ASSEMBLY, No. 3434

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Prohibits posting, publishing on the Internet, or disclosing certain information regarding military personnel.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning certain information regarding military personnel and supplementing Title 2C of the New Jersey Statutes and Titles 47 and 56 of the Revised Statutes.

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

1. A person shall not knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of such exposure, post or publish on the Internet the home address or unpublished home telephone number of any member of the Armed Forces of the United States or the New Jersey National Guard or a spouse or child of any member of the Armed Forces of the United States or the New Jersey National Guard. A reckless violation of this section is a crime of the fourth degree. A purposeful violation of this section is a crime of the third degree.

2. A State or local governmental agency shall not knowingly post or publish on the Internet the home address or unpublished home telephone number of any member of the Armed Forces of the United States or the New Jersey National Guard without first obtaining the written permission of that member.

3. a. A person, business, or association shall not disclose on the Internet the home address or unpublished home telephone number of a member of the Armed Forces of the United States or the New Jersey National Guard under circumstances in which a reasonable person would believe that providing that information would expose another to harassment or risk of harm to life or property.

b. A person, business, or association that violates subsection a. of this section shall be liable to the member of the Armed Forces of the United States or the New Jersey National Guard, or any other person residing at the home address of the member of the Armed Forces of the United States or the New Jersey National Guard, who may bring a civil action in the Superior Court.

c. The court may award:

(1) actual damages, but not less than liquidated damages computed at the rate of $1,000 for each violation of this act;

(2) punitive damages upon proof of willful or reckless disregard of the law;

(3) reasonable attorney's fees and other litigation costs reasonably incurred; and

(4) any other preliminary and equitable relief as the court determines to be appropriate.

d. For the purposes of this section, "disclose" shall mean to solicit, sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise, or offer.

4. This act shall take effect immediately.

STATEMENT

This bill prohibits persons, State and local agencies, and businesses from posting or publishing on the Internet the home addresses or unpublished home telephone numbers of members of the Armed Forces of the United States or the New Jersey National Guard.

The bill makes it a crime for a person to knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of this exposure, post or publish on the Internet the home address or unpublished telephone number of a member of the Armed Forces of the United States or the New Jersey National Guard, or spouse or child of that member.

If a person recklessly violates this provision, it is a crime of the fourth degree. A fourth degree crime is punishable by imprisonment of up to 18 months, a fine of up to $10,000, or both. If a person purposefully violates this provision, it is a crime of the third degree. A third degree crime is punishable by imprisonment of three to five years, a fine of up to $15,000, or both.

The bill also prohibits State or local agencies from posting or publishing on the Internet the home address or unpublished home telephone number of a member of the Armed Forces of the United States or the New Jersey National Guard without first obtaining the member's written consent.

In addition, under the provisions of this bill, persons, businesses, and associations are prohibited from disclosing on the Internet the home address or unpublished home telephone number of a member of the Armed Forces of the United States or the New Jersey National Guard under circumstances in which a reasonable person would believe that providing that information would expose another to harassment or risk of harm to life or property.

The bill provides that persons, businesses, or associations are liable to members of the Armed Forces of the United States or the New Jersey National Guard, or any other person residing at the home of the member for violating the provisions of the bill. The bill authorizes the member or person to bring a civil action in Superior Court.

Under the bill, the court may award: (1) actual damages, but not less than liquidated damages computed at the rate of $1,000 for

each violation of this act; (2) punitive damages upon proof of willful or reckless disregard of the law; (3) reasonable attorney's fees and other litigation costs reasonably incurred; and (4) any other preliminary and equitable relief as the court determines to be appropriate.

The bill defines "disclose" as soliciting, selling, manufacturing, giving, providing, lending, trading, mailing, delivering, transferring, publishing, distributing, circulating, disseminating, presenting, exhibiting, advertising, or offering.

This bill was modeled after legislation that was enacted (P.L.2015, c.226) that prohibits the posting of certain information regarding law enforcement officers on the internet.

According to the sponsor, there have been recent reports that terrorist organizations are using the Internet to obtain information in order to target military personnel and their families, potentially causing serious harm. The provisions of this bill would help to protect military personnel and their families from these terrorist organizations.