



(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

<b>FLOOR AMENDMENT STATEMENT:</b>	No	
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	Yes	05/03/2022 11/10/2022

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

Matt Arco NJ Advance Media, 'NJ just cracked down on predators convicted of sextortion', *Jersey Journal, The* (online), 10 May 2023 004

Matt Arco - For The Star-Ledger, 'Legislation ups penalties for online sextortion Law targets predators who entrap victims, often minors, by soliciting explicit images.', *Star-Ledger, The* (online), 10 May 2023 015

CL/JA

P.L. 2023, CHAPTER 45, *approved May 8, 2023*  
Assembly, No. 343 (*First Reprint*)

1 AN ACT concerning certain criminal sexual activity and  
2 supplementing 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. An actor commits the crime of sexual extortion if:

8 a. with the purpose to coerce another person to<sup>1</sup>;<sup>1</sup> engage in  
9 sexual contact, sexual penetration, or simulated sexual contact or  
10 sexual<sup>1</sup> penetration <sup>1</sup>, expose their intimate parts<sup>1</sup>, or <sup>1</sup> **to**<sup>1</sup>  
11 produce, <sup>1</sup> **provide, or distribute** photograph, film, videotape,  
12 record, or otherwise reproduce in any manner,<sup>1</sup> any image, video, or  
13 other recording of any individual's intimate parts or <sup>1</sup> **an** any<sup>1</sup>  
14 individual engaged in sexual contact <sup>1</sup> **or** <sup>1</sup> sexual penetration, <sup>1</sup> or  
15 simulated sexual contact or sexual penetration,<sup>1</sup> the actor  
16 communicates <sup>1</sup> **in person or**<sup>1</sup> by <sup>1</sup> **electronic** any<sup>1</sup> means a  
17 threat:

18 (1) to the <sup>1</sup> **victim's**<sup>1</sup> person, property, or reputation <sup>1</sup> of the  
19 victim or any other person<sup>1</sup>; or

20 (2) to disclose an image <sup>1</sup> **or** <sup>1</sup> video<sup>1</sup>, or other recording<sup>1</sup> of  
21 the victim <sup>1</sup> or any other person<sup>1</sup> engaged in sexual contact, sexual  
22 penetration, simulated sexual contact or penetration, or of <sup>1</sup> **an**  
23 individual's <sup>1</sup> the victim's or any other person's<sup>1</sup> intimate parts; or

24 b. the actor knowingly causes <sup>1</sup> **a victim** another person<sup>1</sup> to  
25 engage in sexual contact, sexual penetration, or<sup>1</sup> <sup>1</sup> simulated sexual  
26 contact or penetration <sup>1</sup>, or expose their intimate parts<sup>1</sup>, or <sup>1</sup> **to**<sup>1</sup>  
27 produce, <sup>1</sup> **provide, or distribute** photograph, film, videotape,  
28 record, or otherwise reproduce in any manner,<sup>1</sup> any image, video, or  
29 other recording of any individual's intimate parts or <sup>1</sup> **an** any<sup>1</sup>  
30 individual engaged in sexual contact <sup>1</sup> **or** <sup>1</sup> sexual penetration, <sup>1</sup> or  
31 simulated sexual contact or penetration;<sup>1</sup> by <sup>1</sup> communicating by  
32 any<sup>1</sup> means <sup>1</sup> **of**<sup>1</sup> a threat:

33 (1) to <sup>1</sup> **the victim's**<sup>1</sup> person, property, or reputation <sup>1</sup> of the  
34 victim or any other person<sup>1</sup>; or

35 (2) to disclose an image <sup>1</sup> **or** <sup>1</sup> video<sup>1</sup>, or other recording<sup>1</sup> of  
36 the victim <sup>1</sup> or any other person<sup>1</sup> engaged in sexual contact, sexual  
37 penetration, simulated sexual contact or sexual<sup>1</sup> penetration, or of

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate floor amendments adopted February 2, 2023.

1 <sup>1</sup>an individual's the victim's or any other person's<sup>1</sup> intimate  
2 parts.

3 Sexual extortion is a crime of the third degree.

4 c. An actor is guilty of aggravated sexual extortion if the actor  
5 commits an act of sexual extortion <sup>1</sup>on pursuant to subsection a.  
6 or b. of this section with purpose to coerce, or the knowingly  
7 cause.<sup>1</sup> a child under the age of 18 years or an adult with a  
8 developmental disability <sup>1</sup>to:

9 (1) engage in sexual contact, sexual penetration, or simulated  
10 sexual contact or penetration;

11 (2) expose their intimate parts; or

12 (3) produce, photograph, film, videotape, record, or otherwise  
13 reproduce in any manner, any image, video, or other recording of  
14 any individual's intimate parts or any individual engaged in sexual  
15 contact, sexual penetration, or simulated sexual contact or sexual  
16 penetration<sup>1</sup>.

17 Aggravated sexual extortion is crime of the second degree.

18 <sup>1</sup>d. For purposes of this section:

19 "Developmental disability" has the definition set forth in section  
20 3 of P.L.1977, c.82 (C.30:6D-3).

21 "Disclose" means sell, manufacture, give, provide, lend, trade,  
22 mail, deliver, transfer, publish, distribute, circulate, disseminate,  
23 present, exhibit, advertise, offer, share, or make available via the  
24 Internet or by any other means.

25 "Intimate parts" has the definition set forth in N.J.S.2C:14-1.

26 "Sexual contact" means sexual contact as defined in  
27 N.J.S.2C:14-1.

28 "Sexual penetration" has the definition set forth in N.J.S.2C:14-  
29 1.

30 <sup>1</sup>e. Nothing contained in this section shall be construed to  
31 preclude or limit a prosecution or conviction of any person for  
32 aggravated sexual assault or sexual assault pursuant to N.J.S.2C:14-  
33 2, invasion of privacy pursuant to N.J.S.2C:14-9, theft by extortion  
34 pursuant to N.J.S.2C:20-5, or any other offense.<sup>1</sup>

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36 2. This act shall take effect immediately.

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41 Establishes crime of "sexual extortion": using explicit sexual  
42 images to extort victims.

**ASSEMBLY, No. 343**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblywoman AURA K. DUNN**

**District 25 (Morris and Somerset)**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Assemblymen Wirths and Space**

**SYNOPSIS**

Establishes crime of “sexual extortion”: using explicit sexual images to extort victims.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 9/15/2022)**

1 AN ACT concerning certain criminal sexual activity and  
2 supplementing 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. An actor commits the crime of sexual extortion if:

8 a. with the purpose to coerce another person to engage in  
9 sexual contact, sexual penetration, or simulated sexual contact or  
10 penetration, or to produce, provide, or distribute any image, video,  
11 or other recording of any individual's intimate parts or an individual  
12 engaged in sexual contact or sexual penetration, the actor  
13 communicates in person or by electronic means a threat:

14 (1) to the victim's person, property, or reputation; or

15 (2) to disclose an image or video of the victim engaged in sexual  
16 contact, sexual penetration, simulated sexual contact or penetration,  
17 or of an individual's intimate parts; or

18 b. the actor knowingly causes a victim to engage in sexual  
19 contact, sexual penetration, or simulated sexual contact or  
20 penetration, or to produce, provide, or distribute any image, video,  
21 or other recording of any individual's intimate parts or an individual  
22 engaged in sexual contact or sexual penetration, by means of a  
23 threat:

24 (1) to the victim's person, property, or reputation; or

25 (2) to disclose an image or video of the victim engaged in sexual  
26 contact, sexual penetration, simulated sexual contact or penetration,  
27 or of an individual's intimate parts.

28 Sexual extortion is a crime of the third degree.

29 c. An actor is guilty of aggravated sexual extortion if the actor  
30 commits an act of sexual extortion on a child under the age of 18 or  
31 an adult with a developmental disability.

32 Aggravated sexual extortion is crime of the second degree.

33 For purposes of this section:

34 "Developmental disability" has the definition set forth in section  
35 3 of P.L.1977, c.82 (C.30:6D-3).

36 "Disclose" means sell, manufacture, give, provide, lend, trade,  
37 mail, deliver, transfer, publish, distribute, circulate, disseminate,  
38 present, exhibit, advertise, offer, share, or make available via the  
39 Internet or by any other means.

40 "Intimate parts" has the definition set forth in N.J.S.2C:14-1.

41 "Sexual contact" means sexual contact as defined in  
42 N.J.S.2C:14-1.

43 "Sexual penetration" has the definition set forth in N.J.S.2C:14-

44 1.

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46 2. This act shall take effect immediately.

STATEMENT

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This bill would make it a crime of the third degree to commit the act of “sexual extortion”: using explicit sexual images to extort victims.

Under this bill, an actor is guilty of “sexual extortion” if with the purpose to coerce another person to engage in sexual contact, sexual penetration, or simulated sexual contact or penetration, or to produce, provide, or distribute any image, video, or other recording of any individual’s intimate parts or engaged in sexual contact or sexual penetration, the actor communicates in person or by electronic means a threat: (1) to the victim’s person, property, or reputation or (2) to disclose an image or video of the victim engaged in sexual contact, sexual penetration, simulated sexual contact or penetration, or of an individual’s intimate parts.

An actor is also guilty of this crime if the actor knowingly causes a victim to engage in sexual contact, sexual penetration, or simulated sexual contact or penetration, or to produce, provide, or distribute any image, video, or other recording of any individual’s intimate parts or an individual engaged in sexual contact or sexual penetration, by means of a threat: (1) to the victim’s person, property, or reputation or (2) to disclose an image or video of the victim engaged in sexual contact, sexual penetration, simulated sexual contact or penetration, or of an individual’s intimate parts. Sexual extortion would be a crime of the third degree. A third degree crime carries a penalty of three to five years imprisonment, up to a \$15,000 fine, or both.

“Disclose” is defined in the bill to mean to sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise, offer, share, or make available via the Internet or by any other means. “Sexual contact,” “sexual penetration,” and “intimate parts” have the meaning set forth in N.J.S.2C:14-1.

An actor is guilty of aggravated sexual extortion under the bill if he commits an act of sexual extortion on a child under 18 or an adult with a developmental disability. A crime of the second degree is generally punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. “Developmental disability” has the definition set forth in section 3 of P.L.1977, c.82 (C.30:6D-3).

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 343

# STATE OF NEW JERSEY

DATED: JANUARY 19, 2023

The Assembly Judiciary Committee reports favorably Assembly Bill No. 343.

This bill would make it a crime of the third degree to commit the act of “sexual extortion”: using explicit sexual images to extort victims.

Under this bill, an actor is guilty of “sexual extortion” if with the purpose to coerce another person to engage in sexual contact, sexual penetration, or simulated sexual contact or penetration, or to produce, provide, or distribute any image, video, or other recording of any individual’s intimate parts or engaged in sexual contact or sexual penetration, the actor communicates in person or by electronic means a threat: (1) to the victim’s person, property, or reputation or (2) to disclose an image or video of the victim engaged in sexual contact, sexual penetration, simulated sexual contact or penetration, or of an individual’s intimate parts.

An actor is also guilty of this crime if the actor knowingly causes a victim to engage in sexual contact, sexual penetration, or simulated sexual contact or penetration, or to produce, provide, or distribute any image, video, or other recording of any individual’s intimate parts or an individual engaged in sexual contact or sexual penetration, by means of a threat: (1) to the victim’s person, property, or reputation or (2) to disclose an image or video of the victim engaged in sexual contact, sexual penetration, simulated sexual contact or penetration, or of an individual’s intimate parts. Sexual extortion would be a crime of the third degree. A third degree crime carries a penalty of three to five years imprisonment, up to a \$15,000 fine, or both.

“Disclose” is defined in the bill to mean to sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise, offer, share, or make available via the Internet or by any other means. “Sexual contact,” “sexual penetration,” and “intimate parts” have the meaning set forth in N.J.S.2C:14-1.

An actor is guilty of aggravated sexual extortion under the bill if he commits an act of sexual extortion on a child under 18 or an adult with a developmental disability. A crime of the second degree is generally punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. “Developmental disability”

has the definition set forth in section 3 of P.L.1977, c.82 (C.30:6D-3).

This bill was prefiled for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO  
**ASSEMBLY, No. 343**

with Senate Floor Amendments  
(Proposed by Senator OROHO)

ADOPTED: FEBRUARY 2, 2023

These floor amendments clarify certain language including the methods of reproducing an image involving sexual contact, sexual penetration, or simulated sexual contact or penetration, or a person's intimate parts. The amendments further clarify that nothing in the bill would preclude or limit a prosecution or conviction for aggravated sexual assault, invasion of privacy or extortion. The amendments also make additional technical and grammatical corrections.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 343**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: FEBRUARY 1, 2023

**SUMMARY**

- Synopsis:** Establishes crime of “sexual extortion”: using explicit sexual images to extort victims.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** The Judiciary; Department of Law and Public Safety; Department of Corrections; Office of the Public Defender; State Parole Board.

**Office of Legislative Services Estimate**

<b>Annual Fiscal Impact</b>	
<b>State Cost Increase</b>	Indeterminate
<b>State Revenue Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) concludes that the bill will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impacts as it is not possible to know how many individuals will be prosecuted, tried, and sentenced for crimes established by the bill.
- The State may receive indeterminate annual revenue from fines and penalties imposed on individuals convicted for the crimes of sexual extortion and aggravated sexual extortion; however, the State’s ability to collect criminal fines and penalties has historically been limited.

**BILL DESCRIPTION**

This bill establishes the crime of sexual extortion and the crime of aggravated sexual extortion, which occurs when a person commits an act of sexual extortion with a child under the age of 18 or an adult with a developmental disability. Under the bill, sexual extortion is a crime of the third degree and aggravated sexual extortion is a crime of the second degree.

## FISCAL ANALYSIS

### *EXECUTIVE BRANCH*

None received.

### *OFFICE OF LEGISLATIVE SERVICES*

The OLS concludes that the bill will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impacts as it is not possible to know how many individuals will be prosecuted, tried, and sentenced for crimes established by the bill.

The following State agencies would incur caseload and expenditure increases under the bill: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional offenders and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections would have to house and care for more individuals sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional convicts.

A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to a \$15,000, or both. However, a crime of the third degree carries a presumption of non-incarceration for first-time offenders. If the victim is a minor or an adult with a disability, the charge would increase to aggravated sexual extortion and will be graded as a crime of the second degree, which is punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both. There is not a presumption of non-incarceration for crimes of the second degree so additional Department of Corrections costs are likely to be generated for individuals found guilty of aggravated sexual extortion. There may also be additional court costs related to cases of aggravated sexual extortion because conviction for a crime of a higher degree could create a reluctance to enter a guilty plea, thereby generating additional court cases.

In an informal estimate provided by the Department of Corrections previously, the average annual cost of housing an inmate in a State correctional facility is \$55,389, with a daily cost of \$151.75. The cost is based on FY 2021 actual expenditures and is an average of all facilities, with an exception of the Special Treatment Unit at Adult Diagnostic and Treatment Center that houses the civilly committed residents.

The State may receive indeterminate annual revenue from fines and penalties imposed on individuals convicted for the crimes of sexual extortion and aggravated sexual extortion; however, the State's ability to collect criminal fines and penalties has historically been limited.

*Section:*            *Judiciary*  
*Analyst:*         *Anuja Pande Joshi*  
                         *Associate Fiscal Analyst*  
*Approved:*      *Thomas Koenig*  
                         *Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 343**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: FEBRUARY 1, 2023

**SUMMARY**

- Synopsis:** Establishes crime of “sexual extortion”: using explicit sexual images to extort victims.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** The Judiciary; Department of Law and Public Safety; Department of Corrections; Office of the Public Defender; State Parole Board.

**Office of Legislative Services Estimate**

<b>Annual Fiscal Impact</b>	
<b>State Cost Increase</b>	Indeterminate
<b>State Revenue Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) concludes that the bill will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impacts as it is not possible to know how many individuals will be prosecuted, tried, and sentenced for crimes established by the bill.
- The State may receive indeterminate annual revenue from fines and penalties imposed on individuals convicted for the crimes of sexual extortion and aggravated sexual extortion; however, the State’s ability to collect criminal fines and penalties has historically been limited.

**BILL DESCRIPTION**

This bill establishes the crime of sexual extortion and the crime of aggravated sexual extortion, which occurs when a person commits an act of sexual extortion with a child under the age of 18 or an adult with a developmental disability. Under the bill, sexual extortion is a crime of the third degree and aggravated sexual extortion is a crime of the second degree.

## FISCAL ANALYSIS

### *EXECUTIVE BRANCH*

None received.

### *OFFICE OF LEGISLATIVE SERVICES*

The OLS concludes that the bill will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impacts as it is not possible to know how many individuals will be prosecuted, tried, and sentenced for crimes established by the bill.

The following State agencies would incur caseload and expenditure increases under the bill: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional offenders and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections would have to house and care for more individuals sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional convicts.

A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to a \$15,000, or both. However, a crime of the third degree carries a presumption of non-incarceration for first-time offenders. If the victim is a minor or an adult with a disability, the charge would increase to aggravated sexual extortion and will be graded as a crime of the second degree, which is punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both. There is not a presumption of non-incarceration for crimes of the second degree so additional Department of Corrections costs are likely to be generated for individuals found guilty of aggravated sexual extortion. There may also be additional court costs related to cases of aggravated sexual extortion because conviction for a crime of a higher degree could create a reluctance to enter a guilty plea, thereby generating additional court cases.

In an informal estimate provided by the Department of Corrections previously, the average annual cost of housing an inmate in a State correctional facility is \$55,389, with a daily cost of \$151.75. The cost is based on FY 2021 actual expenditures and is an average of all facilities, with an exception of the Special Treatment Unit at Adult Diagnostic and Treatment Center that houses the civilly committed residents.

The State may receive indeterminate annual revenue from fines and penalties imposed on individuals convicted for the crimes of sexual extortion and aggravated sexual extortion; however, the State's ability to collect criminal fines and penalties has historically been limited.

*Section:           Judiciary*

*Analyst:          Anuja Pande Joshi*  
*Associate Fiscal Analyst*

*Approved:        Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# SENATE, No. 653

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Senators Stanfield, Pennacchio and Pou**

**SYNOPSIS**

Establishes crime of “sexual extortion”: using explicit sexual images to extort victims.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 3/21/2022)**

1 AN ACT concerning certain criminal sexual activity and  
2 supplementing 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. An actor commits the crime of sexual extortion if:

8 a. with the purpose to coerce another person to engage in  
9 sexual contact, sexual penetration, or simulated sexual contact or  
10 penetration, or to produce, provide, or distribute any image, video,  
11 or other recording of any individual's intimate parts or an individual  
12 engaged in sexual contact or sexual penetration, the actor  
13 communicates in person or by electronic means a threat:

14 (1) to the victim's person, property, or reputation; or

15 (2) to disclose an image or video of the victim engaged in sexual  
16 contact, sexual penetration, simulated sexual contact or penetration,  
17 or of an individual's intimate parts; or

18 b. the actor knowingly causes a victim to engage in sexual  
19 contact, sexual penetration, or simulated sexual contact or  
20 penetration, or to produce, provide, or distribute any image, video,  
21 or other recording of any individual's intimate parts or an individual  
22 engaged in sexual contact or sexual penetration, by means of a  
23 threat:

24 (1) to the victim's person, property, or reputation; or

25 (2) to disclose an image or video of the victim engaged in sexual  
26 contact, sexual penetration, simulated sexual contact or penetration,  
27 or of an individual's intimate parts.

28 Sexual extortion is a crime of the third degree.

29 c. An actor is guilty of aggravated sexual extortion if the actor  
30 commits an act of sexual extortion on a child under the age of 18 or  
31 an adult with a developmental disability.

32 Aggravated sexual extortion is crime of the second degree.

33 For purposes of this section:

34 "Developmental disability" has the definition set forth in section  
35 3 of P.L.1977, c.82 (C.30:6D-3).

36 "Disclose" means sell, manufacture, give, provide, lend, trade,  
37 mail, deliver, transfer, publish, distribute, circulate, disseminate,  
38 present, exhibit, advertise, offer, share, or make available via the  
39 Internet or by any other means.

40 "Intimate parts" has the definition set forth in N.J.S.2C:14-1.

41 "Sexual contact" means sexual contact as defined in  
42 N.J.S.2C:14-1.

43 "Sexual penetration" has the definition set forth in N.J.S.2C:14-

44 1.

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46 2. This act shall take effect immediately.

STATEMENT

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This bill would make it a crime of the third degree to commit the act of “sexual extortion”: using explicit sexual images to extort victims.

Under this bill, an actor is guilty of “sexual extortion” if with the purpose to coerce another person to engage in sexual contact, sexual penetration, or simulated sexual contact or penetration, or to produce, provide, or distribute any image, video, or other recording of any individual’s intimate parts or engaged in sexual contact or sexual penetration, the actor communicates in person or by electronic means a threat: (1) to the victim’s person, property, or reputation or (2) to disclose an image or video of the victim engaged in sexual contact, sexual penetration, simulated sexual contact or penetration, or of an individual’s intimate parts.

An actor is also guilty of this crime if the actor knowingly causes a victim to engage in sexual contact, sexual penetration, or simulated sexual contact or penetration, or to produce, provide, or distribute any image, video, or other recording of any individual’s intimate parts or an individual engaged in sexual contact or sexual penetration, by means of a threat: (1) to the victim’s person, property, or reputation or (2) to disclose an image or video of the victim engaged in sexual contact, sexual penetration, simulated sexual contact or penetration, or of an individual’s intimate parts. Sexual extortion would be a crime of the third degree. A third degree crime carries a penalty of three to five years imprisonment, up to a \$15,000 fine, or both.

“Disclose” is defined in the bill to mean to sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise, offer, share, or make available via the Internet or by any other means. “Sexual contact,” “sexual penetration,” and “intimate parts” have the meaning set forth in N.J.S.2C:14-1.

An actor is guilty of aggravated sexual extortion under the bill if he commits an act of sexual extortion on a child under 18 or an adult with a developmental disability. A crime of the second degree is generally punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. “Developmental disability” has the definition set forth in section 3 of P.L.1977, c.82 (C.30:6D-3).

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE, No. 653

# STATE OF NEW JERSEY

DATED: MARCH 21, 2022

The Senate Judiciary Committee reports favorably Senate Bill No. 653.

This bill would establish the crime of “sexual extortion”: coercing or knowingly causing an individual to engage in sexual activity or supply images of the individual engaged in sexual activity or of the individual’s intimate parts by means of threat.

More specifically, an actor would be guilty of sexual extortion if, with the purpose to coerce or knowingly cause another person to engage in sexual contact, sexual penetration, or simulated sexual contact or penetration, or to produce, provide, or distribute any image, video, or other recording of the person engaged in sexual contact or sexual penetration or of the person’s intimate parts, the actor communicates a threat verbally or by any electronic means: (1) of any type to the person, which could also be a threat to the person’s property or reputation; or (2) specifically to disclose an image or video of the person engaged in actual or simulated sexual contact or penetration, simulated sexual contact or penetration, or of an individual’s intimate parts.

Sexual extortion would be graded as a crime of the third degree. A third degree crime is ordinarily punishable by a term of imprisonment of three to five years, a fine of up to a \$15,000, or both.

An actor would be guilty of aggravated sexual extortion, graded as a crime of the second degree, if the actor committed an act of sexual extortion as described above on a child under 18 years of age or an adult with a developmental disability, as defined under section 3 of P.L.1977, c.82 (C.30:6D-3). A crime of the second degree is ordinarily punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both.

This bill was pre-filed for introduction in the 2022-2023 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 653**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: OCTOBER 31, 2022

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 653, with committee amendments.

As amended and reported by the committee, this bill would establish the crime of “sexual extortion”: coercing or knowingly causing an individual to engage in sexual activity, expose the individual’s intimate parts, or supply images of the individual engaged in sexual activity or of the individual’s intimate parts by means of threat.

More specifically, an actor would be guilty of sexual extortion if, with the purpose to coerce or knowingly cause another person to engage in sexual contact, sexual penetration, or simulated sexual contact or penetration, expose the individual’s intimate parts, or to produce, photograph, film, videotape, record, or otherwise reproduce in any manner any image, video, or other recording of the person engaged in sexual contact or sexual penetration, or simulated sexual contact or sexual penetration, or of the person’s intimate parts, the actor communicates by any means a threat: (1) to the person, property, or reputation of the victim or any other person; or (2) to disclose an image, video, or other recording of the person engaged in actual or simulated sexual contact or penetration, simulated sexual contact or penetration, or of the victim’s or any other person’s intimate parts.

Sexual extortion would be graded as a crime of the third degree. A third degree crime is ordinarily punishable by a term of imprisonment of three to five years, a fine of up to a \$15,000, or both.

An actor would be guilty of aggravated sexual extortion, which would be graded as a crime of the second degree, if the actor committed an act of sexual extortion as described above on a child under 18 years of age or an adult with a developmental disability. A crime of the second degree is ordinarily punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both.

#### COMMITTEE AMENDMENTS:

The committee amendments clarify certain language including the methods of reproducing an image involving sexual contact, sexual penetration, or simulated sexual contact or penetration, or a person’s intimate parts. The amendments further clarify that nothing in the bill

would preclude or limit a prosecution or conviction for aggravated sexual assault, invasion of privacy or extortion. The amendments also make additional technical and grammatical corrections.

FISCAL IMPACT:

The Office of Legislative Services (OLS) concludes that the bill will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impacts as it is not possible to know how many individuals will be prosecuted, tried, and sentenced for crimes established by the bill.

The State may receive indeterminate annual revenue from fines and penalties imposed on individuals convicted for the crimes of sexual extortion and aggravated sexual extortion; however, the State's ability to collect criminal fines and penalties has historically been limited.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 653**  
**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

DATED: MAY 3, 2022

**SUMMARY**

**Synopsis:** Establishes crime of “sexual extortion”: using explicit sexual images to extort victims.

**Type of Impact:** Annual State expenditure and revenue increases.

**Agencies Affected:** The Judiciary; Department of Law and Public Safety; Department of Corrections; Office of the Public Defender; State Parole Board.

**Office of Legislative Services Estimate**

<b>Annual Fiscal Impact</b>	
<b>State Cost Increase</b>	Indeterminate
<b>State Revenue Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) concludes that the bill will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impacts as it is not possible to know how many individuals will be prosecuted, tried, and sentenced for crimes established by the bill.
- The State may receive indeterminate annual revenue from fines and penalties imposed on individuals convicted for the crimes of sexual extortion and aggravated sexual extortion; however, the State’s ability to collect criminal fines and penalties has historically been limited.

**BILL DESCRIPTION**

This bill establishes the crime of sexual extortion and the crime of aggravated sexual extortion, which occurs when a person commits an act of sexual extortion with a child under the age of 18 or an adult with a developmental disability. Under the bill, sexual extortion is a crime of the third degree and aggravated sexual extortion is a crime of the second degree.

**FISCAL ANALYSIS**

***EXECUTIVE BRANCH***

None received.

**OFFICE OF LEGISLATIVE SERVICES**

The OLS concludes that the bill will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impacts as it is not possible to know how many individuals will be prosecuted, tried, and sentenced for crimes established by the bill.

The following State agencies would incur caseload and expenditure increases under the bill: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional offenders and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections would have to house and care for more individuals sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional convicts.

A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to a \$15,000, or both. However, a crime of the third degree carries a presumption of non-incarceration for first-time offenders. If the victim is a minor or an adult with a disability, the charge would increase to aggravated sexual extortion and will be graded as a crime of the second degree, which is punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both. There is not a presumption of non-incarceration for crimes of the second degree so additional Department of Corrections costs are likely to be generated for individuals found guilty of aggravated sexual extortion. There may also be additional court costs related to cases of aggravated sexual extortion because conviction for a crime of a higher degree could create a reluctance to enter a guilty plea, thereby generating additional court cases.

The average annual cost to house an inmate in a State prison facility during FY 2020 totaled \$42,472. However, the OLS notes that because the Department of Corrections is currently experiencing a reduction in the State sentenced prison population, the department should be able to house any additional inmates attributable to the bill within its current institutional facilities at a much lower marginal cost of \$8.87 per day, or \$3,238 annually, per inmate for food, wages, and clothing.

The State may receive indeterminate annual revenue from fines and penalties imposed on individuals convicted for the crimes of sexual extortion and aggravated sexual extortion; however, the State's ability to collect criminal fines and penalties has historically been limited.

*Section:           Judiciary*

*Analyst:         Anuja Pande Joshi*  
*Associate Research Analyst*

*Approved:       Thomas Koenig*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

**SENATE, No. 653**

## **STATE OF NEW JERSEY 220th LEGISLATURE**

DATED: NOVEMBER 10, 2022

### **SUMMARY**

- Synopsis:** Establishes crime of “sexual extortion”: using explicit sexual images to extort victims.
- Type of Impact:** Annual State expenditure and revenue increases.
- Agencies Affected:** The Judiciary; Department of Law and Public Safety; Department of Corrections; Office of the Public Defender; State Parole Board.

#### **Office of Legislative Services Estimate**

<b>Annual Fiscal Impact</b>	
<b>State Cost Increase</b>	Indeterminate
<b>State Revenue Increase</b>	Indeterminate

- The Office of Legislative Services (OLS) concludes that the bill will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impacts as it is not possible to know how many individuals will be prosecuted, tried, and sentenced for crimes established by the bill.
- The State may receive indeterminate annual revenue from fines and penalties imposed on individuals convicted for the crimes of sexual extortion and aggravated sexual extortion; however, the State’s ability to collect criminal fines and penalties has historically been limited.

### **BILL DESCRIPTION**

This bill establishes the crime of sexual extortion and the crime of aggravated sexual extortion, which occurs when a person commits an act of sexual extortion with a child under the age of 18 or an adult with a developmental disability. Under the bill, sexual extortion is a crime of the third degree and aggravated sexual extortion is a crime of the second degree.

## FISCAL ANALYSIS

### *EXECUTIVE BRANCH*

None received.

### *OFFICE OF LEGISLATIVE SERVICES*

The OLS concludes that the bill will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impacts as it is not possible to know how many individuals will be prosecuted, tried, and sentenced for crimes established by the bill.

The following State agencies would incur caseload and expenditure increases under the bill: a) the Department of Law and Public Safety would have to prosecute additional cases; b) the Judiciary would have to adjudicate additional offenders and monitor additional probationers; c) the Office of the Public Defender would have to represent additional low-income criminal defendants; d) the Department of Corrections would have to house and care for more individuals sentenced to prison terms; and e) the State Parole Board would have to supervise the return to society of additional convicts.

A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to a \$15,000, or both. However, a crime of the third degree carries a presumption of non-incarceration for first-time offenders. If the victim is a minor or an adult with a disability, the charge would increase to aggravated sexual extortion and will be graded as a crime of the second degree, which is punishable by a term of imprisonment of five to ten years, a fine of up to \$150,000, or both. There is not a presumption of non-incarceration for crimes of the second degree so additional Department of Corrections costs are likely to be generated for individuals found guilty of aggravated sexual extortion. There may also be additional court costs related to cases of aggravated sexual extortion because conviction for a crime of a higher degree could create a reluctance to enter a guilty plea, thereby generating additional court cases.

The average annual cost to house an inmate in a State prison facility during FY 2020 totaled \$42,472. However, the OLS notes that because the Department of Corrections is currently experiencing a reduction in the State sentenced prison population, the department should be able to house any additional inmates attributable to the bill within its current institutional facilities at a much lower marginal cost of \$8.87 per day, or \$3,238 annually, per inmate for food, wages, and clothing.

The State may receive indeterminate annual revenue from fines and penalties imposed on individuals convicted for the crimes of sexual extortion and aggravated sexual extortion; however, the State's ability to collect criminal fines and penalties has historically been limited.

*Section: Judiciary*

*Analyst: Sheree Henderson  
Section Chief*

*Approved: Thomas Koenig  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# Governor Murphy Signs Bipartisan Legislation Criminalizing Sexual Extortion

05/8/2023

*Establishes Using Explicit Sexual Images to Extort Victims as a Third Degree Crime*

**TRENTON** – Governor Phil Murphy today signed bipartisan legislation (S653/A343) to crack down on acts of sexual extortion, which have been on the rise as the digital age create avenues for bad actors. Specifically, the new law criminalizes the act of coercing another person to engage in sexual contact or provide explicit images or videos under threat, either disclosing an explicit sexual image or video of the victim or to the victim's person, property, or reputation.

"In this digital age, the protections we have in place to safeguard our residents must expand to address threats that arise online," **said Governor Murphy**. "As cases of sexual extortion rise across the country, we will work tirelessly to ensure that New Jersey's residents are not exploited or victimized. This legislation will modernize our laws by bolstering protection for victims of sexual extortion and allowing for harsher penalties to hold perpetrators of these crimes accountable."

"I thank Governor Murphy and the New Jersey Legislature for taking steps to strengthen the tools we have to protect those most vulnerable to victimization – especially our children and developmentally disabled New Jerseyans. These groups and others are at risk of being blackmailed into engaging in sexual acts or exposing intimate images to predators, and this legislation allows law enforcement to hold the perpetrators criminally accountable," **said Attorney General Matthew J. Platkin**. "This bill serves as a strong warning to anyone who wants to exploit members of our community through this criminal conduct."

"Disclose" is defined in the bill as to sell, manufacture, give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, disseminate, present, exhibit, advertise, offer, share, or make available via the Internet or by any other means, an explicit image or video of a victim.

Under this legislation, sexual extortion is a crime of the third degree. A third degree crime carries a penalty of three to five years imprisonment, up to a \$15,000 fine, or both. Aggravated sexual extortion, under the bill, includes the act of sexual extortion on a child under 18 or an adult with a developmental disability. A crime of the second degree is generally punished by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both.

Primary sponsors of S653/A343 include Senators Steve Oroho and Fred H. Madden Jr., and Assemblymembers Aura Dunn, Angelica Jimenez, and Carol Murphy.

"I appreciate the governor signing this legislation that will protect victims of sexual extortion by holding the perpetrators of these horrendous acts accountable," **said Senator Steve Oroho**. "With the enactment of this law, we will now be able to identify, convict, and punish the criminals who engage in this despicable behavior. This law upholds our commitment as legislators to ensure that justice will be served for the victims of this heinous abuse."

"Victims of sexual extortion deserve to know they are not alone and justice will be served in New Jersey," **said Assemblywoman Aura Dunn**. "This law recognizes that crimes have evolved in the digital age and gives prosecutors the necessary tools to punish predators who exploit, scam and shame our most vulnerable populations. Sexual extortion is a growing threat and addressing it legislatively is a promise to our communities that we as public servants are committed to stopping these horrible crimes."

"The crime of sexual extortion is cruel and inhumane. It is a grievous form of exploitation and harassment, especially with the prevalence of social media," **said Senator Fred H. Madden Jr.** "This law is a vital step in addressing and combatting this growing epidemic. It provides law enforcement with the tools necessary to properly identify and prosecute this crime."

"Sexual extortion, or sextortion, is a growing form of exploitation that targets our most vulnerable and can have a lasting negative impact on victims," **said Assemblywoman Angelica Jimenez**. "We cannot allow these crimes to go under-punished. This law will ensure perpetrators of heinous sextortion crimes are punished appropriately for the negative physical, mental health, economic, and reputational consequences their actions have on their victims."

"Sexual exploitation is a despicable crime. Unfortunately, the FBI notes that it is on the rise across the country. Here in New Jersey, we must take action to safeguard our residents by establishing harsh penalties to deter these crimes and bring perpetrators to justice," **said Assemblywoman Carol Murphy**. "No one deserves to be exploited and victimized in this manner. That is why I am proud to sponsor legislation to protect our communities. This new policy expands the scope of existing law and empowers prosecutors to hold the perpetrators of sextortion crimes accountable for their actions."