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)

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

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

1. a. 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 any personal identifying information of any federal, State, or municipal judicial officer or retired judicial officer, or any immediate family member thereof. A reckless violation of this subsection is a crime of the fourth degree. A purposeful violation of this subsection is a crime of the third degree.

As used in this subsection:

"Judicial officer" means the Chief Justice or an Associate Justice of the United States Supreme Court, a judge of the United States Court of Appeals, a judge of a federal district court, including a magistrate judge, a judge of any other court established by federal law, the Chief Justice or an Associate Justice of the New Jersey Supreme Court, a judge of the Superior Court, a judge of the Tax Court, a judge of a municipal court, a judge of the Office of Administrative Law, a judge of the Division of Workers' Compensation, or a judge of any other court or who handles proceedings in the executive branch of the State government or a local government established by State law.

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

"Personal identifying information" means any name, home address, photographic image, reproduction, or other depiction of a person, or other information that may be used, alone or in conjunction with any other information, to identify a person as a judicial officer whenever that person is not engaged in the performance of the person's official duties as a judicial officer, or to identify any immediate family member as the immediate family member of a judicial officer.

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

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

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

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

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

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

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

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

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

"Judicial officer" means the Chief Justice or an Associate Justice of the United States Supreme Court, a judge of the United States Court of Appeals, a judge of a federal district court, including a magistrate judge, a judge of any other court established by federal law, the Chief Justice or an Associate Justice of the New Jersey Supreme Court, a judge of the Superior Court, a judge of the Tax Court, a judge of a municipal court, a judge of the Office of Administrative Law, a judge of the Division of Workers' Compensation, or a judge of any other court or who handles proceedings in the executive branch of the State government or a local government established by State law.

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

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

"Personal identifying information" means any name, home address, photographic image, reproduction, or other depiction of a person, or other information that may be used, alone or in conjunction with any other information, to identify a person as a judicial officer whenever that person is not engaged in the performance of the person's official duties as a judicial officer, or to identify any immediate family member as the immediate family member of a judicial officer.

3. This act shall take effect immediately.

STATEMENT

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

The bill defines "personal identifying information," "judicial officer," and "immediate family member" as follows:

"'Personal identifying information" means any name, home address, photographic image, reproduction, or other depiction of a person, or other information that may be used, alone or in conjunction with any other information, to identify a person as a judicial officer whenever that person is not engaged in the performance of the person's official duties as a judicial officer, or to identify any immediate family member as the immediate family member of a judicial officer";

"'Judicial officer' means the Chief Justice or an Associate Justice of the United States Supreme Court, a judge of the United States Court of Appeals, a judge of a federal district court, including a magistrate judge, a judge of any other court established by federal law, the Chief Justice or an Associate Justice of the New Jersey Supreme Court, a judge of the Superior Court, a judge of the Tax Court, a judge of a municipal court, a judge of the Office of Administrative Law, a judge of the Division of Workers'

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

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

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

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

In any civil action, the court could award:

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

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

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

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