

ASSEMBLY, No. 441

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 10 (Ocean)

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SYNOPSIS

Makes it a crime of the second degree to interfere with 9-1-1 public safety answering points.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 8/27/2020)

1 **AN ACT** concerning interference with 9-1-1 systems and amending
2 N.J.S.2C:20-25.

3

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

6

7 1. Section 4 of P.L.1984, c.184 (C.2C:20-25) is amended to
8 read as follows:

9 4. A person is guilty of computer criminal activity if the person
10 purposely or knowingly and without authorization, or in excess of
11 authorization:

12 a. Accesses any data, data base, computer storage medium,
13 computer program, computer software, computer equipment,
14 computer, computer system or computer network;

15 b. (1) Alters, damages or destroys any data, data base,
16 computer, computer storage medium, computer program, computer
17 software, computer system or computer network, or (2) denies,
18 disrupts or impairs computer services, including access to any part
19 of the Internet, that are available to any other user of the computer
20 services, or access to a public safety answering point (PSAP), as
21 defined in section 1 of P.L.1989, c.3 (C.52:17C-1);

22 c. Accesses or attempts to access any data, data base,
23 computer, computer storage medium, computer program, computer
24 software, computer equipment, computer system or computer
25 network for the purpose of executing a scheme to defraud, or to
26 obtain services, property, personal identifying information, or
27 money, from the owner of a computer or any third party;

28 d. (Deleted by amendment, P.L.2003, c.39).

29 e. Obtains, takes, copies or uses any data, data base, computer
30 program, computer software, personal identifying information, or
31 other information stored in a computer, computer network,
32 computer system, computer equipment or computer storage
33 medium; or

34 f. Accesses and recklessly alters, damages or destroys any
35 data, data base, computer, computer storage medium, computer
36 program, computer software, computer equipment, computer system
37 or computer network.

38 g. A violation of subsection a. of this section is a crime of the
39 third degree. A violation of subsection b. is a crime of the second
40 degree. A violation of subsection c. is a crime of the third degree,
41 except that it is a crime of the second degree if the value of the
42 services, property, personal identifying information, or money
43 obtained or sought to be obtained exceeds \$5,000. A violation of
44 subsection e. is a crime of the third degree, except that it is a crime
45 of the second degree if the data, data base, computer program,
46 computer software, or information:

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 (1) is or contains personal identifying information, medical
2 diagnoses, treatments or other medical information concerning an
3 identifiable person;

4 (2) is or contains governmental records or other information that
5 is protected from disclosure by law, court order or rule of court; or

6 (3) has a value exceeding \$5,000.

7 A violation of subsection f. is a crime of the fourth degree,
8 except that it is a crime of the third degree if the value of the
9 damage exceeds \$5,000.

10 A violation of any subsection of this section is a crime of the
11 first degree if the offense results in:

12 (1) a substantial interruption or impairment of public
13 communication, transportation, supply of water, gas or power, or
14 other public service. The term "substantial interruption or
15 impairment" shall mean such interruption or impairment that:

16 (a) affects 10 or more structures or habitations;

17 (b) lasts for two or more hours; or

18 (c) creates a risk of death or significant bodily injury to any
19 person;

20 (2) damages or loss in excess of \$250,000; or

21 (3) significant bodily injury to any person.

22 Every sentence of imprisonment for a crime of the first degree
23 committed in violation of this section shall include a minimum term
24 of one-third to one-half of the sentence imposed, during which term
25 the defendant shall not be eligible for parole.

26 h. Every sentence imposed upon a conviction pursuant to this
27 section shall, if the victim is a government agency, include a period
28 of imprisonment. The period of imprisonment shall include a
29 minimum term of one-third to one-half of the sentence imposed,
30 during which term the defendant shall not be eligible for parole.
31 The victim shall be deemed to be a government agency if a
32 computer, computer network, computer storage medium, computer
33 system, computer equipment, computer program, computer
34 software, computer data **[or]**, data base or public safety answering
35 point (PSAP) that is a subject of the crime is owned, operated or
36 maintained by or on behalf of a governmental agency or unit of
37 State or local government or a public authority. The defendant shall
38 be strictly liable under this subsection and it shall not be a defense
39 that the defendant did not know or intend that the victim was a
40 government agency, or that the defendant intended that there be
41 other victims of the crime.

42 A violation of any subsection of this section shall be a distinct
43 offense from a violation of any other subsection of this section, and
44 a conviction for a violation of any subsection of this section shall
45 not merge with a conviction for a violation of any other subsection
46 of this section or section 10 of P.L.1984, c.184 (C.2C:20-31), or for
47 conspiring or attempting to violate any subsection of this section or

1 section 10 of P.L.1984, c.184 (C.2C:20-31), and a separate sentence
2 shall be imposed for each such conviction.

3 When a violation of any subsection of this section involves an
4 offense committed against a person under 18 years of age, the
5 violation shall constitute an aggravating circumstance to be
6 considered by the court when determining the appropriate sentence
7 to be imposed.

8 (cf: P.L.2003, c.39, s.3)

9
10 2. This act shall take effect immediately.

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13 STATEMENT

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15 This bill would make it a crime of the second degree to interfere
16 with 9-1-1 public safety answering points. Under current law, a
17 person is guilty of a crime of the second degree pursuant to
18 N.J.S.A.2C:20-25 if, purposely or knowingly and without
19 authorization, or in excess of authorization, he alters, damages or
20 destroys any data, data base, computer, computer storage medium,
21 computer program, computer software, computer system or
22 computer network, or denies, disrupts or impairs computer services,
23 including access to any part of the Internet, that are available to any
24 other user of the computer services. This bill clarifies that
25 interference with 9-1-1 service is also a crime of the second degree.
26 This bill is intended to address the problem of hackers who
27 unlawfully gain access to 9-1-1 systems and interfere with
28 communications, making it difficult or impossible for callers
29 needing emergency services to reach the 9-1-1 service.

30 Specifically, the bill makes it a crime of the second degree to
31 purposely or knowingly and without authorization, or in excess of
32 authorization, deny, disrupt or impair computer services, including
33 access to a public safety answering point (PSAP), as defined in
34 N.J.S.A.52:17C-1. A PSAP is defined in the statute as “a facility,
35 operated on a 24-hour basis, assigned the responsibility of receiving
36 9-1-1 calls and, as appropriate, directly dispatching emergency
37 response services or transferring or relaying emergency 9-1-1 calls
38 to other public safety agencies. A public safety answering point is
39 the first point of reception by a public safety agency of 9-1-1 calls
40 and serves the jurisdictions in which it is located or other
41 participating jurisdictions.”

42 Under the provisions of subsection h. of N.J.S.A.2C:20-25, if the
43 victim of the crime is a government agency, the defendant must be
44 sentenced to a period of imprisonment that includes a minimum
45 term of one-third to one-half of the sentence imposed, during which
46 the defendant is not eligible for parole. The victim is deemed to be a
47 government agency if a computer, computer network, computer

1 storage medium, computer system, computer equipment, computer
2 program, computer software, computer data or data base that is a
3 subject of the crime is owned, operated or maintained by or on
4 behalf of a governmental agency or unit of State or local
5 government or a public authority. This bill also clarifies that a
6 PSAP is encompassed within the provisions of subsection h. of
7 N.J.S.A.2C:20-25.
8 A crime of the second degree is generally punishable by a term
9 of imprisonment of five to 10 years or a fine up to \$150,000, or
10 both.