

SENATE, No. 4243

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED DECEMBER 6, 2021

Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Defines cyberstalking and provides criminal penalties for persons who make an electronic threat to kill, do bodily harm, commit an act of terrorism or conduct mass shooting.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning electronic crimes, amending P.L.1992, c.209
2 and supplementing Title 2C of the Revised Statutes.

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.1992, c. 209 (C.2C:12-10) is amended to
8 read as follows:

9 1. a. As used in this act:

10 (1) "Course of conduct" means repeatedly maintaining a visual
11 or physical proximity to a person; directly, indirectly, or through
12 third parties, by any action, method, device, or means, following,
13 monitoring, observing, surveilling, threatening, or communicating
14 to or about, a person, or interfering with a person's property;
15 repeatedly committing harassment against a person; or repeatedly
16 conveying, or causing to be conveyed, verbal or written threats or
17 threats conveyed by any other means of communication or threats
18 implied by conduct or a combination thereof directed at or toward a
19 person.

20 (2) "Repeatedly" means on two or more occasions.

21 (3) "Emotional distress" means significant mental suffering or
22 distress.

23 (4) "Cause a reasonable person to fear" means to cause fear
24 which a reasonable victim, similarly situated, would have under the
25 circumstances.

26 (5) "Cyberstalking" means:

27 (i) To engage in a course of conduct to communicate, or to
28 cause to be communicated, directly or indirectly, words, images, or
29 language by or through the use of electronic mail or electronic
30 communication, directed at or pertaining to a specific person; and

31 (ii) To access, or attempt to access, the online accounts or
32 internet connected home electronic systems of another person
33 without that person's permission, causing substantial emotional
34 distress to that person and serving no legitimate purpose.

35 b. A person is guilty of stalking or cyberstalking, a crime of the
36 fourth degree, if he purposefully or knowingly engages in a course
37 of conduct directed at a specific person that would cause a
38 reasonable person to fear for his safety or the safety of a third
39 person or suffer other emotional distress.

40 c. A person is guilty of a crime of the third degree if he
41 commits the crime of stalking in violation of an existing court order
42 prohibiting the behavior.

43 d. A person who commits a second or subsequent offense of
44 stalking against the same victim is guilty of a crime of the third
45 degree.

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 e. A person is guilty of a crime of the third degree if he
2 commits the crime of stalking while serving a term of imprisonment
3 or while on parole or probation as the result of a conviction for any
4 indictable offense under the laws of this State, any other state or the
5 United States.

6 f. This act shall not apply to conduct which occurs during
7 organized group picketing.
8 (cf: P.L.2009, c.28, s.1)

9
10 2. (New Section) As used in this section, the term “electronic
11 record” means any record created, modified, archived, received, or
12 distributed electronically which contains any combination of text,
13 graphics, video, audio, or pictorial represented in digital form, but
14 does not include a telephone call.

15 It is unlawful for any person to send, post, or transmit, or procure
16 the sending, posting, or transmission of, in a writing or other record,
17 including an electronic record, in any manner in which it may be
18 viewed by another person, when in such writing or record the
19 person makes a threat to:

20 a. Kill or to do bodily harm to another person; or

21 b. Conduct a mass shooting or an act of terrorism.

22 A violation of this section is a crime in the second degree if it
23 occurs during a declared period of national, State or county
24 emergency.

25 A person is guilty of a crime of the third degree if the threat is
26 made with the purpose to put others in imminent fear of death under
27 circumstances reasonably causing victims to believe the immediacy
28 of the threat and the likelihood that it will be carried out.

29
30 3. This act shall take effect immediately.

31 32 33 STATEMENT

34
35 This bill amends section 1 of P.L.1992, c.209 by adding and
36 defining “cyberstalking.” This is defined as engaging in a course of
37 conduct to communicate, or to cause to be communicated, directly
38 or indirectly, words, images or language by or through the use of
39 electronic mail or communication, directed at or pertaining to a
40 specific person, which causes substantial emotional distress to that
41 person and serves no legitimate purpose.

42 Additionally, this bill prohibits a person from sending, posting,
43 or transmitting, or from procuring the sending, posting, or
44 transmission of a written or electronic record when in such record
45 the person makes a threat to kill or to do bodily harm to another
46 person or to conduct a mass shooting or an act of terrorism. The
47 crime may be one of the third or second degree, depending on the
48 circumstances of the threats.