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RWH/CL

P.L.2016, CHAPTER 77, *approved December 5, 2016*  
Assembly, No. 1946

1 **AN ACT** concerning domestic violence and amending P.L.1991,  
2 c.261.

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

6  
7 1. Section 3 of P.L.1991, c.261 (C.2C:25-19) is amended to  
8 read as follows:

9 3. As used in this act:

10 a. "Domestic violence" means the occurrence of one or more of  
11 the following acts inflicted upon a person protected under this act  
12 by an adult or an emancipated minor:

- 13 (1) Homicide N.J.S.2C:11-1 et seq.
- 14 (2) Assault N.J.S.2C:12-1
- 15 (3) Terroristic threats N.J.S.2C:12-3
- 16 (4) Kidnapping N.J.S.2C:13-1
- 17 (5) Criminal restraint N.J.S.2C:13-2
- 18 (6) False imprisonment N.J.S.2C:13-3
- 19 (7) Sexual assault N.J.S.2C:14-2
- 20 (8) Criminal sexual contact N.J.S.2C:14-3
- 21 (9) Lewdness N.J.S.2C:14-4
- 22 (10) Criminal mischief N.J.S.2C:17-3
- 23 (11) Burglary N.J.S.2C:18-2
- 24 (12) Criminal trespass N.J.S.2C:18-3
- 25 (13) Harassment N.J.S.2C:33-4
- 26 (14) Stalking P.L.1992, c.209 (C.2C:12-10)
- 27 (15) Criminal coercion N.J.S.2C:13-5
- 28 (16) Robbery N.J.S.2C:15-1
- 29 (17) Contempt of a domestic violence order pursuant to  
30 subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly  
31 persons offense
- 32 (18) Any other crime involving risk of death or serious bodily  
33 injury to a person protected under the "Prevention of Domestic  
34 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.)
- 35 (19) Cyber-harassment P.L.2013, c.272 (C.2C:33-4.1)

36 When one or more of these acts is inflicted by an unemancipated  
37 minor upon a person protected under this act, the occurrence shall  
38 not constitute "domestic violence," but may be the basis for the  
39 filing of a petition or complaint pursuant to the provisions of  
40 section 11 of P.L.1982, c.77 (C.2A:4A-30).

41 b. "Law enforcement agency" means a department, division,  
42 bureau, commission, board or other authority of the State or of any

**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 political subdivision thereof which employs law enforcement  
2 officers.

3 c. "Law enforcement officer" means a person whose public  
4 duties include the power to act as an officer for the detection,  
5 apprehension, arrest and conviction of offenders against the laws of  
6 this State.

7 d. "Victim of domestic violence" means a person protected  
8 under this act and shall include any person who is 18 years of age or  
9 older or who is an emancipated minor and who has been subjected  
10 to domestic violence by a spouse, former spouse, or any other  
11 person who is a present household member or was at any time a  
12 household member. "Victim of domestic violence" also includes  
13 any person, regardless of age, who has been subjected to domestic  
14 violence by a person with whom the victim has a child in common,  
15 or with whom the victim anticipates having a child in common, if  
16 one of the parties is pregnant. "Victim of domestic violence" also  
17 includes any person who has been subjected to domestic violence  
18 by a person with whom the victim has had a dating relationship.

19 e. "Emancipated minor" means a person who is under 18 years  
20 of age but who has been married, has entered military service, has a  
21 child or is pregnant or has been previously declared by a court or an  
22 administrative agency to be emancipated.

23 (cf: P.L 2015, c.98, s.2)

24

25 2. This act shall take effect immediately.

26

27

28

29

30 \_\_\_\_\_  
Adds cyber-harassment to the domestic violence statutes.

**ASSEMBLY, No. 1946**

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**STATE OF NEW JERSEY**

**217th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Assemblywoman PAMELA R. LAMPITT**

**District 6 (Burlington and Camden)**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

**Assemblyman DANIEL R. BENSON**

**District 14 (Mercer and Middlesex)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman GABRIELA M. MOSQUERA**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblyman Wimberly, Assemblywomen Spencer, Pintor Marin,  
Jimenez and Assemblyman Gusciora**

**SYNOPSIS**

Adds cyber-harassment to the domestic violence statutes.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning domestic violence and amending P.L.1991,  
2 c.261.

3

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

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7 1. Section 3 of P.L.1991, c.261 (C.2C:25-19) is amended to  
8 read as follows:

9 3. As used in this act:

10 a. "Domestic violence" means the occurrence of one or more of  
11 the following acts inflicted upon a person protected under this act  
12 by an adult or an emancipated minor:

13 (1) Homicide N.J.S.2C:11-1 et seq.

14 (2) Assault N.J.S.2C:12-1

15 (3) Terroristic threats N.J.S.2C:12-3

16 (4) Kidnapping N.J.S.2C:13-1

17 (5) Criminal restraint N.J.S.2C:13-2

18 (6) False imprisonment N.J.S.2C:13-3

19 (7) Sexual assault N.J.S.2C:14-2

20 (8) Criminal sexual contact N.J.S.2C:14-3

21 (9) Lewdness N.J.S.2C:14-4

22 (10) Criminal mischief N.J.S.2C:17-3

23 (11) Burglary N.J.S.2C:18-2

24 (12) Criminal trespass N.J.S.2C:18-3

25 (13) Harassment N.J.S.2C:33-4

26 (14) Stalking P.L.1992, c.209 (C.2C:12-10)

27 (15) Cyber-harassment P.L.2013, c.272 (C.2C:33-4.1)

28 When one or more of these acts is inflicted by an unemancipated  
29 minor upon a person protected under this act, the occurrence shall  
30 not constitute "domestic violence," but may be the basis for the  
31 filing of a petition or complaint pursuant to the provisions of  
32 section 11 of P.L.1982, c.77 (C.2A:4A-30).

33 b. "Law enforcement agency" means a department, division,  
34 bureau, commission, board or other authority of the State or of any  
35 political subdivision thereof which employs law enforcement  
36 officers.

37 c. "Law enforcement officer" means a person whose public  
38 duties include the power to act as an officer for the detection,  
39 apprehension, arrest and conviction of offenders against the laws of  
40 this State.

41 d. "Victim of domestic violence" means a person protected  
42 under this act and shall include any person who is 18 years of age or  
43 older or who is an emancipated minor and who has been subjected  
44 to domestic violence by a spouse, former spouse, or any other  
45 person who is a present or former household member. "Victim 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.

1 domestic violence" also includes any person, regardless of age, who  
2 has been subjected to domestic violence by a person with whom the  
3 victim has a child in common, or with whom the victim anticipates  
4 having a child in common, if one of the parties is pregnant. "Victim  
5 of domestic violence" also includes any person who has been  
6 subjected to domestic violence by a person with whom the victim  
7 has had a dating relationship.

8 e. "Emancipated minor" means a person who is under 18 years  
9 of age but who has been married, has entered military service, has a  
10 child or is pregnant or has been previously declared by a court or an  
11 administrative agency to be emancipated.  
12 (cf: P.L.1994, c.94, s.1)

13

14 2. This act shall take effect immediately.

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16

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#### STATEMENT

18

19 This bill would allow temporary and permanent restraining  
20 orders under the "Prevention of Domestic Violence Act of 1991,"  
21 P.L.1991, c.261 (C.2C:25-17 et seq.) on grounds that the person  
22 seeking the order is a victim of cyber-harassment.

23 Currently, the "Prevention of Domestic Violence Act of 1991"  
24 provides that any of 14 predicate offenses, if inflicted by an adult or  
25 an emancipated minor upon a person protected under the act,  
26 constitute domestic violence. This bill would add cyber-harassment  
27 as a 15<sup>th</sup> predicate offense.

28 The crime of cyber-harassment was enacted by P.L.2013, c.272  
29 (C.2C:33-4.1). A person is guilty of cyber-harassment if, while  
30 making a communication in an online capacity via any electronic  
31 device or through a social networking site and with the purpose to  
32 harass another, the person: threatens to inflict injury or physical  
33 harm to any person or the property of any person; knowingly sends,  
34 posts, comments, requests, suggests, or proposes any lewd,  
35 indecent, or obscene material to or about a person with the intent to  
36 emotionally harm a reasonable person or place a reasonable person  
37 in fear of physical or emotional harm to his person; or threatens to  
38 commit any crime against the person or the person's property.

39 Cyber-harassment is a crime of the fourth degree, punishable by  
40 up to 18 months imprisonment, a fine of up to \$10,000, or both. If  
41 the perpetrator is 21 years of age or older at the time of the offense  
42 and impersonates a minor for the purpose of cyber-harassing a  
43 minor, it is a crime of the third degree. A crime of the third degree  
44 is punishable by three to five years imprisonment, a fine of up to  
45 \$15,000, or both.

**FISCAL NOTE**  
**ASSEMBLY, No. 1946**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

DATED: FEBRUARY 25, 2016

**SUMMARY**

**Synopsis:** Adds cyber-harassment to the domestic violence statutes.

**Type of Impact:** General Fund expenditure.

**Agencies Affected:** Judiciary.

**Executive Estimate**

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

- The Office of Legislative Services (OLS) **concurs** with the Judiciary estimate.
- The Administrative Office of the Courts (AOC) states that according to data collected from the Judiciary’s automated criminal case management system, PROMIS GAVEL, there have been no convictions for the crime of cyber-harassment for the period from January 17, 2014 through December 31, 2014. As a result, the Judiciary cannot determine how many additional court hearings would be required to address the temporary or permanent restraining orders provided for under the proposed bill and is unable to estimate the fiscal impact of the bill.
- The bill would allow temporary and permanent restraining orders under the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et seq.) on grounds that the person seeking the order is a victim of cyber-harassment.

**BILL DESCRIPTION**

Assembly Bill No. 1946 of 2016 would allow temporary and permanent restraining orders under the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et seq.) on grounds that the person seeking the order is a victim of cyber-harassment.

Currently, the “Prevention of Domestic Violence Act of 1991” provides that any of 18 predicate offenses, if inflicted by an adult or an emancipated minor upon a person protected under the act, constitute domestic violence. This bill would add cyber-harassment as a 19th predicate offense.



The crime of cyber-harassment was enacted by P.L.2013, c.272 (C.2C:33-4.1). A person is guilty of cyber-harassment if, while making a communication in an online capacity via any electronic device or through a social networking site and with the purpose to harass another, the person: threatens to inflict injury or physical harm to any person or the property of any person; knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about a person with the intent to emotionally harm a reasonable person or place a reasonable person in fear of physical or emotional harm or threatens to commit any crime against the person or the person's property.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

#### **Administrative Office of the Courts**

The AOC states that The New Jersey law which made cyber-harassment a crime went into effect on January 17, 2014. According to data collected from the Judiciary's automated Criminal case management system, PROMIS GAVEL, there have been no convictions for the crime of cyber-harassment for the period from January 17, 2014 through December 31, 2014.

As a result, the Judiciary cannot determine how many additional court hearings would be required to address the temporary or permanent restraining orders provided for under the proposed bill and is unable to estimate the fiscal impact of the bill.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concurs with the Judiciary estimate.

*Section: Judiciary*

*Analyst: Raughley, Anne C.  
Principal Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

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

# ASSEMBLY WOMEN AND CHILDREN COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1946

# STATE OF NEW JERSEY

DATED: FEBRUARY 8, 2016

The Assembly Women and Children Committee reports favorably on Assembly Bill No. 1946.

This bill would allow temporary and permanent restraining orders under the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et seq.) on grounds that the person seeking the order is a victim of cyber-harassment.

Currently, the “Prevention of Domestic Violence Act of 1991” provides that any of 18 predicate offenses, if inflicted by an adult or an emancipated minor upon a person protected under the act, constitute domestic violence. This bill would add cyber-harassment as a 19th predicate offense.

The crime of cyber-harassment was enacted by P.L.2013, c.272 (C.2C:33-4.1). A person is guilty of cyber-harassment if, while making a communication in an online capacity via any electronic device or through a social networking site and with the purpose to harass another, the person: threatens to inflict injury or physical harm to any person or the property of any person; knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about a person with the intent to emotionally harm a reasonable person or place a reasonable person in fear of physical or emotional harm to his person; or threatens to commit any crime against the person or the person's property.

Cyber-harassment is a crime of the fourth degree, punishable by up to 18 months imprisonment, a fine of up to \$10,000, or both. If the perpetrator 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, it 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.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1946**

**STATE OF NEW JERSEY**

DATED: MARCH 10, 2016

The Senate Judiciary Committee reports favorably Assembly Bill No. 1946.

This bill would add acts of cyber-harassment to the list of abusive acts that constitute domestic violence under the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et al.). Under the bill, a victim subjected to such acts would be able to seek protective orders and take other actions, as well as receive additional judicial and law enforcement assistance under the “Prevention of Domestic Violence Act of 1991.”

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

- threatens to inflict injury or physical harm to, or otherwise commit any crime against, another person or the person’s property; or
- knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about the person with the intent to harm the person. See P.L.2013, c.272 (C.2C:33-4.1).

This bill, as reported by the committee, is identical to Senate Bill No. 1257, also reported today by the committee.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 1946

# STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 2016

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1946.

This bill would add acts of cyber-harassment to the list of abusive acts that constitute domestic violence under the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et al.). Under the bill, a victim subjected to such acts would be able to seek protective orders and take other actions, as well as receive additional judicial and law enforcement assistance under the “Prevention of Domestic Violence Act of 1991.”

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

- threatens to inflict injury or physical harm to, or otherwise commit any crime against, another person or the person’s property; or
- knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about the person with the intent to harm the person. See P.L.2013, c.272 (C.2C:33-4.1).

As reported, this bill is identical to Senate Bill No. 1257, as also reported by the committee.

#### FISCAL IMPACT:

In the Fiscal Note for this bill, the Office of Legislative Services notes that the crime of cyber-harassment was established effective January 17, 2014, and that according to data collected from the Judiciary’s automated Criminal case management system, PROMIS GAVEL, there were no convictions during calendar year 2014.

As a result, the Judiciary could not ascertain number of additional court hearings that would be required to address the temporary or permanent restraining orders provided for under this bill for cyber-harassment and is unable to estimate the fiscal impact of the bill.

# SENATE, No. 1257

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator DIANE B. ALLEN**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Senators Beach, Beck, Gordon, Greenstein, Pou and Stack**

**SYNOPSIS**

Adds cyber-harassment to the domestic violence statutes.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/21/2016)**

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2 c.261.

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21 (9) Lewdness N.J.S.2C:14-4

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25 (13) Harassment N.J.S.2C:33-4

26 (14) Stalking P.L.1992, c.209 (C.2C:12-10)

27 (15) Criminal coercion N.J.S.2C:13-5

28 (16) Robbery N.J.S.2C:15-1

29 (17) Contempt of a domestic violence order pursuant to  
30 subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly  
31 persons offense

32 (18) Any other crime involving risk of death or serious bodily  
33 injury to a person protected under the "Prevention of Domestic  
34 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.)

35 (19) Cyber-harassment P.L.2013, c.272 (C.2C:33-4.1)

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39 filing of a petition or complaint pursuant to the provisions of  
40 section 11 of P.L.1982, c.77 (C.2A:4A-30).

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46 duties include the power to act as an officer for the detection,

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**Matter underlined thus is new matter.**

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5 older or who is an emancipated minor and who has been subjected  
6 to domestic violence by a spouse, former spouse, or any other  
7 person who is a present household member or was at any time a  
8 household member. "Victim of domestic violence" also includes  
9 any person, regardless of age, who has been subjected to domestic  
10 violence by a person with whom the victim has a child in common,  
11 or with whom the victim anticipates having a child in common, if  
12 one of the parties is pregnant. "Victim of domestic violence" also  
13 includes any person who has been subjected to domestic violence  
14 by a person with whom the victim has had a dating relationship.

15 e. "Emancipated minor" means a person who is under 18 years  
16 of age but who has been married, has entered military service, has a  
17 child or is pregnant or has been previously declared by a court or an  
18 administrative agency to be emancipated.

19 (cf: P.L.2015, c.98, s.12)

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21 2. This act shall take effect immediately.

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#### STATEMENT

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26 This bill would allow temporary and permanent restraining  
27 orders under the "Prevention of Domestic Violence Act of 1991,"  
28 P.L.1991, c.261 (C.2C:25-17 et seq.) on grounds that the person  
29 seeking the order is a victim of cyber-harassment.

30 Currently, the "Prevention of Domestic Violence Act of 1991"  
31 provides that any of the following 18 predicate offenses, if inflicted  
32 by an adult or an emancipated minor upon a person protected under  
33 the act, constitute domestic violence:

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4 persons offense

5 (18) Any other crime involving risk of death or serious bodily  
6 injury to a person protected under the "Prevention of Domestic  
7 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.)

8 This bill would add cyber-harassment as a 19<sup>th</sup> predicate offense  
9 in this list.

10 The crime of cyber-harassment was enacted by P.L.2013,  
11 c.272 (C.2C:33-4.1). A person is guilty of cyber-harassment if,  
12 while making a communication in an online capacity via any  
13 electronic device or through a social networking site and with the  
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16 the property of any person;

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18 proposes any lewd, indecent, or obscene material to or about a  
19 person with the intent to emotionally harm a reasonable person or  
20 place a reasonable person in fear of physical or emotional harm to  
21 his person; or

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

24 Cyber-harassment is a crime of the fourth degree, unless the  
25 person is 21 years of age or older at the time of the offense and  
26 impersonates a minor for the purpose of cyber-harassing a minor, in  
27 which case it is a crime of the third degree. A crime of the fourth  
28 degree is generally punishable by a term of imprisonment of up to  
29 18 months or a fine up to \$10,000, or both; a crime of the third  
30 degree, by a term of three to five years or a fine up to \$15,000, or  
31 both.



**FISCAL NOTE**  
**SENATE, No. 1257**  
**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

DATED: FEBRUARY 25, 2016

**SUMMARY**

**Synopsis:** Adds cyber-harassment to the domestic violence statutes.

**Type of Impact:** General Fund expenditure.

**Agencies Affected:** Judiciary.

**Executive Estimate**

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

- The Office of Legislative Services (OLS) **concurs** with the Judiciary estimate.
- The Administrative Office of the Courts (AOC) states that according to data collected from the Judiciary’s automated criminal case management system, PROMIS GAVEL, there have been no convictions for the crime of cyber-harassment for the period from January 17, 2014 through December 31, 2014. As a result, the Judiciary cannot determine how many additional court hearings would be required to address the temporary or permanent restraining orders provided for under the proposed bill and is unable to estimate the fiscal impact of the bill.
- The bill would allow temporary and permanent restraining orders under the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et seq.) on grounds that the person seeking the order is a victim of cyber-harassment.

**BILL DESCRIPTION**

Senate Bill No. 1257 of 2016 would allow temporary and permanent restraining orders under the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et seq.) on grounds that the person seeking the order is a victim of cyber-harassment.

Currently, the “Prevention of Domestic Violence Act of 1991” provides that any of 18 predicate offenses, if inflicted by an adult or an emancipated minor upon a person protected under the act, constitute domestic violence. This bill would add cyber-harassment as a 19th predicate offense.

The crime of cyber-harassment was enacted by P.L.2013, c.272 (C.2C:33-4.1). A person is guilty of cyber-harassment if, while making a communication in an online capacity via any electronic device or through a social networking site and with the purpose to harass another, the person: threatens to inflict injury or physical harm to any person or the property of any person; knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about a person with the intent to emotionally harm a reasonable person or place a reasonable person in fear of physical or emotional harm or threatens to commit any crime against the person or the person's property.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

#### **Administrative Office of the Courts**

The AOC states that The New Jersey law which made cyber-harassment a crime went into effect on January 17, 2014. According to data collected from the Judiciary's automated Criminal case management system, PROMIS GAVEL, there have been no convictions for the crime of cyber-harassment for the period from January 17, 2014 through December 31, 2014.

As a result, the Judiciary cannot determine how many additional court hearings would be required to address the temporary or permanent restraining orders provided for under the proposed bill and is unable to estimate the fiscal impact of the bill.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS concurs with the Judiciary estimate.

*Section: Judiciary*

*Analyst: Raughley, Anne C.  
Principal Fiscal Analyst*

*Approved: Frank W. Haines III  
Legislative Budget and Finance Officer*

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

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### SENATE, No. 1257

# STATE OF NEW JERSEY

DATED: MARCH 10, 2016

The Senate Judiciary Committee reports favorably Senate Bill No. 1257.

This bill would add acts of cyber-harassment to the list of abusive acts that constitute domestic violence under the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et al.). Under the bill, a victim subjected to such acts would be able to seek protective orders and take other actions, as well as receive additional judicial and law enforcement assistance under the “Prevention of Domestic Violence Act of 1991.”

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

- threatens to inflict injury or physical harm to, or otherwise commit any crime against, another person or the person’s property; or
- knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about the person with the intent to harm the person. See P.L.2013, c.272 (C.2C:33-4.1).

This bill, as reported by the committee, is identical to Assembly Bill No. 1946, also reported today by the committee.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 1257

# STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 2016

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1257.

This bill would add acts of cyber-harassment to the list of abusive acts that constitute domestic violence under the “Prevention of Domestic Violence Act of 1991,” P.L.1991, c.261 (C.2C:25-17 et al.). Under the bill, a victim subjected to such acts would be able to seek protective orders and take other actions, as well as receive additional judicial and law enforcement assistance under the “Prevention of Domestic Violence Act of 1991.”

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

- threatens to inflict injury or physical harm to, or otherwise commit any crime against, another person or the person’s property; or
- knowingly sends, posts, comments, requests, suggests, or proposes any lewd, indecent, or obscene material to or about the person with the intent to harm the person. See P.L.2013, c.272 (C.2C:33-4.1).

As reported, this bill is identical to Assembly Bill No. 1946, as also reported by the committee.

#### FISCAL IMPACT:

In the Fiscal Note for this bill, the Office of Legislative Services notes that the crime of cyber-harassment was established effective January 17, 2014, and that according to data collected from the Judiciary’s automated Criminal case management system, PROMIS GAVEL, there were no convictions during calendar year 2014.

As a result, the Judiciary is not able to ascertain number of additional court hearings would be required to address the temporary or permanent restraining orders provided for under this bill for cyber-harassment and is unable to estimate the fiscal impact of the bill.

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## Governor Chris Christie Signs Legislation Strengthening New Jersey Residents' Security

Monday, December 5, 2016

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State of New Jersey  
OFFICE OF THE GOVERNOR

### *Takes Action on Pending Legislation*

**Trenton, NJ** – Governor Chris Christie today signed a package of legislation designed to make New Jerseyans safer. The measures include requirements for schools to conduct yearly security training alongside first responders (A-3349/S-2438) and that existing and any new school architectural plans include certain security measures (A-3348/S-2439). Additionally, A-1946/S-1257 expands domestic violence statutes to include cyber-harassment.

"We must make every effort to ensure New Jersey citizens are safe and secure whether they are in their school buildings or online," said Governor Christie. "These new laws will require safety measures to be built into new school construction and all school personnel to be trained annually on safety and security. Additionally, I have signed a bill to address one of the fastest growing threats we face in the 21<sup>st</sup> century, cyber-harassment. This new law will help victims of domestic violence whose abusers choose to attack through the web and social media outlets."

Governor Chris Christie also took action on the following legislation:

#### **BILL SIGNINGS:**

**S-384/A-3470 (Greenstein/Johnson)** - Requires correctional facilities to provide inmates with prescription medication that was prescribed for chronic conditions existing prior to incarceration

**S-743/ACS for A-2761 (Beach, Sarlo, Ruiz/Mazzeo, Zwicker, Jasey, Vainieri Huttle, Schaer, Jones, Eustace, Land, Gusciora, Andrzejczak, Downey, Houghtaling, Benson, Mukherji, McKeon, Lampitt)** - Directs Higher Education Student Assistance Authority to forgive certain student loans in the event of student borrower's death or total and permanent disability and grant deferment for temporary total disability

**S-1041/A-1449 (Weinberg, Gordon/Lampitt, Benson, Vainieri Huttle, Tucker, Wimberly, Downey)** - Requires DHS to develop timeline for use by individuals with developmental disabilities to gain benefit of State and federal programs; requires posting timeline on DHS, DCF, and DOE websites

**S-2024/A-3793 (Madden, Oroho/Eustace, Peterson, Conaway, Mukherji, Benson, McKnight)** - Clarifies that product approval from U.S. Food and Drug Administration is not required for drug manufacturer to file registration statement, and specifies timeframe by which DOH must review registration statements

**S-2337/A-3985 (Sacco, Allen/Jimenez, O'Scanlon, Mukherji, Benson, Peterson)** - Permits law enforcement agencies to buy firearms directly from manufacturers; clarifies permits and identification cards not required

**S-2338/A-3914 (Whelan, Stack/Mazzeo)** - Allows existing rural development areas zoned for industrial use under pinelands comprehensive management plan to be included as eligible areas under certain business incentive programs

**A-1878/S-2404 (Wimberly/Rice)** - Increases to under \$15,000 from under \$10,000 amount of permitted annual compensation paid to TPAF retiree reemployed as athletic coach by former school district within 180 days of

retirement

**A-2519/S-1152 (DeAngelo, Holley, Mazzeo, Downey, McKnight/Greenstein, Beach)** - Directs Attorney General to develop plan to disseminate Amber and Silver Alert information through social media

**A-3662/S-2374 (Schaer, Caride, Vainieri Huttie, Mukherji, McKnight, Chiaravalloti, Quijano/Weinberg, Pou)** – "Rosa-Bonilla Family Act"; concerns development of carbon monoxide poisoning educational program for drivers

**A-3748/S-2115 (DeAngelo, Eustace, Mukherji, Holley, Benson, Beach/Cruz-Perez)** - Requires DMVA to create registry for organizations providing services to veterans

**AJR-23/SJR-30 (Andrzejczak, Land, Wimberly, Taliaferro/Van Drew)** - Designates third weekend in October each year as "Shuck, Sip, and Slurp Weekend" to promote NJ oysters, wine, and beer

**AJR-24/SJR-36 (Andrzejczak, Houghtaling/Van Drew, Connors)** - Declares aquaculture an important State economic driver and urges State to include aquaculture industry in its economic development plans

**AJR-25/SJR-14 (Land, Andrzejczak/Van Drew)** - Recognizes Delaware Bayshore as region of special significance in NJ

**AJR-98 (Space, Taliaferro)** - Designates June of each year as "Native Plant Appreciation Month"

#### **BILLS VETOED:**

**S-51/A-547 (Lesniak, Cunningham/Pinkin, Sumter, Vainieri Huttie, Gusciora, Muolo) – ABSOLUTE** - Restricts use of isolated confinement in correctional facilities

**S-92/A-2815 (Whelan/Mosquera, Jones, DeAngelo, Mazzeo, Johnson, Houghtaling) – CONDITIONAL** - Revises "Overseas Residents Absentee Voting Law" to mirror federal law; permits overseas voters to vote in any election; permits use of federal write-in absentee ballot to vote, register or request ballot for all elections

#### **Press Contact:**

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