

ASSEMBLY, No. 2767

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

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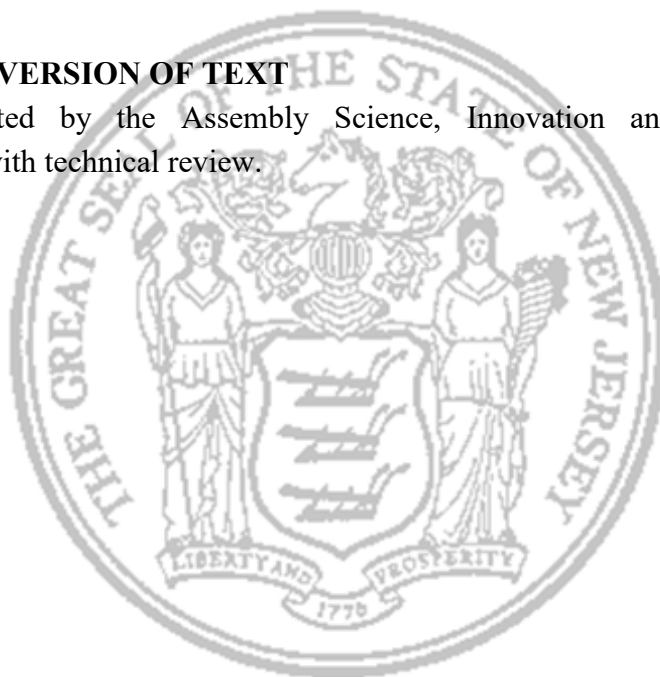
**Assemblywoman Peterpaul, Assemblymen Stanley, Hutchison,
Assemblywomen Murphy, Speight, Bagolie, Assemblymen Freiman, Miller
and Karabinchak**

SYNOPSIS

Modifies child endangerment statute to include AI technology; establishes criminal penalties.

CURRENT VERSION OF TEXT

As reported by the Assembly Science, Innovation and Technology Committee with technical review.



(Sponsorship Updated As Of: 5/4/2026)

1 AN ACT concerning child endangerment, and amending
2 N.J.S.2C:24-4.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. N.J.S.2C:24-4 is amended to read as follows:
8 2C:24-4. Endangering Welfare of Children.

9 a. (1) (a) Any person having a legal duty for the care of a child
10 or who has assumed responsibility for the care of a child who
11 engages in sexual conduct which would impair or debauch the
12 morals of the child is guilty of a crime of the second degree. Any
13 other person who engages in conduct or who causes harm as
14 described in this paragraph to a child is guilty of a crime of the third
15 degree, except as provided in subparagraph (b) of this paragraph.

16 (b) Any person who knowingly or recklessly causes, or allows, a
17 child to be subjected to sexual conduct which would impair or
18 debauch the morals of the child, through the person's creation,
19 control, possession, manipulation, use, dissemination, sale, or
20 promotion of any automated interactive computer technology that is
21 capable of performing or simulating sexual conduct, is guilty of a
22 crime of the fourth degree.

23 It shall not be a violation of this subparagraph if the automated
24 interactive computer technology is designed to refrain from sexual
25 conduct when interacting with a child.

26 (2) Any person having a legal duty for the care of a child or who
27 has assumed responsibility for the care of a child who causes the
28 child harm that would make the child an abused or neglected child
29 as defined in R.S.9:6-1, R.S.9:6-3, and section 1 of P.L.1974, c.119
30 (C.9:6-8.21) is guilty of a crime of the second degree. Any other
31 person who engages in conduct or who causes harm as described in
32 this paragraph to a child is guilty of a crime of the third degree.

33 b. (1) As used in this subsection:

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

35 "Distribute" means to sell, or to manufacture, give, provide,
36 lend, trade, mail, deliver, publish, circulate, disseminate, present,
37 exhibit, display, share, advertise, offer, or make available via the
38 Internet or by any other means, whether for pecuniary gain or not.
39 The term also includes an agreement or attempt to distribute.

40 "File-sharing program" means a computer program, application,
41 software, or operating system that allows the user of a computer on
42 which such program, application, software, or operating system is
43 installed to designate files as available for searching by and copying
44 to one or more other computers, to transmit such designated files
45 directly to one or more other computers, and to request the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 transmission of such designated files directly from one or more
2 other computers. The term “file-sharing program” includes but is
3 not limited to a computer program, application, or software that
4 enables a computer user to participate in a peer-to-peer network.

5 “Internet” means the international computer network of both
6 federal and non-federal interoperable packet switched data
7 networks.

8 “Item depicting the sexual exploitation or abuse of a child” or
9 “child sexual abuse or exploitation material” or “CSAEM” means a
10 photograph, film, video, an electronic, electromagnetic, or digital
11 recording, an image stored or maintained in a computer program or
12 file or in a portion of a file, or any other reproduction or
13 reconstruction which:

14 (a) depicts a child engaging in a prohibited sexual act or in the
15 simulation of such an act; or

16 (b) portrays a child in a sexually suggestive manner.

17 “Peer-to-peer network” means a connection of computer systems
18 through which files are shared directly between the systems on a
19 network without the need of a central server.

20 “Portray a child in a sexually suggestive manner” means:

21 (a) to depict a child’s less than completely and opaquely
22 covered intimate parts, as defined in N.J.S.2C:14-1, in a manner
23 that, by means of the posing, composition, format, or animated
24 sensual details, emits sensuality with sufficient impact to
25 concentrate prurient interest on the child; or

26 (b) to depict any form of contact with a child’s intimate parts, as
27 defined in N.J.S.2C:14-1, in a manner that, by means of the posing,
28 composition, format, or animated sensual details, emits sensuality
29 with sufficient impact to concentrate prurient interest on the child;
30 or

31 (c) to otherwise depict a child for the purpose of sexual
32 stimulation or gratification of any person who may view the
33 depiction where the depiction does not have serious literary, artistic,
34 political, or scientific value.

35 “Prohibited sexual act” means

36 (a) Sexual intercourse; or

37 (b) Anal intercourse; or

38 (c) Masturbation; or

39 (d) Bestiality; or

40 (e) Sadism; or

41 (f) Masochism; or

42 (g) Fellatio; or

43 (h) Cunnilingus; or

44 (i) Nudity, if depicted for the purpose of sexual stimulation or
45 gratification of any person who may view such depiction; or

46 (j) Any act of sexual penetration or sexual contact as defined in
47 N.J.S.2C:14-1.

1 “Reproduction” means, but is not limited to, computer generated
2 images.

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

4 (3) A person commits a crime of the first degree if the person
5 causes or permits a child to engage in a prohibited sexual act or in
6 the simulation of such an act or to be portrayed in a sexually
7 suggestive manner if the person knows, has reason to know, or
8 intends that the prohibited act or portrayal may be photographed,
9 filmed, reproduced, or reconstructed in any manner, including on
10 the Internet, or may be part of an exhibition or performance.

11 (4) A person commits a crime of the second degree if the person
12 photographs or films a child in a prohibited sexual act or in the
13 simulation of such an act or for portrayal in a sexually suggestive
14 manner or who uses any device, including a computer, to reproduce
15 or reconstruct the image of a child in a prohibited sexual act or in
16 the simulation of such an act or for portrayal in a sexually
17 suggestive manner.

18 (5) (a) A person commits a crime if, by any means, including,
19 but not limited to, the Internet, the person:

20 (i) knowingly distributes an item depicting the sexual
21 exploitation or abuse of a child;

22 (ii) knowingly possesses an item depicting the sexual
23 exploitation or abuse of a child with the intent to distribute that
24 item; or

25 (iii) knowingly stores or maintains an item depicting the sexual
26 exploitation or abuse of a child using a file-sharing program which
27 is designated as available for searching by or copying to one or
28 more other computers.

29 In a prosecution under sub-subparagraph (iii) of this
30 subparagraph, the State shall not be required to offer proof that an
31 item depicting the sexual exploitation or abuse of a child had
32 actually been searched, copied, transmitted, or viewed by another
33 user of the file-sharing program, or by any other person, and it shall
34 be no defense that the defendant did not intend to distribute the item
35 to another user of the file-sharing program or to any other person.
36 Nor shall the State be required to prove that the defendant was
37 aware that the item depicting the sexual exploitation or abuse of a
38 child was available for searching or copying to one or more other
39 computers, and the defendant shall be strictly liable for failing to
40 designate the item as not available for searching or copying by one
41 or more other computers.

42 A violation of this subparagraph that involves 1,000 or more
43 items depicting the sexual exploitation or abuse of a child is a crime
44 of the first degree; otherwise it is a crime of the second degree.

45 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-
46 6, a person whose offense under this subparagraph involved at least
47 25 but less than 1,000 items depicting the sexual exploitation or
48 abuse of a child shall be sentenced to a mandatory minimum term of

1 imprisonment, which shall be fixed at, or between, one-third and
2 one-half of the sentence imposed by the court or five years,
3 whichever is greater, during which the defendant shall be ineligible
4 for parole.

5 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-
6 6, a person whose offense under this subparagraph involved 1,000
7 or more items depicting the sexual exploitation or abuse of a child
8 shall be sentenced to a mandatory minimum term of imprisonment,
9 which shall be fixed at, or between, one-third and one-half of the
10 sentence imposed by the court or 10 years, whichever is greater,
11 during which the defendant shall be ineligible for parole.

12 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-
13 6, a person convicted of a second or subsequent offense under this
14 subparagraph shall be sentenced to an extended term of
15 imprisonment as set forth in N.J.S.2C:43-7. For the purposes of
16 this subparagraph, an offense is considered a second or subsequent
17 offense if the actor has at any time been convicted pursuant to
18 paragraph (3), (4), or (5) of this subsection, or under any similar
19 statute of the United States, this State, or any other state for an
20 offense that is substantially equivalent to paragraph (3), (4), or (5)
21 of this subsection.

22 For purposes of this subparagraph, the term “possess” includes
23 receiving, viewing, or having under one’s control, through any
24 means, including the Internet.

25 (b) (i) A person commits a crime of the first degree if the person
26 knowingly possesses, knowingly views, or knowingly has under the
27 person’s control, through any means, including the Internet,
28 100,000 or more items depicting the sexual exploitation or abuse of
29 a child.

30 (ii) A person commits a crime of the second degree if the person
31 knowingly possesses, knowingly views, or knowingly has under the
32 person’s control, through any means, including the Internet, at least
33 1,000 but less than 100,000 items depicting the sexual exploitation
34 or abuse of a child.

35 (iii) A person commits a crime of the third degree if the person
36 knowingly possesses, knowingly views, or knowingly has under the
37 person’s control, through any means, including the Internet, less
38 than 1,000 items depicting the sexual exploitation or abuse of a
39 child.

40 Notwithstanding the provisions of subsection e. of N.J.S.2C:44-
41 1, in any instance where a person was convicted of an offense under
42 this subparagraph that involved 100 or more items depicting the
43 sexual exploitation or abuse of a child, the court shall impose a
44 sentence of imprisonment unless, having regard to the character and
45 condition of the defendant, it is of the opinion that imprisonment
46 would be a serious injustice which overrides the need to deter such
47 conduct by others.

1 Notwithstanding the provisions of subsection a. of N.J.S.2C:43-
2 6, a person convicted of a second or subsequent offense under this
3 subparagraph shall be sentenced to an extended term of
4 imprisonment as set forth in N.J.S.2C:43-7. For the purposes of
5 this subparagraph, an offense is considered a second or subsequent
6 offense if the actor has at any time been convicted pursuant to
7 paragraph (3), (4), or (5) of this subsection, or under any similar
8 statute of the United States, this State, or any other state for an
9 offense that is substantially equivalent to paragraph (3), (4), or (5)
10 of this subsection.

11 Nothing in this subparagraph shall be construed to preclude or
12 limit any prosecution or conviction for the offense set forth in
13 subparagraph (a) of this paragraph.

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

26 (7) For aggregation purposes, each depiction of the sexual
27 exploitation or abuse of a child shall be considered a separate item,
28 provided that each depiction that is in the form of a photograph,
29 picture, image, or visual depiction of a similar nature shall be
30 considered to be one item and each depiction that is in the form of a
31 film, video, video-clip, movie, or visual depiction of a similar
32 nature shall be considered to be 10 separate items, and each
33 individual act of distribution of an item depicting the sexual
34 exploitation or abuse of a child shall be considered a separate item.
35 For purposes of determining the number of items depicting the
36 sexual exploitation or abuse of a child for purposes of sentencing
37 pursuant to subparagraph (a) of paragraph (5) of this subsection, the
38 court shall aggregate all items involved, whether the act or acts
39 constituting the violation occurred at the same time or at different
40 times and, with respect to distribution, whether the act or acts of
41 distribution were to the same person or several persons or occurred
42 at different times, provided that each individual act was committed
43 within the applicable statute of limitations. For purposes of
44 determining the number of items depicting the sexual exploitation
45 or abuse of a child for purposes of sentencing pursuant to
46 subparagraph (b) of paragraph (5) of this subsection, the court shall
47 aggregate all items involved, whether the possession of such items
48 occurred at the same time or at different times, provided that each

1 individual act was committed within the applicable statute of
2 limitations.

3 (cf: P.L.2024, c.92, s.3)

4

5 2. This act shall take effect immediately.