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For Immediate Release

**New Jersey Supreme Court Strikes Down Mandatory
Lifetime Registration for Juvenile Sex Offenders**

On Tuesday, April, 24, 2018 the New Jersey Supreme Court struck down a provision of Megan's Law that required certain juvenile sex offenders to register for life. The case, State in the Interest of C.K., involved a juvenile adjudicated delinquent for a sex offense committed when he was a teenager. The High Court noted that twenty years had passed since C.K. committed his offense and that multiple psychological evaluations had found he posed "an extremely low risk to reoffend." The Court held that requiring individuals, like C.K., to register for life under Megan's Law, violated the New Jersey State Constitution.

The unanimous decision written by Justice Albin, cited to numerous U.S. Supreme Court decisions that had found juveniles were highly amenable to rehabilitation. The Court also credited research showing that juveniles who commit sex offenses presented a very low risk to reoffend. The Court was especially concerned that the disabilities imposed by Megan's Law outweighed any public safety interest. "[C]ategorical lifetime notification and registration requirements may impede a juvenile's rehabilitative efforts and stunt his ability to become a healthy and integrated adult member of society."

The mandatory lifetime registration requirement was enacted in 2002 by the Legislature to secure federal funding under the Jacob Wetterling Act. Previously, Megan's Law, enacted in 1994, allowed all individuals, including juveniles, to ask a court to terminate their registration obligations under Megan's Law after 15 years, if they could they did not pose a threat to public safety. The 2002 amendment removed that option for individuals convicted of certain sex offenses.

The Supreme Court had previously found Megan's Law constitutional in its 1995 decision, *Doe v. Poritz*. The court concluded in *Doe v. Poritz*, that society could protect itself from the risk of sex offense recidivism "so long as the means of protection are reasonable designed for that purpose." In *C.K.*, the Supreme Court held that the 2002 amendment, as applied to juveniles, was not reasonably designed to protect the public, and arbitrarily burdened the basic rights of juvenile offenders.

James H. Maynard, a Morristown attorney, represented C.K. "New Jersey, the state that enacted the first Megan's Law, has now struck down mandatory lifetime registration for juveniles," Mr. Maynard observed. Mr. Maynard noted that the Supreme Court decision endorsed the uncontroverted scientific research showing that the risk of recidivism posed by sex offenders is extremely low, especially for juveniles. "Many of our laws go far beyond what is necessary to protect the public, and the Court today found this was one of them," Mr. Maynard concluded.

Although C.K. removed lifetime bars to termination from Megan's Law, C.K. and other juveniles with sex offense histories will not be automatically removed from Megan's Law under

the Court's decision today. They would still have to convince a court that they were not likely to pose a threat to public safety in order to be relieved of their Megan's Law obligations. Today's decision, however, ensures that determinations of future risk of recidivism for juvenile offenders will be based on individualized risk assessments, not false presumptions.

QUOTES FROM DECISION:

“Permanently barring juveniles who have committed certain sex offenses from petitioning for relief from the Megan's Law requirements bears no rational relationship to a legitimate governmental objective.”

“N.J.S.A. 2C:7-2(g) is grounded on the irrebuttable presumption that juveniles adjudicated delinquent for committing certain sex offense will forever pose a danger to society. That irrebuttable presumption disregards any individual assessment of whether a particular registrant is likely to reoffend, long after the adjudication and long after the juvenile has become an adult.”

“They must carry this stigma even if they can prove that they pose no societal threat.”

“When, in the case of juveniles, the remedial purpose of Megan's Law — rehabilitation of the offender and protection of the public — is satisfied, then the continued constraints on their lives and liberty pursuant to subsection (g), long after they have become adults, takes on a punitive aspect that cannot be justified by our constitution.”