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New Jersey Judiciary Additional Questions for Certain Sexual Offenses

NOTE:

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

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

1. Registration

- a) Do you understand that you must register with certain public agencies? [Yes] [No]
- b) (1) Do you understand that if you change residence you must notify the law enforcement agency where you are registered, and must re-register with the chief law enforcement officer of the municipality in which you will reside, or the Superintendent of State Police if the municipality does not have a chief law enforcement officer, no less than 10 days before you intend to reside at the new address? [Yes] [No]
- (2) Do you understand that if you change employment or school enrollment status you must notify the appropriate law enforcement agency no later than 5 days after the change? [Yes] [No]
- (3) Do you understand that if you fail to notify the appropriate law enforcement agency of a change of address or status you may be charged with a third degree crime, and may receive a sentence of imprisonment of up to 5 years **(if the offense was committed on or after July 1, 2014)** or you may be charged with a fourth degree crime and may receive a sentence of imprisonment of up to 18 months **(if the offense was committed before July 1, 2014)**? [Yes] [No]
- c) Do you understand that if you fail to register or re-register you may be charged with a third degree crime and receive a sentence of imprisonment of up to 5 years? [Yes] [No]
- d) Do you understand that you must provide the appropriate law enforcement agency with information about your routine access to or use of a computer or device with Internet capability? **(if the offense was committed on or after February 25, 2008)** [Yes] [No]

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

2. Address Verification

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

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

3. Notification

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

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

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

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

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

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

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

(1) Do you understand that if you are pleading guilty to the crime of aggravated sexual assault, sexual assault, aggravated criminal sexual contact, kidnapping pursuant to 2C:13-1c(2), endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of a child pursuant to 2C:24-4a, endangering the welfare of a child pursuant to 2C:24-4b(3), luring or an attempt to commit any of these offenses and the offense occurred on or after January 14, 2004, or violating a condition of a special sentence of community supervision for life if the violation occurred on or after July 1, 2014 the court, in addition to any other sentence, will impose a special sentence of parole supervision for life? [Yes] [No] [NA]

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

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

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

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

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

5. Internet Posting

- a) Do you understand that as a result of your conviction your name, age, race, sex, date of birth, height, weight, eye color, any distinguishing scars or tattoos you have, your photograph, the make, model, color, year and license plate number of any vehicle you operate, the street address, zip code, municipality and county in which you reside and a description of the offense for which you are pleading guilty, may be publicly available on the Internet? [Yes] [No]
- b) Do you understand that if you are convicted and your conduct was found to be characterized by a pattern of repetitive and compulsive behavior your name, age, race, sex, date of birth, height, weight, eye color, any distinguishing scars or tattoos you have, your photograph, the make, model, color, year and license plate number of any vehicle you operate, the street address, zip code, municipality and county in which you reside and a 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 fine of \$100? [Yes] [No]

9. Sex Offender Supervision Fund Penalty

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

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

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

The mandatory penalties are as follows:

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

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

Date: _____ Defendant: _____

Defense Attorney: _____

Prosecutor: _____