On May 6, 2013, Governor Christie signed A-3352(5R) into law as P.L. 2013, c.51. Sections 1 and 2 of the new law took effect on May 6, 2013 and the remaining sections take effect on July 1, 2013. A copy of the law is attached and is available on the Judiciary Infonet under Legal Reference/Legislation Affecting Courts. Below is a summary of the law.

Section 1: Commission of Human Trafficking. Section 1 creates a 15-member Commission on Human Trafficking in the Division of Criminal Justice of the Department of Law and Public Safety. The law directs the Commission to evaluate existing laws concerning human trafficking and the enforcement thereof, and to make recommendations for legislation, if appropriate. The Commission is also charged with reviewing existing victim assistance programs, facilitating a coordinated response by public and private resources for victims of human trafficking, raising public awareness of the national 24-hour toll-free hotline telephone service on human trafficking, and promoting the development of training materials and programs on human trafficking as required by the law. The Commission must report annually to the Governor and the Legislature.

Section 2: The “Human Trafficking Survivor’s Assistance Fund.” Section 2 establishes a separate, non-lapsing, dedicated fund in the General Fund known as the “Human Trafficking Survivor’s Assistance Fund.” The Attorney General is responsible for administering the fund, using the monies to provide services to victims of human trafficking; to promote awareness of human trafficking; and to develop, maintain, revise, and distribute materials related to the training courses on human trafficking as provided in the law. All expenditures from the fund will be made by the Attorney General, in
consultation with the Commission on Human Trafficking. Under the law, expenditures from the fund to providers of services for victims cannot be conditioned on the recipient’s cooperation in law enforcement investigations or prosecutions, or lack thereof.

Section 3: Human Trafficking - Criminal Liability. To be consistent with other provisions of Title 2C, section 3 revises the existing crime of committing human trafficking by “threats of serious bodily harm or physical restraint” to “causing or threatening to cause serious bodily harm or physical restraint.”

Further, this section adds two additional descriptive prongs concerning human trafficking to clarify and highlight acts that could otherwise be prosecuted under the existing statutory prongs, but, according to the sponsors, warrant separate enumeration due to their common nature. These “descriptive prongs” are “human trafficking by means of fraud, deceit, or misrepresentation” and “human trafficking by facilitating access to a controlled dangerous substance or controlled substance analog.”

Section 3 also addresses the human trafficking of young victims to engage in sexual activity by making a person strictly liable for a crime of the first degree for holding, recruiting, luring, enticing, harboring, transporting, providing, or obtaining, by any means, a child under 18 years of age to engage in sexual activity, whether or not the actor mistakenly believed that the child was 18 years of age or older, even if that mistaken belief was reasonable.

The offense of human trafficking remains a crime of the first degree. Section 3 amends the sentencing provision of N.J.S.A. 2C:13-8 to provide that a person who recklessly participates in the transportation of another in violation of the human trafficking law is subject to a term of imprisonment of either 20 years during which the actor is not eligible for parole, or a specific term between 20 years and life imprisonment, of which the actor must serve 20 years before being eligible for parole. The sentencing provision is also amended to provide that a sentence for a conviction for a crime of first degree human trafficking must include a fine of not less than $25,000, which, upon being collected, must be deposited in the “Human Trafficking Survivor’s Assistance Fund.

Section 4: Civil Action for Human Trafficking. Section 4 provides that a civil action may be brought against the actor and all those acting in concert with the person who committed a human trafficking offense. The law establishes a basis for determining an award of damages and clarifies that the court may award attorney’s fees and costs to the injured party.

Section 5: Assisting in Human Trafficking or Procuring Services of Trafficking Victims. This section establishes a crime based on the “knowing” standard of criminal liability. Under the new law, it is a crime of the second degree to: (1) provide services, resources, or assistance with the knowledge that the services, resources, or assistance are intended to be used in furtherance of the commission of the crime of human trafficking or (2) procure or attempt to procure a person to engage in sexual activity as defined in paragraph (2) of subsection a. of N.J.S.A. 2C:34-1, or to provide labor or
services, whether for himself or another person, knowing that the person provided or to be provided was a victim of human trafficking, or under circumstances in which a reasonable person would conclude that there was a substantial likelihood that the person was a victim of human trafficking. Section 5 creates several permissive inferences and presumptions that allow legal assumptions as to what a person “knew” in order to help establish potential criminal activity for the criminal action of assisting human trafficking. The law provides that a person convicted for a violation of this section must be sentenced to a term of imprisonment, which must include a period of parole ineligibility of one-third to one-half of the term of imprisonment imposed or three years, whichever is greater. In addition, the sentence must include a fine of not less than $15,000, which, upon collection, must be deposited in the “Human Trafficking Survivor’s Assistance Fund.” Finally, upon a finding of guilt, the court must direct any issuing State, county, or municipal government agency to revoke any license, permit, certificate, approval, registration, charter, or similar form of business or professional authorization required by law concerning the operation of that person’s business or profession, if that business or profession was used in the course of the crime.

Section 6: Conspiracy to Commit Human Trafficking. Section 6 amends N.J.S.A. 2C:5-4 to make conspiracy to commit human trafficking a crime of the first degree.

Sections 7 and 8: Removal of Tenants Due to Human Trafficking. These sections amend N.J.S.A. 2A:18-61.1 and -61.2 concerning the grounds and expedited timing for removal of certain tenants found to have committed violation of the human trafficking laws. It also adds a finding of civil liability or a criminal conviction for human trafficking committed within or upon a leased premises, building, or complex of buildings as a basis for removal.

Section 9: Prostitution. Section 9 amends N.J.S.A. 2C:34-1 concerning prostitution. The law revises the crime of prostitution to differentiate between patrons who engage in prostitution (now subsection b.(1)) and persons performing prostitution by personally offering sexual activity in exchange for something of economic value (now subsection b.(8)). Under the law, engaging in prostitution as a patron is a disorderly persons offense, except that a second or third conviction is a crime of the fourth degree and a fourth or subsequent conviction is a crime of the third degree. In addition, section 11 of the law requires that a person convicted of being a patron must be ordered to participate in the “Prostitution Offender Program.” The law provides that a person performing prostitution is guilty of a disorderly persons offense, except that a second or subsequent conviction is a crime of the fourth degree.

The law increases the penalties for several existing categories of prostitution activity involving minors. Under the law, promoting prostitution involving a person under 18 years of age or with the actor’s child or other person for whom actor is responsible is upgraded to a crime of the first degree. Engaging in prostitution with a person under 18 years of age is upgraded to a crime of the second degree.

The law upgrades two other existing types of promoting prostitution. First, transporting a person into or within this State with the purpose to promote that person’s engaging in prostitution, or procuring or paying for transportation with that purpose is
upgraded to a crime of the third degree. Second, knowingly leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution or promotion of prostitution, or failure to make a reasonable effort to abate that use by ejecting the tenant, notifying law enforcement authorities, or through other legally available means is also upgraded from a crime of the fourth degree to a crime of the third degree.

In addition to any fine, fee, assessment, or penalty authorized under Title 2C for prostitution and related offenses, other than for an offense involving patrons engaging in prostitution or persons who personally offer sexual activity, the law requires the assessment of an additional penalty of at least $10,000, but not more than $50,000; except that if the offense involved promotion of the prostitution of a person under 18 years of age, the additional penalty is at least $25,000. Once collected, the law requires that the additional penalty be deposited in the “Human Trafficking Survivor’s Assistance Fund.”

Section 9 also expands the availability of an affirmative defense against a prosecution for engaging in prostitution, by allowing any person, regardless of age, to claim the defense of being a victim compelled to engage in sexual activity.

The law clarifies that any fine set forth in N.J.S.A. 2C:43-3 imposed by a municipal court for a conviction of a disorderly persons offense under the prostitution statute must be collected by the municipal court administrator and, notwithstanding the disposition of fines in N.J.S.A. 2C:46-4, must be paid into the municipal treasury of the municipality in which the offense was committed.

Section 10: Permits Victims of Human Trafficking to Apply to Vacate Convictions. This section establishes a process under which individuals convicted of prostitution and related offenses can apply to the Superior Court to have the conviction vacated and records expunged on the grounds that the defendant was a victim of human trafficking.

Section 11: “Prostitution Offender Program.” Under this section, any person convicted of a disorderly persons offense for engaging in prostituting as a patron must be ordered to participate in the “Prostitution Offender Program,” unless the prosecutor, by motion, requests that participation be waived. The law provides that any person ordered to participate must be assessed a fee of $500, to be collected by the court and forwarded to the “Human Trafficking Survivor’s Assistance Fund.” Section 11 directs that the fee, once collected, must be distributed by the Attorney General as follows: $200 to be retained in the fund, $200 to the approved provider of the program attended by the offender; and $100 to the law enforcement agency that arrested the person resulting in that person’s conviction.

The program will consist of educational programs offered in one or more locations throughout the State: (1) by a county or local governmental entity, if that county or local governmental entity expresses an interest in establishing a program (which could alternatively be provided by a nonprofit or other private entity) and the proposed program is approved by the Attorney General in consultation with the Commission on Human Trafficking; and (2) by the State, to be established within six months of the
effective date of this section of the law, based upon the Attorney General approving, in consultation with the Commission, an instructional program to be provided by one or more nonprofit or other private providers.

The law provides that any court in a jurisdiction that does not have an approved county or local governmental entity instructional program must order a person convicted of an eligible offense to attend the approved State program, unless there is an extra-jurisdictional county or local governmental entity instructional program within 25 miles of the court, and the court has been notified of the availability of that program to accept participants from the court, in which case the court may instead order a person to attend the county or local governmental entity’s instructional program.

Section 11 clarifies that “regarding any program notice under this subparagraph, a court shall not be required to order a person to attend a program until the first day of the month next following the date on which the Attorney General notifies the Administrative Office of the Courts that the program has been established and approved by the Attorney General.”

Section 12: Advertising Commercial Sexual Abuse of a Minor. Section 12 creates a new crime of the first degree for advertising commercial sexual abuse of a minor. The law provides that the fine imposed for a conviction of this offense shall be at least $25,000, which, upon collection, shall be deposited in the “Human Trafficking Survivor’s Assistance Fund.” The law establishes what may and may not be asserted as a defense to this crime.

Section 13: Endangering the Welfare of Children. This section enhances the criminal penalties for certain offenses concerning endangering the welfare of children. It increases, from a crime of the fourth degree to a crime of the third degree, knowingly possessing or knowingly viewing any photograph, film, videotape, computer program or file, video game, or any other reproduction or reconstruction which depicts a child engaging in a prohibited sexual act or in the simulation of such an act. Section 13 also revises the definition of “child” as used in N.J.S.A. 2C:24-4 to mean any person under 18 years of age.

Section 14: Investigative Wiretap Authorization. Section 14 amends N.J.S.A. 2A:156A-8 to add a violation of human trafficking and prostitution punishable by imprisonment for more than one year to the list of offenses for which the Attorney General or a prosecutor can seek *ex parte* wiretap authorization from the court.

Section 15: Human Trafficking Designated a Bail Restricted Offense. Section 15 amends N.J.S.A. 2A:162-12 to add the crime of human trafficking to the list of crimes with a bail restriction.

Sections 16 and 17: Protecting Victims Who Testify in Prosecutions. These sections expand existing criminal procedures established to protect victims participating in the prosecution of various sex-related crimes to include prosecutions for “human trafficking involving sexual activity.” These protections include the taking of testimony from a

Section 18: Human Trafficking Hotline. This section requires the Attorney General to coordinate the State’s involvement with the national 24-hour toll-free hotline telephone service.

Section 19: Human Trafficking Training Programs. Section 19 requires the establishment of training programs related to human trafficking for certain government and non-government entities. With regard to the Judiciary, section 19 requires that the Administrative Office of the Courts develop a training course and a curriculum to raise the awareness of judges and judicial personnel on the seriousness of the crime of human trafficking, its impact on human rights and the need to adequately implement anti-trafficking laws, including not only the prosecution and sentencing of defendants charged with human trafficking, but the need to respect and restore rights and needs of victims of human trafficking. Under the law, the Administrative Office of the Courts must review and modify, as needed, the training course at least once every two years. The law requires that the AOC make the training course available to appropriate judges and judicial personnel who may be involved with the court-related aspects of human trafficking prosecutions through annual in-service judicial training programs or other means. Section 19 also clarifies that the Attorney General may provide funding from the “Human Trafficking Survivor’s Assistance Fund” to assist with the development, maintenance, revision, and distribution of training course materials for the training courses.

Kindly advise appropriate staff of this new law. Please contact the appropriate AOC Assistant Director for your division with any questions regarding Chapter 51.

attachment
c: Glenn A. Grant
  Criminal Division Judges
  Civil Division Judges
  Municipal Division Presiding Judges
  Directors
  Assistant Directors
  Clerks of the Court
  Trial Court Administrators
  Criminal Division Managers
  Civil Division Managers
  Municipal Division Managers
  Municipal Court Directors and Administrators
P.L. 2013, c. 51
Approved May 6, 2013

[Fourth Reprint]
ASSEMBLY, No. 3352
STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED OCTOBER 11, 2012

Sponsored by:
Assemblywoman VALERIE VAINIERI HUTTLE
District 37 (Bergen)
Assemblywoman ALISON LITTELL MCHOSE
District 24 (Morris, Sussex and Warren)
Assemblyman PETER J. BARNES, III
District 18 (Middlesex)
Assemblywoman CLEOPATRA G. TUCKER
District 28 (Essex)
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District 5 (Camden and Gloucester)
Assemblywoman LINDA STENDER
District 22 (Middlesex, Somerset and Union)
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District 35 (Bergen and Passaic)
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)
Assemblywoman NANCY F. MUNOZ
District 21 (Morris, Somerset and Union)

Co-Sponsored by: Assemblywoman Wagner, Assemblymen Caputo, McKeon,
Assemblywoman Quijano, Assemblyman Gusciora, Assemblywomen Riley, Jasey,
Assemblymen Chivukula, Giblin, Eustace, Conaway, Johnson, Senators Pou, Vitale, Gill,
T.Kean, Ruiz, Buono, Stack, Beck, Cardinale, Cunningham, Greenstein, Allen, Oroho,
Addiego, Gordon, Madden, Turner, Assemblyman Ciattarelli, Assemblywoman Jimenez
and Assemblyman Space

SYNOPSIS
The “Human Trafficking Prevention, Protection, and Treatment Act.”

CURRENT VERSION OF TEXT
As amended by the Senate on March 18, 2013.
AN ACT concerning human trafficking and designated the “Human Trafficking Prevention, Protection, and Treatment Act,” and amending and supplementing various parts of the statutory law.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. (New section) a. (1) There is hereby created, in the Division of Criminal Justice in the Department of Law and Public Safety, a commission to be known as the Commission on Human Trafficking, consisting of 15 members as follows: the Attorney General, or his designee; the Commissioner of Children and Families, or his designee; the Commissioner of Human Services, or his designee; a county prosecutor, appointed by the Governor based upon the recommendation of the Governor of New Jersey; one member of the New Jersey Human Trafficking Task Force established within the Department of Law and Public Safety, designated by the Attorney General; two public members appointed by the Governor based upon the recommendation of the Speaker of the General Assembly, one representing law enforcement and one representing a victim’s assistance organization; one public member appointed by the Governor based upon the recommendation of the Senate Minority Leader representing either a non-profit health care facility or mental health services; two public members appointed by the Governor based upon the recommendation of the Speaker of the General Assembly, one representing law enforcement and one representing a victim’s assistance organization; one public member appointed by the Governor based upon the recommendation of the Senate Minority Leader representing either a non-profit health care facility or mental health services; and four public members appointed by the Governor, one of whom shall be a representative of the National Center for Missing and Exploited Children, a child advocacy organization concerning missing, abducted, or exploited children, and one of whom shall be a human trafficking survivor. All public members shall have experience with, possess a background in, or demonstrate a specialized knowledge of, the legal, policy, educational, social, or psychological aspects of human trafficking.

b. (1) Of the public members first appointed:

(a) the following shall serve for a term of three years: one member appointed upon the recommendation of the Speaker of the General Assembly; and one member appointed upon the recommendation of the Governor;

(b) the following shall serve for a term of two years: one member appointed upon the recommendation of the Speaker of the General Assembly; and one member appointed upon the recommendation of the Senate Minority Leader; and two members appointed by the Governor.

(c) Upon the conclusion of the initial terms, each public member shall be appointed for a term of three years.

(2) Each member appointed shall hold office for the term of appointment and until a successor shall have been appointed and qualified.

(3) Any vacancy in the membership of the commission shall be filled by appointment in the same manner as the original appointment was made.

c. (1) The commission shall consist of a majority of its members. The members shall elect one of the members to serve as chair and vice-chair, and the chair may appoint a secretary, who need not be a member of the commission.
(2) The commission shall meet at those times and places within the State of New Jersey as the commission shall determine. A majority of the commission’s authorized membership shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission.

d. The members of the commission shall serve without compensation, but shall be eligible for reimbursement for necessary and reasonable expenses incurred in the performance of their official duties within the limits of funds appropriated or otherwise made available to the commission for its purposes.

e. The commission shall be entitled to accept the assistance and services of the employees of any State, county, or municipal department, board, bureau, commission, or agency as may be made available to it and to employ the Division of Criminal Justice in the Department of Law and Public Safety shall, at the direction of the Attorney General, provide legal, stenographic, technical, clerical, and other staff and resource assistance to the commission, and additionally the commission may incur expenses as may be necessary in order to perform its duties within the limits of funds appropriated or otherwise made available to it for its purposes.

f. It shall be the duty of the commission to:

(1) Evaluate the existing law concerning human trafficking and the enforcement thereof, and to make recommendations for legislation, if appropriate;

(2) Review existing victim assistance programs and analyze the costs, organization, and availability of these services for victims of human trafficking and to make recommendations for legislation, if appropriate;

(3) Promote a coordinated response by public and private resources for victims of human trafficking;

(4) Develop mechanisms to promote public awareness of human trafficking, including the promotion of the national 24-hour toll-free hotline telephone service on human trafficking established under section 16 of P.L. , c. (C. ) (pending before the Legislature as this bill), and the promotion of training courses and other educational materials for use by persons required under section 19 of P.L., c. (C. ) (pending before the Legislature as this bill) to undergo training on the handling of and response procedures for suspected human trafficking activities.

(5) Develop, maintain, revise, and distribute, in accordance with the provisions of section 17 of P.L., c. (C. ) (pending before the Legislature as this bill), training course and other educational materials for use by persons required to undergo training on the handling of and response procedures for suspected human trafficking activities;

(6) Administer and make expenditures from the “Human Trafficking Survivor’s Assistance Fund” established under section 2 of P.L., c. (C.), for the provision of services to victims of human trafficking, to promote awareness of human trafficking, the development, establishment, operation, and maintenance of the “John School Diversion Program” created pursuant to section 10 of P.L., c. (C.) (pending before the Legislature as this bill), and the development, maintenance, revision, and distribution of training course and other educational materials in accordance with section 17 of P.L., c. (C.) (pending before the Legislature as this bill).

The commission shall adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement the duties and purposes of the commission provided in this section.

g. The commission shall report annually to the Governor and to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), its activities, as well as its findings
and recommendations for any needed new services or resources for victims of human trafficking, and any proposed changes to the current law concerning human trafficking.

2. (New section) 2a. There is established the “Human Trafficking Survivor’s Assistance Fund” as a separate, non-lapsing, dedicated fund in the General Fund, which shall be administered by the Commission on Human Trafficking created by section 1 of P.L. , c. (C. ) (pending before the Legislature as this bill) Attorney General. All monies deposited in the fund pursuant to P.L., c. (C. ) (pending before the Legislature as this bill), any other enactment, or as otherwise provided from any public or private source shall be used for the provision of services to victims of human trafficking, to promote awareness of human trafficking, and the development, establishment, operation, and maintenance of the “John School Diversion Program” created pursuant to section 10 of P.L. , c. (C. ) (pending before the Legislature as this bill), and the development, maintenance, revision, and distribution of training course and other educational materials, and the operation of educational or training programs, in accordance with sections 11 and 19 of P.L. , c. (C. ) (pending before the Legislature as this bill). All expenditures from the fund shall be made by the Attorney General, in consultation with the Commission on Human Trafficking established by section 1 of P.L. , c. (C. ) (pending before the Legislature as this bill), and done so in accordance with rules and regulations promulgated by the Attorney General and other applicable law.

2b. Receipt of expenditures from the fund by any provider of services to victims of human trafficking shall not be based or otherwise conditioned upon the previous, present, or future cooperation of the recipient regarding any law enforcement investigation or prosecution, or lack thereof.

3. Section 1 of P.L.2005, c.77 (C.2C:13-8) is amended to read as follows:

1. Human trafficking. a. A person commits the crime of human trafficking if he:

(1) knowingly holds, recruits, lures, entices, harbors, transports, provides or obtains, by any means, another, to engage in sexual activity as defined in paragraph (2) of subsection a. of N.J.S.2C:34-1 or to provide labor or services:

(a) by threats or incidents of causing or threatening to cause serious bodily harm [or] physical restraint [or] abduction against the person or any other person;

(b) by means of any scheme, fraud, deceit or other deception, plan, or pattern intended to cause the person to believe that the person or any other person would suffer serious bodily harm or physical restraint;

(c) by committing a violation of N.J.S.2C:13-5 involving coercion against the person; [or]

(d) by destroying, concealing, removing, confiscating, or possessing any passport, immigration-related document as defined in section 1 of P.L.1997, c.1 (C.2C:21-31), or other document issued by a governmental agency to any person which could be used as a means of verifying the person's identity or age or any other personal identifying information; [or]

(e) by means of the abuse of power or threatened abuse of power of the law or legal process; [or]

(f) by means of fraud, deceit, or misrepresentation against the person; or

(g) by facilitating access to a controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes; or
(2) receives anything of value from participation as an organizer, supervisor, financier or manager in a scheme or course of conduct which violates paragraph (1) of this subsection; or
(3) as a licensed owner or driver of an autocab, limousine, autobus, or any other passenger automobile as defined in R.S.39:1-1 that is subject to regulation under chapter 16 of Title 48 of the Revised Statutes, negligently recklessly participates in the transportation of another which violates paragraph (1) or (2) of this subsection; or
(4) otherwise being a professionally licensed person, negligently recklessly permits an act of human trafficking described in paragraph (1) or (2) of this subsection, on, within, or using the person’s property or services. For purposes of this paragraph, “professionally licensed person” means any person required by law to obtain, from a governmental department, agency, board, or commission of the State or any political subdivision of the State, a license, permit, certificate, approval, registration, charter, or similar form of business or professional authorization in order to operate a business or as a professional in this State.

With respect to the amendatory provisions set forth in this subsection by the enactment of P.L., c. (C.) (pending before the Legislature as this bill), in addition to these provisions only being applicable to criminal acts of human trafficking occurring on or after the effective date for these amendatory provisions, consistent with constitutional and statutory principles governing application of the Criminal Code, the provisions set forth in this subsection immediately prior to the enactment of P.L., c. (C.) (pending before the Legislature as this bill), as then interpreted and applied by law enforcement officers, prosecutors, and the courts, shall continue to be interpreted and applied by law enforcement officers, prosecutors, and the courts with respect to any prosecution for a criminal act of human trafficking that occurred prior to the enactment of P.L., c. (C.) (pending before the Legislature as this bill), without regard, reference, or comparison to the amendatory provisions set forth in this subsection.2

b. An offense under this section constitutes a crime of the first degree, except that an offense under paragraph (3) or (4) of subsection a. of this section concerning criminal negligence recklessness constitutes a crime of the fourth degree.

c. It is an affirmative defense to prosecution for a violation of this section that, during the time of the alleged commission of the offense of human trafficking created by this section, the defendant was a victim of human trafficking.

d. Notwithstanding the provisions of N.J.S.2C:43-6, the term of imprisonment imposed for a crime of the first degree under paragraph (2) or (3) of subsection a. of this section shall be either a term of 20 years during which the actor shall not be eligible for parole, or a specific term between 20 years and life imprisonment, of which the actor shall serve 20 years before being eligible for parole. Notwithstanding the provisions of N.J.S.2C:43-3, the sentence for a conviction for a crime of the first degree under this section shall include a fine imposed for a crime of the first degree under this section shall be a fine of at least $25,000, which shall be collected as provided for the collection of fines and restitution in section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the Department of the Treasury to be deposited in the “Human Trafficking Survivor’s Assistance Fund” established by section 2 of P.L., c. (C.) (pending before the Legislature as this bill).

Notwithstanding the provisions of N.J.S.2C:43-3, the fine imposed for a crime of the fourth degree under paragraph (3) or (4) of subsection a. of this section concerning criminal
negligence, recklessness shall be a fine of up to $25,000, which shall be collected as provided for the collection of fines and restitutions in section 3 of P.L. 1979, c. 396 (C. 2C:46-4) and forwarded to the Department of the Treasury to be deposited in the “Human Trafficking Survivor’s Assistance Fund” established by section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill). Additionally, upon conviction for this crime, the court shall revoke any license, permit, certificate, approval, registration, charter, or similar form of business or professional authorization required by law concerning the operation of that person’s business or profession.

e. In addition to any other disposition authorized by law, any person who violates the provisions of this section, other than a violation of paragraph (3) or (4) of subsection a. of this section concerning criminal negligence, recklessness shall be sentenced to make restitution to any victim. The court shall award to the victim restitution which is the greater of:

(1) the gross income or value to the defendant of the victim's labor or services; or
(2) the value of the victim's labor or services as determined by the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal Farm Labor Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws concerning the regulation of child labor in chapter 2 of Title 34 of the Revised Statutes, or any other applicable State law, and the "Fair Labor Standards Act of 1938," 29 U.S.C. s.201 et seq., or any other applicable federal law. (cf: P.L.2005, c.77, s.1)

4. (New section) a. Any person injured, including injury due to the loss of moneys or property, real or personal, as a result of a violation of the provisions set forth in violation of section 1 of P.L.2005, c.77 (C.2C:13-8) or section 5 of P.L., c. (C. ) (pending before the Legislature as this bill) may bring a civil action in any court of competent jurisdiction against the actor and all those acting in concert with that actor who committed a human trafficking offense in violation of P.L.2005, c.77 (C.2C:13-8) or section 5 of P.L., c. (C. ) (pending before the Legislature as this bill) may bring a civil action in any court of competent jurisdiction against the actor and all those acting in concert with that actor. A civil action brought under this section shall not preclude the application of any other civil, administrative, or criminal remedy under any other provision of law.

b. (1) The standard of proof in a civil action brought pursuant to this section is a preponderance of the evidence, and the fact that a prosecution for human trafficking under section 1 of P.L.2005, c.77 (C.2C:13-8) against the offending actor is not instituted or, whenever instituted, terminates without a conviction, shall not preclude a civil action.
(2) A final judgment rendered in favor of the State in any criminal proceeding shall estop the defendant from denying the same conduct in any civil action brought pursuant to this section.

c. In any civil action brought pursuant to this section, the court shall, in addition to any other appropriate legal or equitable relief, including damages for pain and suffering, recovery of reasonable costs for necessary medical, dental, and psychological services and punitive damages, award damages in an amount that is the greater of:

(1) the gross income or value to the defendant of the injured party's labor or services; or
(2) the value of the injured party's labor or services as determined by the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal Farm Labor Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws concerning the regulation of child labor in chapter 2 of Title 34 of the Revised Statutes, or any other applicable State law, and the "Fair Labor Standards Act of 1938," 29 U.S.C. s.201 et seq., or any other applicable federal law.
2d. In addition to any damages, penalty, injunction, or other appropriate relief awarded in an action brought pursuant to this section, the court may award to the injured person bringing suit reasonable attorney’s fees and costs.

3[5. (New section) a. (1) A person who knowingly owns, controls, manages, supervises, or otherwise keeps, alone or in association with another, any premises where human trafficking is regularly carried on is guilty of a crime of the first degree.

(2) A person who knowingly leases or otherwise permits any premises controlled by the actor, alone or in association with others, to be regularly used for human trafficking, or fails to make a reasonable effort to abate this use by ejecting the tenant, notifying law enforcement authorities, or employing other legally available means, is guilty of a crime of the first degree.

(3) As used in this section “premises” includes, but is not limited to, any residence, apartment, hotel, motel, inn, rooming house, boarding house, or other establishment for lodging.

b. Notwithstanding the provisions of N.J.S.2C:43-3, the fine imposed for an offense under this section shall be a fine of at least $25,000, which shall be collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the Department of the Treasury to be deposited in the “Human Trafficking Survivor’s Assistance Fund” established by section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill).]

3[6. 5. (New section) a. A person commits a crime of the second degree if he:

(1) provides services, resources, or assistance with the knowledge that the services, resources, or assistance are intended to be used in furtherance of the commission of the crime of human trafficking in violation of section 1 of P.L.2005, c.77 (C.2C:13-8).

(a) For purposes of this paragraph, “services, resources, or assistance” shall include financial support, business services, lodging, transportation, the provision of false documentation or identification, equipment, facilities, or any other service or property with a pecuniary value that exceeds $200, whether or not a person is compensated for the services, resources, or assistance, but shall not include humanitarian or charitable aid or services provided directly to a victim of human trafficking.

(b) For purposes of this paragraph, the requisite knowledge that services, resources, or assistance are intended to be used in furtherance of the commission of the crime of human trafficking may be inferred if the defendant was aware that a person to whom the defendant was providing services, resources, or assistance: (i) was subject to or subjected another to restrictions on the person’s freedom of movement, so that the person could not leave without accompaniment of another person or was otherwise subjected to obvious restrictions on mobility; or (ii) did not possess or have access to any means of communication, including but not limited to a cellular or other wireless telephone or other electronic communication device, and was not permitted or was otherwise unable to communicate with another person without supervision or permission; or

(2) procures or attempts to procure a person to engage in sexual activity as defined in paragraph (2) of subsection a. of N.J.S.2C:34-1, or to provide labor or services, whether for himself or another person, knowing that the person provided or to be provided was a victim of human trafficking, or under circumstances in which a reasonable person would conclude that there was a substantial likelihood that the person was a victim of human trafficking.

(a) For purposes of this paragraph, there shall be a rebuttable presumption that the defendant knew, and that a reasonable person would conclude there was a substantial
likelihood, that a person was a victim of human trafficking if the person: (i) could not leave the premises where the person provided labor or services without accompaniment of another person or was otherwise subjected to significant restrictions on the person’s freedom of movement; or (ii) did not possess or have access to any means of communication, including but not limited to a cellular or other wireless telephone or other electronic communication device, and was not permitted or was otherwise unable to communicate with another person without supervision or permission.

3(b) For the purposes of this paragraph, there shall be a rebuttable presumption that: 3[(a)] (i) a person knew that a child under the age of 18 years of age procured to engage in sexual activity or for whom attempts were made to procure for that activity was a victim of human trafficking; and 3[(b)] (ii) a reasonable person would conclude that there was a substantial likelihood that a child under the age of 18 years of age procured to engage in sexual activity or for whom attempts were made to procure for that activity was a victim of human trafficking.

b. (1) It is an affirmative defense to prosecution for a violation of this section that, during the time of the alleged commission of the crime, the defendant was a victim of human trafficking.

(2) There shall be a rebuttable presumption that a child under the age of 18 years of age charged with a violation of this section was a victim of human trafficking.

c. (1) Notwithstanding any provision of law to the contrary, a person convicted for a violation of this section shall be sentenced to a term of imprisonment, which shall include a period of parole ineligibility of one-third to one-half of the term of imprisonment imposed or three years, whichever is greater. Notwithstanding the provisions of N.J.S.2C:43-3, the sentence for a conviction under this section shall include a fine in an amount of not less than $15,000, which shall be collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the Department of the Treasury to be deposited in the “Human Trafficking Survivor’s Assistance Fund” established by section 2 of P.L. , c. ( ) (pending before the Legislature as this bill).

(2) Additionally, upon a finding of guilt or entry of a guilty plea for a crime described under this section, the court shall direct any issuing State, county, or municipal governmental agency to revoke any license, permit, certificate, approval, registration, charter, or similar form of business or professional authorization required by law concerning the operation of that person’s business or profession, if that business or profession was used in the course of the crime.

d. Nothing in this section shall be construed to preclude, or limit in any way, the prosecution and conviction for any other offense, including prosecution and conviction pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8), human trafficking, N.J.S.2C:34-1, prostitution and related offenses, and N.J.S.2C:2-6, liability for another’s conduct.2

6. N.J.S.2C:5-4 is amended to read as follows:

2C:5-4. Grading of Criminal Attempt and Conspiracy; Mitigation in Cases of Lesser Danger. a. Grading. Except as provided in subsections c. [and] d., and e., an attempt or conspiracy to commit a crime of the first degree is a crime of the second degree; except that an attempt or conspiracy to commit murder or terrorism is a crime of the first degree, provided, however, that if the person attempted or conspired to murder five or more persons, the person shall be sentenced by the court to a term of 30 years, during which the person shall not be eligible for parole, or to a specific term of years which shall be between 30 years and life imprisonment, of which the person shall serve not less than 30 years before eligibility for parole. Otherwise an attempt is a crime of the same degree as the most serious
crime which is attempted, and conspiracy is a crime of the same degree as the most serious crime which is the object of the conspiracy; provided that, leader of organized crime is a crime of the second degree. An attempt or conspiracy to commit an offense defined by a statute outside the code shall be graded as a crime of the same degree as the offense is graded pursuant to N.J.S.2C:1-4 and N.J.S.2C:43-1.

b. Mitigation. The court may impose sentence for a crime of a lower grade or degree if neither the particular conduct charged nor the defendant presents a public danger warranting the grading provided for such crime under subsection a. because:

(1) The criminal attempt or conspiracy charged is so inherently unlikely to result or culminate in the commission of a crime; or

(2) The conspiracy, as to the particular defendant charged, is so peripherally related to the main unlawful enterprise.

c. Notwithstanding the provisions of subsection a. of this section, conspiracy to commit a crime set forth in subsection a., b., or d. of N.J.S.2C:17-1 where the structure which was the target of the crime was a church, synagogue, temple or other place of public worship is a crime of the first degree.

d. Notwithstanding the provisions of subsection a. of this section, conspiracy to commit a crime as set forth in P.L.1994, c.121 (C.2C:21-23 et seq.) is a crime of the same degree as the most serious crime that was conspired to be committed.

e. Notwithstanding the provisions of subsection a. of this section, conspiracy to commit a crime of human trafficking as set forth in section 1 of P.L.2005, c.77 (C.2C:13-8) is a crime of the first degree.

(cf: P.L.2002, c.26, s.9)

2]6[7] Section 2 of P.L.1974, c.49 (C.2A:18-61.1) is amended to read as follows:

2. No lessee or tenant or the assigns, under-tenants or legal representatives of such lessee or tenant may be removed by the Superior Court from any house, building, mobile home or land in a mobile home park or tenement leased for residential purposes, other than:

(1) owner-occupied premises with not more than two rental units or a hotel, motel or other guest house or part thereof rented to a transient guest or seasonal tenant;
(2) a dwelling unit which is held in trust on behalf of a member of the immediate family of the person or persons establishing the trust, provided that the member of the immediate family on whose behalf the trust is established permanently occupies the unit; and
(3) a dwelling unit which is permanently occupied by a member of the immediate family of the owner of that unit, provided, however, that exception (2) or (3) shall apply only in cases in which the member of the immediate family has a developmental disability, except upon establishment of one of the following grounds as good cause:

a. The person fails to pay rent due and owing under the lease whether the same be oral or written; provided that, for the purposes of this section, any portion of rent unpaid by a tenant to a landlord but utilized by the tenant to continue utility service to the rental premises after receiving notice from an electric, gas, water or sewer public utility that such service was in danger of discontinuance based on nonpayment by the landlord, shall not be deemed to be unpaid rent.

b. The person has continued to be, after written notice to cease, so disorderly as to destroy the peace and quiet of the occupants or other tenants living in said house or neighborhood.

c. The person has willfully or by reason of gross negligence caused or allowed destruction, damage or injury to the premises.
d. The person has continued, after written notice to cease, to substantially violate or breach any of the landlord's rules and regulations governing said premises, provided such rules and regulations are reasonable and have been accepted in writing by the tenant or made a part of the lease at the beginning of the lease term.

e. (1) The person has continued, after written notice to cease, to substantially violate or breach any of the covenants or agreements contained in the lease for the premises where a right of reentry is reserved to the landlord in the lease for a violation of such covenant or agreement, provided that such covenant or agreement is reasonable and was contained in the lease at the beginning of the lease term.

(2) In public housing under the control of a public housing authority or redevelopment agency, the person has substantially violated or breached any of the covenants or agreements contained in the lease for the premises pertaining to illegal uses of controlled dangerous substances, or other illegal activities, whether or not a right of reentry is reserved to the landlord in the lease for a violation of such covenant or agreement, provided that such covenant or agreement conforms to federal guidelines regarding such lease provisions and was contained in the lease at the beginning of the lease term.

f. The person has failed to pay rent after a valid notice to quit and notice of increase of said rent, provided the increase in rent is not unconscionable and complies with any and all other laws or municipal ordinances governing rent increases.

g. The landlord or owner (1) seeks to permanently board up or demolish the premises because he has been cited by local or State housing inspectors for substantial violations affecting the health and safety of tenants and it is economically unfeasible for the owner to eliminate the violations; (2) seeks to comply with local or State housing inspectors who have cited him for substantial violations affecting the health and safety of tenants and it is unfeasible to so comply without removing the tenant; simultaneously with service of notice of eviction pursuant to this clause, the landlord shall notify the Department of Community Affairs of the intention to institute proceedings and shall provide the department with such other information as it may require pursuant to rules and regulations. The department shall inform all parties and the court of its view with respect to the feasibility of compliance without removal of the tenant and may in its discretion appear and present evidence; (3) seeks to correct an illegal occupancy because he has been cited by local or State housing inspectors or zoning officers and it is unfeasible to correct such illegal occupancy without removing the tenant; or (4) is a governmental agency which seeks to permanently retire the premises from the rental market pursuant to a redevelopment or land clearance plan in a blighted area. In those cases where the tenant is being removed for any reason specified in this subsection, no warrant for possession shall be issued until P.L.1967, c.79 (C.52:31B-1 et seq.) and P.L.1971, c.362 (C.20:4-1 et seq.) have been complied with.

h. The owner seeks to retire permanently the residential building or the mobile home park from residential use or use as a mobile home park, provided this subsection shall not apply to circumstances covered under subsection g. of this section.

i. The landlord or owner proposes, at the termination of a lease, reasonable changes of substance in the terms and conditions of the lease, including specifically any change in the term thereof, which the tenant, after written notice, refuses to accept; provided that in cases where a tenant has received a notice of termination pursuant to subsection g. of section 3 of P.L.1974, c.49 (C.2A:18-61.2), or has a protected tenancy status pursuant to [section 9 of] the "Senior Citizens and Disabled Protected Tenancy Act," P.L.1981, c.226 [(C.2A:18-61.30)] (C.2A:18-61.22 et al.), or pursuant to the "Tenant Protection Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.), the landlord or owner shall have the burden of proving that any change in the terms and conditions of the lease, rental or regulations both is
reasonable and does not substantially reduce the rights and privileges to which the tenant was entitled prior to the conversion.

j. The person, after written notice to cease, has habitually and without legal justification failed to pay rent which is due and owing.

k. The landlord or owner of the building or mobile home park is converting from the rental market to a condominium, cooperative or fee simple ownership of two or more dwelling units or park sites, except as hereinafter provided in subsection l. of this section. Where the tenant is being removed pursuant to this subsection, no warrant for possession shall be issued until this act has been complied with. No action for possession shall be brought pursuant to this subsection against a senior citizen tenant or disabled tenant with protected tenancy status pursuant to the "Senior Citizens and Disabled Protected Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22 et al.), or against a qualified tenant under the "Tenant Protection Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.), as long as the agency has not terminated the protected tenancy status or the protected tenancy period has not expired.

l. (1) The owner of a building or mobile home park, which is constructed as or being converted to a condominium, cooperative or fee simple ownership, seeks to evict a tenant or sublessee whose initial tenancy began after the master deed, agreement establishing the cooperative or subdivision plat was recorded, because the owner has contracted to sell the unit to a buyer who seeks to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing. However, no action shall be brought against a tenant under paragraph (1) of this subsection unless the tenant was given a statement in accordance with section 6 of P.L.1975, c.311 (C.2A:18-61.9);

(2) The owner of three or less condominium or cooperative units seeks to evict a tenant whose initial tenancy began by rental from an owner of three or less units after the master deed or agreement establishing the cooperative was recorded, because the owner seeks to personally occupy the unit, or has contracted to sell the unit to a buyer who seeks to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing;

(3) The owner of a building of three residential units or less seeks to personally occupy a unit, or has contracted to sell the residential unit to a buyer who wishes to personally occupy it and the contract for sale calls for the unit to be vacant at the time of closing.

m. The landlord or owner conditioned the tenancy upon and in consideration for the tenant's employment by the landlord or owner as superintendent, janitor or in some other capacity and such employment is being terminated.

n. The person has been convicted of or pleaded guilty to, or if a juvenile, has been adjudicated delinquent on the basis of an act which if committed by an adult would constitute an offense under the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., involving the use, possession, manufacture, dispensing or distribution of a controlled dangerous substance, controlled dangerous substance analog or drug paraphernalia within the meaning of that act within or upon the leased premises or the building or complex of buildings and land appurtenant thereto, or the mobile home park, in which those premises are located, and has not in connection with his sentence for that offense either (1) successfully completed or (2) been admitted to and continued upon probation while completing, a drug rehabilitation program pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of such leased premises, knowingly harbors or harbored therein a person who has been so convicted or has so pleaded, or otherwise permits or permitted such a person to occupy those premises for residential purposes, whether continuously or intermittently, except that this subsection shall not apply to a person harboring or permitting a juvenile to occupy the premises if the juvenile has been adjudicated delinquent upon the basis of an act which if committed by an
adult would constitute the offense of use or possession under the said act. No action for removal may be brought pursuant to this subsection more than two years after the date of the adjudication or conviction or more than two years after the person's release from incarceration whichever is the later.

o. The person has been convicted of or pleaded guilty to, or if a juvenile, has been adjudicated delinquent on the basis of an act which if committed by an adult would constitute an offense under N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault, or terroristic threats against the landlord, a member of the landlord's family or an employee of the landlord; or, being the tenant or lessee of such leased premises, knowingly harbors or harbored therein a person who has been so convicted or has so pleaded, or otherwise permits or permitted such a person to occupy those premises for residential purposes, whether continuously or intermittently. No action for removal may be brought pursuant to this subsection more than two years after the adjudication or conviction or more than two years after the person's release from incarceration whichever is the later.

p. The person has been found, by a preponderance of the evidence, liable in a civil action for removal commenced under this act for an offense under N.J.S.2C:20-1 et al. involving theft of property located on the leased premises from the landlord, the leased premises or other tenants residing in the leased premises, or N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault or terroristic threats against the landlord, a member of the landlord's family or an employee of the landlord, or under the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et al., involving the use, possession, manufacture, dispensing or distribution of a controlled dangerous substance, controlled dangerous substance analog or drug paraphernalia within the meaning of that act within or upon the leased premises or the building or complex of buildings and land appurtenant thereto, or the mobile home park, in which those premises are located, and has not in connection with his sentence for that offense either (1) successfully completed or (2) been admitted to and continued upon probation while completing a drug rehabilitation program pursuant to N.J.S.2C:35-14; or, being the tenant or lessee of such leased premises, knowingly harbors or harbored therein a person who committed such an offense, or otherwise permits or permitted such a person to occupy those premises for residential purposes, whether continuously or intermittently, except that this subsection shall not apply to a person who harbors or permits a juvenile to occupy the premises if the juvenile has been adjudicated delinquent upon the basis of an act which if committed by an adult would constitute the offense of use or possession under the said "Comprehensive Drug Reform Act of 1987."

q. The person has been convicted of or pleaded guilty to, or if a juvenile, has been adjudicated delinquent on the basis of an act which if committed by an adult would constitute an offense under N.J.S.2C:20-1 et al. involving theft of property from the landlord, the leased premises or other tenants residing in the same building or complex; or, being the tenant or lessee of such leased premises, knowingly harbors therein a person who has been so convicted or has so pleaded, or otherwise permits such a person to occupy those premises for residential purposes, whether continuously or intermittently.

r. The person has been convicted of or pleaded guilty to, or if a juvenile, has been adjudicated delinquent on the basis of an act which if committed by an adult would constitute a violation of human trafficking [under] provisions set forth in section 1 of P.L.2005, c.77 (C.2C:13-8) within or upon the leased premises or the building or complex of buildings and land appurtenant thereto, or the mobile home park, in which those premises are located; or, being the tenant or lessee of such leased premises, knowingly harbors or harbored therein a person who has been so convicted or has so pleaded engaged in human trafficking, or
otherwise permits or permitted such a person to occupy those premises for residential purposes, whether continuously or intermittently. No action for removal may be brought pursuant to this subsection more than two years after [the date of the adjudication or conviction or more than two years after the person's release from incarceration whichever is the later] the alleged violation has terminated. A criminal conviction or a guilty plea to a crime of human trafficking under section 1 of P.L.2005, c.77 (C.2C:13-8) shall be considered prima facie evidence of civil liability under this subsection.

For purposes of this section, (1) "developmental disability" means any disability which is defined as such pursuant to section 3 of P.L.1977, c.82 (C.30:6D-3); (2) "member of the immediate family" means a person's spouse, parent, child or sibling, or a spouse, parent, child or sibling of any of them; and (3) "permanently" occupies or occupied means that the occupant maintains no other domicile at which the occupant votes, pays rent or property taxes or at which rent or property taxes are paid on the occupant's behalf.

(cf: P.L.2000, c.113, s.3)

2[7.] 8.2 Section 3 of P.L.1974, c.49 (C.2A:18-61.2) is amended to read as follows:

3. No judgment of possession shall be entered for any premises covered by section 2 of this act, except in the nonpayment of rent under subsection a. or f. of section 2, unless the landlord has made written demand and given written notice for delivery of possession of the premises. The following notice shall be required:

a. For an action alleging disorderly conduct under subsection b. of section 2, or injury to the premises under subsection c. of section 2, or any grounds under subsection m., n., o. [or] p., q., or r. of section 2, three days' notice prior to the institution of the action for possession;

b. For an action alleging continued violation of rules and regulations under subsection d. of section 2, or substantial breach of covenant under subsection e. of section 2, or habitual failure to pay rent, one month's notice prior to the institution of the action for possession;

c. For an action alleging any grounds under subsection g. of section 2, three months' notice prior to the institution of the action;

d. For an action alleging permanent retirement under subsection h. of section 2, 18 months' notice prior to the institution of the action and, provided that, where there is a lease in effect, no action may be instituted until the lease expires;

e. For an action alleging refusal of acceptance of reasonable lease changes under subsection i. of section 2, one month's notice prior to institution of action;

f. For an action alleging any grounds under subsection l. of section 2, two months' notice prior to the institution of the action and, provided that where there is a written lease in effect no action shall be instituted until the lease expires;

g. For an action alleging any grounds under subsection k. of section 2, three years' notice prior to the institution of action, and provided that where there is a written lease in effect, no action shall be instituted until the lease expires;

h. In public housing under the control of a public housing authority or redevelopment agency, for an action alleging substantial breach of contract under paragraph (2) of subsection e. of section 2, the period of notice required prior to the institution of an action for possession shall be in accordance with federal regulations pertaining to public housing leases.

The notice in each of the foregoing instances shall specify in detail the cause of the termination of the tenancy and shall be served either personally upon the tenant or lessee or such person in possession by giving him a copy thereof, or by leaving a copy thereof at his
usual place of abode with some member of his family above the age of 14 years, or by certified mail; if the certified letter is not claimed, notice shall be sent by regular mail.
(cf: P.L.1997, c.228, s.2)

2[8.] 9_2 N.J.S.2C:34-1 is amended to read as follows:
2C:34-1. Prostitution and Related Offenses.
a. As used in this section:
   (1) "Prostitution" is sexual activity with another person in exchange for something of economic value, or the offer or acceptance of an offer to engage in sexual activity in exchange for something of economic value.
   (2) "Sexual activity" includes, but is not limited to, sexual intercourse, including genital-genital, oral-genital, anal-genital, and oral-anal contact, whether between persons of the same or opposite sex; masturbation; touching of the genitals, buttocks, or female breasts; sadistic or masochistic abuse and other deviate sexual relations.
   (3) "House of prostitution" is any place where prostitution or promotion of prostitution is regularly carried on by one person under the control, management or supervision of another.
   (4) "Promoting prostitution" is:
      (a) Owning, controlling, managing, supervising or otherwise keeping, alone or in association with another, a house of prostitution or a prostitution business;
      (b) Procuring an inmate for a house of prostitution or place in a house of prostitution for one who would be an inmate;
      (c) Encouraging, inducing, or otherwise purposely causing another to become or remain a prostitute;
      (d) Soliciting a person to patronize a prostitute;
      (e) Procuring a prostitute for a patron;
      (f) Transporting a person into or within this State with purpose to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose; or
      (g) Knowingly leasing or otherwise permitting a place controlled by the actor, alone or in association with others, to be regularly used for prostitution or promotion of prostitution, or failure to make a reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities, or other legally available means.
b. A person commits an offense if:
   (1) The actor engages in prostitution as a patron;
   (2) The actor promotes prostitution;
   (3) The actor knowingly promotes prostitution of a child under 18 whether or not the actor mistakenly believed that the child was 18 years of age or older, even if such mistaken belief was reasonable;
   (4) The actor knowingly promotes prostitution of the actor's child, ward, or any other person for whose care the actor is responsible;
   (5) The actor compels another to engage in or promote prostitution;
   (6) The actor promotes prostitution of the actor's spouse;
   (7) The actor knowingly engages in prostitution with a person under the age of 18, or if the actor enters into or remains in a house of prostitution for the purpose of engaging in sexual activity with a child under the age of 18, or if the actor solicits or requests a child under the age of 18 to engage in sexual activity. It shall be no defense to a prosecution under this paragraph that the actor mistakenly believed that the child was 18 years of age or older, even if such mistaken belief was reasonable; or
(8) The actor engages in prostitution by personally offering sexual activity in exchange for something of economic value.

c. Grading of offenses under subsection b.

(1) An offense under subsection b. constitutes a crime of the second degree if the offense falls within paragraph (3) or (4) of that subsection.

(2) An offense under subsection b. constitutes a crime of the third degree if the offense falls within paragraph (5), (6) or (7) of that subsection.

(3) An offense under subsection b. constitutes a crime of the third degree if the offense falls within paragraph (5) or (6) of that subsection.

(4) An offense under paragraph (2) of subsection b. constitutes a crime of the third degree if the conduct falls within subparagraph (a), (b), or (c) of paragraph (4) of subsection a. Otherwise the offense is a crime of the fourth degree.

(5) An offense under subsection b. constitutes a disorderly persons offense if the offense falls within paragraph (1) of that subsection except that a second or subsequent conviction for such an offense constitutes a crime of the fourth degree, and a fourth or subsequent conviction for such an offense constitutes a crime of the third degree. In addition, where a motor vehicle was used in the commission of any offense under paragraph (1) of subsection b. the court shall suspend for six months the driving privilege of any such offender who has a valid driver's license issued by this State. Upon conviction, the court shall immediately collect the offender's driver's license and shall forward it, along with a report stating the first and last day of the suspension imposed pursuant to this paragraph, to the New Jersey Motor Vehicle Commission.

(6) An offense under subsection b. constitutes a disorderly persons offense if the offense falls within paragraph (8) of that subsection, except that a second or subsequent conviction for such an offense constitutes a crime of the fourth degree.

d. Presumption from living off prostitutes. A person, other than the prostitute or the prostitute's minor child or other legal dependent incapable of self-support, who is supported in whole or substantial part by the proceeds of prostitution is presumed to be knowingly promoting prostitution.

e. It is an affirmative defense to prosecution for a violation of this section that, during the time of the alleged commission of the offense, the defendant was a victim of human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or the defendant was under the compelled by another to engage in sexual activity, regardless of the defendant's age of 18.

f. Any fine set forth in N.J.S.2C:43-3 that is imposed upon a person by a municipal court for a conviction of a disorderly persons offense under this section shall be collected, notwithstanding the procedures for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), by the municipal court administrator and paid into the municipal treasury of the municipality in which the offense was committed.

(2) In addition to any fine, fee, assessment, or penalty authorized under the provisions of Title 2C of the New Jersey Statutes, a person convicted of an offense of prostitution or related offense under paragraph (2), (3), (4), (5), (6), or (7) of subsection b. shall be assessed a penalty of at least $10,000 but not more than $50,000, except if the offense involved promotion of the prostitution of a child under the age of 18, the penalty shall be at least $25,000. All penalties provided for in this subsection, collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the Department of the Treasury to be deposited in the “Human Trafficking Survivor’s Assistance Fund” established by section 2 of P.L. , c. (C.____) (pending before the Legislature as this bill).
29. (New section) a. Any person who, on or after the effective date of this section, is convicted and serving a sentence as provided for by Title 2C of the New Jersey Statutes for engaging in prostitution under paragraph (1) of subsection b. of N.J.S.2C:34-1 may move to have the sentence reviewed by the court on the grounds that the defendant was a victim of human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8).

b. (1) If the court finds that the sentence under review does not serve the interests of justice, the court may vacate the conviction, resentence the defendant, or place the defendant on probation.

(2) In determining whether the sentence under review serves the interests of justice, the court shall consider all relevant circumstances, including whether the defendant’s victimization constituted a significant contributing factor to the defendant’s criminal behavior, regardless of whether the defendant raised this factor as a defense at trial in accordance with subsection e. of N.J.S.2C:34-1.

210. (New section) a. (1) A person convicted of N.J.S.2C:34-1, prostitution and related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1), loitering for the purpose of engaging in prostitution, or a similar local ordinance, may file an application with the Superior Court in accordance with the Rules of Court to have the conviction vacated at any time following entry of a judgment of conviction, when the person’s participation in the offense was a result of having been a victim of human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or as defined in paragraph (14) of 22 U.S.C. s.7102.

(2) Notwithstanding any law to the contrary, the person may also in the same application seek an order for the expungement of any reference to the person’s arrest, conviction, and any proceeding for prostitution in any records in the custody of a court, or law enforcement or correctional agency entitled to be served with the application pursuant to subsection b. of this section.

b. (1) An application made under this section, together with a copy of all supporting documents, shall be served pursuant to the Rules of Court upon: the Attorney General; the county prosecutor of the county wherein the court is located; the Superintendent of State Police; the chief of police or other executive head of the police department of the municipality wherein the offense was committed; the chief law enforcement officer of any other law enforcement agency of this State that participated in the arrest of the person; the superintendent or warden of any institution in which the person was confined; and, if a disposition was made in municipal court, upon the judge of that court. Any of the noticed parties herein may make an appearance or file a submission responding to the person’s application.

(2) The application shall be made and heard within a reasonable time after the person has ceased to be a victim of human trafficking or has sought services for being a victim of human trafficking, whichever occurs later, subject to reasonable concerns for the safety of the person, family members of the person, or other victims of human trafficking that may be jeopardized by the bringing of the application, or for other reasons consistent with the purposes of this paragraph.

c. (1) The court may vacate a conviction pursuant to this section if it finds by a preponderance of the evidence that the person was a victim of human trafficking pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8) or as defined in paragraph (14) of 22 U.S.C. s.7102 at the time of the offense, and that the violation was a result of the person having been a victim of human trafficking.
(2) In making a determination:

(a) evidence documenting the person’s status as a victim of human trafficking at the time of the offense from a federal, state, or local governmental agency shall create a rebuttable presumption that the person’s participation in the offense was a result of having been a victim, but shall not be required to vacate a conviction under this section; and

(b) the court may additionally consider other evidence it deems appropriate in determining whether the person was a victim of human trafficking, including, but not limited to:

(i) certified records of federal or State court proceedings which demonstrate that the defendant was a victim of a trafficker charged with a human trafficking offense under section 1 of P.L.2005, c.77 (C.2C:13-8) or chapter 77 of Title 18 of the United States Code;

(ii) certified records of approval notices or law enforcement certifications generated from a federal immigration proceeding available to victims of human trafficking; and

(iii) testimony or a sworn statement from a trained professional staff member of a victim services organization, an attorney, a member of the clergy or a health care or other professional from whom the person has sought assistance in addressing the trauma associated with being a victim of human trafficking.

d. If the court finds, pursuant to subsection c. of this section, that the person was a victim of human trafficking, it shall enter an order vacating the conviction and directing that all court records be revised accordingly. When the person’s application also seeks an order for expungement, the court order shall require that any court, law enforcement and correctional agencies, and other noticed parties pursuant to subsection b. of this section expunge all references to the person’s arrest, conviction, and related proceedings for the violation of N.J.S.2C:34-1, prostitution and related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1), loitering for the purpose of engaging in prostitution, or a similar local ordinance from all records in their custody that relate to the vacated conviction. An expungement ordered pursuant to this section shall have the same force as an expungement ordered pursuant to N.J.S.2C:52-1 et seq.2

2[10.] 11.2 (New section) a. In addition to any other disposition authorized by law, the court shall order any person convicted of 2a disorderly persons offense for2 engaging 2a prostitute in prostitution as a patron2 pursuant to paragraph (1) of subsection b. of N.J.S.2C:34-1 to participate in the “John School Diversion Rehabilitative Prostitution Offender Program” established pursuant to subsection d. of this section 3, unless the prosecutor, by motion, requests that the mandatory participation be waived, in which case the court may waive the program participation required by this section3.

b. In addition to any fine, fee, assessment, or penalty authorized under the provisions of Title 2C of the New Jersey Statutes, a person convicted of engaging 2a prostitute in prostitution as a patron2 pursuant to paragraph (1) of subsection b. of N.J.S.2C:34-1 shall be assessed 3, if ordered to participate in the “John School Diversion Rehabilitative Prostitution Offender Program,” 3a penalty fee of 2 $1,000 5002.

c. 3[All penalties provided for in] Each $500 fee assessed as required by2 this section 3, collected as provided for in the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), shall be 3collected by the court, and3 forwarded to the Department of the Treasury to be deposited in the “Human Trafficking Survivor’s Assistance Fund” established by section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill). 3These monies, and other monies in the fund designated by the Commission on Human Trafficking pursuant to section 2 of P.L. , c. (C. ), shall be dedicated to the development, establishment, operation, and maintenance of the ”John School Diversion Program" created
pursuant to subsection d. of this section. From this fee, $200 shall be retained in the fund, and the remaining $300 shall be distributed as follows: $200 to the approved provider of the "[John School Rehabilitative] Prostitution Offender Program," as established under subsection d. of this section, attended by the person; and $100 to the law enforcement agency that arrested the person resulting in that person’s conviction.

There is hereby established an education program to be known as the "[John School] Diversion Rehabilitative Prostitution Offender Program," which shall be administered by the Administrative Office of the Courts, consist of an instructional program on prostitution and human trafficking schemes offered in one or more locations throughout the State as follows:

(a) by a county or local governmental entity, if that county or local governmental entity demonstrates an interest in establishing a program, submits information pertaining to the proposed operation of an instructional program by the county or local governmental entity, or alternatively, by a nonprofit or other private provider. The instructional program and each provider thereof shall be approved by the Attorney General, in consultation with the Commission on Human Trafficking created by section 1 of P.L. , c. (pending before the Legislature as this bill) on behalf of the county or local governmental entity, and the Attorney General, in consultation with the Commission on Human Trafficking created by section 1 of P.L. , c. (pending before the Legislature as this bill), approves the program and the provider thereof, if the proposed provider is a nonprofit or other private entity. If a county or local governmental entity establishes and operates an instructional program, then all courts operating within the jurisdiction of that county or local governmental entity shall order a person convicted of an eligible offense under subsection a. of this section to attend that county or local governmental entity’s program, provided, a court shall not be required to order a person to attend that program until the first day of the month next following the date on which the Attorney General notifies the Administrative Office of the Courts that the program has been established and approved by the Attorney General.

(b) by the State, to be established within six months of the effective date of this section, based upon the Attorney General, in consultation with the Commission on Human Trafficking created by section 1 of P.L. , c. (pending before the Legislature as this bill), approving an instructional program to be provided by one or more approved nonprofit or other private providers in multiple locations throughout the State. Any court in a jurisdiction that does not have an approved county or local governmental entity instructional program as established under subparagraph (a) of this paragraph shall order a person convicted of an eligible offense under subsection a. of this section to attend the approved State program established under this subparagraph, unless there is an extra-jurisdictional county or local governmental entity instructional program within 25 miles of the court, and the court has been notified in accordance with this subparagraph, or subparagraph (a) of this paragraph, of the availability of that program to accept participants from the court, in which case the court may instead order a person to attend the county or local governmental entity’s instructional program; regarding any program notice under this subparagraph, a court shall not be required to order a person to attend a program until the first day of the month next following the date on which the Attorney General notifies the Administrative Office of the Courts that the program has been established and approved by the Attorney General.

The program shall educate defendants who have been convicted of engaging a prostitute pursuant to paragraph (1) of subsection b. of N.J.S.2C:34-1 about the risks
involved in their unlawful activity. The program shall inform the defendants of information intended to increase the person's awareness of:

(a) the causes of prostitution and its relationship to human trafficking;
(b) the health risks connected with prostitution, including the risk of transmittable diseases, the legal ramifications for defendants of their unlawful activity, the terms of imprisonment for subsequent offenses, and the correlation between prostitution and prostitution;
(c) the consequences of convictions for prostitution or human trafficking, including penalties for subsequent convictions; and
(d) the pervasiveness of human trafficking and the effects of human trafficking on its victims.

(3) Pursuant to section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill), the Attorney General, in consultation with the Commission on Human Trafficking, may provide for the expenditures of monies from the “Human Trafficking Survivor’s Assistance Fund” to assist with the development, maintenance, revision, and distribution of instructional program and counseling materials for the “John School Offender Program,” and the operation of this instructional program.

(11.) (New section) a. The Legislature finds and declares that:
(1) There reportedly are more than 12 million victims of human trafficking and it is estimated that this figure could actually be as high as 27 million;
(2) According to the National Center for Missing and Exploited Children, at least 100,000 human trafficking victims are American children who are an average age of 13 years old;
(3) Advertisements for selling the services of girls as escorts on Internet websites falsely claim that these girls are 18 years of age or older, when the girls actually are minors;
(4) The advertising of these escort services includes minors who are being sold for sex, which constitutes sex trafficking and commercial sexual abuse of minors;
(5) Responding to political and public outcry, the Internet website craigslist.com removed its escort section, but another website with an escort section, backpage.com, has to date refused to do so;
(6) The states of Washington and Connecticut recently enacted laws to require Internet websites, such as backpage.com, and the patrons who advertise on websites, to maintain documentation that they have proved the age of the escorts presented in the advertisements;
(7) The State of New Jersey criminalized human trafficking in 2005; and
(8) Sex trafficking of minors should be eliminated in conformity with federal laws prohibiting the sexual exploitation of children.

b. A person commits the offense of advertising commercial sexual abuse of a minor if:
(1) the person knowingly publishes, disseminates, or displays, or causes directly or indirectly, to be published, disseminated, or displayed, any advertisement for a commercial sex act, which is to take place in this State and which includes the depiction of a minor; or
(2) the person knowingly purchases advertising in this State for a commercial sex act which includes the depiction of a minor.

c. A person who commits the offense of advertising commercial sexual abuse of a minor as established in subsection b. of this section is guilty of a crime of the first degree. Notwithstanding the provisions of N.J.S.2C:43-3, the fine imposed for an offense under this section concerning criminal negligence shall be a fine of at least $25,000, which shall be collected as provided for the collection of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the Department of the Treasury to be deposited in the
“Human Trafficking Survivor’s Assistance Fund” established by section 2 of P.L. ,
c. (C. ) (pending before the Legislature as this bill).
d. Nothing in this section shall preclude an indictment and conviction for any other
offense defined by the laws of this State.
e. For the purposes of this section:
"Advertisement for a commercial sex act" means any advertisement or offer in electronic
or print media, including the Internet, which includes either an explicit or implicit offer for a
commercial sex act to occur in this State.
"Commercial sex act" means any act of sexual contact or sexual penetration, as defined in
N.J.S.2C:14-1, or any prohibited sexual act, as defined in N.J.S.2C:24-4, for which
something of value is given or received by any person.
"Depiction" means any photograph or visual or printed matter material containing a
photograph or reproduction of a photograph.
"Minor" means a person who is under 18 years of age.
“Photograph” means a print, negative, slide, digital image, motion picture, or videotape,
and includes anything tangible or intangible produced by photographing.
2[“Visual or printed matter" means any photograph or other material that contains a
reproduction of a photograph.]
f. It shall not be a defense to a violation of this section that the defendant:
(1) did not know the age of the minor depicted in the advertisement; or
(2) claims to know the age of the person depicted, unless there is appropriate proof of age
obtained and produced in accordance with subsections g. and h. of this section.
g. It shall be a defense to a violation of this section that the defendant made a
reasonable, bona fide attempt to ascertain the true age of the minor depicted in the
advertisement by requiring, prior to publication, dissemination, or display of the
advertisement, production of a driver's license, marriage license, birth certificate, or other
governmental or educational identification card or paper of the minor depicted in the
advertisement and did not rely solely on oral or written representations of the minor's age, or
the apparent age of the minor as depicted. The defendant shall prove the defense established
in this subsection by a preponderance of the evidence.
h. The defendant shall maintain and, upon request, produce a record of the
identification used to verify the age of the person depicted in the advertisement.

2[12. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read as follows:
2. a. (1) A person who has been convicted, adjudicated delinquent or found not guilty
by reason of insanity for commission of a sex offense as defined in subsection b. of this
section shall register as provided in subsections c. and d. of this section.
(2) A person who in another jurisdiction is required to register as a sex offender and (a)
is enrolled on a full-time or part-time basis in any public or private educational institution in
this State, including any secondary school, trade or professional institution, institution of
higher education or other post-secondary school, or (b) is employed or carries on a vocation
in this State, on either a full-time or a part-time basis, with or without compensation, for
more than 14 consecutive days or for an aggregate period exceeding 30 days in a calendar
year, shall register in this State as provided in subsections c. and d. of this section.
(3) A person who fails to register as required under this act shall be guilty of a crime of
the third degree.
b. For the purposes of this act a sex offense shall include the following:
(1) Aggravated sexual assault, sexual assault, aggravated criminal sexual contact,
kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1 or an attempt to
commit any of these crimes if the court found that the offender's conduct was characterized by a pattern of repetitive, compulsive behavior, regardless of the date of the commission of the offense or the date of conviction;

(2) A conviction, adjudication of delinquency, or acquittal by reason of insanity for aggravated sexual assault; sexual assault; aggravated criminal sexual contact; kidnapping pursuant to paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the welfare of a child by engaging in sexual conduct which would impair or debauch the morals of the child pursuant to subsection a. of N.J.S.2C:24-4; endangering the welfare of a child pursuant to paragraph (3) or (4) or subparagraph (a) of paragraph (5) of subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping pursuant to N.J.S.2C:13-1, criminal restraint pursuant to N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if the victim is a minor and the offender is not the parent of the victim; knowingly promoting prostitution of a child pursuant to paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1; advertising commercial sexual abuse of a minor pursuant to section 11 of P.L. , c. (pending before the Legislature as this bill); or an attempt to commit any of these enumerated offenses if the conviction, adjudication of delinquency or acquittal by reason of insanity is entered on or after the effective date of this act or the offender is serving a sentence of incarceration, probation, parole or other form of community supervision as a result of the offense or is confined following acquittal by reason of insanity or as a result of civil commitment on the effective date of this act;

(3) A conviction, adjudication of delinquency or acquittal by reason of insanity for an offense similar to any offense enumerated in paragraph (2) or a sentence on the basis of criteria similar to the criteria set forth in paragraph (1) of this subsection entered or imposed under the laws of the United States, this State or another state.

c. A person required to register under the provisions of this act shall do so on forms to be provided by the designated registering agency as follows:

(1) A person who is required to register and who is under supervision in the community on probation, parole, furlough, work release, or a similar program, shall register at the time the person is placed under supervision or no later than 120 days after the effective date of this act, whichever is later, in accordance with procedures established by the Department of Corrections, the Department of Human Services, the Juvenile Justice Commission established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170), or the Administrative Office of the Courts, whichever is responsible for supervision;

(2) A person confined in a correctional or juvenile facility or involuntarily committed who is required to register shall register prior to release in accordance with procedures established by the Department of Corrections, the Department of Human Services or the Juvenile Justice Commission and, within 48 hours of release, shall also register with the chief law enforcement officer of the municipality in which the person resides or, if the municipality does not have a local police force, the Superintendent of State Police;

(3) A person moving to or returning to this State from another jurisdiction shall register with the chief law enforcement officer of the municipality in which the person will reside or, if the municipality does not have a local police force, the Superintendent of State Police within 120 days of the effective date of this act or 10 days of first residing in or returning to a municipality in this State, whichever is later;

(4) A person required to register on the basis of a conviction prior to the effective date who is not confined or under supervision on the effective date of this act shall register within 120 days of the effective date of this act with the chief law enforcement officer of the
municipality in which the person will reside or, if the municipality does not have a local
police force, the Superintendent of State Police;

(5) A person who in another jurisdiction is required to register as a sex offender and who
is enrolled on a full-time or part-time basis in any public or private educational institution in
this State, including any secondary school, trade or professional institution, institution of
higher education or other post-secondary school shall, within ten days of commencing
attendance at such educational institution, register with the chief law enforcement officer of
the municipality in which the educational institution is located or, if the municipality does
not have a local police force, the Superintendent of State Police;

(6) A person who in another jurisdiction is required to register as a sex offender and who
is employed or carries on a vocation in this State, on either a full-time or a part-time basis,
with or without compensation, for more than 14 consecutive days or for an aggregate period
exceeding 30 days in a calendar year, shall, within ten days after commencing such
employment or vocation, register with the chief law enforcement officer of the municipality
in which the employer is located or where the vocation is carried on, as the case may be, or,
if the municipality does not have a local police force, the Superintendent of State Police;

(7) In addition to any other registration requirements set forth in this section, a person
required to register under this act who is enrolled at, employed by or carries on a vocation at
an institution of higher education or other post-secondary school in this State shall, within
ten days after commencing such attendance, employment or vocation, register with the law
enforcement unit of the educational institution, if the institution has such a unit.

d. (1) Upon a change of address, a person shall notify the law enforcement agency with
which the person is registered and shall re-register with the appropriate law enforcement
agency no less than 10 days before he intends to first reside at his new address. Upon a
change of employment or school enrollment status, a person shall notify the appropriate law
enforcement agency no later than five days after any such change. A person who fails to
notify the appropriate law enforcement agency of a change of address or status in accordan
cer with this subsection is guilty of a crime of the fourth degree.

(2) A person required to register under this act shall provide the appropriate law
enforcement agency with information as to whether the person has routine access to or use of
a computer or any other device with Internet capability. A person who fails to notify the
appropriate law enforcement agency of such information or of a change in the person's access
to or use of a computer or other device with Internet capability or who provides false
information concerning the person's access to or use of a computer or any other device with
Internet capability is guilty of a crime of the fourth degree.

e. A person required to register under paragraph (1) of subsection b. of this section or
under paragraph (3) of subsection b. due to a sentence imposed on the basis of criteria similar
to the criteria set forth in paragraph (1) of subsection b. shall verify his address with the
appropriate law enforcement agency every 90 days in a manner prescribed by the Attorney
General. A person required to register under paragraph (2) of subsection b. of this section or
under paragraph (3) of subsection b. on the basis of a conviction for an offense similar to an
offense enumerated in paragraph (2) of subsection b. shall verify his address annually in a
manner prescribed by the Attorney General. One year after the effective date of this act, the
Attorney General shall review, evaluate and, if warranted, modify pursuant to the
"Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the verification
requirement. Any person who knowingly provides false information concerning his place of
residence or who fails to verify his address with the appropriate law enforcement agency or
other entity, as prescribed by the Attorney General in accordance with this subsection, is
guilty of a crime of the fourth degree.
f. Except as provided in subsection g. of this section, a person required to register under this act may make application to the Superior Court of this State to terminate the obligation upon proof that the person has not committed an offense within 15 years following conviction or release from a correctional facility for any term of imprisonment imposed, whichever is later, and is not likely to pose a threat to the safety of others.

g. A person required to register under this section who has been convicted of, adjudicated delinquent, or acquitted by reason of insanity for more than one sex offense as defined in subsection b. of this section or who has been convicted of, adjudicated delinquent, or acquitted by reason of insanity for aggravated sexual assault pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not eligible under subsection f. of this section to make application to the Superior Court of this State to terminate the registration obligation.

(cf: P.L.2007, c.219, s.2)

13. N.J.S.2C:24-4 is amended to read as follows:


a. Any person having a legal duty for the care of a child or who has assumed responsibility for the care of a child who engages in sexual conduct which would impair or debauch the morals of the child, or who causes the child harm that would make the child an abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3 and section 1 of P.L.1974, c.119 [s.1] (C.9:6-8.21) is guilty of a crime of the second degree. Any other person who engages in conduct or who causes harm as described in this subsection to a child under the age of 18 is guilty of a crime of the third degree.

b. (1) As used in this subsection:

"Child" means any person under 18 years of age.

"Internet" means the international computer network of both federal and non-federal interoperable packet switched data networks.

"Prohibited sexual act" means

(a) Sexual intercourse; or
(b) Anal intercourse; or
(c) Masturbation; or
(d) Bestiality; or
(e) Sadism; or
(f) Masochism; or
(g) Fellatio; or
(h) Cunnilingus; or
(i) Nudity, if depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction; or
(j) Any act of sexual penetration or sexual contact as defined in N.J.S.2C:14-1.

"Reproduction" means, but is not limited to, computer generated images.

(2) (Deleted by amendment, P.L.2001, c.291).

(3) A person commits a crime of the second degree if he causes or permits a child to engage in a prohibited sexual act or in the simulation of such an act if the person knows, has reason to know or intends that the prohibited act may be photographed, filmed, reproduced, or reconstructed in any manner, including on the Internet, or may be part of an exhibition or performance. If the person is a parent, guardian or other person legally charged with the care or custody of the child, the person shall be guilty of a crime of the first degree.

(4) Any person who photographs or films a child in a prohibited sexual act or in the simulation of such an act or who uses any device, including a computer, to reproduce or
reconstruct the image of a child in a prohibited sexual act or in the simulation of such an act is guilty of a crime of the second degree.

(5) (a) Any person who knowingly receives for the purpose of selling or who knowingly sells, procures, manufactures, gives, provides, lends, trades, mails, delivers, transfers, publishes, distributes, circulates, disseminates, presents, exhibits, advertises, offers or agrees to offer, through any means, including the Internet, any photograph, film, videotape, computer program or file, video game or any other reproduction or reconstruction which depicts a child engaging in a prohibited sexual act or in the simulation of such an act, is guilty of a crime of the second degree.

(b) Any person who knowingly possesses or knowingly views any photograph, film, videotape, computer program or file, video game or any other reproduction or reconstruction which depicts a child engaging in a prohibited sexual act or in the simulation of such an act, including on the Internet, is guilty of a crime of the [fourth] third degree.

(6) For purposes of this subsection, a person who is depicted as or presents the appearance of being under the age of 2[16] 18 in any photograph, film, videotape, computer program or file, video game or any other reproduction or reconstruction shall be rebuttably presumed to be under the age of 2[16] 18. If the child who is depicted as engaging in, or who is caused to engage in, a prohibited sexual act or simulation of a prohibited sexual act is under the age of 2[16] 18, the actor shall be strictly liable and it shall not be a defense that the actor did not know that the child was under the age of 2[16] 18, nor shall it be a defense that the actor believed that the child was 2[16] 18 years of age or older, even if such a mistaken belief was reasonable.

(cf: P.L.2001, c.291, s.1)

2 14. Section 8 of P.L.1968, c.409 (C.2A:156A-8) is amended to read as follows:

8. The Attorney General, county prosecutor or a person designated to act for such an official and to perform his duties in and during his actual absence or disability, may authorize, in writing, an ex parte application to a judge designated to receive the same for an order authorizing the interception of a wire, or electronic or oral communication by the investigative or law enforcement officers or agency having responsibility for an investigation when such interception may provide evidence of the commission of the offense of murder, kidnapping, gambling, robbery, bribery, a violation of paragraph (1) or (2) of subsection b. of N.J.S.2C:12-1, a violation of section 3 of P.L.1997, c.353 (C.2C:21-4.3), a violation of N.J.S.2C:21-19 punishable by imprisonment for more than one year, a violation of P.L.1994, c.121 (C.2C:21-23 et seq.), a violation of sections 1 through 5 of P.L.2002, c.26 (C.2C:38-1 through C.2C:38-5), a violation of N.J.S.2C:33-3, a violation of N.J.S.2C:17-2, a violation of sections 1 through 3 of P.L.1983, c.480 (C.2C:17-7 through 2C:17-9), a violation of N.J.S.2C:12-3 (terroristic threats), violations of N.J.S.2C:35-3, N.J.S.2C:35-4 and N.J.S.2C:35-5, violations of sections 112 through 116, inclusive, of the "Casino Control Act," P.L.1977, c.110 (C.5:12-112 through 5:12-116), a violation of section 1 of P.L.2005, c.77 (C.2C:13-8), a violation of N.J.S.2C:34-1 punishable by imprisonment for more than one year, arson, burglary, theft and related offenses punishable by imprisonment for more than one year, endangering the welfare of a child pursuant to N.J.S.2C:24-4, escape, forgery and fraudulent practices punishable by imprisonment for more than one year, alteration of motor vehicle identification numbers, unlawful manufacture, purchase, use, or transfer of firearms, unlawful possession or use of destructive devices or explosives, weapons training for illegal activities pursuant to section 1 of P.L.1983, c.229 (C.2C:39-14), racketeering or a violation of subsection g. of N.J.S.2C:5-2, leader of organized crime, organized criminal activity directed toward the unlawful transportation, storage, disposal, discharge, release,
abandonment or disposition of any harmful, hazardous, toxic, destructive, or polluting substance, or any conspiracy to commit any of the foregoing offenses or which may provide evidence aiding in the apprehension of the perpetrator or perpetrators of any of the foregoing offenses.2
(cf: P.L.2002, c.26, s.6)

2 15. Section 1 of P.L.1994, c.144 (C.2A:162-12) is amended to read as follows:
1. a. As used in this section:
"Crime with bail restrictions" means a crime of the first or second degree charged under any of the following sections:
   (1) Murder 2C:11-3.
   (2) Manslaughter 2C:11-4.
   (3) Kidnapping 2C:13-1.
   (4) Sexual Assault 2C:14-2.
   (5) Robbery 2C:15-1.
   (6) Carjacking P.L.1993, c.221, s.1 (C.2C:15-2).
   (7) Arson and Related Offenses 2C:17-1.
   (8) Causing or Risking Widespread Injury or Damage 2C:17-2.
   (9) Burglary 2C:18-2.
   (10) Theft by Extortion 2C:20-5.
   (12) Resisting Arrest; Eluding Officer 2C:29-2.
   (13) Escape 2C:29-5.
   (14) Corrupting or Influencing a Jury 2C:29-8.
"Crime with bail restrictions" also includes any first or second degree drug-related crimes under chapter 35 of Title 2C of the New Jersey Statutes and any first or second degree racketeering crimes under chapter 41 of Title 2C of the New Jersey Statutes.

"Crime with bail restrictions" also includes any crime or offense involving domestic violence, as defined in subsection a. of section 3 of P.L.1991, c.261 (C.2C:25-19), where the defendant was subject to a temporary or permanent restraining order issued pursuant to the provisions of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.) and is charged with a crime committed against a person protected under the order or where the defendant is charged with contempt pursuant to N.J.S.2C:29-9.

b. Subject to the provisions of subsection c. of this section, a person charged with a crime with bail restrictions may post the required amount of bail only in the form of:
   (1) Full cash;
   (2) A surety bond executed by a corporation authorized under chapter 31 of Title 17 of the Revised Statutes; or
   (3) A bail bond secured by real property situated in this State with an unencumbered equity equal to the amount of bail undertaken plus $20,000.
c. There shall be a presumption in favor of the court designating the posting of full United States currency cash bail to the exclusion of other forms of bail when a defendant is charged with an offense as set forth in subsection a. of this section and:
(1) has two other indictable cases pending at the time of the arrest; or
(2) has two prior convictions for a first or second degree crime or for a violation of section 1 of P.L.1987, c.101 (C.2C:35-7) or any combination thereof; or
(3) has one prior conviction for murder, aggravated manslaughter, aggravated sexual assault, kidnapping or bail jumping; or
(4) was on parole at the time of the arrest; or
(5) was subject to a temporary or permanent restraining order issued pursuant to the provisions of the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.), was charged with a crime committed against a person protected under that order, including a charge of contempt pursuant to N.J.S.2C:29-9, and either: (a) is charged with commission of a domestic violence crime that resulted in serious bodily injury to the victim; or (b) has at least one prior conviction for a crime or offense involving domestic violence against the same victim or has previously violated a final restraining order protecting the same victim,

unless the court finds on the record that another form of bail authorized in subsection b. of this section will ensure the defendant's presence in court when required.

d. When bail is posted in the form of a bail bond secured by real property, the owner of the real property, whether the person is admitted to bail or a surety, shall also file an affidavit containing:
(1) A legal description of the real property;
(2) A description of each encumbrance on the real property;
(3) The market value of the unencumbered equity owned by the affiant as determined in a full appraisal conducted by an appraiser licensed by the State of New Jersey; and
(4) A statement that the affiant is the sole owner of the unencumbered equity.

e. Nothing herein is intended to preclude a court from releasing a person on the person's own recognizance when the court determines that such person is deserving.

Section 1 of P.L.1985, c.126 (C.2A:84A-32.4) is amended to read as follows:
1. a. In prosecutions for aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, [or] human trafficking involving sexual activity, child abuse, or in any action alleging an abused or neglected child under P.L.1974, c.119 (C.9:6-8.21 et seq.), the court may, on motion and after conducting a hearing in camera, order the taking of the testimony of a witness on closed circuit television at the trial, out of the view of the jury, defendant, or spectators upon making findings as provided in subsection b. of this section.

b. An order under this section may be made only if the court finds that the witness is 16 years of age or younger and that there is a substantial likelihood that the witness would suffer severe emotional or mental distress if required to testify in open court. The order shall be specific as to whether the witness will testify outside the presence of spectators, the defendant, the jury, or all of them and shall be based on specific findings relating to the impact of the presence of each.

c. A motion seeking closed circuit testimony under subsection a. of this section may be filed by:
(1) The victim or witness or the victim's or witness's attorney, parent or legal guardian;
(2) The prosecutor;

2[14.1] 16
(3) The defendant or the defendant's counsel; or
(4) The trial judge on the judge's own motion.

d. The defendant's counsel shall be present at the taking of testimony in camera. If the
defendant is not present, he and his attorney shall be able to confer privately with each other
during the testimony by a separate audio system.

e. If testimony is taken on closed circuit television pursuant to the provisions of this
act, a stenographic recording of that testimony shall also be required. A typewritten
transcript of that testimony shall be included in the record on appeal. The closed circuit
testimony itself shall not constitute part of the record on appeal except on motion for good
cause shown.

(cf: P.L.1985, c.126, s.1)

\[215.\] 17. N.J.S.2C:14-7 is amended to read as follows:

2C:14-7. a. In prosecutions for aggravated sexual assault, sexual assault, aggravated
criminal sexual contact, criminal sexual contact, human trafficking involving sexual activity,
endangering the welfare of a child in violation of N.J.S.2C:24-4, or the fourth degree crime
of lewdness in violation of subsection b. of N.J.S.2C:14-4, evidence of the victim's previous
sexual conduct shall not be admitted nor reference made to it in the presence of the jury
except as provided in this section. When the defendant seeks to admit such evidence for any
purpose, the defendant must apply for an order of the court before the trial or preliminary
hearing, except that the court may allow the motion to be made during trial if the court
determines that the evidence is newly discovered and could not have been obtained earlier
through the exercise of due diligence. After the application is made, the court shall conduct
a hearing in camera to determine the admissibility of the evidence. If the court finds that
evidence offered by the defendant regarding the sexual conduct of the victim is relevant and
highly material and meets the requirements of subsections c. and d. of this section and that
the probative value of the evidence offered substantially outweighs its collateral nature or the
probability that its admission will create undue prejudice, confusion of the issues, or
unwarranted invasion of the privacy of the victim, the court shall enter an order setting forth
with specificity what evidence may be introduced and the nature of the questions which shall
be permitted, and the reasons why the court finds that such evidence satisfies the standards
contained in this section. The defendant may then offer evidence under the order of the
court.

b. In the absence of clear and convincing proof to the contrary, evidence of the victim's
sexual conduct occurring more than one year before the date of the offense charged is
presumed to be inadmissible under this section.

c. Evidence of previous sexual conduct with persons other than the defendant which is
offered by any lay or expert witness shall not be considered relevant unless it is material to
proving the source of semen, pregnancy or disease.

d. Evidence of the victim's previous sexual conduct with the defendant shall be
considered relevant if it is probative of whether a reasonable person, knowing what the
defendant knew at the time of the alleged offense, would have believed that the alleged
victim freely and affirmatively permitted the sexual behavior complained of.

e. Evidence of the manner in which the victim was dressed at the time an offense was
committed shall not be admitted unless such evidence is determined by the court to be
relevant and admissible in the interest of justice, after an offer of proof by the proponent of
such evidence outside the hearing of the jury or at such hearing as the court may require, and
a statement by the court of its findings of fact essential to its determination. A statement by
the court of its findings shall also be included in the record.
f. For the purposes of this section, "sexual conduct" shall mean any conduct or behavior relating to sexual activities of the victim, including but not limited to previous or subsequent experience of sexual penetration or sexual contact, use of contraceptives, sexual activities reflected in gynecological records, living arrangement and lifestyle.

(cf: P.L.1995, c.237, s.1)

2[16.] 18.2 (New section) 3[a.] 3 The Attorney General shall, in consultation with the Commission on Human Trafficking established by section 1 of P.L. 4, c. (C.) (pending before the Legislature as this bill), 3[establish and maintain] coordinate 3[participation of the State 4[with either an existing] in] State’s involvement with 3[the] national, 24-hour toll-free hotline telephone service on human trafficking that is operating 1[on or after the effective date of this section or any federally required hotline telephone service] pursuant to the National Human Trafficking Hotline, Training, and Technical Assistance Program authorized by 22 U.S.C. ss.7104(b) and 7105(b)(1)(B), 8 U.S.C. s.1522(c)(1)(A), or any successor federal law 3[, and shall take appropriate action to publicize the service].

3[b. 1[Unless otherwise established by a federally required hotline telephone service under federal law, the hotline selected by the] The Attorney General, in consultation with the commission, 1[shall be capable of receiving information from members of the public who have knowledge of or who believe that an act of human trafficking in violation of section 1 of P.L.2005, c.77 (C.2C:13-8) is being or has been committed. The hotline service] 1[shall also] require that any State hotline telephone number established before, on, or after the effective date of this section for receiving 1[and] information from members of the public who have knowledge of or who believe that an act of human trafficking in violation of section 1 of P.L.2005, c.77 (C.2C:13-8) is being or has been committed or for responding to requests for information from members of the public concerning human trafficking 1[be directly linked to the national, 24-hour toll-free hotline telephone service described in subsection a. of this section, so that any telephone call to the State number is immediately and directly forwarded to that national telephone service].

3[c. The Attorney General shall 1[ in consultation with the commission, and] pursuant to any funds appropriated or otherwise made available, establish an educational and public information program concerning the crime of human trafficking set out in section 1 of P.L.2005, c.77 (C.2C:13-8) .]

2[17.] 19. 2 (New section) a. 2[1](1) 2 The Police Training Commission, in consultation with the Attorney General and the Director of the Division of Criminal Justice in the Department of Law and Public Safety, 2[shall develop and approve] a training course and curriculum 2[as part of the police training courses required pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), courses of study] on the handling, response procedures, investigation, and prosecution of human trafficking cases 2[for law enforcement agencies]. 2[This training course] These courses 2[shall be reviewed at least every two years and modified by the Attorney General and Director of the Division of Criminal Justice] 2[from time to time as need may require.

2[2](2) The Attorney General shall be responsible for ensuring that all law enforcement officers attend initial training within 90 days of appointment or transfer and annual inservice training of at least four hours as described in this section.

3[3] The Division of Criminal Justice shall distribute the training materials and curriculum to all State, county, and local law enforcement agencies.] 2

b. (1) The [Division of Criminal Justice Department of Community Affairs, in consultation with the Commission on Human Trafficking established by section 1 of P.L. , c. (C. ) (pending before the Legislature as this bill) ] 4[and the Department of]
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those professionals whose professional practice is regulated pursuant to Title 45 of the
licensed health care facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2), including
response procedures of suspected human trafficking activities for employees of every
operators, and required staff to attend the one-time training course. Verifiable completion of the training course by required staff shall be a condition of issuance, maintenance, or renewal of any license, permit, certificate, or approval required, permitted to be granted, or issued to owners or operators under the provisions of the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.). The training course shall be reviewed at least every two years and modified by the Department of Community Affairs, in consultation with the Department of Community Affairs approved nonprofit course provider, if any, from time to time as need may require.

(2) The Department of Community Affairs, through its oversight and enforcement authority provided under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), shall be responsible for ensuring that all hotel and motel owners, operators, and staff who initially engage in their respective profession on a date that follows the effective date of this section, and within six months of the first day of ownership, operation, or employment for all new owners, operators, and required staff who initially engage in their respective profession on a date that follows the effective date, if an approved nonprofit course provider is involved in providing the one-time training course to new owners, operators, and staff who initially engage in their respective profession on a date that follows the effective date of this section, then the nonprofit course provider shall provide the training course at least once every six months in order for these persons to meet the six-month training deadline established by this paragraph.

(3) The Commission in coordination with the Department of Community Affairs shall make available and distribute the training materials and curriculum for the one-time training course to all hotels and motels in the State and the approved nonprofit course provider, if any, in order for these persons the owners, operators, and required staff to fulfill the one-time training requirement set forth in this subsection.

(1) The Department of Human Services shall develop and provide for a one-time training course on the handling and response procedures of suspected human trafficking activities for employees of every licensed health care facility as defined in section 2 of P.L.1971, c.136 (C.26:2H-2), including those professionals whose professional practice is regulated pursuant to Title 45 of the Revised Statutes, or alternatively, the department, in consultation with the commission, shall approve for use a substantially similar one-time training course provided by a...
recognized Statewide nonprofit healthcare trade association with demonstrated experience in providing course offerings to health care facility employees on similar workplace matters.  The Division of Criminal Justice department, in consultation with the commission and the approved nonprofit course provider, if any, shall define by regulation which employees are required, as a condition of their employment, to attend the one-time training course.  Verifiable completion of the training course by required employees shall be a condition of issuance, maintenance, or renewal of any license, permit, certificate, or approval required, permitted to be granted, or issued to licensed health care facilities under the provisions of P.L.1971, c.136 (C.26:2H-1 et al.).  The training course shall be reviewed at least every two years and modified by the Division of Criminal Justice department, in consultation with the commission and the Department of Human Services approved nonprofit course provider, if any, from time to time as need may require.

(2) The Department of Human Services Health, through its oversight and enforcement authority provided under P.L.1971, c.136 (C.26:2H-1 et al.), shall be responsible for ensuring that all required employees of licensed health care facilities attend the one-time training course within 90 days one year of the enactment of this section, and annual inservice training of at least four hours as described in this section in the case of all current employees engaging in their respective profession on the effective date of this section, and within six months of the first day of employment for all new employees who initially engage in their respective profession on a date that follows the effective date.  If an approved nonprofit course provider is involved in providing the one-time training course to new employees who initially engage in their respective profession on a date that follows the effective date of this section, then the nonprofit course provider shall provide the training course at least once every six months in order for these employees to meet the six-month training deadline established by this paragraph.

(3) The commission, in coordination with the Department of Human Services Health, shall make available and distribute the training materials and curriculum for the one-time training course to all licensed health care facilities in the State required employees, or to the approved nonprofit course provider, if any, in order for these persons the required employees to fulfill the one-time training requirement set forth in this subsection.

d. (1) The Administrative Office of the Courts shall develop and approve a training course and a curriculum on the handling, investigation, and response procedures and prosecution of human trafficking cases for all judges and all judicial personnel on the seriousness of the crime of human trafficking, its impact on human rights and the need to adequately implement anti-trafficking laws, including not only the prosecution and sentencing of defendants charged with human trafficking, but the need to respect and restore rights and needs of victims of human trafficking.  This training course shall be reviewed at least every two years and modified by the Administrative Office of the Courts from time to time as need may require.

(2) The Administrative Office of the Courts shall be responsible for ensuring that all judges and judicial personnel attend initial training within 90 days of appointment or transfer and annual in-service training of at least four hours as described in this section who may be involved with the court-related aspects of human trafficking prosecutions through annual in-service judicial training programs or other means.

e.  The Division of Criminal Justice, the Department of Community Affairs, the Department of Human Services, and the Administrative Office of the Courts shall provide
that all training on the handling of human trafficking cases shall include information concerning the impact of human trafficking on society, the statutory and case law concerning human trafficking, policies and procedures as promulgated or ordered by the Attorney General, the Department of Community Affairs, the Department of Human Services, or the Supreme Court, or the federal government and the use of available community resources, support services, sanctions, and treatment options for victims of human trafficking. Pursuant to section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill), the Attorney General, in consultation with the Commission on Human Trafficking established by section 1 of P.L. , c. (C. ) (pending before the Legislature as this bill), may provide for the expenditures of monies from the “Human Trafficking Survivor’s Assistance Fund” to assist with the development, maintenance, revision, and distribution of training course materials for the courses developed in accordance with this section and the operation of these training courses.

Pursuant to section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill), the Attorney General, in consultation with the Commission on Human Trafficking established by section 1 of P.L. , c. (C. ) (pending before the Legislature as this bill), may provide for the expenditures of monies from the “Human Trafficking Survivor’s Assistance Fund” to assist with the development, maintenance, revision, and distribution of training course materials for the courses developed in accordance with this section and the operation of these training courses.

2[18.] 20 Section 9 of P.L.1985, c.404 (C.52:4B-47) is amended to read as follows:

9. a. The curriculum for police training courses required pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.) shall include training on responding to the needs of crime victims, and specific training on responding to the needs of victims of human trafficking as defined in section 1 of P.L.2005, c.77 (C.2C:13-8), and on services available to provide assistance, including information on federal, State, and local hotlines available to receive reports of and provide assistance to victims of human trafficking.

b. In-service training shall be made available for police officers, assistant prosecutors, county detectives and investigators on specialized needs of crime victims and available services.

cf: P.L.1985, c.404, s.9)

2[19.] 21 (New section) 2[a.] 2 An applicant for licensure as a massage and bodywork therapist or registration as an employer offering massage and bodywork therapies under P.L.1999, c.19 (C.45:11-53 et seq.) and P.L.2007, c.337 (C.45:11-68 et seq.) shall not be eligible for licensure or registration, as the case may be, and any holder of a license or registration under P.L.1999, c.19 (C.45:11-53 et seq.) and P.L.2007, c.337 (C.45:11-68 et seq.) shall have his license or registration revoked if the New Jersey Board of Massage and Bodywork Therapy determines, consistent with subsection f. of section 8 of P.L.1978, c.73 (C.45:1-21) and supporting regulations by the New Jersey Board of Massage and Bodywork Therapy, that he be subject to a criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which may disqualify that individual from being licensed or registered background check, which may, consistent with that applicable law, result in a refusal to issue a license or certificate, or suspension or revocation of an existing license or certificate.

2[b. An applicant and holder of a license or registration who is required to undergo a criminal history record background check pursuant to subsection a. of this section shall submit to the board his name, address, and fingerprints taken on standard fingerprint cards by a State or municipal law enforcement agency or by a private entity under contract with the State. The board is authorized to exchange fingerprint data with and receive criminal history record information from the Federal Bureau of Investigation and the Division of State Police for use in making the determinations required pursuant to this section.

c. Upon receipt of the criminal history record information for a person from the Federal Bureau of Investigation or the Division of State Police, the board shall notify the applicant,
licensure, or registered individual, as applicable, in writing, of the person’s qualification or
disqualification for licensure or registration under this section.

d. If an applicant, licensee, or registered individual refuses to consent to, or cooperate
in, the securing of a criminal history record background check, the board shall not issue a
license or registration, as the case may be, or other authorization to the applicant, licensee, or
registered individual.

e. All costs associated with performing the criminal history record background check
required by this section shall be borne by the applicant for licensure or registration or the
holder of any license or registration.

f. The New Jersey Board of Massage and Bodywork Therapy, pursuant to the
“Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
regulations to effectuate the purposes of this section.][2

2[20.] 22. Sections 1 and 2 of this act shall take effect immediately, and the remaining
sections shall take effect on the first day of the second month next following the date of
enactment, but the Attorney General, Commissioner of Community Affairs, Commissioner of
[Human Services] Health, the Director of the Administrative Office of the Courts, and the
New Jersey Board of Massage and Bodywork Therapy may take any anticipatory
administrative action in advance thereof as shall be necessary for the implementation of this
act.