

2C:33-4.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2013 **CHAPTER:** 272
NJSA: 2C:33-4.1 (Creates crime of cyber-harassment)
BILL NO: A3785 (Substituted for S2469)
SPONSOR(S) Quijano and others
DATE INTRODUCED: February 7, 2013
COMMITTEE: **ASSEMBLY:** Budget
 SENATE: ---
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** January 13, 2014
 SENATE: January 13, 2014
DATE OF APPROVAL: January 17, 2014

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) A3785	Yes	
SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill)	Yes	
COMMITTEE STATEMENT:	ASSEMBLY:	Yes Budget
	SENATE:	No

(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)

FLOOR AMENDMENT STATEMENT:	No	
LEGISLATIVE FISCAL ESTIMATE:	Yes	12-5-13 1-16-14

S2469

SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill)	Yes	
COMMITTEE STATEMENT:	ASSEMBLY:	No
	SENATE:	Yes Law and Public Budget and Approp.
FLOOR AMENDMENT STATEMENT:	No	
LEGISLATIVE FISCAL ESTIMATE:	Yes	12-5-13 12-12-13

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

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

"Christie Approves 100 bills," The Record, 1-22-14.

"Trio of crime bill is signed into law," CourierPostOnline.com, 1-23-14.

LAW/RWH

P.L.2013, CHAPTER 272, *approved January 17, 2014*
Assembly, No. 3785 (*First Reprint*)

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) ¹knowingly¹ sends, posts, comments, requests, suggests, or
14 proposes any lewd, indecent, or obscene material to or about a
15 person with the intent to emotionally harm a reasonable person or
16 place a reasonable person in fear of physical or emotional harm to
17 his person¹; or

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

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

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

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

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

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

36

37 2. This act shall take effect immediately.

38

39

40

41 Creates crime of cyber-harassment.

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:

¹Assembly ABU committee amendments adopted January 9, 2014.

ASSEMBLY, No. 3785

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED FEBRUARY 7, 2013

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman CHARLES MAINOR

District 31 (Hudson)

Assemblywoman CONNIE WAGNER

District 38 (Bergen and Passaic)

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Assemblyman BENJIE E. WIMBERLY

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.

33

34 2. This act shall take effect immediately.

35

36

37

STATEMENT

38

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

A3785 QUIJANO, MAINOR

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.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 3785
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: DECEMBER 5, 2013

SUMMARY

Synopsis: Creates crime of cyber-harassment.

Type of Impact: General Fund expenditure.

Agencies Affected: Judiciary, Department of Corrections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		

- The Office of Legislative Services **agrees** with the Administrative Office of the Courts’ and Department of Corrections’ informal responses that because the offense enumerated under the bill is a new offense there is no information available with which to determine the number of individuals who would be convicted and incarcerated. As a result estimating the fiscal impact of the bill is not possible.
- There is a presumption of non-incarceration for first time offenders convicted of third and fourth degree crimes.

BILL DESCRIPTION

Assembly Bill No. 3785 of 2013 creates the crime of cyber-harassment. The bill provides that a person commits the crime of cyber-harassment if, while online using any electronic device or using a social networking site and with the purpose to harass another, that person: 1) threatens to injure or harm a person or that person’s property; 2) sends or posts any lewd, indecent or obscene material to or about a person; or 3) threatens to commit a crime against a person or his or her property.

The bill provides that cyber-harassment is a crime of the fourth degree, which is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. However, if the offender is over age 21 at the time of the offense and impersonates a minor for the purpose of cyber-



harassing a minor, cyber-harassment is a crime of the third degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

If a minor under age 16 is adjudicated delinquent for cyber-harassment, the court may order as a condition of the sentence that the minor, accompanied by his or her 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.

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

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Corrections and Judiciary

Information provided informally from the Department of Corrections and Administrative Office of the Courts indicates that because the offense enumerated under the bill is a new offense there is no information available with which to determine the number of individuals who would be convicted and incarcerated. As a result estimating the fiscal impact of the bill is not possible.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services agrees with the Executive estimates and adds that there is a presumption of non-incarceration for first time offenders convicted of third and fourth degree crimes.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

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

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3785

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 9, 2014

The Assembly Budget Committee reports favorably Assembly Bill No. 3785, with committee amendments.

As amended, the bill makes cyber-harassment a crime.

The bill provides that a person commits the crime of cyber-harassment if, while online using any electronic device or using a social networking site and with the purpose to harass another, that person:

- threatens to injure or harm a person or that person's property;
- knowingly sends, posts, comments, requests, suggests, or proposes 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
- threatens to commit a crime against a person or his or her property.

The bill provides that cyber-harassment is a crime of the fourth degree, which is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. However, if the offender is 21 years of age or older at the time of the offense and impersonates a minor for the purpose of cyber-harassing a minor, the bill provides that cyber-harassment is a crime of the third degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

The bill provides that 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 his or her parent or guardian, complete, in a satisfactory manner, one or both of the following:

- a class or training program intended to reduce the tendency toward cyber-harassment behavior; or
- a class or training program intended to bring awareness to the dangers associated with cyber-harassment.

The bill provides that a parent or guardian who fails to accompany his or her child to the class or training program is guilty of a disorderly

persons offense and will be fined up to \$25 for a first offense and up to \$100 for each subsequent offense.

The bill takes effect immediately upon enactment.

As amended and reported, this bill is identical to Senate Bill No. 2469 (1R).

FISCAL IMPACT:

The Department of Corrections and the Administrative Office of the Courts have indicated informally that the fiscal impact of this bill cannot be determined. There is no information available that permits the department or the office to determine the number of individuals who will be convicted of the new crime and incarcerated in fiscal years following enactment of the bill.

The Office of Legislative Services generally agrees that insufficient information exists to determine the fiscal impact of the bill, but notes there is a presumption of non-incarceration for first time offenders convicted of third and fourth degree crimes.

COMMITTEE AMENDMENTS:

The amendments clarify that to commit the crime of cyber-harassment involving the transmission of lewd, indecent, or obscene material the act must occur knowingly and with the intent to emotionally harm a reasonable person or place a reasonable person in fear of physical or emotional harm.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3785

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: JANUARY 16, 2014

SUMMARY

- Synopsis:** Creates crime of cyber-harassment.
- Type of Impact:** General Fund expenditure.
- Agencies Affected:** Judiciary, Department of Corrections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		

- The Office of Legislative Services **agrees** with the Administrative Office of the Courts' and Department of Corrections' informal responses that because the offense enumerated under the bill is a new offense there is no information available with which to determine the number of individuals who would be convicted and incarcerated. As a result estimating the fiscal impact of the bill is not possible.
- There is a presumption of non-incarceration for first time offenders convicted of third and fourth degree crimes.

BILL DESCRIPTION

Assembly Bill No. 3785 (1R) of 2013 creates the crime of cyber-harassment. The bill provides that a person commits the crime of cyber-harassment if, while online using any electronic device or using a social networking site and with the purpose to harass another, that person: 1) threatens to injure or harm a person or that person's property; 2) knowingly sends, posts, comments, requests, suggests, or proposes 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 a crime against a person or his or her property.

The bill provides that cyber-harassment is a crime of the fourth degree, which is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. However, if the offender is over age 21 at the time of the offense and impersonates a minor for the purpose of cyber-harassing a minor, cyber-harassment is a crime of the third degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

If a minor under age 16 is adjudicated delinquent for cyber-harassment, the court may order as a condition of the sentence that the minor, accompanied by his or her 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.

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

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Corrections and Judiciary

Information provided informally from the Department of Corrections and Administrative Office of the Courts indicates that because the offense enumerated under the bill is a new offense there is no information available with which to determine the number of individuals who would be convicted and incarcerated. As a result estimating the fiscal impact of the bill is not possible.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services agrees with the Executive estimates and adds that there is a presumption of non-incarceration for first time offenders convicted of third and fourth degree crimes.

Section: Judiciary

Analyst: Anne Raughley
Principal Fiscal Analyst

Approved: David J. Rosen
Legislative Budget and Finance Officer

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

SENATE, No. 2469

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JANUARY 14, 2013

Sponsored by:

Senator DONALD NORCROSS
District 5 (Camden and Gloucester)
Senator NICHOLAS J. SACCO
District 32 (Bergen and Hudson)

Co-Sponsored by:

Senators Gordon and A.R.Bucco

SYNOPSIS

Creates crime of cyber-harassment.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/21/2013)

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 the
28 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.

33

34 2. This act shall take effect immediately.

35

36

37

STATEMENT

38

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

S2469 NORCROSS, SACCO

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.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2469

STATE OF NEW JERSEY

DATED: JUNE 6, 2013

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2469.

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

The bill provides that cyber-harassment is a crime of the fourth degree, which is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. However, if the offender is over age 21 at the time of the offense and impersonates a minor for the purpose of cyber-harassing a minor, cyber-harassment is a crime of the third degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

If a minor under age 16 is adjudicated delinquent for cyber-harassment, the court may order as a condition of the sentence that the minor, accompanied by his or her 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.

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

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2469

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2013

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2469, with committee amendments.

The bill creates the crime of cyber-harassment. The bill provides that a person commits the crime of cyber-harassment if, while online using any electronic device or using a social networking site and with the purpose to harass another, that person: 1) threatens to injure or harm a person or that person's property; 2) knowingly sends, posts, comments, requests, suggests, or proposes 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 a crime against a person or his or her property.

The bill provides that cyber-harassment is a crime of the fourth degree, which is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. However, if the offender is over age 21 at the time of the offense and impersonates a minor for the purpose of cyber-harassing a minor, cyber-harassment is a crime of the third degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

If a minor under age 16 is adjudicated delinquent for cyber-harassment, the court may order as a condition of the sentence that the minor, accompanied by his or her 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.

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

COMMITTEE AMENDMENT:

The committee amendment clarifies that, in order to commit the crime of cyber-harassment, the offender must knowingly send or post 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.

FISCAL IMPACT:

Information provided informally from the Department of Corrections and Administrative Office of the Courts indicates that because this is a new offense there is no information available with which to determine the number of individuals who would be convicted and incarcerated. As a result estimating the fiscal impact of the bill is not possible.

The Office of Legislative Services concurs and further notes that there is a presumption of non-incarceration for first time offenders convicted of third and fourth degree crimes.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2469
STATE OF NEW JERSEY
215th LEGISLATURE

DATED: DECEMBER 5, 2013

SUMMARY

Synopsis: Creates crime of cyber-harassment.

Type of Impact: General Fund expenditure.

Agencies Affected: Judiciary, Department of Corrections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		

- The Office of Legislative Services **agrees** with the Administrative Office of the Courts’ and Department of Corrections’ informal responses that because the offense enumerated under the bill is a new offense there is no information available with which to determine the number of individuals who would be convicted and incarcerated. As a result estimating the fiscal impact of the bill is not possible.
- There is a presumption of non-incarceration for first time offenders convicted of third and fourth degree crimes.

BILL DESCRIPTION

Senate Bill No. 2469 of 2013 creates the crime of cyber-harassment. The bill provides that a person commits the crime of cyber-harassment if, while online using any electronic device or using a social networking site and with the purpose to harass another, that person: 1) threatens to injure or harm a person or that person’s property; 2) sends or posts any lewd, indecent or obscene material to or about a person; or 3) threatens to commit a crime against a person or his or her property.

The bill provides that cyber-harassment is a crime of the fourth degree, which is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. However, if the offender is over age 21 at the time of the offense and impersonates a minor for the purpose of cyber-



harassing a minor, cyber-harassment is a crime of the third degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

If a minor under age 16 is adjudicated delinquent for cyber-harassment, the court may order as a condition of the sentence that the minor, accompanied by his or her 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.

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

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Corrections and Judiciary

Information provided informally from the Department of Corrections and Administrative Office of the Courts indicates that because the offense enumerated under the bill is a new offense there is no information available with which to determine the number of individuals who would be convicted and incarcerated. As a result estimating the fiscal impact of the bill is not possible.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services agrees with the Executive estimates and adds that there is a presumption of non-incarceration for first time offenders convicted of third and fourth degree crimes.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

*Approved: David J. Rosen
Legislative Budget and Finance Officer*

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. 2469

STATE OF NEW JERSEY 215th LEGISLATURE

DATED: DECEMBER 12, 2013

SUMMARY

- Synopsis:** Creates crime of cyber-harassment.
- Type of Impact:** General Fund expenditure.
- Agencies Affected:** Judiciary, Department of Corrections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Indeterminate – See comments below		

- The Office of Legislative Services **agrees** with the Administrative Office of the Courts' and Department of Corrections' informal responses that because the offense enumerated under the bill is a new offense there is no information available with which to determine the number of individuals who would be convicted and incarcerated. As a result estimating the fiscal impact of the bill is not possible.
- There is a presumption of non-incarceration for first time offenders convicted of third and fourth degree crimes.

BILL DESCRIPTION

Senate Bill No. 2469 (1R) of 2013 creates the crime of cyber-harassment. The bill provides that a person commits the crime of cyber-harassment if, while online using any electronic device or using a social networking site and with the purpose to harass another, that person: 1) threatens to injure or harm a person or that person's property; 2) knowingly sends, posts, comments, requests, suggests, or proposes 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 a crime against a person or his or her property.

The bill provides that cyber-harassment is a crime of the fourth degree, which is punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. However, if the offender is over age 21 at the time of the offense and impersonates a minor for the purpose of cyber-harassing a minor, cyber-harassment is a crime of the third degree. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both.

If a minor under age 16 is adjudicated delinquent for cyber-harassment, the court may order as a condition of the sentence that the minor, accompanied by his or her 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.

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

FISCAL ANALYSIS

EXECUTIVE BRANCH

Department of Corrections and Judiciary

Information provided informally from the Department of Corrections and Administrative Office of the Courts indicates that because the offense enumerated under the bill is a new offense there is no information available with which to determine the number of individuals who would be convicted and incarcerated. As a result estimating the fiscal impact of the bill is not possible.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services agrees with the Executive estimates and adds that there is a presumption of non-incarceration for first time offenders convicted of third and fourth degree crimes.

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