
Public Hearing

before

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

ASSEMBLY CONCURRENT RESOLUTION No. 1

(Proposes constitutional amendment establishing that State may make available to general public certain information identifying sex offenders)

LOCATION: Committee Room 12
State House Annex
Trenton, New Jersey

DATE: June 1, 2000
2:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman James W. Holzapfel, Chairman
Assemblyman Tom Smith, Vice-Chairman
Assemblyman Alex DeCroce
Assemblywoman Rose Marie Heck
Assemblyman Joel M. Weingarten
Assemblyman Peter J. Barnes Jr.
Assemblyman Alfred E. Steele



ALSO PRESENT:

Wendy S. Whitbeck
Office of Legislative Services
Committee Aide

John D. Rogers
Assembly Majority
Committee Aide

Robbie Miller
Assembly Democratic
Committee Aide

Hearing Recorded and Transcribed by
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TABLE OF CONTENTS

	<u>Page</u>
Steven V. McGettigan, Esq. Assistant Director New Jersey School Boards Association	2
gmg: 1-3	

ASSEMBLYMAN JAMES W. HOLZAPFEL (Chairman):

We're going to open a public meeting -- public hearing.

This is pursuant to the Constitution. A proposed amendment to the Constitution is a requirement for a public hearing. That's what we're doing right now.

MS. WHITBECK: We're having a public hearing on Assembly Concurrent Resolution No. 1, which proposes an amendment to the State Constitution authorizing the disclosure of sex offender information to the public.

ASSEMBLYMAN HOLZAPFEL: Assemblyman Weingarten.

ASSEMBLYMAN WEINGARTEN: Thank you very much, Mr. Chairman.

As we had discussed, both when ACR-1 was voted upon at our last meeting, as well as previously, when not only the enabling legislation was discussed, but also prior legislation, sponsored by myself and Assemblyman O'Toole, was passed earlier this session.

What we are looking to do with this constitutional amendment is to see that, once and for all, the public's right to have knowledge about sexual predators is actually provided and that there is constitutional backing to allow such disclosure.

Many of us, myself included, believe that, under both the New Jersey Constitution as well as the U.S. Constitution, notwithstanding the provisions of the 14th Amendment, that this right exists today. And nevertheless, given that there are those in the 3rd Circuit, as well as perhaps on our State Supreme Court, who feel differently, we want to make sure that

there is no ambiguity as to the intent of this Legislature, and hopefully the administration, in terms of seeing that this information is information which rightly should be broadly disseminated.

The question, constitutionally, is whether or not the privacy rights of the individual sex offenders takes precedence over the public's right to know. We strongly believe that the right to know and to protect the public, given the nature and the high probability of recidivism of many of these offenders, clearly is of greater import than the protection of the privacy rights of the individuals in question.

And therefore, it is our hope that this constitutional amendment not only pass muster with the full Assembly, but also the Senate. Our Governor, I know, is in support, and I surely hope that this is on the ballot this fall so the public has the opportunity to directly vote on this very important amendment to our State Constitution.

ASSEMBLYMAN HOLZAPFEL: Anyone else want to say anything?

If not, Mr. McGettigan, from the School Boards, is in favor. Is that correct? Do you have a statement?

S T E V E N V. M c G E T T I G A N, E S Q .: Just very briefly, Mr. Chairman.

Steve McGettigan, School Boards Association. We're longtime supporters of Megan's Law. We believe that it has, and will continue to provide a precaution for all children, and obviously school children as well, for which we have responsibility. This is an obvious logical extension of that original Megan's Law, and we just wanted to put our support on the record.

Unless there are any questions, that is really the end of my testimony, Mr. Chairman.

ASSEMBLYMAN HOLZAPFEL: Okay, Thank you.

All right, I have no record of anyone else asking to speak. So if not, I'm going to close the public hearing.

Anyone else on the Committee?

Public hearing is closed.

(HEARING CONCLUDED)