

ASSEMBLY, No. 4828

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

Sponsored by:

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District 38 (Bergen and Passaic)

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District 38 (Bergen and Passaic)

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SYNOPSIS

Broadens statute that criminalizes cyber-harassment of minor.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/7/2020)

1 AN ACT concerning cyber-harassment and amending P.L. 2013,
2 c.272.

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】** 18 years of age or older at the time of the offense
24 and **【impersonates a minor for the purpose of】** engages in cyber-
25 harassing a minor, in 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 (cf: P.L.2013, c.272, s.1)

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40 2. This act shall take effect immediately.

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STATEMENT

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45 Under current law, cyber-harassment is a crime of the third
46 degree if the offender is 21 or older at the time of the offense and
47 impersonates a minor for the purpose of cyber-harassing a minor.

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.

1 This bill broadens the statute to provide that a person is guilty of
2 this offense if the person is 18 or older and engages in cyber-
3 harassing a minor. This bill eliminates the provision that a person
4 must impersonate a minor in order to be guilty of the offense. A
5 crime of the third degree is punishable by three to five years
6 imprisonment, a fine of up to \$15,000, or both.