SENATE, No. 3199

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

Sponsored by:
Senator RICHARD J. CODEY
District 27 (Essex and Morris)

SYNOPSIS

Broadens statute that criminalizes cyber-harassment of minor.

CURRENT VERSION OF TEXT

As introduced.

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

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

1. Section 1 of P.L.2013, c.272 (C.2C:33-4.1) is amended to read as follows:

1. a. A person commits the crime of cyber-harassment if, while making a communication in an online capacity via any electronic device or through a social networking site and with the purpose to harass another, the person:

(1) threatens to inflict injury or physical harm to any person or the property of any person;

(2) knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about a person with the intent to emotionally harm a reasonable person or place a reasonable person in fear of physical or emotional harm to his person; or

(3) threatens to commit any crime against the person or the person's property.

b. Cyber-harassment is a crime of the fourth degree, unless the person is **[**21**]** <u>18</u> years of age or older at the time of the offense and **[**impersonates a minor for the purpose of**]** <u>engages in</u> cyber-harassing a minor, in which case it is a crime of the third degree.

c. If a minor under the age of 16 is adjudicated delinquent for cyber-harassment, the court may order as a condition of the sentence that the minor, accompanied by a parent or guardian, complete, in a satisfactory manner, one or both of the following:

(1) a class or training program intended to reduce the tendency toward cyber-harassment behavior; or

(2) a class or training program intended to bring awareness to the dangers associated with cyber-harassment.

d. A parent or guardian who fails to comply with a condition imposed by the court pursuant to subsection c. of this section is a disorderly person and shall be fined not more than $25 for a first offense and not more than $100 for each subsequent offense.

(cf: P.L.2013, c.272, s.1)

2. This act shall take effect immediately.

STATEMENT

Under current law, cyber-harassment is a crime of the third degree if the offender is 21 or older at the time of the offense and

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 <u>thus</u> is new matter.

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