

ASSEMBLY, No. 4600

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2020

Sponsored by:

Assemblyman CHRISTOPHER P. DEPHILLIPS

District 40 (Bergen, Essex, Morris and Passaic)

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

SYNOPSIS

Prohibits, under certain circumstances, disclosure of certain personal identifying information, including home address and photographic image, concerning any federal, State, or municipal judicial officer, or that judicial officer's immediate family members.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/12/2020)

1 **AN ACT** prohibiting, under certain circumstances, the disclosure of
2 certain personal identifying information concerning any federal,
3 State, or municipal judicial officer, or certain immediate family
4 members of that judicial officer, and supplementing chapter 20
5 of Title 2C of the New Jersey Statutes and chapter 1 of Title 47
6 of the Revised Statutes.

7
8 **BE IT ENACTED** *by the Senate and General Assembly of the State*
9 *of New Jersey:*

10

11 1. a. A person shall not knowingly, with purpose to expose
12 another to harassment or risk of harm to life or property, or in
13 reckless disregard of the probability of such exposure, post or
14 publish on the Internet any personal identifying information of any
15 federal, State, or municipal judicial officer or retired judicial
16 officer, or any immediate family member thereof. A reckless
17 violation of this subsection is a crime of the fourth degree. A
18 purposeful violation of this subsection is a crime of the third
19 degree.

20 As used in this subsection:

21 “Judicial officer” means the Chief Justice or an Associate Justice
22 of the United States Supreme Court, a judge of the United States
23 Court of Appeals, a judge of a federal district court, including a
24 magistrate judge, a judge of any other court established by federal
25 law, the Chief Justice or an Associate Justice of the New Jersey
26 Supreme Court, a judge of the Superior Court, a judge of the Tax
27 Court, a judge of a municipal court, a judge of the Office of
28 Administrative Law, a judge of the Division of Workers'
29 Compensation, or a judge of any other court or who handles
30 proceedings in the executive branch of the State government or a
31 local government established by State law.

32 “Immediate family member” means a judicial officer’s spouse,
33 domestic partner as defined in section 3 of P.L.2003, c.246
34 (C.26:8A-3), partner in a civil union couple as defined in section 2
35 of P.L.2006, c.103 (C.37:1-29), child, stepchild, parent, stepparent,
36 sibling, stepsibling, half sibling, aunt, uncle, niece, nephew, cousin,
37 grandparent, grandchild, father-in-law, mother-in-law, son-in-law,
38 or daughter-in-law, whether related by blood or by law, who either
39 permanently resides or resides for an extended period of time in the
40 same household as the judicial officer.

41 “Personal identifying information” means any name, home
42 address, photographic image, reproduction, or other depiction of a
43 person, or other information that may be used, alone or in
44 conjunction with any other information, to identify a person as a
45 judicial officer whenever that person is not engaged in the
46 performance of the person’s official duties as a judicial officer, or
47 to identify any immediate family member as the immediate family
48 member of a judicial officer.

1 b. (1) Any judicial officer or immediate family member who
2 sustains injury to person or property as a result of a violation of
3 subsection a. of this section shall have a cause of action against the
4 person who committed the violation, and may bring a civil action
5 against the person in any court of competent jurisdiction.

6 (2) (a) The standard of proof in any civil action brought
7 pursuant to this subsection is a preponderance of the evidence, and
8 the fact that a prosecution against a person is not instituted or, if
9 instituted, terminates without conviction shall not preclude a civil
10 action against that same person.

11 (b) A final judgment rendered in favor of the State in any
12 criminal proceeding shall estop the defendant from denying the
13 same conduct in any civil action brought against that person
14 pursuant to this subsection.

15 (3) In any civil action brought pursuant to this subsection, the
16 court may award:

17 (a) actual damages, but not less than liquidated damages
18 computed at the rate of \$1,000 for each violation of subsection a. of
19 this section;

20 (b) punitive damages upon proof of willful or reckless disregard
21 of the law;

22 (c) reasonable attorney's fees and other litigation costs
23 reasonably incurred; and

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

26

27 2. A State or local governmental agency shall not knowingly
28 post or publish on the Internet any personal identifying information
29 of any federal, State, or municipal judicial officer or retired judicial
30 officer, or any immediate family member thereof, without first
31 obtaining the written permission of that judicial officer.

32 “Judicial officer” means the Chief Justice or an Associate Justice
33 of the United States Supreme Court, a judge of the United States
34 Court of Appeals, a judge of a federal district court, including a
35 magistrate judge, a judge of any other court established by federal
36 law, the Chief Justice or an Associate Justice of the New Jersey
37 Supreme Court, a judge of the Superior Court, a judge of the Tax
38 Court, a judge of a municipal court, a judge of the Office of
39 Administrative Law, a judge of the Division of Workers'
40 Compensation, or a judge of any other court or who handles
41 proceedings in the executive branch of the State government or a
42 local government established by State law.

43 “Immediate family member” means a judicial officer’s spouse,
44 domestic partner as defined in section 3 of P.L.2003, c.246
45 (C.26:8A-3), partner in a civil union couple as defined in section 2
46 of P.L.2006, c.103 (C.37:1-29), child, stepchild, parent, stepparent,
47 sibling, stepsibling, half sibling, aunt, uncle, niece, nephew, cousin,
48 grandparent, grandchild, father-in-law, mother-in-law, son-in-law,

1 or daughter-in-law, whether related by blood or by law, who either
2 permanently resides or resides for an extended period of time in the
3 same household as the judicial officer.

4 “Personal identifying information” means any name, home
5 address, photographic image, reproduction, or other depiction of a
6 person, or other information that may be used, alone or in
7 conjunction with any other information, to identify a person as a
8 judicial officer whenever that person is not engaged in the
9 performance of the person’s official duties as a judicial officer, or
10 to identify any immediate family member as the immediate family
11 member of a judicial officer.

12
13 3. This act shall take effect immediately.

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16 STATEMENT

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18 This bill would prohibit, under certain circumstances, the
19 disclosure of the personal identifying information of any federal,
20 State, or municipal judicial officer, or any immediate family
21 member of that judicial officer. As further detailed herein, it would
22 make the posting or publishing of such information on the Internet a
23 crime, and provide for a corresponding civil cause of action, if the
24 act was done with purpose to expose a judicial officer or immediate
25 family member to harassment or risk of harm to life or property, or
26 in reckless disregard of the probability of such exposure; and it
27 would also prohibit a State or local governmental agency from
28 posting or publishing such information concerning a judicial officer
29 or family member unless the governmental agency first obtained the
30 written permission of the judicial officer.

31 The bill defines “personal identifying information,” “judicial
32 officer,” and “immediate family member” as follows:

33 ““Personal identifying information” means any name, home
34 address, photographic image, reproduction, or other depiction of a
35 person, or other information that may be used, alone or in
36 conjunction with any other information, to identify a person as a
37 judicial officer whenever that person is not engaged in the
38 performance of the person’s official duties as a judicial officer, or
39 to identify any immediate family member as the immediate family
40 member of a judicial officer”;

41 ““Judicial officer” means the Chief Justice or an Associate
42 Justice of the United States Supreme Court, a judge of the United
43 States Court of Appeals, a judge of a federal district court,
44 including a magistrate judge, a judge of any other court established
45 by federal law, the Chief Justice or an Associate Justice of the New
46 Jersey Supreme Court, a judge of the Superior Court, a judge of the
47 Tax Court, a judge of a municipal court, a judge of the Office of
48 Administrative Law, a judge of the Division of Workers'

1 Compensation, or a judge of any other court or who handles
2 proceedings in the executive branch of the State government or a
3 local government established by State law”; and

4 “‘Immediate family member’ means a judicial officer’s spouse,
5 domestic partner as defined in section 3 of P.L.2003, c.246
6 (C.26:8A-3), partner in a civil union couple as defined in section 2
7 of P.L.2006, c.103 (C.37:1-29), child, stepchild, parent, stepparent,
8 sibling, stepsibling, half sibling, aunt, uncle, niece, nephew, cousin,
9 grandparent, grandchild, father-in-law, mother-in-law, son-in-law,
10 or daughter-in-law, whether related by blood or by law, who either
11 permanently resides or resides for an extended period of time in the
12 same household as the judicial officer.

13 For the crime of posting or publishing the personal identifying
14 information of a judicial officer or an immediate family member of
15 that judicial officer, if the act was a reckless violation of the bill’s
16 provisions, it would be graded a crime of the fourth degree, which
17 is punishable by a term of imprisonment of up to 18 months, a fine
18 of up to \$10,000, or both. If the act was a purposeful violation, it
19 would be graded a crime of the third degree, which is punishable by
20 a term of imprisonment of three to five years, a fine of up to
21 \$15,000, or both.

22 As to the corresponding civil action that could be brought by a
23 judicial officer or immediate family member for the commission of
24 the same act of posting or publishing the officer’s or family
25 member’s information, the bill provides that the standard of proof
26 would be a preponderance of the evidence, and the fact that a
27 criminal prosecution against a person is not instituted or, if
28 instituted, terminates without conviction would not preclude the
29 civil action against that same person. If a final judgment is
30 rendered in favor of the State in any criminal proceeding, this
31 would estop the defendant from denying the same conduct in any
32 civil action brought against that person.

33 In any civil action, the court could award:

34 - actual damages, but not less than liquidated damages computed
35 at the rate of \$1,000 for each violation of subsection a. of this
36 section;

37 - punitive damages upon proof of willful or reckless disregard of
38 the law;

39 - reasonable attorney's fees and other litigation costs reasonably
40 incurred; and

41 - any other preliminary and equitable relief as the court
42 determines to be appropriate.