
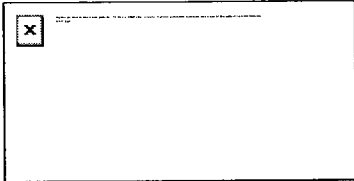



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Lashway, Lisa

From: NJLM - Municipal Clerks [njlm-clerks@cityconnections.com]  
Sent: Tuesday, July 15, 2008 3:35 PM  
To: Lashway, Lisa  
Subject: Municipal Clerks from NJLM

		
<b>LEAGUE ALERT</b>		
Municipal Clerk: Please forward to Mayor and Governing Body.		
<p>July 15, 2008</p> <p><b>Re: Appellate Division Affirms Invalidation of Sex Offender Residency Ordinances</b></p>		
<p>Dear Mayor:</p> <p>The New Jersey Appellate Division today handed down an opinion affirming two trial court decisions that invalidated municipal sex offender ordinances. This decision agreed with the trial courts in the consolidated cases of G.H. v. Galloway (Docket No. A-3235-06T1) and Cherry Hill v. James Barclay and Jeffrey Finguerra (Docket No. A-4036-06T1) that Megan's Law preempts the field of sex offender regulation in New Jersey. The Appellate Division noted that Megan's Law is much more than a public notification statute. State regulations promulgated pursuant to the law require sex offenders to have their place of residence and employment, and any change concerning them, approved by their parole officer. If the sex offender's victim was a minor, contact or residence with a minor must also be approved by a parole officer. The Court also agreed that Megan's Law specifically prohibits the use of any information disclosed under the Law from being used to deny a list of benefits, including "Housing or accommodations", and that this requirement of the state law clashed with the residency ordinances. Unlike the trial court opinions, the Appellate Court's decision did not discuss constitutional issues concerning these ordinances, and decided these cases on preemption grounds alone.</p> <p>The Court noted that Megan's law and the regulations promulgated pursuant to it sought to protect the public and to foster rehabilitation, and that the</p>		

statutory/regulatory scheme saw these purposes as intertwined. Parole officers are required to seek appropriate housing for convicted sexual offenders, where the offenders will have support systems to prevent them from re-offending. Such stability for offenders, then, is intended to ultimately protect the public. Local ordinances may interfere with this part of the statutory scheme, said the court, because "In many cases, the most appropriate housing would be in a location prohibited by the residency restriction ordinances". The court concluded its opinion by saying, "The ordinances interfere with and frustrate the purposes and operation of the statewide law".

The case may be accessed at

<http://www.judiciary.state.nj.us/opinions/index.htm>

If you have any questions or concerns about this communication, please contact Deborah Kole, Staff Attorney, at the League, ex. 137, or at [dkole@njslom.com](mailto:dkole@njslom.com)

Very truly yours,

William G. Dressel, Jr.  
Executive Director

NJLM  
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Trenton, NJ 08608

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