

SENATE, No. 2925

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Co-Sponsored by:

Senators Diegnan and Lagana

SYNOPSIS

Prohibits posting or publishing on Internet home address or telephone number of certain judges and prosecutors.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/22/2020)

1 AN ACT prohibiting disclosure of certain information regarding
2 certain judges and prosecutors and amending P.L.2015, c.226.

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.2015, c.226 (C.2C:20-31.1) is amended to
8 read as follows:

9 1. A person shall not knowingly, with purpose to expose
10 another to harassment or risk of harm to life or property, or in
11 reckless disregard of the probability of such exposure, post or
12 publish on the Internet the home address or unpublished home
13 telephone number of any active or retired law enforcement officer,
14 **【law enforcement officer】** judge of any court of law of this State, or
15 State, county, or municipal prosecutor, or the spouse or child 【of a
16 law enforcement officer】 thereof. A reckless violation of this
17 section is a crime of the fourth degree. A purposeful violation of
18 this section is a crime of the third degree.
19 (cf: P.L.2015, c.226, s.1)
20

21 2. Section 2 of P.L.2015, c.226 (C.47:1-17) is amended to read
22 as follows:

23 2. A State or local governmental agency shall not knowingly
24 post or publish on the Internet the home address or unpublished
25 home telephone number of any active or retired law enforcement
26 officer 【or law enforcement officer】 , judge of any court of law of
27 this State, or State, county, or municipal prosecutor without first
28 obtaining the written permission of that **【law enforcement officer or**
29 **retired law enforcement officer】** individual.
30 (cf: P.L.2015, c.226, s.2)
31

32 3. Section 3 of P.L.2015, c.226 (C.56:8-166.1) is amended to
33 read as follows:

34 3. a. A person, business, or association shall not disclose on
35 the Internet the home address or unpublished home telephone
36 number of **【a law enforcement officer or】** an active or retired law
37 enforcement officer, judge of any court of law of this State, or
38 State, county, or municipal prosecutor under circumstances in
39 which a reasonable person would believe that providing that
40 information would expose another to harassment or risk of harm to
41 life or property.

42 b. A person, business, or association that violates subsection a.
43 of this section shall be liable to the **【law enforcement officer,】**
44 active or retired law enforcement officer, judge of any court of law
45 of this State, or State, county, or municipal prosecutor, or any other

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 person residing at the home address of the [law enforcement
2 officer] active or retired law enforcement officer, judge of any
3 court of law of this State, or State, county, or municipal prosecutor,
4 who may bring a civil action in the Superior Court.

5 c. The court may award:

6 (1) actual damages, but not less than liquidated damages
7 computed at the rate of \$1,000 for each violation of this act;

8 (2) punitive damages upon proof of willful or reckless disregard
9 of the law;

10 (3) reasonable attorney's fees and other litigation costs
11 reasonably incurred; and

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

14 d. For the purposes of this section, "disclose" shall mean to
15 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,
16 transfer, publish, distribute, circulate, disseminate, present, exhibit,
17 advertise or offer.

18 (cf: P.L.2015, c.226, s.3)

19
20 4. This act shall take effect immediately.

21 22 23 STATEMENT

24
25 This bill prohibits persons, State and local agencies, and businesses
26 from posting or publishing on the Internet the home addresses or
27 unpublished home telephone numbers of judges, or State, county, or
28 municipal prosecutors regardless of whether they are retired or in the
29 workforce. This bill amends current law that already prohibits such
30 disclosure for law enforcement officers.

31 Specifically, the bill makes it a crime for a person to knowingly,
32 with purpose to expose another to harassment or risk of harm to life or
33 property, or in reckless disregard of the probability of this exposure, to
34 post or publish on the Internet the home address or unpublished
35 telephone number of a judge or State, county, or municipal prosecutor,
36 regardless of whether they are retired or in the workforce, or their
37 spouse or child. If the person recklessly violates this prohibition, it is a
38 crime of the fourth degree. A fourth degree crime is punishable by a
39 prison term of up to 18 months, a fine of up to \$10,000, or both. If the
40 person purposefully violates this prohibition, it is a crime of the third
41 degree. A third degree crime is punishable by a prison term of three to
42 five years, a fine of up to \$15,000, or both.

43 The bill also prohibits State or local agencies from posting or
44 publishing on the Internet a home address or telephone number of a
45 judge or State, county, or municipal prosecutor regardless of whether
46 they are retired or in the workforce, without first obtaining written
47 consent.

1 Persons, businesses, and associations also are prohibited by the bill
2 from disclosing on the Internet a judge's, or State, county, or
3 municipal prosecutor's home address or unpublished home telephone
4 number, regardless of whether they are retired or in the workforce,
5 under circumstances in which a reasonable person would believe that
6 providing that information would expose another to harassment or risk
7 of harm to life or property.

8 The bill specifies that persons, businesses, or associations may be
9 liable for violating this prohibition of the bill. The bill authorizes a
10 civil action in Superior Court. The court may award: (1) actual
11 damages, but not less than liquidated damages computed at the rate of
12 \$1,000 for each violation; (2) punitive damages upon proof of willful
13 or reckless disregard of the law; (3) reasonable attorney's fees and
14 other litigation costs reasonably incurred; and (4) any other
15 preliminary and equitable relief as the court determines to be
16 appropriate.

17 The bill defines "disclose" as soliciting, selling, manufacturing,
18 giving, providing, lending, trading, mailing, delivering, transferring,
19 publishing, distributing, circulating, disseminating, presenting,
20 exhibiting, advertising or offering.