

ASSEMBLY, No. 768

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

Assemblywoman DIANNE C. GOVE

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Clarifies that harassment made anonymously or otherwise through electronic communication devices constitutes a petty disorderly offense.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning harassment by electronic communication and
2 amending N.J.S.2C:33-4.

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:33-4 is amended to read as follows:

8 2C:33-4. Harassment.

9 Except as provided in subsection e., a person commits a petty
10 disorderly persons offense if, with purpose to harass another, **[he]**
11 the person:

12 a. Makes, or causes to be made, a communication or
13 communications anonymously or otherwise, or at extremely
14 inconvenient hours, or in offensively coarse language, or any other
15 manner likely to cause annoyance or alarm;

16 b. Subjects another to striking, kicking, shoving, or other
17 offensive touching, or threatens to do so; or

18 c. Engages in any other course of alarming conduct or of
19 repeatedly committed acts with purpose to alarm or seriously annoy
20 such other person.

21 A communication under subsection a. of this section includes,
22 but is not limited to, the posting of a photographic images or other
23 descriptive material on an Internet website, or the sending of a
24 telephonic message, electronic mail, text message or similar type of
25 electronic message or communication, by means of an electronic
26 communication device. "Electronic communication device"
27 includes, but is not limited to, a telephone, cellular telephone,
28 computer, computer network, computer system, video recorder,
29 facsimile machine or pager. A communication under subsection a.
30 may be deemed to have been made either at the place where it
31 originated or at the place where it was received.

32 d. (Deleted by amendment, P.L.2001, c.443).

33 e. A person commits a crime of the fourth degree if, in
34 committing an offense under this section, he was serving a term of
35 imprisonment or was on parole or probation as the result of a
36 conviction of any indictable offense under the laws of this State,
37 any other state or the United States.

38 As used in this subsection, the terms "computer," "computer
39 network" and "computer system" have the same meanings as are
40 ascribed to those terms in section 1 of P.L.1984, c.182 (C.2A:38A-
41 1).

42 (cf: P.L.2001, c.443, s.3)

43

44 2. This act shall take effect immediately.

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.

STATEMENT

This bill amends the existing harassment statute; N.J.S.2C:33-4, to criminalize cyber-harassment which occurs when offenders use the Internet or other forms of electronic communication to commit these offenses.

Currently, N.J.S.2C:33-4 provides that a person who makes, or causes to be made, a communication "anonymously or at extremely inconvenient hours, or in offensively coarse language, or any other manner likely to cause annoyance or alarm" is guilty of harassment, a petty disorderly persons offense. This bill provides that a communication which is made anonymously or otherwise by means of an electronic communication device for the purpose of harassing another person shall constitute a petty disorderly offense. Under the bill, the term "electronic communication device" is defined as including, but not limited to, a telephone, cellular telephone, computer, computer network, computer system, video recorder, facsimile machine or pager.