

ASSEMBLY, No. 3218

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

Assemblyman PEDRO MEJIA

District 32 (Bergen and Hudson)

Assemblyman JOHN ARMATO

District 2 (Atlantic)

Co-Sponsored by:

Assemblywoman Reynolds-Jackson

SYNOPSIS

Provides that manipulation of certain caller identification information may constitute cyber-harassment and stalking.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/30/2020)

1 AN ACT certain crimes and amending P.L.2013, c.272 and
2 P.L.1992, c.209.

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. “Making a communication in an online capacity” shall
39 include the unlawful practice of knowingly making, placing,
40 initiating, or otherwise transmitting a call or text message or
41 engaging in conduct that results in the display of misleading, false,
42 or inaccurate caller identification information on the receiving
43 party’s telephone or circumventing a caller identification service
44 that is designed to allow the receiving party to identify caller
45 identification information regarding the origin and nature of the call
46 or text message.

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

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.

2. Section 1 of P.L.1992, c.209 (C.2C:12-10) is amended to read as follows:

1. a. As used in this act:

(1) "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person; directly, indirectly, or through third parties, by any action, method, device, or means, following, monitoring, observing, surveilling, threatening, or communicating to or about, a person, or interfering with a person's property; repeatedly committing harassment pursuant to N.J.S.2C:33-4 or cyber-harassment pursuant to section 1 of P.L.2013, c.272 (C.2C:33-4.1) against a person; or repeatedly conveying, or causing to be conveyed, verbal or written threats or threats conveyed by any other means of communication or threats implied by conduct or a combination thereof directed at or toward a person.

(2) "Repeatedly" means on two or more occasions.

(3) "Emotional distress" means significant mental suffering or distress.

(4) "Cause a reasonable person to fear" means to cause fear which a reasonable victim, similarly situated, would have under the circumstances.

b. A person is guilty of stalking, a crime of the fourth degree, if he purposefully or knowingly engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his safety or the safety of a third person or suffer other emotional distress.

c. A person is guilty of a crime of the third degree if he commits the crime of stalking in violation of an existing court order prohibiting the behavior.

d. A person who commits a second or subsequent offense of stalking against the same victim is guilty of a crime of the third degree.

e. A person is guilty of a crime of the third degree if he commits the crime of stalking while serving a term of imprisonment or while on parole or probation as the result of a conviction for any indictable offense under the laws of this State, any other state or the United States.

f. This act shall not apply to conduct which occurs during organized group picketing.

(cf: P.L.2009, c.28, s.1)

3. This act shall take effect immediately.

STATEMENT

This bill provides that manipulation of certain caller identification information may constitute cyber-harassment and stalking.

1 Under current law, a person commits the crime of cyber-
2 harassment if, while making a communication in an online capacity
3 via any electronic device or through a social networking site and
4 with the purpose to harass, the person threatens to inflict injury or
5 physical harm to any person or any person's property; knowingly
6 sends, posts, comments, requests, suggests, or proposes any lewd,
7 indecent, or obscene material to or about a person with the intent to
8 emotionally harm a reasonable person or place a reasonable person
9 in fear of physical or emotional harm to his person; or threatens to
10 commit any crime against the person or their property.

11 This bill would amend the crime of cyber-harassment to include
12 that "making a communication in an online capacity" would include
13 the unlawful practice of knowingly making, placing, initiating, or
14 otherwise transmitting a call or text message or engaging in conduct
15 that results in the display of misleading, false, or inaccurate caller
16 identification information on the receiving party's telephone or
17 circumventing a caller identification service that is designed to
18 allow the receiving party to identify caller identification
19 information regarding the origin and nature of the call or text
20 message.

21 In addition, the bill specifies that the crime of stalking includes
22 repeatedly committing harassment pursuant to N.J.S.2C:33-4 or
23 cyber-harassment pursuant to section 1 of P.L.2013, c.272
24 (C.2C:33-4.1).