
Public Hearing

before

SENATE TASK FORCE ON INTERNET ACCESS TO SEX OFFENDER REGISTRATION INFORMATION

*“Testimony concerning the publication of
sex offender registration information on the Internet”*

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: May 3, 2001
7:00 p.m.

MEMBERS OF TASK FORCE PRESENT:

Senator Peter A. Inverso, Chairman
Senator Joseph F. Vitale, Vice-Chairman
Daniel G. Giaquinto, Esq.
Maureen Kanka
Stuart G. Koch, Ph.D.
Louis B. Schlesinger, Ph.D.
Clifford Weininger, Esq.



ALSO PRESENT:

Anne M. Stefane
Office of Legislative Services

Ken Raatz
Senate Majority

Todd Dinsmore
Senate Democratic

*Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey*

Task Force Aide

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SENATOR PETER A. INVERSO (Chairman): Good evening.

This is the first of two public hearings that the Senate Task Force on Internet Access to Sex Offender Registration Information will be conducting. The meeting has been duly advertised, and I see that we have a fairly light attendance tonight. We will intensify our advertisements with regard to our second meeting, which will be on May 16 at Mercer County Community College in West Windsor.

I am pleased to be here tonight with the members of the Task Force. And perhaps, Anne, you could just go around and take roll of the Task Force.

MS. STEFANE (Task Force Aide): Senator Inverso.

SENATOR INVERSO: Here.

MS. STEFANE: Senator Vitale.

SENATOR VITALE: Here.

MS. STEFANE: Dan Giaquinto.

MR. GIAQUINTO: Here.

MS. STEFANE: Maureen Kanka.

MS. KANKA: Here.

MS. STEFANE: Stuart Koch.

DR. KOCH: Here.

MS. STEFANE: Louis Schlesinger.

DR. SCHLESINGER: Here.

MS. STEFANE: Clifford Weininger.

MR. WEININGER: Here.

SENATOR INVERSO: Okay. We have a full Task Force.

Yes, and as indicated, to my left is Senator Joe Vitale, who will be co-chairing the Task Force with me.

The purpose of the Task Force is to take a look at the -- we believe are important issues that need to be evaluated and deliberated in developing draft legislation, implementing a broad-based registry on the Internet and, perhaps other mediums, but principally on the Internet.

We believe there are issues of consequences with regard to tiering and how that should be developed, and how that should be reported on the Internet -- issues with regard to juvenile offenders, issues with regard to the type and extent of information that should be included in the database, information with regard to how the database is accessed, whether or not people accessing the database should identify themselves, how do we maintain the security and integrity of the database, how do we maintain the accuracy. And there are other issues.

But the purpose tonight is to hear from the public and to deliberate on the input that we receive from the public regarding these issues or any other issues that the public feels is germane for this Task Force to consider in developing this draft legislation.

So with that--

Senator Vitale, is there anything you'd care to say?

SENATOR VITALE: No, thank you.

SENATOR INVERSO: Any member of the Task Force wish to make any comments at this point? (no response)

Okay.

Well, we'll go to the speakers. I have here Jarrod Grasso, New Jersey Association of Realtors.

Mr. Grasso.

A copy of his statement is in the packets.

JARROD C. GRASSO: Senator, do you mind if I read from--

SENATOR INVERSO: Not at all.

MR. GRASSO: Okay.

Is this on? (referring to PA microphone)

Good evening.

Let me take this opportunity to introduce myself. My name is Jarrod Grasso. I am the Government Affairs Director for the New Jersey Association of Realtors. The New Jersey Association of Realtors, or NJAR, is a trade organization of licensed real estate professionals with 35,000 members.

On behalf of my association, thank you for giving us this opportunity to share with you our concerns with the current Megan's Law statute. The area that most concerns NJAR and our membership is notification to the public in the buying, selling, and leasing of residential properties.

NJAR has voiced concern as to how Megan's Law has been administered and enforced almost from its inception in 1994. NJAR has gone so far as to meet with representatives from the Attorney General's Office, the sponsors of the Megan's Law legislation, and at least two members of the General Assembly since that time.

Our position has never varied. The public who Megan's Law was intended to protect feel they are no better off now than they were before the horrible tragedy that befell the Kanka family. There is no way, under the

current statute, that a person who is moving into a neighborhood can find out, prior to closing on a home or signing a lease agreement, if there is a sexual predator living in the neighborhood.

When this statute was adopted in New Jersey, the real estate licensee was caught between what the buying, selling, and leasing public felt they had the right to know under the Megan's Law statute and what the legal interpretation allowed the public to receive.

This predicament is frustrating to everyone, whether they are from the law enforcement community, attorneys, members of the Legislature, or real estate licensees. This led the real estate industry to amend its contracts and leases to provide a Megan's Law disclosure statement. This statement, which is included in NJAR's sale and leasing contracts, clearly states that under New Jersey's law, the county prosecutor determines whether and how to provide notice of the presence of convicted sex offenders in an area.

The clause further states that in our professional capacity, real estate licensees are not entitled to notification by the county prosecutor under Megan's Law and are unable to obtain such information for you. Upon closing, the county prosecutor may be contacted for such further information as may be disclosable to the purchaser or lessee.

Currently, only after a person closes on a property or signs a lease can they be notified, which NJAR believes defeats the original purpose of the law, which is to protect New Jersey's families. This is why NJAR contends that New Jersey's families need an Internet registry.

NJAR suggests that as a means of informing purchasers or tenants, there should be a required clause in every contract of sale or lease agreement,

whether or not they are prepared by a real estate licensee, which would direct the individual to the official sex offender registry Web site.

Further, the Legislature should ensure that it is the sole responsibility of the lessee or home purchaser to access the Internet registry. No one, including sellers and landlords, as well as a real estate professional, attorney, or Joe Public, should be held responsible to disseminate or interpret the information contained in the Internet registry. The individual should evaluate the information they obtain from the Web site and make their own value judgement and not rely on others.

Therefore, NJAR recommends that any legislation must include language that states: “No action shall be brought against a seller, lessor, real estate broker, broker-salesperson, or salesperson for failure to investigate or disclose any information from the registry that is compiled or made available to the citizens of New Jersey under this Act.”

I thank you, Senator, for the opportunity to speak before this committee, (*sic*) and I’d be happy to answer any questions.

SENATOR INVERSO: Just to advise the members of the Task Force, that language you speak of is already included as an amendment or already capsulated in the Assembly version of the bill, correct?

MR. GRASSO: Yes, sir.

SENATOR INVERSO: Right.

MR. GRASSO: Yes, sir.

SENATOR INVERSO: Does anyone have any questions for Mr. Grasso? (no response)

Thank you for your input. Thank you very much.

MR. GRASSO: Thank you very much.

SENATOR INVERSO: Is there anyone else who wishes to speak?

(no response)

No one else?

Okay. If not, then this concludes the hearing for tonight.

As I've indicated, the next hearing will be May 16. It will be at 7:00 at the Mercer County Community College in West Windsor.

And our Task Force will meet an hour prior to that, at 6:00.

The hearing is adjourned.

(HEARING CONCLUDED)