

SENATE, No. 2972

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 24, 2020

Sponsored by:

Senator ANTHONY M. BUCCO

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 degree
2 if he defrauds another using the guise of a public health emergency
3 or state of emergency, whether or not one has actually been
4 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.