

Getting Off of Megan's Law Registration When the Conviction Occurred in New Jersey and the Registrant Lives in Another State – Catch-22 – They Don't Make it Easy

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There is a new twist in applying for release from the burdensome requirements of Megan's Law registration and Parole/Community Supervision for Life. When the original Megan's Law Order is entered in New Jersey and the person has subsequently moved to another State, some County Prosecutors may object to an application to vacate the registration/notification Order, asserting a lack of jurisdiction. States have their own variations of offenses that require registration and the type of notification issues that result. This has been viewed by some prosecutor's as depriving New Jersey of the jurisdictional authority to vacate its own original registration/notification Order. That a registrant resides in another State should not deny that person the ability to return to New Jersey and seek a modification of the original New Jersey Order.

In New Jersey applications to be released from Megan's Law registration/notification and parole supervision for life are required to be filed in the County where the person resides. The problem arises when a person has moved out of state and no longer resides in New Jersey. Where does an applicant file to successfully get both relief from supervision as well as relief from registration/notification? The logical place to file if one resides out of state is in the County in New Jersey where the conviction occurred. That is where it gets a little screwy. Some County Prosecutors are taking the position that while an out of state resident may move to be relieved from the supervision requirement, because the person resides in another state, the prosecutor may take the position that courts in New Jersey do not have jurisdiction to vacate the registration requirement. The prosecutor's rationale is that because each state may have its own requirements for what offenses must be registered and what notification requirements that state may demand, that New Jersey does not have jurisdiction to vacate its own registration/notification Order. Another state's registration requirements should have no impact on whether an out of state registrant cannot come back to New Jersey to get the original New Jersey Order vacated.

Both Megan's Law and the parole supervision for life statutes specifically provide for and envision a defendant's release from these requirements upon a showing that the defendant has not been convicted of another crime and does not pose a danger to the safety of anyone. The pertinent part of N.J.S.A. 2C:7-2 provides:

1. 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.
2. 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.

There is a reason this relief has been provided for by statute – the common sense recognition that there can be a point in time where such conditions are no longer required. When a person has demonstrated that he, or she, is not a threat and should be relieved of the intense conditions imposed by Megan’s Law.

In fact, in many cases it may be appropriately argued that there is a certain point in time that imposing such stringent parole supervision is not only unnecessary, but is counterproductive to the social adjustment and success of a Megan’s supervisee. For offenders subject to the Megan’s Law provisions over 15 years, it is time to assess whether they qualify for release from these provisions.

A person with a conviction in New Jersey, regardless of where they live, should be able, if eligible, to be released from the burdens imposed by registration and supervision to have those restrictions vacated as to the State of New Jersey. An out of state resident should be able to make an application to vacate a New Jersey registration/notification Order. Common logic dictates that an Order vacating registration/notification would have the effect of eliminating the registration/notification requirement in the State of New Jersey. It would then be the out of state resident’s option to make a separate application in the state of residence to be released from that state’s requirements. The benefit of the vacating the original New Jersey registration/notification requirement would be to assist in the registrant’s application for relief in the registrant’s home state.

To deny a worthy applicant of relief from registration/notification in the state of New Jersey because they have moved to another state makes little sense. If the registrant qualifies for discharge from Megan’s Law registration/notification, the registrant should not have to move back to New Jersey to secure the same statutory rights as a New Jersey resident. This is an issue that has to be litigated properly so that those applicants worthy of relief, who have been clear for over 15 years, who have established a stable and productive life, who pose no danger to anyone, should have the original New Jersey Order for registration/notification vacated.

For a more detailed discussion of motions to be relieved from Megan’s Law registration and Parole and Community Supervision for life go to: [Time to Apply for Release from Megan’s Law Registration and Community Supervision for Life?](#)

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