

ASSEMBLY, No. 4500

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED AUGUST 10, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Creates penalties for using mobile applications to aid in commission of crime.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the use of mobile applications to facilitate
2 criminal activity and supplementing Title 2C of the New Jersey
3 Statutes.

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

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8 1. a. A person who knowingly uses a mobile application to
9 facilitate the commission of a criminal offense is guilty of a crime.

10 b. An offense under this section constitutes a crime of the
11 fourth degree if the underlying offense is a disorderly persons
12 offense. Otherwise, an offense under this section shall be classified
13 one degree higher than the underlying offense.

14 c. Notwithstanding the provisions of N.J.S.2C:1-8, a conviction
15 under this section shall not merge with a conviction for the
16 underlying offense. Nor shall a conviction for the underlying
17 offense merge with a conviction under this section. Nothing
18 contained in this act shall prohibit the court from imposing an
19 extended term of imprisonment pursuant to N.J.S.2C:43-7; nor shall
20 this be construed to preclude or limit a prosecution or conviction of
21 any person for conspiracy under N.J.S.2C:5-2, or any prosecution or
22 conviction for any offense.

23 d. As used in this section:

24 “Mobile application” means a program downloaded onto and
25 used in conjunction with a mobile electronic communication device,
26 and available through multiple software platforms.

27 “Mobile electronic communication device” means any mobile
28 device capable of communication or other transmission of
29 information and includes, but is not limited to, a cellular telephone,
30 wireless tablet, or other device with Internet capability, or other
31 wireless communication device.

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33 2. This act shall take effect immediately.

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36 STATEMENT

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38 This bill makes it a crime to knowingly use a mobile application,
39 commonly known as an “app,” to facilitate the commission of a
40 criminal offense.

41 Under the provisions of the bill, the use of a mobile application
42 to facilitate criminal activity is a separate crime, which is to be
43 graded one level higher than the underlying offense. The bill
44 specifies that a conviction under its provisions cannot be merged
45 with the conviction for the underlying offense. For purposes of the
46 bill, a “mobile application” is defined as a program downloaded
47 onto and used in conjunction with a mobile electronic

1 communication device, and available through multiple software
2 platforms.

3 Following the recent execution of two officers of the New York
4 Police Department (NYPD), law enforcement agencies around the
5 country have called into question the use of the “Waze” app. Waze
6 is an interactive driving and navigation tool that allows its users to
7 connect and share information in real time concerning the traffic
8 and safety conditions of public roadways. A component of the app
9 is the ability to pinpoint the location of law enforcement personnel,
10 whose location is then available to all other users. Allegedly, the
11 suspect in the NYPD police killings used Waze prior to the
12 shooting. While it is not known if Waze was actually used to track
13 the officers in carrying out the crime, it is certainly possible for a
14 criminal to misuse the app in this way.

15 Accordingly, this bill criminalizes the knowing use of any app,
16 including Waze, to facilitate the commission of a crime.