



Public Hearing

before

SENATE JUDICIARY COMMITTEE

"Implementation of 'Megan's Law'"

LOCATION: Committee Room 6
State House Annex
Trenton, New Jersey

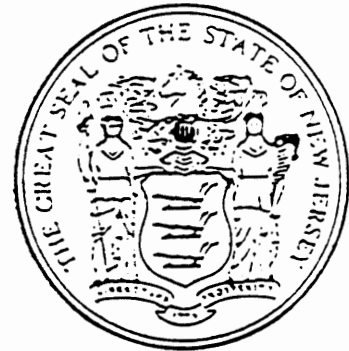
DATE: October 30, 1995
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator William L. Gormley, Chairman
Senator James S. Cafiero, Vice-Chairman
Senator John O. Bennett
Senator Louis F. Kosco
Senator Robert J. Martin
Senator John J. Matheussen
Senator John A. Girgenti
Senator Edward T. O'Connor Jr.
Senator Raymond J. Zane

ALSO PRESENT:

John J. Tumulty
Office of Legislative Services
Aide, Senate Judiciary Committee



Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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JOHN J. TUMULTY
Office of Legislative Services
Committee Aide
(609) 292-5526
(609) 984-1234 fax

PUBLIC HEARING NOTICE

TO: MEMBERS OF THE SENATE JUDICIARY COMMITTEE

FROM: SENATOR WILLIAM L. GORMLEY, CHAIRMAN

SUBJECT: **PUBLIC HEARING - October 30, 1995**

The public may address comments and questions to John J. Tumulty, Committee Aide, or make scheduling inquiries to Karen M. DeMarco, secretary, at (609) 292-5526.

The Senate Judiciary Committee will hold a public hearing on **Monday, October 30, 1995 at 10:00 AM in Committee Room 6, (1st. Fl. Rm. 160), State House Annex, Trenton, New Jersey.**

The committee will hold a hearing on the implementation of "Megan's Law."

Issued 10/17/95

Assistive listening devices available upon 24 hours prior notice to the committee aide(s) listed above

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SENATOR WILLIAM L. GORMLEY (Chairman): The next order of business is we are going to review Megan's law as it pertains to the need for counsel since the recent Supreme Court decision mandating a hearing process. I think that the system or the alleged-- I've seen some controversy in the paper regarding this. Quite frankly, the finger-pointing, I think, is incidental to the need to have a substantive review of the system and make sure that we do something that works.

I'm very pleased today to welcome two individuals who have substantively dealt with the issue: our Senate President Don DiFrancesco and the Attorney General Debbie Poritz. I would ask the Senate President to lead it off.

S E N A T E P R E S. D O N A L D T. D I F R A N C E S C O:
Thank you, Senator Gormley, and thank the members of the Committee for being here and participating. You all, I assume, are aware of the perceptions that have been created as a result of the press surrounding Megan's law and the court decisions that resulted from what is referred to as Megan's law.

Let me quickly point out, then, that was only one of a series of bills that were passed in a package. That got certainly the most -- the community notification bill got the most play from the media and continues to do so all around this country.

I first became aware of a potential problem area when I read about it in a newspaper that the Bar Association had raised some questions about who would handle appeals for convicted offenders when being placed in a particular tier and how would it be paid for. I said then, and I believe today, that much of what has been bandied about is premature. That

this Legislature and I said way back, before we passed these bills, that this Legislature is committed to making sure that this law works. We're committed to funding, if necessary, and we would be committed to any modification or clarification that we feel, as a group, we should make. That would include funding as well as other areas of the statute that may come into dispute.

So we take all of the complaints about the law, I think, very seriously as a group, and I know all of you would agree. I don't want people to express unwarranted fears about effects of the law in terms of how to handle where a person is placed in a particular tier: one, two, or three.

There are some generalizations that one could make. Some of them are: some of these convicted offenders, unlike other types of criminals, have assets and have money to hire their own lawyers, some of them I would expect would have. Some would not be placed in the highest category of convicted offenders in terms of notification and perhaps would not be appealing.

There wasn't an appeals process in place when the law was passed. This is a result of the Supreme Court's decision that there is an appeal in terms of due process for the convicted offenders from the classification. Not having had that in the original law, why would we anticipate such a backlog to occur?

Another might be that there will immediately be a backlog of sorts, but that once that backlog is moved through, then there would not be the kind of rush and the kinds of

numerous cases that is being suggested today that there are, because of the initial group of hearings.

Setting all of that aside, I believe that the Attorney General has not only worked hard during the process of formulating the law in the first place, with us and with lots of other people, in formulating what we thought was the best possible bill that we would come up with in responding to the needs of the people of our State. But also she's worked very hard in terms of responding to the Court decision with respect to this perceived problem of "How will these appeals be handled?" Thus, she is here today to talk about that particular problem, what the solution may be, and how it will be handled from this point on, with the cooperation and understanding of all involved.

I would ask this Committee to, you know, perhaps if the Attorney General feels that it is necessary, that you look at the statute that deals with the Public Defender and see if there is some modification to that law that needs to be made.

I would ask you to, and this has gotten some publicity, to look at the forfeiture fund. I read a great deal about the prosecutor's forfeiture funds and how they are used today. I only know what I read in the newspapers, quite frankly, not having followed up on it, but this was an area that I was going to ask you to follow up on anyway. You ought to look at that as a potential source of funds for something along these lines. That might be something that this Committee should look at.

How do you, perhaps statutorily, deal with this forfeiture fund, and where should that money go? This might be

one of the those places that the money would be well spent if there is a need for funds. I would also say what I have been saying all along, that we could handle this in the normal budget process and deal with it as a budgetary obligation, because if there is an obligation, we should meet it because we have passed this bill. It's not a State mandate, it's a court mandate, so let's not confuse State mandates with court mandates. If it's a mandate we ought to deal with it. We passed the law originally, and if there is money involved, we ought to make sure that we are in the thick of things in terms of meeting that obligation.

Beyond that, there are a couple of things that I thought we should mention: Is there an agency other than the courts that would hear due process appeals, and should you impose criminal penalties for breaches of confidentiality for persons who might have information on sex offenders? Those are separate issues but issues you might want to look at in the area of Megan's law.

By and large, let me just say again, in conclusion, that I take very seriously what the members of the Bar Association and the leadership says. I understand the concern. We all share those concerns. I think the executive department has tried to meet those concerns. I'm proud of that and I'm happy to be a part of that process. If you have any questions I'd be happy to answer them.

SENATOR GORMLEY: General, why don't you testify, then if there are questions, questions can be directed to the individual or to both.

A T T O R N E Y G E N E R A L D E B O R A H T . P O R I T Z :

Senator DiFrancesco, Senator Gormley, Committee members, thank you for inviting me to participate today. I am glad to have this opportunity to advise you about the progress that we are making in implementing Megan's law. Prosecutor Ransavage, President of the County Prosecutor's Association, Maureen O'Brien of the Union County Prosecutor's Office, and Joseph Del Russo of the Passaic County Prosecutor's Office are also here today. They will provide details about the work they are doing.

I want first to provide you with a brief status report on the implementation of the law in accordance with the decision of the New Jersey Supreme Court. As you know, the Court upheld the constitutionality of Megan's law, recognizing that registration and community notification are clearly and totally remedial in purpose and designed simply and solely to enable the public to protect itself from the danger posed by sex offenders.

The Court, however, called for some modification to the Attorney General's guidelines which were issued after consultation with the advisory counsel established under the law. The guidelines, as you know, are used by the county prosecutors to rank each registrant according to the risk of reoffense: tier one low risk, tier two moderate risk, and tier three high risk. The guidelines are also used in determining how notice about tier two and tier three registrants will be given to organizations and to the community.

The Court made it clear that tier two notification must be limited to those responsible for organizations and facilities for children and women located in areas that make encounter with the registrant likely. Tier three notification

must be similarity planned to reach individuals likely to encounter -- in other words, those who have a fair chance of encountering the registrant.

More importantly -- most importantly -- the Court ruled that registrants classified as tier two or tier three must be given notice and an opportunity to challenge the tier designation and proposed scope of notification. The Court also held that the registrant is entitled to representation. After the Court issued its opinion I formed two committees. One committee was asked to review and recommend revisions to the process of evaluating registrants and providing community notification. The other was asked to recommend procedures for noticing hearings for tier two and tier three registrants.

The goal was to provide prosecutors with a uniform and objective standard with which to make tier and notification decisions and to recommend procedures for judicial hearings that would be efficient, practical, and fair. We had representatives from the Administrative Office of the Courts, the Department of Corrections, the Departments of Human Services and Law and Public Safety, the Essex and Union Counties Prosecutors Offices, the Office of the Public Defender, and the Private Defense Bar all participated.

The committee recommendations on risk tier assessment lead to an adoption of a Registrant Risk Assessment Scale. You have been given copies of that scale. As you can see the scale provides objective factors divided into four categories: seriousness of offense, offense history, characteristics of the offender, and community support.

Each factor is assigned a numerical value; the categories are weighed in accordance with expert opinion on the relative predictive value of the information. The scale then assigns a numerical range for each tier, and the registrant is placed in tier one, two, or three based on all of the assigned numerical values combined.

In determining the tier for a registrant, the prosecutor is to take into account available creditable evidence: conviction data, police reports, medical, psychological, or psychiatric reports, probation or parole records, and prison discharge reports. A Registrant Risk Assessment Scale manual, which further explains the evaluation process, was prepared and has been included in the materials provided to the Committee. A lot of work has gone into this.

The committee also recommended procedures which were referred to the Supreme Court. The Court took several steps to ensure that the hearings for registrants who seek to challenge community notification will be efficient and they will be fair. The Chief Justice has designated one judge in each county to handle challenges to tier two and tier three classification and notification. This step will promote uniformity and will facilitate the process.

The Supreme Court has also issued an order that details the procedures that will be employed throughout the State. The Court's order is also included in the materials that has been given to members of the Committee. The procedure is simple and efficient.

The prosecutor provided notice to every tier two and tier three offender. The notice package includes the

Registrants Risk Assessment Scale, a copy of the manual explaining the assessment scale, and a description of the plan for notifying the community.

The notice package also includes a form that the registrant must complete and return to the judge and to the prosecutor if he wishes to challenge notification. The form clearly states the date on which the court will hold a prehearing conference and clearly advises that community notification will be given if a registrant does not appear at the conference on the scheduled date.

The form also advises that counsel will be provided if the registrant wants a lawyer but cannot afford one. An application for appointment of counsel is included in the package. If a registrant returns a form, the prosecutor must make available all materials relied upon in making the tier decision. The prosecutor must also provide the materials to the judge.

The prehearing conference, similar to a settlement conference, is held in chambers on the scheduled date. At this time, issues in dispute are identified and, if possible, resolved. When a hearing is required it is held in camera. At that hearing the prosecutor must present a prima facie case supporting both the tier decision and the plan for notification. Once the prosecutor has carried this burden, the registrant must demonstrate that the prosecutor's decision is erroneous.

Our experience with the hearing process is as yet limited and is best explained by Assistant County Prosecutor O'Brien from Union County. She has successfully resolved two

challenges to notification, one at a prehearing conference and one at a full hearing.

I know that this Committee is interested both in the status of registration and notification efforts and in understanding the demands placed on prosecutors, the courts, and the private bar.

Because community notification was stayed pending the Supreme Court decision, and because no notification efforts could be undertaken until the revised guidelines and procedures for challenge were in place, we do not have a great deal of information at this time. I will provide what we have. As of the close of business on October 26, last Thursday, we had 2970 registrants; 763 registrants have been classified; 406 in tier one, 316 in tier two, and 41 in tier three. The prosecutors, appropriately, have focused first on the most serious cases.

In the future, we expect that tier two and tier three registrants will account for a smaller percentage of the total. It is therefore difficult to predict the percentage of cases that will require notice and the opportunity for a hearing. At this point we do not have enough information to accurately predict the percentage of tier two and tier three offenders who will file challenges. To date, 98 of the tier two and tier three registrants have received notice of their designation, 26 of the 98 filed challenges, 65 still have an opportunity to do so, and seven failed to file challenges within the allotted time.

We have some limited indication of the demand for counsel. Of the 26 registrants who filed challenges, seven have

received appointed counsel, four are appearing pro se, and 12 have retained private counsel.

Finally, we have minimal experience with the complexity of the hearing process. Of the three cases in which prehearing conferences are complete, one was resolved at conference, one went to a full hearing which was completed in one day, and one is pending full hearing.

We recognize that the project of classifying registrants and providing notification will take time, there is much to be done. I must stress, however, that we are now dealing with a bulge in the registration process. As President DiFrancesco pointed out, we have this bulge now, as a one time matter to deal with. All registrants on parole, probation, and all repetitive and compulsive offenders who completed their sentences were required to register at the same time.

After we have addressed this population, we will be dealing with offenders who are released in the normal course over each year. Our rough estimate of the total number of new registrants each year, based on prison release data, sentencing data, and juvenile adjudication data, is well under 1000.

The administration has taken the following steps to address the representation of sex offenders in Megan's law hearings. Indeed, many questions have been raised about funding the costs of the Megan's law hearings. The hearings were not contemplated by the Legislature or the executive branch, they were not set forth in the statute. They were set forth and required by the Supreme Court decision which we fully accept.

I would like to report on the outcome in terms of funding, of discussions between the Treasurer, the Public

Defender, the Governor's Office, and members of the Legislature. This matter has been reviewed very carefully over the past few weeks as we have begun to get the first information about the extent and scope of those hearings, as preliminary as that information is. I have to emphasize that.

That the data is only now becoming available and that the numbers may change dramatically because, as I said earlier, the prosecutors are focusing on the most serious offenders. That is appropriate. We may see more tier one designations as time goes on. We need to deal, then, with that initial group of cases, that bulge that I spoke of, and with continued funding or needs for normal caseloads, as we see what those normal caseloads are.

In our discussions, the determination has been made that the Public Defender has a cadre of civil attorneys who handle civil cases ranging from representation of the developmentally disabled, civil commitment matters, dispute resolution of civil cases both Federal and State, and other civil matters. What has been decided is that in this setting it is appropriate for the Public Defender to set up a Megan's law hearings unit within the Public Defender's Office.

The Public Defender also uses experts in many of the cases that it handles and has mechanisms in place to hire experts. The Public Defender is uniquely positioned to use this cadre of attorneys in a hearings unit for Megan's law cases and with the accumulated experience and wisdom that Public Defender's Office has in hiring and using experts for civil cases. Any backfilling that's necessary to get through this initial bulge of cases can be handled through the hiring of per

diem attorneys, as those attorneys who are more experienced are moved into the unit that is created for the handling of the Megan's law cases.

What we need to do to accomplish this is to phase in the development of this new unit. What the Public Defender is planning to do, as I understand it, after discussions with the Treasurer and others involved in this, is to review the caseloads and the various counties, to work with the judges, to develop this cadre of attorneys as quickly as possible, and to move in where most needed as the new program is phased in.

We would expect to have the program fully and completely operational by the first of the New Year. That means that over the course of November and December the Public Defender will be making all of the arrangements that are necessary to phase in the program and talking to the courts about getting representation in those counties where we have the largest number of cases or the most need.

One other piece of this that I think is very important: Some of the hearings may require the use of experts. We have yet to determine-- We have very little information to determine what that need will be and how expensive that need will be. The Supreme Court's decision speaks to the use of experts and we need to be prepared. What we have also determined -- and, as I mentioned, the Public Defender has a fair amount of experience in dealing with experts and the hiring of experts -- is that even over this two month period, starting today, the Public Defender will make available her list of experts for use by the private bar as they continue to handle these cases until we can phase in the new hearings unit.

The Public Defender's Office will make those experts available. Should members of the private bar determine that they need to use their own experts with the Public Defender's approval and at the Public Defender's pay scale for reasonable expert's fees, we will make moneys available through the Public Defender's Office for the hiring of experts as needed. That will be handled by the Public Defender's Office with the private bar.

There is another side of this and I will speak very briefly to that. Senator DiFrancesco mentioned the use of forfeiture moneys. We have to deal with the additional demands on the Prosecutor's Office for handling cases when there is an appeal from sex offenders. I know that Senator Kosco -- and others -- plans to hold hearings, has scheduled hearings on forfeiture issues. I personally think that this is an important issue.

We have in this backlog of cases, the large group of cases that we face right now, that we must handle initially-- We believe that those cases are eligible under current law for the use of forfeiture moneys. Prosecutors will be meeting on Wednesday for their regular prosecutors meeting. I plan to attend. We've discussed and agreed that we will be discussing and exploring the use of forfeiture moneys where those moneys are available to handle this eligible group of cases so that we can get through that major backlog.

I am delighted to report to you that everyone, the private bar, the Legislature, the Administration, the Prosecutor's Office, all of us have worked together to put this together in a form that I think everyone is comfortable with and

ready to move with. I assure you that law enforcement is committed to implementing Megan's law as envisioned by the Legislature and in compliance with the mandates of the Supreme Court.

We really have worked hard together to develop the assessment scale, the procedures, and to develop the mechanisms I've just presented to you to make the process as efficient and as fair as possible so that the public can be protected in the manner that the Legislature intended.

I have been long-winded, but I thank you for your attention and I would welcome any questions.

SENATOR GORMLEY: We appreciate your being so thorough. I know that the Senate President, I believe--

SENATOR DiFRANCESCO: You don't have any questions of me, right?

SENATOR GORMLEY: Never, never. Not here. I understand you have another commitment, and we appreciate your taking the time to be here today.

SENATOR DiFRANCESCO: I appreciate your doing this today. This is important, and I certainly welcome the news of the Attorney General that she is working furiously in resolving any problems that we have with Megan's law. I'm certainly happy to see so many people interested and here today.

Thank you.

SENATOR GORMLEY: Thank you.

Senator Martin.

SENATOR MARTIN: Let me just say that my reaction to the general outline of this is I think that you've basically cleared up a lot of the concerns that I have had, sort of put

the loose strings together in such a way that I can't see any major problems.

My reaction to having the Public Defender's Office, for example, handle the representation of the offenders, I think, is the way to go. They have the experience, they have the expertise, as you've outlined, especially with their familiarity with persons who do have various types of mental and other types of disturbances that seem very akin to what somebody whose been a sex and child offender has. So my reaction to that, I think, is that is appropriate.

Even with what you talk about as this initial hump, I guess, that has to be dealt with, if the Public Defender doesn't have the immediate man- and womanpower to handle it that, they would reach out for assigned counsel. I know at one time I worked out as an assigned counsel in selected areas, and I think that there are enough willing attorneys who would continue to help out in that area.

I was interested in the financing that you talked about with the forfeiture. It's a little bit beyond Megan's law. I'm sure you're aware that there has been some criticism recently that, at least in some counties, the prosecutors, in their use of the current moneys of drug forfeiture, have been using it for what I might perceive as somewhat questionable sources, and you have now suggested that in order to provide funding for their additional work to handle Megan's law cases that they-- (directed to turn on microphone)

Thank you. I'm still not used to pressing the button and have it red for speaking and green for not. I'll get used to the new Trenton procedures.

With respect to that, in looking, if necessary, for long-term funding for these applications and hearings, would you suggest to us that we look comprehensively at how that money is currently being used in the Prosecutor's Offices?

I have no problem. In fact, I think it is indeed a very good use of these moneys to deal with a problem which has beset us, and certainly, it will provide the necessary short-term solution to dealing with this immediate backlog that we will be facing. Would you agree that we should perhaps take a close look at how that money is currently being used in general?

ATTORNEY GENERAL PORITZ: Yes. I think the Director of the Division of Criminal Justice, Terry Farley, has said that we have been, ourselves, taking a close look at how the moneys are being spent. That was one of the things that Terry earmarked when he became Director, and not too many months after he took that office, he started a process of auditing various counties and their use of forfeiture funds. We have been looking at that very closely.

I am looking forward to working with you on the use of those moneys. I am a little bit concerned about tying the continuation funding, whatever those needs are, to forfeiture moneys because we have generally taken the position that those kinds of long-term budget needs, once they are assessed, should be part of the regular budget of law enforcement. Because forfeiture moneys can be erratic in the way that they are brought in, and it's not that you want to say that they shouldn't be earmarked for something, it's that you want to be concerned about a stable funding source. That's one reason.

For something like this where we have this initial large group of cases where we really do have to get through that and, then, assess what the long-term needs are, how they can be handled, how they will affect each prosecutor's office, we think we are talking about long-term needs possibly between 800 and 1000 cases a year of tier designations, but some percentage of those obviously will be tier one. After that, as these cases move and we see the rules being established for what's appropriate for appeal and what isn't and so on, we may see fewer appeals. We don't really have enough experience yet to judge the long-term needs.

So on two grounds I would be hesitant to tie the long-term needs in. One, because if there is a need you need a stable source of funding, and two, we don't know what that need is yet. I think we have to watch this very, very closely and see how these cases develop and what the need really is over time. That is one of the reasons it has been so difficult to develop a program to present for funding.

You really don't want to establish, you know, people in positions to deal with this initial large group of cases if, after that initial large group is handled, you don't have a need for those people anymore. So we've tried to do this in a way that will accommodate that lack of knowledge.

SENATOR MARTIN: Switching topics. One of the concerns that was raised throughout the process was that different counties, because of prosecutors in each county, would make the tier determinations. The fact that you have settled on the State Public Defender to be in charge of the representation of those who are in tier two and three challenges, was part of

your thinking there, having that put under the State Public Defender, that there would be a more uniform application of the process?

ATTORNEY GENERAL PORITZ: That certainly will be an effect of it. The Court has been concerned about that. The Court has, in setting up the Megan's law judges, a panel to review consistency and uniformity around the State has demonstrated that concern. So I think that will work well together with the Public Defender handling these cases. We should see uniformity, and the court, as I said, has been concerned. I can't say to you that was a primary motive, but that certainly is a positive benefit.

SENATOR MARTIN: A final question. You mentioned that the hearings would be in camera? Is that--

ATTORNEY GENERAL PORITZ: Yes, that's by court requirement.

SENATOR MARTIN: I think it sort of answers itself, but would there be any opportunity for public-- Let's put it this way, to what extent, if any, would there be any receiving by the public of information pertaining to those hearings?

ATTORNEY GENERAL PORITZ: Well, to the extent that there are appeals and to the extent that without including defining information about individual sex offenders, legal issues are resolved, the public would learn about that of course.

SENATOR MARTIN: And the notification-- The determination of the tier itself, does that become public information? It must in some form, if someone is going to be tier three to the extent to which you have to by the law,

provide access to the community. That it must be clear that an individual has received a tier three classification.

ATTORNEY GENERAL PORITZ: I'm glad you asked that because it gives me an opportunity to say something that I think is very important. The Court was very concerned about the scope of notification and said that "This law is constitutional because it directly relates the scope of notification to the seriousness of the risk."

In both tier two and tier three notifications, as I said in my prepared testimony, careful determinations have to be made about the scope of notification within the parameters that the Legislature set. So we have to deal with organizations that have the direct care of children or women as opposed to -- one example would be an organization that just deals with children's issues but doesn't have the direct care of women. Only those organizations that are, you know, that it is foreseeable that they would come in contact with the sex offender.

Tier three notification, while it is community notification and will tell those people that are likely to come in contact with the sex offender that there is an sex offender living in the neighborhood or whatever, is also carefully limited. One of the things that I think is most important is that the purpose of this is to enable people to protect themselves and their children within that radius, the group of people that may well come in contact of the sex offender.

If notification is broadcast about it violates the Supreme Court opinion. One of the things the Court said to us was that it relies on the good faith and the sense of New Jersey citizens. The good faith, the good sense, the requirements

indeed imposed on law enforcement, and the good faith of the press, so that to take these limitations seriously, we honor the limitations placed by the Legislature and the Court.

SENATOR MARTIN: If I may, with respect to the representation of those who challenge their tiers, it's not automatic that the Public Defender -- if these individuals want to have their own counsel, they can certainly have their counsel, the counsel of their choice.

ATTORNEY GENERAL PORITZ: Absolutely, correct.

SENATOR MARTIN: Secondly, if there is a determination that they have income that is sufficient to provide for their own counsel-- (microphone fell over)

SENATOR GORMLEY: He has a perfect track record when he does that. I want you to know that. (laughter)

SENATOR MARTIN: We would not expect the State to pick up the tab for those who would otherwise would want to do so but have sufficient revenue sources of their own. Is that correct?

ATTORNEY GENERAL PORITZ: That's absolutely correct.

SENATOR MARTIN: Thank you. That's all I have. Thank you.

SENATOR GORMLEY: Senator Zane.

SENATOR ZANE: General, in the determination as to whether or not someone would have the public defender, would there be some sort of a document filled out, financial document, similar to what, I guess, we all know as the 5A, something similar to that? Is that what would be done?

ATTORNEY GENERAL PORITZ: Yes. I have not gone over the details of this with the Public Defender. Some of the discussions, at any rate, have taken place between the Public

Defender and the Treasurer and others in government. My assumption is and I know that the Public Defender deals with these kinds of issues generally in other cases and has mechanisms in place to do so here.

SENATOR ZANE: I listened very closely to what you said, but I want to make certain I really understood it. Ultimately, where someone does not have private counsel, the Public Defender will represent them in this case should they meet the financial qualifications and there will not be lawyers doing this pro bono. Is that correct?

ATTORNEY GENERAL PORITZ: That is correct.

SENATOR ZANE: You see that implemented by some time in the beginning of the year. Is that also correct?

ATTORNEY GENERAL PORITZ: I see that the commitment that we have made is to have that implemented by the beginning of the New Year, by January 2, but the plan is to phase in representation by the Public Defender over the next two months, obviously, with more representation occurring in December as she is able to put the new system in place.

SENATOR ZANE: Two other questions. Just one so that we have an idea of what we are talking about. Has anyone estimated the additional cost to the State for the Public Defender's additional work as a result of this?

ATTORNEY GENERAL PORITZ: That has been one of the difficulties in dealing with this that I have been describing because of our lack of information about the breakdown of tier designation, the number of people appealing, the numbers get weaker. We know we have approximately 3000 registrants at this point, but as you go further down the line, because this has

just started, essentially we have fewer and fewer numbers, and therefore, the reliability becomes less and less.

We are making -- the Treasurer is making \$250,000 initially available to the Public Defender to get this going. We will have to assess the needs as this progresses. I am sure the Treasurer, the Office of Management and Budget, and the Public Defender will be working through this as they go along and as we see what the needs are.

SENATOR ZANE: Do you happen to know whether or not that is what is often called "seed money" or whether or not that is based upon some reasonable estimate as to the annual cost?

ATTORNEY GENERAL PORITZ: That is based on, as best I can tell from the figures, what it looks like the Public Defender will need as she gears this system up, gets people in place, gets the per diem attorneys, the experts' fees and so on and gets this thing going. I hate to sound like a broken record, but we really don't know beyond this first hump of cases. Even with this first set of cases, we don't know what we've got. So we're going to have to watch this very closely.

SENATOR ZANE: It's a little troubling to me, I must say, to see government make a decision that we're going to do something without knowing what it is going to cost.

ATTORNEY GENERAL PORITZ: Well--

SENATOR ZANE: I understand the position that you are in, but that is awfully troubling to me.

ATTORNEY GENERAL PORITZ: Well, let me make a point though, and I think this is particularly important. We are setting this up-- This is being set up in such a way -- someone likened it to a Lego set to me -- those with children will

appreciate this. It's something that we have building blocks that we can put together to make the system work, but that those pieces can easily come out as we see that they may need to come out.

We're not going to be in a position of having to fire people or whatever because we created a bureaucracy. A great deal of attention and care has gone into setting this up so that we can get it moving, but as we see what the needs are, we can tell you, we can tell the public that we can take the system apart or, if necessary, add to it as we see the needs developing. But it's very difficult when you only have, compared to the 3000 the large group of cases, you only have numbers on a couple hundred as to what is actually happening out there, and even with that group, it is a much smaller group that you have numbers on in terms of hearing requests.

On the other hand we wanted and I think it was crucial that we get to do something about this as soon as possible. There is a real need. There is a need for representation, and there was a need to take care of that. So we were trying to balance. I appreciate your concern. It is a concern we have had, and we have tried to balance that the best way we could.

SENATOR ZANE: General, and this is not directed specifically at you because I'm sure you unilaterally did not make that decision, but in the years that I have been down here, I have never seen government make a decision to deal with a problem and not know what it is going to cost.

We have a question on the ballot this year that is really addressing that kind of very issue, although it goes to State mandate/State pay to local government, but here we are

doing something and not knowing what the tab is going to be. The administrative decisions to go forward have, in fact, been made. That to me -- I'm glad you have resolved the problem. I would not be as concerned about that if you were saying, "It's going to cost-- We estimate that it's going to cost a million dollars, a half a million dollars" -- some number -- "but we're going ahead based upon that number, and we may have to come and tell you we were wrong." But in all fairness that is not what is being said.

What is being said to us is, "There's a quarter of a million dollars that is put up. We don't know whether it's going to do it. There are no real estimates, but we've made the decision that we're going ahead anyhow."

ATTORNEY GENERAL PORITZ: First of all, I would like to say that there is obviously an outside limit. That outside limit is based on we have approximately 3000 registrants right now, we can track -- I've given you numbers -- we can track the number of people that have come out of our prisons and so forth.

We can give you estimates that are probably close to the mark. We've given them -- I gave them in my prepared remarks as to the number of people we can expect out each year. We could take worst-case numbers and tell you, you know, if more than half of them were designated tier two and tier three and if more than half of those appealed and so forth. We think that we've acted very conservatively with worst-case numbers. We think that this is handleable, and we're expecting much better than worst-case numbers.

The other thing is that we can -- I could have come here, given you those numbers, and said, "These are our

projections." That would not have been telling you the truth. The truth is that based on the numbers we have, we cannot be absolutely certain. We actually expect things to be better than the kinds of numbers that I could give you.

SENATOR ZANE: General, just one other question. I'm looking at the notices for tier two or tier three classifications and manner of notification. At the bottom it indicates that the hearing will not be open to the public, which Senator Martin also asked you a question on. I don't believe that the legislation itself indicated that the hearings should be closed. Am I right with that, do you happen to know?

ATTORNEY GENERAL PORITZ: The legislation did not require a hearing, so certainly the legislation did not go into that.

SENATOR ZANE: Correct.

I also recognize that if there is a hearing that it is notification, and it will be public just by virtue of the hearing, but I really can't think of, offhand, any other adult proceeding that is in camera. The only proceedings of an adult that I can think of where an adult is involved might have to do with custody or in the family area where there are children involved. I'm just a little bit surprised and would like some--

ATTORNEY GENERAL PORITZ: All right, first of all, that is--

SENATOR ZANE: I mean if you can think of another one, tell me.

ATTORNEY GENERAL PORITZ: The in camera hearing is a requirement of the Supreme Court in its opinion. We, as I have said in my testimony, we are committed to making this system

work efficiently, fairly, and within the mandates of the Supreme Court opinion.

SENATOR ZANE: I understand that.

ATTORNEY GENERAL PORITZ: That is a direct requirement of the courts.

SENATOR ZANE: I understand that. But can you think of any other exception to that that involves an adult?

ATTORNEY GENERAL PORITZ: Civil commitment, krol hearings are an example. I was thinking of civil commitment. There are some people--

SENATOR ZANE: Parole hearings are not before a judge.

ATTORNEY GENERAL PORITZ: Yes they are.

SENATOR ZANE: Parole hearings are before a judge?

SENATOR O'CONNOR: Krol, K-R-O-L.

SENATOR ZANE: Oh, I'm sorry.

ATTORNEY GENERAL PORITZ: K-R-O-L. There will be others who have had more experience with this particular area of the law than I that can speak to this. Sharon Ransavage is one, but yes, krol hearings, as they remind me, I recall that as well.

SENATOR ZANE: Thank you very much.

SENATOR GORMLEY: If I may offer a comment. I think that you have dealt in a timely manner. I think Senator Zane raised two good questions. I think one feeds into the other. Yes, it would be nice to project how much something is going to cost, but this is a unique process that has been mandated by the Court. You have a very limited amount of time to deal with it.

Quite frankly, when we have these mandates from the court, and this is a court mandate, we do have an obligation to

deal with it. But I think you have been very frank in terms of the inability that you have to accurately predict the cost of a system that has never existed before. I appreciate that. Obviously, if this does result in a resolution of this particular court mandate, it will be far more quicker than we have dealt with the school funding mandate from the court.

ATTORNEY GENERAL PORITZ: Thank you.

SENATOR GORMLEY: Any other questions? (no response)
Thank you.

ATTORNEY GENERAL PORITZ: Thank you.

SENATOR GORMLEY: The next two witnesses: Harold Sherman, President, New Jersey Bar Association and Alan L. Zegas, Chairman, New Jersey State Bar Association, Criminal Law Section.

H A R O L D A . S H E R M A N , E S Q . : Senator Gormley, thank you for scheduling this hearing to air the issues involved in the implementation of Megan's law. I'm sure that the early resolution of these issues has not in any way been influenced by the fact that that means instead of a lengthy and boring speech I will give you just a few minutes of thank yous for the work that has been done.

I want to thank Senator DiFrancesco for expressing this morning his acknowledgment of the concerns of the New Jersey State Bar Association in the manner in which these matters would be resolved. I, too, thank the Attorney General for her work in resolving the issues and for permitting me to meet with her staff, which I did last week, concerning the concerns of attorneys throughout the State.

I thank, also, the State Treasurer and the Public Defender's Office itself for their participation in the discussions leading to the resolution of the issues of representation of the convicted sex offenders upon their release from jail.

Not least, I thank the Chief Justice for having been open with me these past couple of weeks by letter and by personal meeting to discuss with me the measures that the Supreme Court was putting into place so that we would have a handle on what was actually going to occur.

I have no doubt that the decision to place these matters in the hands of the Public Defender's Office will provide the most efficient and cost-effective way of dealing with the hearings, to which the convicted defendants, who are released from jail, are entitled to and will thereby give vitality, life, and success to the Megan's law itself.

Those responsible for these actions I commend on behalf of not only the New Jersey Bar Association, but all of the other bar leaders in the State and the lawyers in the State who are happy with the resolution that's accomplished. It's a rare day when I can say, and lawyers almost hate to do this, to say that we are in complete accord with every step that is being taken, and we thank you for it.

A L A N L. Z E G A S, ESQ.: I would simply join in the remarks of Mr. Sherman. If you have any questions, we would be happy to take them in terms of how I envision attorneys handling these proceedings. I'm not sure that it is necessary at that point in light of the Attorney General's remarks.

Thank you.

SENATOR GORMLEY: So like the score is 47 to nothing the way they are exiting the chambers. (laughter) Okay, thank you very much for your testimony, and thank you for your ditto.

MR. ZEGAS: Thank you.

MR. SHERMAN: Thank you.

SENATOR GORMLEY: The next witnesses are Sharon Ransavage, Maureen O'Brien, and Joseph A. Del Russo.

S H A R O N B. R A N S A V A G E, E S Q.: Good afternoon.

SENATOR GORMLEY: Prosecutor.

MS. RANSAVAGE: Senator Gormley and members of the Committee, frankly, I'm not sure how much of our testimony you do require at this time. It's my understanding that I was invited here and we were invited here to help you access the resources that may be required for counsel in these cases.

You, I'm sure, are aware that the impact of this law has fallen squarely on the shoulders of county prosecutors who are responsible to do the investigative work necessary to determine who should be registered, who is registered, and what their tier assessment should be. The fact is we went forward immediately after this law became effective and began to garner the resources that were necessary using our powers of advocacy with our local funding authority to obtain the resources that we thought were required.

So from that standpoint, we're not here to ask for anything but just to tell you that we have been doing our job. That we are fully committed to enforcing Megan's law. It's a law that we fervently believe in.

There has been a substantial impact, though, in terms of the amount of time that is required by our offices -- our

individual offices -- to do the necessary assessments. Also, I would like to point out that in terms of who should be registered prior to 1983, there is no computer data bank from which we can glean the names of all those offenders who were, for example, housed at Avenel and released, who, therefore, should be registered. So there is, in fact, in my own office, a disparity between the number of files that we have opened and the number of files that represent actual registered offenders.

We share the communities' concerns about the presence of those offenders in the community who still pose a risk, and we will vigorously move forward to assess them and to convince the court as to the tier assessment that we think is appropriate. As you know, the law requires us to do the appropriate tier assessment, taking into consideration various factors that have been acknowledged by the court to be relevant and that have been set forth in guidelines that were put together by the Attorney General's Office.

As a result of those particular criteria, we need to gather evidence and information relevant to that criteria. For example: where is the individual living; where are they working; how do they get to work; how did they do in therapy; were they in therapy; is there recent information that we have with regard to their progress or lack of progress; did they have a substance abuse problem; and are they addressing it? This is part of the information process that we are involved in, in terms of gathering the information that we need to make that critical assessment.

Once the information has been gathered, each of us have committees that we have put together in our individual

offices to do that tier assessment. That requires those committee members -- who in my own office for example are: an assistant prosecutor; myself; a detective who works the sex crimes unit; the chief of detectives who works closely with the local police; and a victim witness coordinator who would obviously have victim input information. It requires each of us individually to review the file that has been put together by the administrative investigator, who is assigned responsibility for doing that, and to come up with a risk assessment.

Frankly, the guidelines that have been put together by the Attorney General's Office have made the tier assessment much easier. What has been more problematic, frankly, is determining how we define the community that the offender is likely to encounter. The Court, as the Attorney General indicated to you, has more narrowly construed community.

I think, when the law was first passed, many people in the community at large thought that a tier three offender was someone that we could stand up on the courthouse steps and say he's out. That, in fact, is not the case. Even a tier three offender is entitled to a certain level of anonymity, as you know from the fact that the hearing itself is an in camera hearing. So we have to determine what is the community that individual is likely to encounter.

SENATOR GORMLEY: Well, I think the concern for today is your cost.

MS. RANSAVAGE: Okay.

SENATOR GORMLEY: Obviously, the Attorney General is in good faith addressing it. She was quite frank to admit that she doesn't know the exact cost yet but is addressing it in the

short-term through forfeiture money, the problem that faces the prosecutor's office.

I obviously would like to be able to say that this will probably be the last hearing on the issue, but it may very well not be. The next review of Megan's law would either be in this Committee or in front of the Appropriations Committee, beyond the legal issues. I think it is a matter to continue that interaction that you have had with the Attorney General in terms of monitoring the cost because she has acknowledged it and is well-aware of it.

I hope everyone appreciates, as the Attorney General pointed out, that the hearing process that we are talking about was not in the original bill; obviously, it was a procedure added by the Supreme Court. I think the complexity of what you are dealing with and the first impression of everything that you are dealing with does lend to unique budgetary problems. I'm sure the Attorney General will keep us abreast of it.

MS. RANSAVAGE: I agree. I think the bottom line is that each of us are not able to access at this point in time what the costs will be. Just to echo what the Attorney General said: we have to see how this plays out. How many offenders appeal their assessment. How complicated the judicial review process is. We recognize there is this initial bulge of having all these offenders who should be registered, registered and doing those assessments.

So each of us are individually, as prosecutors, dealing with it with our own counties for this year's budget and for next year's. The two assistant prosecutors who are present here today were prepared to testify as to the detail of the

process involved, so that you understand fully all that is involved.

SENATOR GORMLEY: I think, quite frankly, and I'd like to compliment both of them because I heard about them before they came today. I know that they are two of the people in the State that have diligently worked to gain a unique understanding of something that is evolving on a day-to-day basis. We are going to call on their expertise in the future, because it would appear that there will be more and more questions coming up, as you would expect with something of this nature.

The hearing today -- and by the way, if, obviously, if there had not been the detente that had been reached, the need for your expertise would have been much more in need today, but we were lucky enough that all sides were able to come together. I really do appreciate the work of the Attorney General working with Senator DiFrancesco and a variety of other people to put it together.

But, I think, for today's hearing -- you know once you get a resolution it makes for a far easier process -- but I do think in terms of procedure and questions on procedure, even if it isn't a hearing process, I know the two persons you brought with you will be called upon to lend their expertise to the Committee as I know they have to the Attorney General today. I certainly appreciate the effort that they have put in. These are not kudos for a hearing day, these are things that are said on days where there aren't microphones on, and we appreciate the work they've done.

MS. RANSAVAGE: Thank you.

SENATOR GORMLEY: Thank you very much, I appreciate it.

The next witnesses are Robert Becker, Gloucester County Bar; Thomas Barron, Gloucester County Bar.

SENATOR MATHEUSSEN: I believe they left, Mr. Chairman.

SENATOR GORMLEY: You believe they've left?

SENATOR MATHEUSSEN: Yes I do.

SENATOR GORMLEY: You monitor the Gloucester County Bar very closely, don't you?

SENATOR MATHEUSSEN: Yes, I do. (laughter)

SENATOR GORMLEY: Okay, very good.

SENATOR MATHEUSSEN: All of its members have left except me.

SENATOR MARTIN: Oh, they've all gone.

SENATOR GORMLEY: Robert Margulies, (phonetic spelling) President, Association County of Bar Presidents. He left.

Douglas Brierly, (phonetic spelling) Attorney, Association of County Bar Presidents. He's gone also.

Jack McCarthy, Administrative Office of the Courts.

J O H N P. M c C A R T H Y, ESQ.: Good morning, Senator. My name is Jack McCarthy. I'm Assistant Director of AOC. With me is Joe Barraco who is our Chief of Criminal Court Services.

I think it's been largely covered. The Attorney General went through in great detail what's been done to implement the procedure. All I would add to that is that our judges who are designated to hear these cases have met several times. They have reviewed the procedures. The procedures are

approved by the Supreme Court. We have put into place, with some extraordinary effort and cooperation among State agencies and between State and local government:

- * A computer system to schedule and track these cases.

- * A method to determine indigents for these offenders which were piggybacking on the current system we have in place for criminal cases.

- * There have been procedures for Appellate review. We have a four judge Appellate part chaired by Judge Tom Shebell, which is designated to hear appeals from the trial court work.

- * And a system for promoting consistency in outcome of these decisions with a three judge committee chaired by Judge Dave Baime.

In answer to a question from Senator Martin about the confidentiality of these proceedings, the Supreme Court, in its opinion, called for AOC to issue an annual report which will describe in detail the experience on reviewing these cases protecting the confidentiality of the offenders so as not to defeat the scope of community notification found in the court, but that report will be prepared. We're collecting data now on these cases.

In terms of the-- As the Attorney General said, we don't--

SENATOR GORMLEY: Excuse me.

MR. McCARTHY: Yes.

SENATOR GORMLEY: I think that, quite frankly, in terms of the issue for today, we appreciate all these procedures, but you can report back that--

MR. McCARTHY: Let me just say that--

SENATOR GORMLEY: --we've dealt with the chief's procedure and how to fund it.

MR. McCARTHY: Let me just say that I'm sure the chief and the court are gratified by these hearings and are particularly gratified by the announcement this morning.

SENATOR GORMLEY: Thank you.

MR. McCARTHY: Thank you, Senator.

SENATOR GORMLEY: We have Hanan Isaacs (phonetic spelling) (no response)

Ken Singer.

K E N N E T H S I N G E R: I don't want to hold anybody up for lunch, but I will try to be brief.

My name is Ken Singer. I'm a licensed, clinical social worker and Chairman of the New Jersey Network for the Treatment of Sexual Offenders. The Network is a professional group whose members include the majority of clinicians working with juvenile and adult sex offenders in New Jersey. We also include probation officers and professionals who work with sex offenders in other capacities.

The meeting today is focusing on community notification provision of Megan's law. As a clinician working since 1978 with juvenile and adult offenders, as well as nonoffending men who were sexually abused as children, I am in favor of many of the provisions of this law. My colleagues in the Network also support aspects of this package. However, we do have some reservations around the community notification section and just wish to briefly address these questions.

SENATOR GORMLEY: Excuse me.

MR. SINGER: Yes.

SENATOR GORMLEY: Really, in terms of -- believe me I'm not trying to limit your ability to discuss what we are going over today. You're discussing the substance of the original legislation.

MR. SINGER: It addresses issue of money in terms of providing treatment and I think some of the equity in terms of the notification provision, such as an offender who is in State prison or county jail and not having access to any treatment because those services are not available. This individual can be moved up to a higher level of notification. Someone is going to have to pay for that and I just wanted to bring that--

SENATOR GORMLEY: Okay, fine. Go ahead.

MR. SINGER: This is the short list. Sex offenders need to be registered and supervised by probation or parole officers with specialized training and adequate resources, especially small caseloads and practical considerations such as vehicles. High-risk offenders need high levels of supervision. Models of smaller specialized caseloads have been in existence for a number of years in some states such as California and Connecticut.

Treatment needs to be available for incarcerated offenders. Keeping an offender in prison until he maxes out, that is, completes his sentence and is not eligible for parole supervision, takes him off the street for a longer period but does not allow for enforced supervision of his activities once he is released to the community. Keeping him in prison without any treatment returns a potentially dangerous individual to the community.

We have been hearing about concerns with treatment services at the Adult Diagnostic and Treatment Center at Avenel. Bear in mind that the majority of individuals with sexual offenses do not wind up in Avenel. They are in the overcrowded State prison system or in our county jails where they receive little or no therapy for their sexual offending problems.

I would like to point out that these individuals who are in jail or prisons without access to treatment services are likely to be seen as higher risks due to no treatment history. Is it acceptable that an offender who wants treatment cannot get it because he was not placed in Avenel? We need treatment services in any facility holding sex offenders.

Promote prevention through expanded and enhanced prevention programs. Not only do we need to increase efforts in giving information to--

SENATOR GORMLEY: Excuse me.

MR. SINGER: Yes.

SENATOR GORMLEY: I don't get the link with the hearing today.

MR. SINGER: Okay.

SENATOR GORMLEY: All right. I don't question your sincerity.

MR. SINGER: Yes.

SENATOR GORMLEY: I'm more than happy to meet with you and go over this at length if you're saying to me that what you're bringing up should be integrated into the system -- okay? -- in terms of what is available to the individual who is incarcerated or whatever. I'm not making light of the importance of what you are talking about.

MR. SINGER: Right.

SENATOR GORMLEY: In terms of what we are dealing with today, though-- In terms of getting a link between the two, you can understand it isn't quite there.

MR. SINGER: Right.

SENATOR GORMLEY: But I don't question your sincerity or the fact that I would be more than happy to meet with you, at length, to go over this, but in terms of keeping focused on this issue that we are dealing with-- Not that there will not be a day that this will not come up, and I can't imagine with the topic you're bringing up, but I would like to keep focused on what the topic is today and you can understand that.

MR. SINGER: Yes, sir.

SENATOR GORMLEY: If I could have a copy of your testimony. If you would like to set up a meeting, my aide, John Tumulty will set it up.

MR. SINGER: Okay.

SENATOR GORMLEY: And when there is a hearing more directly related to what you want to bring up, I'm more than happy to do that, or if you want to particularly address that through the system, I'm more than happy to do whatever I can do to make that access available to you.

MR. SINGER: Could I give that to one of your assistants?

SENATOR GORMLEY: Yes, to John Tumulty.

John Budzash, New Jersey Taxpayer's Task Force.

J O H N L. B U D Z A S H: Good afternoon.

SENATOR GORMLEY: Good afternoon.

MR. BUDZASH: I think you guys are kind of laying to rest, at least for one day, that old saying of neither man nor child nor beast is safe when the Legislature is in session. Today, you're doing something or continuing something you started to do, that is, protecting the children and society, and I thank you.

A lot of what I was going to originally speak on has been addressed so I'm not going bother you with that, but I do have a couple of questions. As far as the implementation -- well, not really the implementation of the law, but I guess it kind of does include that also-- It involves the appeals process and the steps for accessing whether the criminal is a tier one, two, or three person who will then have that affect in notification.

Can it not be changed to allow or require the judge and or jury at the time of conviction to access which tier level this person is on to try to hold back the amount of appeals that will come later on and for all the proceedings that will come later on?

SENATOR GORMLEY: Well, but what you would be calling for is the ability to predict the status of that individual many years in advance, if you will. I'm just-- Off the top of my head-- The process is one where the review is done when somebody is about to be released from incarceration. This would call for the determination of the tier at the time of sentencing. That is something that is beyond the scope of what we are talking about today but is something that would have to be considered in terms of an amendment to Megan's law in terms of the whole focus of it to set the tier early on.

MR. BUDZASH: Right, but that would impact the cost of at a later date. That's the main reason we thought of that because, again, the jury and the judge at the time of conviction are going to be most familiar with all of the evidence on hand and the testimony of the victims as to how severe the crime was when it happened. That will have direct bearing on whatever state of mind this person is going to be in, in a few years after the sentence is served.

So that's our main thing there. The other thing is if there is a possibility, and again, we have a good political climate in this country and in the State right now, where anticrime laws seem to be, you know, overwhelmingly approved by both houses of the Legislature. Again, we would propose something to limit the amount of appeals to, again, further down the line when these people come out, that their appeal process is limited to either one or two appeals and no more than one appeal unless new evidence is uncovered.

I mean people can constantly appeal and appeal, but you have one of the biggest, well-known sex offenders on death row in New Jersey, that's Biegenwald. The man is sentenced to death and is still alive because of the unlimited appeal process which does what you are trying to address here today, the costs to the taxpayer. We pay constantly for his appeals, for his medical treatment, for the judge, the jury and so forth, to take the time and the free lawyers that he gets to take care of his appeals.

If we could limit the appeal process, and possibly, even if it's not a complete assessment of this person's stature of being a tier one, two, or three at the time of conviction, if

the judge at the time of conviction can make a preliminary assessment that a judge further down the line would look at and say, "Okay, the convicting judge felt this man was a tier three, and then did rehabilitation work"-- Let the judge access that at the end of it, and at least maybe more of the evidence and the side of the victim will be heard and felt to the courts.

That's pretty much all we have to say, thank you.

SENATOR GORMLEY: Thank you very much for your testimony. This concludes the hearing. I want to thank the Committee members and everybody who participated today.

(HEARING CONCLUDED)

