

ASSEMBLY, No. 3785

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 7, 2013

Sponsored by:

Assemblywoman ANNETTE QUIJANO

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District 38 (Bergen and Passaic)

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District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblywomen N.Munoz and Angelini

SYNOPSIS

Creates crime of cyber-harassment.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2014)

1 AN ACT creating the crime of cyber-harassment and supplementing
2 Title 2C of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. a. A person commits the crime of cyber-harassment if, while
8 making a communication in an online capacity via any electronic
9 device or through a social networking site and with the purpose to
10 harass another, the person:

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

13 (2) sends, posts, comments, requests, suggests, or proposes any
14 lewd, indecent, or obscene material to or about a person; or

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

17 b. Cyber-harassment is a crime of the fourth degree, unless the
18 person is 21 years of age or older at the time of the offense and
19 impersonates a minor for the purpose of cyber-harassing a minor, in
20 which case it is a crime of the third degree.

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

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

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

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

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34 2. This act shall take effect immediately.

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STATEMENT

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39 This bill creates the crime of cyber-harassment. The bill
40 provides that a person commits the crime of cyber-harassment if,
41 while online using any electronic device or using a social
42 networking site and with the purpose to harass another, that person:
43 1) threatens to injure or harm a person or that person's property; 2)
44 sends or posts any lewd, indecent or obscene material to or about a
45 person; or 3) threatens to commit a crime against a person or his or
46 her property.

47 The bill provides that cyber-harassment is a crime of the fourth
48 degree, which is punishable by up to 18 months imprisonment, a

1 fine of up to \$10,000, or both. However, if the offender is over age
2 21 at the time of the offense and impersonates a minor for the
3 purpose of cyber-harassing a minor, cyber-harassment is a crime of
4 the third degree. A crime of the third degree is punishable by three
5 to five years imprisonment, a fine of up to \$15,000, or both.

6 If a minor under age 16 is adjudicated delinquent for cyber-
7 harassment, the court may order as a condition of the sentence that
8 the minor, accompanied by his or her parent or guardian, complete,
9 in a satisfactory manner, one or both of the following: 1) a class or
10 training program intended to reduce the tendency toward cyber-
11 harassment behavior; or 2) a class or training program intended to
12 bring awareness to the dangers associated with cyber-harassment.

13 If a parent or guardian fails to accompany his or her child to the
14 class or training program, the parent or guardian would be guilty of
15 a disorderly persons offense and fined up to \$25 for a first offense
16 and up to \$100 for each subsequent offense.