

# ASSEMBLY, No. 4448

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2018

**Sponsored by:**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblyman Mukherji and Assemblywoman Sumter**

**SYNOPSIS**

Expands cyber-harassment to include tampering or interfering with electronic devices.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/14/2019)**

1 AN ACT concerning cyber-harassment and amending P.L.2013,  
2 c.272.

3

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

6

7 1. Section 1 of P.L.2013, c.272 (C.2C:33-4.1) is amended to  
8 read as follows:

9 1. a. A person commits the crime of cyber-harassment if, while  
10 making a communication in an online capacity via any electronic  
11 device or through a social networking site and with the purpose to  
12 harass another, the person:

13 (1) threatens to inflict injury or physical harm to any person or  
14 the property of any person;

15 (2) knowingly sends, posts, comments, requests, suggests, or  
16 proposes any lewd, indecent, or obscene material to or about a  
17 person with the intent to emotionally harm a reasonable person or  
18 place a reasonable person in fear of physical or emotional harm to  
19 his person; or

20 (3) threatens to commit any crime against the person or the  
21 person's property.

22 b. Cyber-harassment is a crime of the fourth degree, unless the  
23 person is 21 years of age or older at the time of the offense and  
24 impersonates a minor for the purpose of cyber-harassing a minor, in  
25 which case it is a crime of the third degree.

26 c. If a minor under the age of 16 is adjudicated delinquent for  
27 cyber-harassment, the court may order as a condition of the  
28 sentence that the minor, accompanied by a parent or guardian,  
29 complete, in a satisfactory manner, one or both of the following:

30 (1) a class or training program intended to reduce the tendency  
31 toward cyber-harassment behavior; or

32 (2) a class or training program intended to bring awareness to  
33 the dangers associated with cyber-harassment.

34 d. A parent or guardian who fails to comply with a condition  
35 imposed by the court pursuant to subsection c. of this section is a  
36 disorderly person and shall be fined not more than \$25 for a first  
37 offense and not more than \$100 for each subsequent offense.

38 e. Cyber-harassment is a crime of the fourth degree if, with the  
39 purpose to harass another and in a manner likely to cause  
40 annoyance or alarm, a person tampers or interferes with, any  
41 software, computer, cell phone or any other electronic device. As  
42 used in this subsection, an "electronic device" includes but is not  
43 limited to, a smart home device or system, home security system,  
44 computer, digital camera, wireless or portable equipment,  
45 entertainment systems or any other device that is capable of

**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 transmitting, receiving, or recording messages, images, sounds,  
2 data, or other information by electronic means.

3 (cf: P.L.2013, c.272, s.1)

4

5 2. This act shall take effect immediately.

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#### STATEMENT

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10 This bill would expand the crime of cyber-harassment to include  
11 tampering or interfering with smart technology for the purpose of  
12 harassing another person. Under the bill, cyber-harassment is a  
13 crime of the fourth degree if, with the purpose to harass another and  
14 in a manner likely to cause annoyance or alarm, a person tampers or  
15 interferes with, any software, computer, cell phone or any other  
16 electronic device. The bill defines, an “electronic device” includes  
17 but is not limited to, a smart home device or system, home security  
18 system, computer, digital camera, wireless or portable equipment,  
19 entertainment systems or any other device that is capable of  
20 transmitting, receiving, or recording messages, images, sounds,  
21 data, or other information by electronic means.

22 It is the sponsor’s belief that expanding cyber-harassment to  
23 include smart technology for the purpose of harassing another  
24 person, addresses the alarming trend where an offender uses smart  
25 technology as a means to harass another person. Moreover, since  
26 cyber-harassment is a predicate offense for domestic violence under  
27 N.J.S.A.2C:25-19, this bill would encompass this new pattern of  
28 behavior which is being seen in some domestic abuse situations  
29 where Internet connected locks, thermostats, lights, speakers and  
30 cameras are used to harass another person.