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**Fourth Supplement to
Directive #01-18**

[Supersedes Attachments 3 and 5 of
Directive #01-18]

**TO: Assignment Judges
Criminal Presiding Judges**

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

SUBJ: Criminal – Revised Sex Offense Plea Forms

DATE: June 29, 2021

This promulgates for use as soon as practicable two revised plea forms for sexual offenses as recommended by the Supreme Court Criminal Practice Committee. The two revised forms are as follows: (1) a revised “Supplemental Plea Form for Sexual Offenses (Use if committed prior to December 1, 1998),” which supersedes the version of the plea form promulgated as Attachment 3 to Directive #01-18; and (2) a revised “Supplemental Plea Form for Certain Sexual Offenses (Megan’s Law/Parole Supervision for Life/Community Supervision for Life),” which supersedes the version of that form promulgated as Attachment 5 to Directive #01-18, (and renamed from “Additional Questions for Certain Sexual Offenses”).

The revision to the Supplemental Plea Form for Sexual Offenses (Use if committed prior to December 1, 1998), appended to this directive supplement as Attachment 1, is to clarify the reference in Question 1 to the “Adult” Diagnostic and Treatment Center for purposes of consistency with other questions on this form.

The revisions to the Supplemental Plea Form for Certain Sexual Offenses (Megan’s Law/Parole Supervision for Life/Community Supervision for Life), appended here as Attachment 2, are being made to conform the form with State v. Brown, 245 N.J. 78 (2021) and State v. Hester, 233 N.J. 381 (2018). In Brown, the Supreme Court held that defendants suffered no ex post facto violation as a result of being charged with the increased degree of failure-to-register pursuant to the 2007 statutory amendment. The Court stated that “[t]he Legislature is free to increase the penalty for the offense of failure to comply with the regulatory registration requirement -- which is separate and apart from defendants’ predicate sex offenses -- without violating ex post facto principles as to those predicate offenses.” Id. at 81-82.

The Court distinguished its decision in Hester that the punishment for a violation of a sentence of community supervision for life (CSL) cannot be made more onerous than it was at the time of the underlying crime under ex post facto principles, because the CSL sentence is a punitive consequence of the underlying sex offense. In contrast, an individual who violates the registration requirement and

is charged with the offense of noncompliance *after* the penalty increase became effective is not subjected to a prohibited retroactive increase in punishment for a past offense. Brown, 245 N.J. at 81-82.

Accordingly, the attached Supplemental Plea Form for Certain Sexual Offenses (Megan's Law/Parole Supervision for Life/Community Supervision for Life) has been modified as follows: (1) the title has been updated as noted above; (2) Questions 1b(3), 1d, 1e and 2b have been updated to remove the language concerning the lesser penalty for registration noncompliance in accordance with Brown; (3) Questions 4a(4) and 4b(1) have been updated to remove the language reflecting the increased penalty for community supervision for life (CSL) violations and conversion to parole supervision for life status in accordance with Hester; (4) Question 4b(6) concerning parole supervision for life violations was updated to refer to the offense for which the defendant is pleading guilty; and (5) some stylistic revisions were also included.

Attached are the English versions of the Supplemental Plea Form for Sexual Offenses (Use if committed prior to December 1, 1998) (Attachment 1) and the Supplemental Plea Form for Certain Sexual Offenses (Megan's Law/Parole Supervision for Life/Community Supervision for Life) (Attachment 2). These plea forms will be posted at <https://www.njcourts.gov/selfhelp/catalog.html>, as well as the English-Spanish, English-Haitian, English-Polish, English-Korean, and English-Portuguese versions.

As a recap, the original Attachments 2, 4, and 8 through 13 to Directive #01-18 remain in effect as issued. The Second Supplement to the Directive, issued May 11, 2020, promulgated a revised version of Attachment 6 (Supplemental Plea Form for Drug Offenses). The Third Supplement (issued December 9, 2020) promulgated superseding versions of attachments 1 (Main Plea Form) and 7 (Supplemental Plea Form for Eluding or Theft of a Motor Vehicle or Unlawful Taking of a Motor Vehicle). And today's Fourth Supplement promulgates superseding versions of Attachments 3 and 5.

Any questions or comments regarding this Fourth Supplement to Directive #01-18 may be directed to the Criminal Practice Division at (609) 815-2900 x55300.

Attachments (English versions):

Attachment 1 - Supplemental Plea Form for Sexual Offenses (Use if committed prior to December 1, 1998) (replaces Attachment 3 to Directive #01-18)

Attachment 2 - Supplemental Plea Form for Certain Sexual Offenses (Megan's Law/Parole Supervision for Life/Community Supervision for Life) (replaces Attachment 5 to Directive #01-18))

cc: Chief Justice Stuart Rabner
Attorney General Gurbir S. Grewal
Public Defender Joseph E. Krakora
Criminal Division Judges
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County Prosecutors

Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Special Assistants to the Admin. Director
Trial Court Administrators
Criminal Division Managers and Assistants
Maria Pogue, Chief, Criminal Practice

Attachment 1

Supplemental Plea Form for Sexual Offenses
(Use if committed prior to December 1, 1998)

(Replaces Attachment 3 to Directive #01-18)
English Version

[The English-Spanish, English-Haitian, English-Polish,
English-Korean, & English-Portuguese versions
will be posted along with the English version
in the Judiciary's on-line Forms Catalog.]

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number or military status.



New Jersey Judiciary
Supplemental Plea Form for Sexual Offenses
(Use if committed prior to December 1, 1998)

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 Adult 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: _____ Defendant: s/ _____

Defense Attorney: s/ _____

Prosecutor: s/ _____

Attachment 2
Supplemental Plea Form for Certain
Sexual Offenses
(Megan's Law/Parole Supervision for
Life/Community Supervision for Life)

(Replaces Attachment 5 to Directive #01-18 formerly
entitled "Additional Questions for Certain Sexual
Offenses")

English Version

[The English-Spanish, English-Haitian, English-Polish,
English-Korean, & English-Portuguese versions
will be posted along with the English version
in the Judiciary's on-line Forms Catalog.]

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New Jersey Judiciary
Supplemental Plea Form for Certain Sexual Offenses
(Megan's Law/Parole Supervision for Life/Community Supervision for Life)

These additional questions need to be answered if you are pleading guilty to any of the following offenses: aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping under 2C:13-1c(2); endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child under 2C:24-4a; endangering the welfare of a child pursuant to 2C:24-4b(3), (4) or (5)(a); endangering the welfare of a child pursuant to 2C:24-4b(5)(b)(i) or (ii) (if the offense was committed on or after February 1, 2018); leader of a child pornography network pursuant to 2C:24-4.1 (if the offense was committed on or after February 1, 2018); luring or enticing a child pursuant to 2C:13-6; criminal sexual contact pursuant to 2C:14-3b if the victim is a minor; kidnapping pursuant to 2C:13-1, criminal restraint pursuant to 2C:13-2 or false imprisonment pursuant to 2C:13-3 if the victim is a minor and the offender is not the parent; promoting child prostitution pursuant to 2C:34-1b(3) or (4); or any attempt to commit any such offense.

Please note for Question 4b(2) that while endangering the welfare of a child pursuant to 2C:24-4b(5)(b)(iii) can be subject to parole supervision for life upon a motion of the prosecutor, this offense was not included in the February 1, 2018 amendments to the offenses subject to Megan's Law under 2C:7-2b(2).

Note also that Question 7 includes the offense of felony murder if the underlying crime is sexual assault, as well as any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, or an attempt to commit these offenses.

1. Registration

- a) Do you understand that you must register with certain public agencies? Yes No
- b) (1) Do you understand that if you change residence you must notify the law enforcement agency where you are registered, and must re-register with the chief law enforcement officer of the municipality in which you will reside, or the Superintendent of State Police if the municipality does not have a chief law enforcement officer, no less than 10 days before you intend to reside at the new address? Yes No
- (2) Do you understand that if you change employment or school enrollment status you must notify the appropriate law enforcement agency no later than 5 days after the change? Yes No
- (3) Do you understand that if you fail to notify the appropriate law enforcement agency of a change of address or status you may be charged with a third-degree crime, and may receive a sentence of imprisonment of up to 5 years? Yes No
- c) Do you understand that if you fail to register or re-register you may be charged with a third-degree crime and receive a sentence of imprisonment of up to 5 years? Yes No
- d) Do you understand that you must provide the appropriate law enforcement agency with information about your routine access to or use of a computer or device with Internet capability? Yes No

- e) Do you understand that if you fail to notify, or provide false information to, the appropriate law enforcement agency about your routine access to or use of a computer or device with Internet capability or a change in such use or access, you may be charged with a third-degree crime and may receive a sentence of imprisonment of up to 5 years? Yes No

2. Address Verification

- a) Do you understand that if you are pleading guilty to aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2) or any attempt to commit any of these crimes and at sentencing the court finds that your conduct was characterized by a pattern of repetitive, compulsive behavior you must verify your address with the appropriate law enforcement agency every 90 days or if the court finds your conduct is not characterized by a pattern of repetitive and compulsive behavior, you must verify your address annually? Yes No
- b) Do you understand that if you provide false information concerning your residence or fail to verify your address you may be charged with a third-degree crime and receive a sentence of imprisonment up to 5 years? Yes No

3. Notification

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

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

- (1) Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to 2C:24-4a, luring, or an attempt to commit any such offense, the court, in addition to any other sentence, will impose a special sentence of community supervision for life? Yes No NA
- (2) Do you understand that being sentenced to community supervision for life means that: you will be supervised for at least 15 years as if on parole, and subject to conditions appropriate to protect the public and foster rehabilitation, including, but not limited to counseling; Internet access or use; and other restrictions, which may include restrictions on where you can live, work or travel? Yes No NA
- (3) Do you understand that the restrictions on where you can live may include restrictions on residing in a home with minor children? Yes No NA
- (4) Do you understand that if you violate a condition of community supervision for life and you are indicted and convicted for that violation, you may receive a sentence of imprisonment of up to 18 months? Yes No NA

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

(1) Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child pursuant to 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), endangering the welfare of a child pursuant to 2C:24-4b(5)(b)(i) or (ii) (if the offense was committed on or after February 1, 2018), luring or an attempt to commit any of these offenses and the offense occurred on or after January 14, 2004, in addition to any other sentence, will impose a special sentence of parole supervision for life? Yes No NA

(2)(a) (**only complete if the offense occurred on or after August 14, 2013**) Yes No NA
Do you understand that if you are pleading guilty to the crime of endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4b(4) or N.J.S.A. 2C:24-4b(5) or an attempt to commit either of these offenses and the offense occurred on or after August 14, 2013, in addition to any other sentence, and upon motion of the prosecutor, the court shall impose a special sentence of parole supervision for life, unless the court finds on the record that parole supervision for life is not needed to protect the community or deter you from future criminal activity?

(b) (**only complete if the offense occurred on or after February 1, 2018**) Yes No NA
Do you understand that if you are pleading guilty to the crime of endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4b(5)(b)(iii) or leader of a child pornography network pursuant to N.J.S.A. 2C:24-4.1, or an attempt to commit either of these offenses and the offense occurred on or after February 1, 2018, in addition to any other sentence, and upon motion of the prosecutor, the court shall impose a special sentence of parole supervision for life, unless the court finds on the record that parole supervision for life is not needed to protect the community or deter you from future criminal activity?

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

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

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

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

5. Internet Posting

- a) Do you understand that as a result of your conviction your name, age, race, sex, date of birth, height, weight, eye color, any distinguishing scars or tattoos you have, your photograph, the make, model, color, year and license plate number of any vehicle you operate, the street address, zip code, municipality and county in which you reside and a description of the offense for which you are pleading guilty, may be publicly available on the Internet? Yes No
- b) Do you understand that if you are convicted and your conduct was found to be characterized by a pattern of repetitive and compulsive behavior your name, age, race, sex, date of birth, height, weight, eye color, any distinguishing scars or tattoos you have, your photograph, the make, model, color, year and license plate number of any vehicle you operate, the street address, zip code, municipality and county in which you reside and a description of the offense for which you are pleading guilty, may be publicly available on the Internet? Yes No

6. Statewide Sexual Assault Nurse Examiner Program Penalty

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

7. Civil Commitment

Do you understand that if you are convicted of a sexually violent offense, such as aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping under 2C:13-1c(2)(b), criminal sexual contact, felony murder if the underlying crime is sexual assault, an attempt to commit any of these offenses, or any offense for which the court makes a specific finding on the record that, based on the circumstances of the case, the offense should be considered a sexually violent offense, you may upon completion of your term of incarceration, be civilly committed to another facility for up to life if the court finds, after a hearing, that you are in need of involuntary civil commitment? Yes No

8. Surcharge Penalty for Certain Sex Offenses

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

9. Sex Offender Supervision Fund Penalty

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

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

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

The mandatory penalties are as follows:

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

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

Date: _____ Defendant: s/ _____

Defense Attorney: s/ _____

Prosecutor: s/ _____