incapacidad del desarrollo. Especifique: _____

☐ Otras. Especifique: _____

3. INFORMACIÓN ACERCA DEL ABOGADO

A. Abogado privado

Marque la casilla siguiente si usted ha contratado a su propio abogado. Marque esta casilla solamente si usted ya ha hablado con el abogado y éste ha aceptado representarlo.

☐ Yo he contratado al abogado indicado a continuación para que me represente en este caso:

Nombre del abogado: _____

Dirección del abogado: _____

Número de teléfono del abogado: _____

B. Abogado nombrado por la Corte

Marque la casilla siguiente si usted no puede pagar el costo de un abogado que lo represente.

- ☐ No puedo pagar el costo de mi propio abogado y solicito que la corte que nombre a uno para que me represente.

Si marcó esta casilla, deberá contactar a la oficina de la corte de determinación de indigencia, al número de teléfono indicado a continuación para solicitar una entrevista a fin de determinar si usted cumple los requisitos para recibir los servicios de un abogado nombrado por la corte. Usted deberá llamar para fijar la entrevista o presentarse en la dirección indicada más abajo, a más tardar cinco (5) días después de la fecha en que recibió este Aviso advirtiéndole de su derecho de apelación a la notificación propuesta. Traiga estos formularios y la información concerniente a sus ingresos cuando vaya a la oficina de determinación de indigencia.

Número de teléfono de la oficina de determinación de indigencia:

Persona a contactar: _____

Dirección _____

C. Defensa por si mismo

Marque la casilla siguiente si usted desea representarse a si mismo en este caso y no desea contratar a un abogado, ni que se nombre un abogado para que lo represente.

- ☐ Estoy enterado de que tengo derecho de contratar a un abogado pare que me represente o, si no puedo pagar el costo del abogado, de que la corte nombre a uno para que me represente. Yo deseo hacer mi defensa por mí mismo en este caso.

Si usted va a defenderse por si solo, **contacte al fiscal a más tardar dos días después de presentar esta solicitud para obtener los materiales usados en la determinación del nivel de su calificación.** Si cree que existe información importante que el fiscal desconoce, puede proporcionarla ahora.

4. Estoy enterado que si no asisto a la conferencia de la corte en la fecha fijada en el Aviso, se desechará mi solicitud de revisión judicial y las objeciones al Nivel de clasificación y/o la notificación y/o aparecer en la lista del Registro Virtual de los Ofensores Sexuales, el caso se llevará a cabo en mi ausencia y la corte procederá a emitir una Sentencia final en cuanto a la clasificación y a la notificación propuesta en mi caso.

FIRMA: _____ FECHA: _____