

2C:20-31.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2015 **CHAPTER:** 226

NJSA: 2C:20-31.1 (Prohibits posting, publishing on the Internet, or disclosing certain information regarding law enforcement officers)

BILL NO: S1447 (Substituted for A2829)

SPONSOR(S): Greenstein and others

DATE INTRODUCED: February 27, 2014

COMMITTEE: **ASSEMBLY:** ---
SENATE: Law and Public Safety

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 11, 2016
SENATE: February 5, 2015

DATE OF APPROVAL: January 19, 2016

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint Enacted)	Yes	
S1447:		
SPONSOR'S STATEMENT: (Begins on page 2 of introduced bill)	Yes	
COMMITTEE STATEMENT:	ASSEMBLY:	No
	SENATE:	Yes Law and Public Safety
FLOOR AMENDMENT STATEMENT:		No
LEGISLATIVE FISCAL ESTIMATE:		No
A2829:		
SPONSOR STATEMENT: (Begins on page 2 of introduced bill)	Yes	
COMMITTEE STATEMENT:	ASSEMBLY:	Yes Homeland Security and State Preparedness
	SENATE:	No
FLOOR AMENDMENT STATEMENT:	Yes	2-24-15
LEGISLATIVE FISCAL ESTIMATE:	No	

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/CL

P.L.2015, CHAPTER 226, *approved January 19, 2016*
Senate, No. 1447 (*First Reprint*)

1 AN ACT concerning certain information ¹**[on]** regarding¹ law
2 enforcement officers and supplementing Title 2C of the New
3 Jersey Statutes ¹**[**, Title 47 of the Revised Statutes, Title 56**]** and
4 Titles 47 and 56¹ of the Revised Statutes.

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

8
9 1. ¹**[No]** A¹ person shall ¹not knowingly ¹,with purpose to
10 expose another to harassment or risk of harm to life or property, or
11 in reckless disregard of the probability of such exposure,¹ post ¹or
12 publish on the Internet¹ the home address or unpublished home
13 telephone number of any retired law enforcement officer, law
14 enforcement officer or ¹**[a law enforcement officer's]**¹ spouse or
15 child ¹**[on the Internet]** of a law enforcement officer¹. A ¹reckless¹
16 violation of this section is a ¹**[disorderly persons offense**. A
17 violation of this section that leads to bodily injury shall be a¹
18 crime of the fourth degree. A ¹purposeful¹ violation of this section
19 ¹**[that leads to serious bodily injury shall be]** is¹ a crime of the third
20 degree.

21
22 2. ¹**[No]** A¹ State or local governmental agency shall ¹not
23 knowingly¹ post ¹or publish on the Internet¹ the home address or
24 unpublished home telephone number of any retired law enforcement
25 officer or law enforcement officer ¹**[on the Internet]**¹ without first
26 obtaining the written permission of that law enforcement officer or
27 retired law enforcement officer.

28
29 3. a. ¹**[No]** A¹ person, business, or association shall ¹**[solicit,**
30 **sell, or trade]** not disclose¹ on the Internet the home address or
31 unpublished home telephone number of a law enforcement officer
32 or retired law enforcement officer ¹**[with the intent to cause**
33 **imminent serious bodily injury to the law enforcement officer, the**
34 **retired law enforcement officer or any person residing at the retired**
35 **law enforcement officer's or law enforcement officer's home**
36 **address]** under circumstances in which a reasonable person would

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:

¹Senate SLP committee amendments adopted December 11, 2014.

1 believe that providing that information would expose another to
2 harassment or risk of harm to life or property¹.

3 b. A person, business, or association that violates subsection
4 a. of this section shall be liable to the¹ law enforcement officer
5 or¹ retired law enforcement officer¹ whose home address or
6 unpublished home telephone number is solicited, sold or traded on
7 the Internet in violation of subsection a. of this section, may bring
8 an action in any court of competent jurisdiction against the person,
9 business, or association that violates the provisions of this section.

10 c. A violation of any provision of this section shall be an
11 unlawful practice pursuant to P.L.1960, c.39 (C.56:8-1 et seq.) and
12 shall be subject to all remedies and penalties available pursuant to
13 that law **】**, or any other person residing at the home address of the
14 law enforcement officer or retired law enforcement officer, who
15 may bring a civil action in the Superior Court.

16 c. The court may award:

17 (1) actual damages, but not less than liquidated damages
18 computed at the rate of \$1,000 for each violation of this act;

19 (2) punitive damages upon proof of willful or reckless disregard
20 of the law;

21 (3) reasonable attorney's fees and other litigation costs
22 reasonably incurred; and

23 (4) any other preliminary and equitable relief as the court
24 determines to be appropriate.

25 d. For the purposes of this section, "disclose" shall mean to
26 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,
27 transfer, publish, distribute, circulate, disseminate, present, exhibit,
28 advertise or offer¹.

29

30 4. This act shall take effect immediately.

31

32

33

34

35 Prohibits posting, publishing on the Internet, or disclosing
36 certain information regarding law enforcement officers.

SENATE, No. 1447

STATE OF NEW JERSEY
216th LEGISLATURE

INTRODUCED FEBRUARY 27, 2014

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Prohibits Internet posting of certain information on law enforcement officers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning certain information on law enforcement
2 officers and supplementing Title 2C of the New Jersey Statutes,
3 Title 47 of the Revised Statutes, Title 56 of the Revised Statutes.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. No person shall knowingly post the home address or
9 unpublished home telephone number of any retired law enforcement
10 officer, law enforcement officer or a law enforcement officer's
11 spouse or child on the Internet. A violation of this section is a
12 disorderly persons offense. A violation of this section that leads to
13 bodily injury shall be a crime of the fourth degree. A violation of
14 this section that leads to serious bodily injury shall be a crime of the
15 third degree.
16

17 2. No State or local governmental agency shall post the home
18 address or unpublished home telephone number of any retired law
19 enforcement officer or law enforcement officer on the Internet
20 without first obtaining the written permission of that law
21 enforcement officer or retired law enforcement officer.
22

23 3. a. No person, business, or association shall solicit, sell, or
24 trade on the Internet the home address or unpublished home
25 telephone number of a law enforcement officer or retired law
26 enforcement officer with the intent to cause imminent serious
27 bodily injury to the law enforcement officer, the retired law
28 enforcement officer or any person residing at the retired law
29 enforcement officer's or law enforcement officer's home address.

30 b. A law enforcement officer or retired law enforcement officer
31 whose home address or unpublished home telephone number is
32 solicited, sold or traded on the Internet in violation of subsection a.
33 of this section, may bring an action in any court of competent
34 jurisdiction against the person, business, or association that violates
35 the provisions of this section.

36 c. A violation of any provision of this section shall be an
37 unlawful practice pursuant to P.L.1960, c.39 (C.56:8-1 et seq.) and
38 shall be subject to all remedies and penalties available pursuant to
39 that law.
40

41 4. This act shall take effect immediately.
42
43

44 STATEMENT
45

46 This bill prohibits State and local agencies, businesses and
47 individuals from posting the home addresses or unpublished home

S1447 GREENSTEIN

1 telephone numbers of law enforcement officers and retired law
2 enforcement officers on the Internet.

3 The bill makes it an offense for a person, which includes
4 businesses and associations, to post on the Internet the home
5 address or unpublished telephone number of a law enforcement
6 officer or a retired law enforcement officer, or of a spouse or child
7 residing with that officer. A violation would be a third degree
8 crime if the offense results in serious bodily injury, or a fourth
9 degree crime if the offense results in bodily injury; otherwise a
10 violation of this provision would be a disorderly persons offense. A
11 third degree crime is punishable by a prison term of three to five
12 years, a fine of up to \$15,000, or both. A fourth degree crime is
13 punishable by a prison term of up to 18 months, a fine of up to
14 \$10,000, or both. A disorderly persons offense is punishable by a
15 prison term of up to six months, a fine of up to \$1,000, or both.

16 The bill also prohibits State or local agencies from posting a
17 home address or telephone number of a law enforcement officer or
18 retired law enforcement officer on the Internet without first
19 obtaining an officer's consent.

20 Persons, businesses, and associations also are prohibited by the
21 bill from selling or trading a law enforcement officer's or retired
22 law enforcement officer's address and telephone information on the
23 Internet with the intent to cause harm to that officer. The bill
24 specifies that a violation of this provision would constitute an
25 unlawful practice. An unlawful practice under the Consumer Fraud
26 Act is punishable by a monetary penalty of not more than \$10,000
27 for a first offense and not more than \$20,000 for any subsequent
28 offense. In addition, a violation can result in cease and desist
29 orders issued by the Attorney General, the assessment of punitive
30 damages, and the awarding of treble damages and costs to the
31 injured party.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1447

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2014

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1447.

As amended and reported by the committee, Senate Bill No. 1447 prohibits persons, State and local agencies, and businesses from posting or publishing on the Internet the home addresses or unpublished home telephone numbers of law enforcement officers and retired law enforcement officers.

The amended bill makes it a crime for a person to knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of this exposure, to post or publish on the Internet the home address or unpublished telephone number of a law enforcement officer, retired law enforcement officer, or spouse or child residing with that officer. If the person recklessly violates this provision, it is a crime of the fourth degree. A fourth degree crime is punishable by a prison term of up to 18 months, a fine of up to \$10,000, or both. If the person purposefully violates this provision it is a crime of the third degree. A third degree crime is punishable by a prison term of three to five years, a fine of up to \$15,000, or both.

The amended bill also prohibits State or local agencies from posting or publishing on the Internet a home address or telephone number of a law enforcement officer or retired law enforcement officer without first obtaining the officer's written consent.

Persons, businesses, and associations also are prohibited by the amended bill from disclosing on the Internet a law enforcement officer's or retired law enforcement officer's home address and or unpublished home telephone number under circumstances in which a reasonable person would believe that providing that information would expose another to harassment or risk of harm to life or property.

The amended bill specifies that persons, businesses, or associations may be liable to law enforcement officers, retired law enforcement officers, or any other person residing at the home of the officers for violating the provisions of the amended bill. The amended bill authorizes the officer or person to bring a civil action in Superior Court. The court may award: (1) actual damages, but not less than

liquidated damages computed at the rate of \$1,000 for each violation of this act; (2) punitive damages upon proof of willful or reckless disregard of the law; (3) reasonable attorney's fees and other litigation costs reasonably incurred; and (4) any other preliminary and equitable relief as the court determines to be appropriate.

The amended bill defines "disclose" as soliciting, selling, manufacturing, giving, providing, lending, trading, mailing, delivering, transferring, publishing, distributing, circulating, disseminating, presenting, exhibiting, advertising or offering.

ASSEMBLY, No. 2829

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 10, 2014

Sponsored by:

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman CHARLES MAINOR

District 31 (Hudson)

Assemblyman DAVID P. RIBLE

District 30 (Monmouth and Ocean)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Prohibits Internet posting of certain information on law enforcement officers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/11/2014)

1 AN ACT concerning certain information on law enforcement
2 officers and supplementing Title 2C of the New Jersey Statutes,
3 Title 47 of the Revised Statutes and chapter 8 of Title 56 of the
4 Revised Statutes.

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

8
9 1. No person shall knowingly post the home address or
10 unpublished home telephone number of any retired law enforcement
11 officer, law enforcement officer or a law enforcement officer's
12 spouse or child on the Internet. A violation of this section is a
13 disorderly persons offense. A violation of this section that leads to
14 bodily injury shall be a crime of the fourth degree. A violation of
15 this section that leads to serious bodily injury shall be a crime of the
16 third degree.

17
18 2. No State or local governmental agency shall post the home
19 address or unpublished home telephone number of any retired law
20 enforcement officer or law enforcement officer on the Internet
21 without first obtaining the written permission of that law
22 enforcement officer or retired law enforcement officer.

23
24 3. a. No person, business, or association shall solicit, sell, or
25 trade on the Internet the home address or unpublished home
26 telephone number of a law enforcement officer or retired law
27 enforcement officer with the intent to cause imminent serious
28 bodily injury to the law enforcement officer, the retired law
29 enforcement officer or any person residing at the retired law
30 enforcement officer's or law enforcement officer's home address.

31 b. A law enforcement officer or retired law enforcement officer
32 whose home address or unpublished home telephone number is
33 solicited, sold or traded on the Internet in violation of subsection a.
34 of this section, may bring an action in any court of competent
35 jurisdiction against the person, business, or association that violates
36 the provisions of this section.

37 c. A violation of any provision of this section shall be an
38 unlawful practice pursuant to P.L.1960, c.39 (C.56:8-1 et seq.) and
39 shall be subject to all remedies and penalties available pursuant to
40 that law.

41
42 4. This act shall take effect immediately.

43
44

45 STATEMENT

46

47 This bill prohibits State and local agencies, businesses and
48 individuals from posting the home addresses or unpublished home

1 telephone numbers of law enforcement officers and retired law
2 enforcement officers on the Internet.

3 The bill makes it an offense for a person, which includes
4 businesses and associations, to post on the Internet the home
5 address or unpublished telephone number of a law enforcement
6 officer or a retired law enforcement officer, or of a spouse or child
7 residing with that officer. A violation would be a third degree
8 crime if the offense results in serious bodily injury, or a fourth
9 degree crime if the offense results in bodily injury; otherwise a
10 violation of this provision would be a disorderly persons offense. A
11 third degree crime is punishable by a prison term of three to five
12 years, a fine of up to \$15,000, or both. A fourth degree crime is
13 punishable by a prison term of up to 18 months, a fine of up to
14 \$10,000, or both. A disorderly persons offense is punishable by a
15 prison term of up to six months, a fine of up to \$1,000, or both.

16 The bill also prohibits State or local agencies from posting a
17 home address or telephone number of a law enforcement officer or
18 retired law enforcement officer on the Internet without first
19 obtaining an officer's consent.

20 Persons, businesses, and associations also are prohibited by the
21 bill from selling or trading a law enforcement officer's or retired
22 law enforcement officer's address and telephone information on the
23 Internet with the intent to cause harm to that officer. The bill
24 specifies that a violation of this provision would constitute an
25 unlawful practice. An unlawful practice under the Consumer Fraud
26 Act is punishable by a monetary penalty of not more than \$10,000
27 for a first offense and not more than \$20,000 for any subsequent
28 offense. In addition, a violation can result in cease and desist
29 orders issued by the Attorney General, the assessment of punitive
30 damages, and the awarding of treble damages and costs to the
31 injured party.

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2829

STATE OF NEW JERSEY

DATED: OCTOBER 27, 2014

The Assembly Homeland Security and State Preparedness Committee reports favorably Assembly Bill No. 2829.

Assembly Bill No. 2829 prohibits the posting of home addresses or unpublished home telephone numbers of law enforcement officers and retired law enforcement officers on the Internet under certain circumstances.

Specifically, under the provisions of this bill, it is an offense for a person, which includes businesses and associations, to post the home address or unpublished home telephone number of a law enforcement officer, a retired law enforcement officer, or a spouse or child of the officer on the Internet. The bill provides that a violation of this provision is a disorderly persons offense. Under the bill, if the violation results in bodily injury it is a crime of the fourth degree and if the violation results in serious bodily injury it is a crime of the third degree.

A disorderly persons offense is punishable by a term of imprisonment of up to six months, a fine of up to \$1,000, or both. A fourth degree crime is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both. A third degree crime is punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

The bill also prohibits State or local agencies from posting a home address or unpublished home telephone number of a law enforcement officer or retired law enforcement officer on the Internet without first obtaining the officer's consent.

Under the bill, persons, businesses, and associations also are prohibited from soliciting, selling, or trading a law enforcement officer's or retired law enforcement officer's home address and unpublished home telephone number on the Internet with the intent to cause harm to that officer or any person residing at the officer's home.

The bill specifies that a violation of this provision would constitute an unlawful practice under the Consumer Fraud Act which is punishable by a monetary penalty of not more than \$10,000 for a first offense and not more than \$20,000 for any subsequent offense. In addition, a violation can result in cease and desist orders issued by the

Attorney General, the assessment of punitive damages, and the awarding of treble damages and costs to the injured party.

STATEMENT TO
ASSEMBLY, No. 2829

with Assembly Floor Amendments
(Proposed by Assemblyman JOHNSON)

ADOPTED: FEBRUARY 23, 2015

Assembly Bill No. 2829 prohibits the posting of home addresses or unpublished home telephone numbers of law enforcement officers and retired law enforcement officers on the Internet under certain circumstances.

These Assembly amendments:

- clarify that a person is prohibited from knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of such exposure, posting or publishing the home address or unpublished home telephone number of a law enforcement officer, a retired law enforcement officer, or a spouse or child of the officer on the Internet; a reckless violation is a fourth degree crime and a purposeful violation is a third degree crime. As introduced, the bill made it a disorderly persons offense for a person to post this information on the internet; if posting lead to bodily injury it was a fourth degree crime and if it lead to serious bodily injury, a third degree crime.
- clarify that a State or local governmental agency is not to knowingly post or publish this information regarding a law enforcement officer or retired law enforcement officer on the Internet without the officer's permission.
- clarify that persons, businesses, and associations are prohibited from disclosing this information regarding a law enforcement officer or retired law enforcement officer on the Internet under circumstances in which a reasonable person would believe that providing that information would expose another to harassment or risk of harm to life or property. The introduced bill provided that persons, businesses, and associations were prohibited from soliciting, selling, or trading this information on the Internet with the intent to cause harm to that officer or any person residing at the officer's home.
- provide that persons, businesses, or associations may be liable to law enforcement officers, retired law enforcement officers, or any other person residing at the officer's home for violating this provision and authorize the officer or person to bring a civil action in Superior Court. The court may award: (1) actual damages, but not less than liquidated damages computed at the rate of \$1,000 for each violation of this bill; (2) punitive damages upon proof of willful or reckless disregard of the law;

(3) reasonable attorney's fees and other litigation costs reasonably incurred; and (4) any other appropriate preliminary and equitable relief. As introduced, the bill provided that a violation constituted an unlawful practice under the Consumer Fraud Act.

- provide a definition of the term "disclose."