

**ASSEMBLY, No. 4915**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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INTRODUCED NOVEMBER 5, 2020

**Sponsored by:**

**Assemblywoman AURA K. DUNN**

**District 25 (Morris and Somerset)**

**SYNOPSIS**

Elevates impersonating public servant to crime of fourth degree in certain instances; establishes offense of exploiting authority implied by a public emergency.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning offenses of impersonation and exploiting  
2 authority implied by a public emergency and amending  
3 N.J.S.2C:28-8 and supplementing Title 2C of the New Jersey  
4 Statutes.

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

8  
9 1. N.J.S.2C:28-8 is amended to read as follows:

10 2C:28-8. Impersonating a public servant or law enforcement  
11 officer.

12 a. Except as provided in subsection b. or c. of this section, a  
13 person commits a disorderly persons offense if he falsely pretends  
14 to hold a position in the public service with purpose to induce  
15 another to submit to such pretended official authority or otherwise  
16 to act in reliance upon that pretense.

17 b. A person commits a crime of the fourth degree if he falsely  
18 pretends to hold a position as an officer or member or employee or  
19 agent of any organization or association of law enforcement officers  
20 with purpose to induce another to submit to such pretended official  
21 authority or otherwise to act in reliance upon that pretense.

22 c. A person commits a crime of the fourth degree if he, during  
23 a period of a Public Health Emergency, pursuant to the "Emergency  
24 Health Powers Act," P.L.2005, c.222 (C.26:13-1 et seq.), or a State  
25 of Emergency, pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.),  
26 or both, commits a violation of subsection a. of this section by  
27 pretending to be a contact tracer with purpose to:

28 (1) induce another to submit to such pretended official authority  
29 and divulge personal identifying information belonging to the  
30 contacted person or personal identifying information belonging to  
31 another, or

32 (2) defraud another using pretended official authority.

33 As used in this section, "personal identifying information" means  
34 any name, number or other information that may be used, alone or  
35 in conjunction with any other information, to identify a specific  
36 individual and includes, but is not limited to, the name, address,  
37 telephone number, date of birth, social security number, official  
38 State issued identification number, employer or taxpayer number,  
39 place of employment, employee identification number, demand  
40 deposit account number, savings account number, credit card  
41 number, mother's maiden name, unique biometric data, such as  
42 fingerprint, voice print, retina or iris image or other unique physical  
43 representation, or unique electronic identification number, address  
44 or routing code of the individual.

45 (cf: P.L.2000, c.110)

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       2. (New section) A person commits a crime of the fourth  
2 degree if he defrauds another using the guise of a public health  
3 emergency or state of emergency, whether or not one has actually  
4 been declared, as the inducement to obtain any personal identifying  
5 information.

6       As used in this section, “personal identifying information” means  
7 any name, number or other information that may be used, alone or  
8 in conjunction with any other information, to identify a specific  
9 individual and includes, but is not limited to, the name, address,  
10 telephone number, date of birth, social security number, official  
11 State issued identification number, employer or taxpayer number,  
12 place of employment, employee identification number, demand  
13 deposit account number, savings account number, credit card  
14 number, mother's maiden name, unique biometric data, such as  
15 fingerprint, voice print, retina or iris image or other unique physical  
16 representation, or unique electronic identification number, address  
17 or routing code of the individual.

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19       3. This act shall take effect immediately.

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#### STATEMENT

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24       Currently, impersonating a public servant is graded as a  
25 disorderly persons offense, punishable by up to six months  
26 imprisonment, a fine of up to \$1,000 or both. This bill elevates the  
27 crime of impersonating a public servant to a crime of the fourth  
28 degree during a period of a public health emergency or a state of  
29 emergency, or both, when a person falsely pretends to be a contact  
30 tracer with purpose to (1) induce another to submit to such  
31 pretended official authority or otherwise to act in reliance upon that  
32 pretense and divulge personal identifying information belonging to  
33 the contacted person or personal identifying information belonging  
34 to another, or (2) to defraud another using pretended official  
35 authority.

36       The bill further establishes that a person commits a crime of the  
37 fourth degree if he defrauds another under the guise of a public  
38 health emergency or state of emergency, whether or not one has  
39 been declared, as the inducement to obtain personal identifying  
40 information.

41       A crime of the fourth degree is punishable by up to 18 months  
42 imprisonment, a fine of up to \$10,000 or both.

43       Under the bill, “personal identifying information” means any  
44 name, number or other information that may be used, alone or in  
45 conjunction with any other information, to identify a specific  
46 individual and includes, but is not limited to, the name, address,  
47 telephone number, date of birth, social security number, official  
48 State issued identification number, employer or taxpayer number,

1 place of employment, employee identification number, demand  
2 deposit account number, savings account number, credit card  
3 number, mother's maiden name, unique biometric data, such as  
4 fingerprint, voice print, retina or iris image or other unique physical  
5 representation, or unique electronic identification number, address  
6 or routing code of the individual.

7 It is the sponsor's view that taking advantage of periods of crisis  
8 in the State to facilitate the crime of impersonating, or committing a  
9 crime by exploiting a public emergency regardless of  
10 impersonation, not only violates attempts by a vulnerable  
11 population to aid in suppressing a crisis, but also undermines the  
12 confidence and willingness of the public to cooperate.