ASSEMBLY, No. 2754

STATE OF NEW JERSEY

219th LEGISLATURE

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Sponsored by:
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SYNOPSIS

Establishes crime of “sexual extortion”: using explicit sexual images to extort victims.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 2/13/2020)

AN ACT concerning certain criminal sexual activity and supplementing Title 2C of the New Jersey Statutes.

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

1. An actor commits the crime of sexual extortion if:

a. with the purpose to coerce another person to engage in sexual contact, sexual penetration, or simulated sexual contact or penetration, or to produce, provide, or distribute any image, video, or other recording of any individual's intimate parts or an individual engaged in sexual contact or sexual penetration, the actor communicates in person or by electronic means a threat:

(1) to the victim's person, property, or reputation; or

(2) to disclose an image or video of the victim engaged in sexual contact, sexual penetration, simulated sexual contact or penetration, or of an individual's intimate parts; or

b. the actor knowingly causes a victim to engage in sexual contact, sexual penetration, or simulated sexual contact or penetration, or to produce, provide, or distribute any image, video, or other recording of any individual's intimate parts or an individual engaged in sexual contact or sexual penetration, by means of a threat:

(1) to the victim's person, property, or reputation; or

(2) to disclose an image or video of the victim engaged in sexual contact, sexual penetration, simulated sexual contact or penetration, or of an individual's intimate parts.

Sexual extortion is a crime of the third degree.

c. An actor is guilty of aggravated sexual extortion if the actor commits an act of sexual extortion on a child under the age of 18 or an adult with a developmental disability.

Aggravated sexual extortion is crime of the second degree.

For purposes of this section:

"Developmental disability" has the definition set forth in section 3 of P.L.1977, c.82 (C.30:6D-3).

"Disclose" means sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise, offer, share, or make available via the Internet or by any other means.

"Intimate parts" has the definition set forth in N.J.S.2C:14-1.

"Sexual contact" means sexual contact as defined in N.J.S.2C:14-1.

"Sexual penetration" has the definition set forth in N.J.S.2C:14-1.

2. This act shall take effect immediately.

STATEMENT

This bill would make it a crime of the third degree to commit the act of "sexual extortion": using explicit sexual images to extort victims.

Under this bill, an actor is guilty of "sexual extortion" if with the purpose to coerce another person to engage in sexual contact, sexual penetration, or simulated sexual contact or penetration, or to produce, provide, or distribute any image, video, or other recording of any individual's intimate parts or engaged in sexual contact or sexual penetration, the actor communicates in person or by electronic means a threat: (1) to the victim's person, property, or reputation or (2) to disclose an image or video of the victim engaged in sexual contact, sexual penetration, simulated sexual contact or penetration, or of an individual's intimate parts.

An actor is also guilty of this crime if the actor knowingly causes a victim to engage in sexual contact, sexual penetration, or simulated sexual contact or penetration, or to produce, provide, or distribute any image, video, or other recording of any individual's intimate parts or an individual engaged in sexual contact or sexual penetration, by means of a threat: (1) to the victim's person, property, or reputation or (2) to disclose an image or video of the victim engaged in sexual contact, sexual penetration, simulated sexual contact or penetration, or of an individual's intimate parts. Sexual extortion would be a crime of the third degree. A third degree crime carries a penalty of three to five years imprisonment, up to a $15,000 fine, or both.

"Disclose" is defined in the bill to mean to sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise, offer, share, or make available via the Internet or by any other means. "Sexual contact," "sexual penetration," and "intimate parts" have the meaning set forth in N.J.S.2C:14-1.

An actor is guilty of aggravated sexual extortion under the bill if he commits an act of sexual extortion on a child under 18 or an adult with a developmental disability. A crime of the second degree is generally punishable by a term of imprisonment of five to 10 years, a fine of up to $150,000, or both. "Developmental disability" has the definition set forth in section 3 of P.L.1977, c.82 (C.30:6D-3).