

56:8-168

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS OF: 2007 **CHAPTER:** 272
NJSA: 56:8-168 (Creates the "Internet Dating Safety Act," requiring Internet dating services to provide notice whether the service conducts criminal background screenings)
BILL NO: S1977 (Substituted for A4304)

SPONSOR(S): Codey and others

DATE INTRODUCED: June 12, 2006

COMMITTEE: **ASSEMBLY:** Law and Public Safety
SENATE: Law and Public Safety and Veterans' Affairs
Budget and Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 7, 2008
SENATE: January 7, 2008

DATE OF APPROVAL: January 13, 2008

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Second reprint enacted)

S1977

[SPONSOR'S STATEMENT:](#) (Begins on page 5 of original bill) [Yes](#)

COMMITTEE STATEMENT: **[ASSEMBLY:](#)** [Yes](#)

SENATE: Yes [2-26-07 \(L & PS & VA\)](#)
[3-5-07 \(B & A\)](#)

(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:](#) [Yes](#)

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

A4304

[SPONSOR'S STATEMENT:](#) (Begins on page 4 of original bill) [Yes](#)

COMMITTEE STATEMENT: **[ASSEMBLY:](#)** [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

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:

No

IS 6/4/08

§§1-7 -
C.56:8-
168 to
56:8-174
§8 - Note
to §§1-7

P.L. 2007, CHAPTER 272, *approved January 13, 2008*
Senate, No. 1977 (*Second Reprint*)

1 AN ACT concerning Internet dating safety and supplementing Title 56
2 of the Revised Statutes.

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

6
7 1. This act shall be known and may be cited as the "Internet
8 Dating Safety Act."

9
10 2. The Legislature finds and declares:

11 a. Residents of this State need to be informed of the potential
12 risks of participating in Internet dating services. There is a public
13 safety need to disclose whether criminal history background
14 screenings have been performed and to increase public awareness of
15 the possible risks associated with Internet dating activities. ²The
16 primary purpose of this act is to enhance the safety of individuals
17 who use Internet service to facilitate dating.²

18 b. The offer of Internet dating services to residents of this State,
19 and the acceptance of membership fees from residents of this State
20 means that an Internet dating service is conducting business in this
21 State and is subject to regulation by this State and the jurisdiction of
22 the State's courts.

23
24 3. As used in this act:

25 a. "Criminal background screening" means a name search for a
26 person's criminal convictions initiated by an on-line dating service
27 provider and conducted by one of the following means:

28 (1) By searching available and regularly updated government
29 public record databases for criminal convictions so long as such
30 databases, in the aggregate, provide substantial national coverage; or

31 (2) By searching a database maintained by a private vendor that is
32 regularly updated and is maintained in the United States with
33 substantial national coverage of criminal history records and sexual
34 offender registries.

35 b. "Director" means the Director of the Division of Consumer
36 Affairs in the Department of Law and Public Safety.

37 c. "Division" means the Division of Consumer Affairs in the

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 February 26, 2007.

²Assembly floor amendments adopted December 13, 2007.

1 Department of Law and Public Safety.

2 d. "Internet dating service" means a person or entity directly or
3 indirectly in the business, for profit, of offering, promoting or
4 providing access to dating, relationship, compatibility, matrimonial
5 or social referral services principally on or through the Internet.

6 e. "Internet service provider" means any person, business or
7 organization qualified to do business in this State that provides
8 individuals, corporations, or other entities with the ability to connect
9 to the Internet through equipment that is located in this State.

10 f. "Member" means a customer, client or participant who
11 submits to an Internet dating service information required to access
12 the service for the purpose of engaging in dating, relationship,
13 compatibility, matrimonial or social referral.

14 g. "New Jersey member" means a member who provides a New
15 Jersey billing address or zip code when registering with the service.

16 h. "Criminal conviction" means a conviction for any crime
17 including but not limited to any sex offense that would qualify the
18 offender for registration pursuant to section 2 of P.L.1994, c.133
19 (C.2C:7-2) or under another jurisdiction's equivalent statute.

20

21 4. An Internet dating service offering services to New Jersey
22 members shall:

23 a. Provide safety awareness notification that includes, at
24 minimum, a list and description of safety measures reasonably
25 designed to increase awareness of safer dating practices as
26 determined by the service. Examples of such notifications include:

27 (1) "Anyone who is able to commit identity theft can also falsify a
28 dating profile."

29 (2) "There is no substitute for acting with caution when
30 communicating with any stranger who wants to meet you."

31 (3) "Never include your last name, e-mail address, home address,
32 phone number, place of work, or any other identifying information in
33 your Internet profile or initial e-mail messages. Stop communicating
34 with anyone who pressures you for personal or financial information
35 or attempts in any way to trick you into revealing it."

36 (4) "If you choose to have a face-to-face meeting with another
37 member, always tell someone in your family or a friend where you
38 are going and when you will return. Never agree to be picked up at
39 your home. Always provide your own transportation to and from your
40 date and meet in a public place with many people around."

41 b. If an Internet dating service does not conduct criminal
42 background screenings on its members, the service shall disclose,
43 clearly and conspicuously, to all New Jersey members that the
44 Internet dating service does not conduct criminal background
45 screenings. The disclosure shall be provided ²in two or more of the
46 following forms:² when an electronic mail message is sent or
47 received by a New Jersey member, ²in a "click-through" or other
48 similar presentation requiring a member from this state to

1 acknowledge that they have received the information required by this
2 act,² on the profile describing a member to a New Jersey member,
3 and on the web-site pages ²or homepage² of the Internet dating
4 service used when a New Jersey member signs up. A disclosure under
5 this subsection shall be in bold, capital letters in at least 12-point
6 type.

7 c. If an Internet dating service conducts criminal background
8 screenings on all of its communicating members, then the service
9 shall disclose, clearly and conspicuously, to all New Jersey members
10 that the Internet dating service conducts a criminal background
11 screening on each member prior to permitting a New Jersey member
12 to communicate with another member. The disclosure shall be
13 provided on the website pages used when a New Jersey member signs
14 up. A disclosure under this subsection shall be in bold, capital letters
15 in at least 12-point type.

16 d. If an Internet dating service conducts criminal background
17 screenings, then the service shall disclose whether it has a policy
18 allowing a member who has been identified as having a criminal
19 conviction to have access to its service to communicate with any New
20 Jersey member; shall state that criminal background screenings are
21 not foolproof; that they may give members a false sense of security;
22 that they are not a perfect safety solution; **'[and]'** that criminals may
23 circumvent even the most sophisticated search technology; that not
24 all criminal records are public in all states and not all databases are
25 up to date; that only publicly available convictions are included in the
26 screening; and that screenings do not cover other types of convictions
27 or arrests or any convictions from foreign countries.

28
29 5. **'[a. An] It shall be an unlawful practice and a violation of**
30 **P.L.1960, c.39 (C.56:8-1 et. seq.) for an**¹ Internet dating service
31 **'[that fails]'** to **'fail to'** provide notice or **'[that]'** falsely
32 **'[indicates] indicate'** that **'[they have] it has'** performed criminal
33 background screenings in accordance with this act **'[shall be liable**
34 **for a civil penalty of not less than \$10,000 for each day during which**
35 **a violation occurs]'**.

36 **'[b. In lieu of an administrative proceeding or an action in the**
37 **Superior Court, the Attorney General may bring an action for the**
38 **collection or enforcement of civil penalties for the violation of any**
39 **provision of this act. The action may be brought in a summary**
40 **manner, pursuant to the "Penalty Enforcement Law of 1999,"**
41 **P.L.1999, c.274 (C.2A:58-10 et seq.) and the Rules Governing the**
42 **Courts of the State of New Jersey governing actions for the collection**
43 **of civil penalties.**

44 c. Penalties provided for under this section shall be used by the
45 Attorney General for costs incurred in prosecuting any crimes
46 involving computers which are used to facilitate the crime.]¹

1 6. An Internet service provider does not violate this act solely as
2 a result of serving as an intermediary for the transmission of
3 electronic messages between members of an Internet dating service.

4
5 7. The director, in consultation with the Attorney General and
6 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
7 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate
8 the purposes of this act ¹【concerning access to and dissemination of
9 information obtained as a result of conducting a criminal history
10 background screening】¹.

11
12 8. This act shall take effect on the 120th day after enactment,
13 except the director may take such anticipatory administrative action
14 in advance as shall be necessary for the implementation of this act.

15

16

17

18

19 Creates the "Internet Dating Safety Act," requiring Internet dating
20 services to provide notice whether the service conducts criminal
21 background screenings.

SENATE, No. 1977

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 12, 2006

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator JOHN A. GIRGENTI

District 35 (Bergen and Passaic)

SYNOPSIS

Creates the “Internet Dating Safety Act,” requiring Internet dating services to provide notice whether the service conducts criminal background screenings.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning Internet dating safety and supplementing Title
2 56 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the "Internet
8 Dating Safety Act."

9

10 2. The Legislature finds and declares:

11 a. Residents of this State need to be informed of the potential
12 risks of participating in Internet dating services. There is a public
13 safety need to disclose whether criminal history background
14 screenings have been performed and to increase public awareness of
15 the possible risks associated with Internet dating activities.

16 b. The offer of Internet dating services to residents of this State,
17 and the acceptance of membership fees from residents of this State
18 means that an Internet dating service is conducting business in this
19 State and is subject to regulation by this State and the jurisdiction of
20 the State's courts.

21

22 3. As used in this act:

23 a. "Criminal background screening" means a name search for a
24 person's criminal convictions initiated by an on-line dating service
25 provider and conducted by one of the following means:

26 (1) By searching available and regularly updated government
27 public record databases for criminal convictions so long as such
28 databases, in the aggregate, provide substantial national coverage;
29 or

30 (2) By searching a database maintained by a private vendor that
31 is regularly updated and is maintained in the United States with
32 substantial national coverage of criminal history records and sexual
33 offender registries.

34 b. "Director" means the Director of the Division of Consumer
35 Affairs in the Department of Law and Public Safety.

36 c. "Division" means the Division of Consumer Affairs in the
37 Department of Law and Public Safety.

38 d. "Internet dating service" means a person or entity directly or
39 indirectly in the business, for profit, of offering, promoting or
40 providing access to dating, relationship, compatibility, matrimonial
41 or social referral services principally on or through the Internet.

42 e. "Internet service provider" means any person, business or
43 organization qualified to do business in this State that provides
44 individuals, corporations, or other entities with the ability to
45 connect to the Internet through equipment that is located in this
46 State.

47 f. "Member" means a customer, client or participant who
48 submits to an Internet dating service information required to access

1 the service for the purpose of engaging in dating, relationship,
2 compatibility, matrimonial or social referral.

3 g. "New Jersey member" means a member who provides a New
4 Jersey billing address or zip code when registering with the service.

5 h. "Criminal conviction" means a conviction for any crime
6 including but not limited to any sex offense that would qualify the
7 offender for registration pursuant to section 2 of P.L.1994, c.133
8 (C.2C:7-2) or under another jurisdiction's equivalent statute.

9
10 4. An Internet dating service offering services to New Jersey
11 members shall:

12 a. Provide safety awareness notification that includes, at
13 minimum, a list and description of safety measures reasonably
14 designed to increase awareness of safer dating practices as
15 determined by the service. Examples of such notifications include:

16 (1) "Anyone who is able to commit identity theft can also falsify
17 a dating profile."

18 (2) "There is no substitute for acting with caution when
19 communicating with any stranger who wants to meet you."

20 (3) "Never include your last name, e-mail address, home
21 address, phone number, place of work, or any other identifying
22 information in your Internet profile or initial e-mail messages. Stop
23 communicating with anyone who pressures you for personal or
24 financial information or attempts in any way to trick you into
25 revealing it."

26 (4) "If you choose to have a face-to-face meeting with another
27 member, always tell someone in your family or a friend where you
28 are going and when you will return. Never agree to be picked up at
29 your home. Always provide your own transportation to and from
30 your date and meet in a public place with many people around."

31 b. If an Internet dating service does not conduct criminal
32 background screenings on its members, the service shall disclose,
33 clearly and conspicuously, to all New Jersey members that the
34 Internet dating service does not conduct criminal background
35 screenings. The disclosure shall be provided when an electronic
36 mail message is sent or received by a New Jersey member, on the
37 profile describing a member to a New Jersey member, and on the
38 web-site pages of the Internet dating service used when a New
39 Jersey member signs up. A disclosure under this subsection shall be
40 in bold, capital letters in at least 12-point type.

41 c. If an Internet dating service conducts criminal background
42 screenings on all of its communicating members, then the service
43 shall disclose, clearly and conspicuously, to all New Jersey
44 members that the Internet dating service conducts a criminal
45 background screening on each member prior to permitting a New
46 Jersey member to communicate with another member. The
47 disclosure shall be provided on the website pages used when a New

1 Jersey member signs up. A disclosure under this subsection shall be
2 in bold, capital letters in at least 12-point type.

3 d. If an Internet dating service conducts criminal background
4 screenings, then the service shall disclose whether it has a policy
5 allowing a member who has been identified as having a criminal
6 conviction to have access to its service to communicate with any
7 New Jersey member; shall state that criminal background
8 screenings are not foolproof; that they may give members a false
9 sense of security; that they are not a perfect safety solution; and that
10 criminals may circumvent even the most sophisticated search
11 technology; that not all criminal records are public in all states and
12 not all databases are up to date; that only publicly available
13 convictions are included in the screening; and that screenings do not
14 cover other types of convictions or arrests or any convictions from
15 foreign countries.

16
17 5. a. An Internet dating service that fails to provide notice or
18 that falsely indicates that they have performed criminal background
19 screenings in accordance with this act shall be liable for a civil
20 penalty of not less than \$10,000 for each day during which a
21 violation occurs.

22 b. In lieu of an administrative proceeding or an action in the
23 Superior Court, the Attorney General may bring an action for the
24 collection or enforcement of civil penalties for the violation of any
25 provision of this act. The action may be brought in a summary
26 manner, pursuant to the "Penalty Enforcement Law of 1999,"
27 P.L.1999, c.274 (C.2A:58-10 et seq.) and the Rules Governing the
28 Courts of the State of New Jersey governing actions for the
29 collection of civil penalties.

30 c. Penalties provided for under this section shall be used by the
31 Attorney General for costs incurred in prosecuting any crimes
32 involving computers which are used to facilitate the crime.

33
34 6. An Internet service provider does not violate this act solely as
35 a result of serving as an intermediary for the transmission of
36 electronic messages between members of an Internet dating service.

37
38 7. The director, in consultation with the Attorney General and
39 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
40 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate
41 the purposes of this act concerning access to and dissemination of
42 information obtained as a result of conducting a criminal history
43 background screening.

44
45 8. This act shall take effect on the 120th day after enactment,
46 except the director may take such anticipatory administrative action
47 in advance as shall be necessary for the implementation of this act.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

This bill would require Internet dating services to warn customers whether criminal background screenings have been performed.

Under the bill, the dating service would be required to provide safety awareness notification that includes, at minimum, a list and description of safety measures reasonably designed to increase awareness of safer dating practices as determined by the service.

Under the bill, if an Internet dating service *does not conduct* criminal background screenings on its members, the service shall disclose that fact clearly and conspicuously to all New Jersey members. The disclosure would be required to be in bold, capital letters in at least 12-point type.

If an Internet dating service *does conduct* criminal background screenings, then the service shall disclose that fact. The service shall also disclose whether it has a policy allowing a member who has been identified as having a criminal conviction to have access to its service to communicate with any New Jersey member. The service shall also be required to state that:

- criminal background screenings are not foolproof;
- they may give members a false sense of security;
- they are not a perfect safety solution;
- criminals may circumvent even the most sophisticated search technology;
- not all criminal records are public in all states and not all databases are up to date;
- only publicly available convictions are included in the screening; and
- screenings do not cover other types of convictions or arrests or any convictions from foreign countries.

An Internet dating service that fails to provide notice or that falsely indicates that they have performed criminal background screenings in accordance with this bill would be liable for a civil penalty of not less than \$10,000 for each day during which a violation occurs.

The bill provides that the Attorney General may bring an action for the collection or enforcement of civil penalties. These monies shall be used for enhancing prosecutions for computer crime. The bill also provides that an Internet service provider does not violate the provisions of the bill solely as a result of serving as an intermediary for the transmission of electronic messages between members of an Internet dating service.

This bill is modeled on a 2006 Florida bill creating the “Florida Internet Dating Safety Awareness Act.”

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1977

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2007

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 1977 (1R).

Senate Bill No. 1977 (1R) requires Internet dating services offering services to New Jersey members to provide a safety awareness notice to customers and a notice disclosing whether criminal background screenings on its members have been performed. The bill makes it an unlawful practice and a violation of the Consumer Fraud Act for an Internet dating service to fail to provide the notice required by the bill or falsely indicate that it has performed criminal background screenings in accordance with the bill.

Under the bill, the Internet dating service is required to provide safety awareness notification that includes, at minimum, a list and description of safety measures reasonably designed to increase awareness of safer dating practices as determined by the service.

If an Internet dating service does not conduct criminal background screenings on its members, the service shall disclose that fact clearly and conspicuously to all New Jersey members. The disclosure is required to be in bold, capital letters in at least 12-point type.

If an Internet dating service does conduct criminal background screenings, the service shall disclose that fact and disclose whether it has a policy allowing a member who has been identified as having a criminal conviction to have access to its service to communicate with any New Jersey member. The service also must state that:

- criminal background screenings are not foolproof;
- they may give members a false sense of security;
- they are not a perfect safety solution;
- criminals may circumvent even the most sophisticated search technology;
- not all criminal records are public in all states and not all databases are up to date;
- only publicly available convictions are included in the screening; and
- screenings do not cover other types of convictions or arrests or any convictions from foreign countries.

The bill also provides that an Internet service provider does not violate the provisions of the bill solely as a result of serving as an intermediary for the transmission of electronic messages between members of an Internet dating service.

This bill is modeled on a 2006 Florida bill creating the “Florida Internet Dating Safety Awareness Act.”

As reported by the committee, this bill is identical to Assembly Bill No. 4304, also reported by the committee on this same date.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1977

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 2007

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 1977.

This bill would require Internet dating services to warn customers whether criminal background screenings have been performed.

Under the bill, the dating service would be required to provide safety awareness notification that includes, at minimum, a list and description of safety measures reasonably designed to increase awareness of safer dating practices as determined by the service.

Under the bill, if an Internet dating service does not conduct criminal background screenings on its members, the service shall disclose that fact clearly and conspicuously to all New Jersey members. The disclosure would be required to be in bold, capital letters in at least 12-point type.

If an Internet dating service does conduct criminal background screenings, then the service shall disclose that fact. The service shall also disclose whether it has a policy allowing a member who has been identified as having a criminal conviction to have access to its service to communicate with any New Jersey member. The service also shall be required to state that:

- criminal background screenings are not foolproof;
- they may give members a false sense of security;
- they are not a perfect safety solution;
- criminals may circumvent even the most sophisticated search technology;
- not all criminal records are public in all states and not all databases are up to date;
- only publicly available convictions are included in the screening; and
- screenings do not cover other types of convictions or arrests or any convictions from foreign countries.

An Internet dating service that fails to provide notice or that falsely indicates that it has performed criminal background screenings in

accordance with this bill would be guilty of an unlawful practice and a violation of the Consumer Fraud Act.

The bill also provides that an Internet service provider does not violate the provisions of the bill solely as a result of serving as an intermediary for the transmission of electronic messages between members of an Internet dating service.

This bill is modeled on a 2006 Florida bill creating the “Florida Internet Dating Safety Awareness Act.”

The committee amended the bill to provide that violations would be an unlawful practice and a violation of the Consumer Fraud Act, P.L.1960, c. 39 (C.56:8-1 et seq.). As introduced, the bill provided that the Attorney General could bring an action for the collection or enforcement of civil penalties. The amendments also delete language providing that the penalty monies would be used for costs incurred in prosecutions for computer crimes. In addition, the amendments delete language requiring the Attorney General to promulgate rules and regulations specifically concerning access to and dissemination of information obtained from criminal history background screenings.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1977

STATE OF NEW JERSEY

DATED: MARCH 5, 2007

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1997 (1R).

Senate Bill No. 1977 (1R) requires Internet dating services offering services to New Jersey members to provide a safety awareness notice to customers and a notice disclosing whether criminal background screenings on its members have been performed. The bill makes it an unlawful practice and a violation of the Consumer Fraud Act for an Internet dating service to fail to provide the notice required by the bill or falsely indicate that it has performed criminal background screenings in accordance with the bill.

Under the bill, the Internet dating service is required to provide safety awareness notification that includes, at minimum, a list and description of safety measures reasonably designed to increase awareness of safer dating practices as determined by the service.

Under the bill, if an Internet dating service does not conduct criminal background screenings on its members, the service shall disclose that fact clearly and conspicuously to all New Jersey members. The disclosure is required to be in bold, capital letters in at least 12-point type.

If an Internet dating service does conduct criminal background screenings, then the service shall disclose that fact and disclose whether it has a policy allowing a member who has been identified as having a criminal conviction to have access to its service to communicate with any New Jersey member. The service also shall be required to state that:

- criminal background screenings are not foolproof;
- they may give members a false sense of security;
- they are not a perfect safety solution;
- criminals may circumvent even the most sophisticated search technology;
- not all criminal records are public in all states and not all databases are up to date;
- only publicly available convictions are included in the screening; and

- screenings do not cover other types of convictions or arrests or any convictions from foreign countries.

The bill also provides that an Internet service provider does not violate the provisions of the bill solely as a result of serving as an intermediary for the transmission of electronic messages between members of an Internet dating service.

This bill is modeled on a 2006 Florida bill creating the “Florida Internet Dating Safety Awareness Act.”

FISCAL IMPACT:

The Office of Legislative Services estimates that expenditures associated with implementing this bill would be minimal as the burden is on Internet dating services to comply with the measures outlined in the bill.

The bill requires the Office of the Attorney General in the Department of Law and Public Safety to monitor the Internet dating services. Additionally, there are no fees associated with the monitoring, requiring the Office of the Attorney General to complete the monitoring needed with current resources and staff.

STATEMENT TO
[First Reprint]
SENATE, No. 1977

with Assembly Floor Amendments
(Proposed By Assemblywoman GREENSTEIN)

ADOPTED: DECEMBER 13, 2007

Senate Bill No. 1977 [1R] requires Internet dating services offering services to New Jersey members to provide a safety awareness notice to customers and a notice disclosing whether criminal background screenings on its members have been performed.

Under the bill, an Internet dating service that does not conduct criminal background screenings of its members is required to provide notice of that fact in one of three ways: (1) when an electronic mail message is sent or received by a New Jersey member; (2) on the profile describing the member; or (3) on the web-site pages of the service.

These Assembly Amendments clarify and extend these notification requirements in three ways:

1. They require the service to provide the disclosure notice in at least two ways authorized under the bill. Currently, the bill requires a service to give notice in only one way: electronic mail message, on the members profile or on the service's web-site page.

2. They specify that any mail message notification must include a "click-through" function that would require a New Jersey member to acknowledge that they have received the notice.

3. They clarify that a service may fulfill its "web-site page" notification requirements by posting those notices on its "homepage."

The amendments also clarify that the primary intent of the bill is to enhance the safety of individuals who use Internet services to facilitate dating and not to limit other web based services that are unrelated to online dating such as interacting for video games and providing technology-related support.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 1977 STATE OF NEW JERSEY 212th LEGISLATURE

DATED: APRIL 25, 2007

SUMMARY

- Synopsis:** Creates the "Internet Dating Safety Act," requiring Internet dating services to provide notice whether the service conducts criminal background screenings.
- Type of Impact:** Minimal Impact.
- Agencies Affected:** Department of Law and Public Safety; Division of Consumer Affairs

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	Minimal Impact - See Comments Below		

- The Office of Legislative Services estimates that expenditures associated with implementing this bill would be minimal as the burden is on Internet dating services to comply with the measures outlined in the bill. Monitoring should be conducted by the Office of the Attorney General in the Department of Law and Public Safety.
- Requires Internet dating services to provide safety awareness notifications telling the participant if the service does or does not provide background checks on members. They are also required to provide members with suggestions of safety measures designed to increase awareness of safe dating practices.
- Provides that the Attorney General may bring action for the collection or enforcement of civil penalties.
- Specifies that services that violate the law would be guilty under the Consumer Fraud Act, P.L.1960, c. 39 (C.56:8-1 et seq.).

BILL DESCRIPTION

Senate Bill No. 1977 (1R) of 2006 requires Internet dating services to warn customers whether criminal background screenings have been performed.

Under the bill, dating services would be required to provide safety awareness notifications that include, at minimum, a list and description of safety measures reasonably designed to increase awareness of safe dating practices as determined by the service. If an Internet dating service does not conduct criminal background screenings on its members, the service shall disclose that fact clearly and conspicuously to all New Jersey members. The disclosure would be required to be displayed in bold, capital letters in at least 12-point type.

If an Internet dating service does conduct criminal background screenings, then the service shall disclose that fact. The service shall also disclose whether it has a policy allowing a member who has been identified as having a criminal conviction to have access to its service to communicate with any New Jersey member.

The service also shall be required to state that: 1) criminal background screenings are not foolproof; 2) they may give members a false sense of security; 3) they are not a perfect safety solution; 4) criminals may circumvent even the most sophisticated search technology; 5) not all criminal records are public in all states and not all databases are up to date; 6) only publicly available convictions are included in the screening; and 7) screenings do not cover other types of convictions or arrests or any convictions from foreign countries.

The bill provides that the Attorney General can bring action for the collection or enforcement of civil penalties. Internet dating services that violate the law would be guilty under the Consumer Fraud Act, P.L.1960, c. 39 (C.56:8-1 et seq.).

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services estimates that expenditures associated with implementing this bill would be minimal as the burden is on Internet dating services to comply with the measures outlined in the bill.

The bill requires the Office of the Attorney General in the Department of Law and Public Safety to monitor the Internet dating services. Additionally, there are no fees associated with the monitoring, requiring the Office of the Attorney General to complete the monitoring needed with current resources and staff.

Section: Law and Public Safety
Analyst: Kristin A. Brunner
 Associate Fiscal Analyst
Approved: David J. Rosen
 Legislative Budget and Finance Officer

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

This fiscal estimate has been prepared pursuant to P.L. 1980, c.67.

ASSEMBLY, No. 4304

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 21, 2007

Sponsored by:

Assemblywoman **LINDA R. GREENSTEIN**

District 14 (Mercer and Middlesex)

Assemblyman **PATRICK J. DIEGNAN, JR.**

District 18 (Middlesex)

Co-Sponsored by:

Assemblyman Mayer

SYNOPSIS

Creates the "Internet Dating Safety Act," requiring Internet dating services to provide notice whether the service conducts criminal background screenings.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/14/2007)

1 AN ACT concerning Internet dating safety and supplementing Title
2 56 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the “Internet
8 Dating Safety Act.”

9

10 2. The Legislature finds and declares:

11 a. Residents of this State need to be informed of the potential
12 risks of participating in Internet dating services. There is a public
13 safety need to disclose whether criminal history background
14 screenings have been performed and to increase public awareness of
15 the possible risks associated with Internet dating activities.

16 b. The offer of Internet dating services to residents of this State,
17 and the acceptance of membership fees from residents of this State
18 means that an Internet dating service is conducting business in this
19 State and is subject to regulation by this State and the jurisdiction of
20 the State's courts.

21

22 3. As used in this act:

23 a. "Criminal background screening" means a name search for a
24 person's criminal convictions initiated by an on-line dating service
25 provider and conducted by one of the following means:

26 (1) By searching available and regularly updated government
27 public record databases for criminal convictions so long as such
28 databases, in the aggregate, provide substantial national coverage;
29 or

30 (2) By searching a database maintained by a private vendor that
31 is regularly updated and is maintained in the United States with
32 substantial national coverage of criminal history records and sexual
33 offender registries.

34 b. "Director" means the Director of the Division of Consumer
35 Affairs in the Department of Law and Public Safety.

36 c. "Division" means the Division of Consumer Affairs in the
37 Department of Law and Public Safety.

38 d. "Internet dating service" means a person or entity directly or
39 indirectly in the business, for profit, of offering, promoting or
40 providing access to dating, relationship, compatibility, matrimonial
41 or social referral services principally on or through the Internet.

42 e. "Internet service provider" means any person, business or
43 organization qualified to do business in this State that provides
44 individuals, corporations, or other entities with the ability to
45 connect to the Internet through equipment that is located in this
46 State.

47 f. "Member" means a customer, client or participant who
48 submits to an Internet dating service information required to access

1 the service for the purpose of engaging in dating, relationship,
2 compatibility, matrimonial or social referral.

3 g. "New Jersey member" means a member who provides a New
4 Jersey billing address or zip code when registering with the service.

5 h. "Criminal conviction" means a conviction for any crime
6 including but not limited to any sex offense that would qualify the
7 offender for registration pursuant to section 2 of P.L.1994, c.133
8 (C.2C:7-2) or under another jurisdiction's equivalent statute.

9
10 4. An Internet dating service offering services to New Jersey
11 members shall:

12 a. Provide safety awareness notification that includes, at
13 minimum, a list and description of safety measures reasonably
14 designed to increase awareness of safer dating practices as
15 determined by the service. Examples of such notifications include:

16 (1) "Anyone who is able to commit identity theft can also falsify
17 a dating profile."

18 (2) "There is no substitute for acting with caution when
19 communicating with any stranger who wants to meet you."

20 (3) "Never include your last name, e-mail address, home
21 address, phone number, place of work, or any other identifying
22 information in your Internet profile or initial e-mail messages. Stop
23 communicating with anyone who pressures you for personal or
24 financial information or attempts in any way to trick you into
25 revealing it."

26 (4) "If you choose to have a face-to-face meeting with another
27 member, always tell someone in your family or a friend where you
28 are going and when you will return. Never agree to be picked up at
29 your home. Always provide your own transportation to and from
30 your date and meet in a public place with many people around."

31 b. If an Internet dating service does not conduct criminal
32 background screenings on its members, the service shall disclose,
33 clearly and conspicuously, to all New Jersey members that the
34 Internet dating service does not conduct criminal background
35 screenings. The disclosure shall be provided when an electronic
36 mail message is sent or received by a New Jersey member, on the
37 profile describing a member to a New Jersey member, and on the
38 web-site pages of the Internet dating service used when a New
39 Jersey member signs up. A disclosure under this subsection shall be
40 in bold, capital letters in at least 12-point type.

41 c. If an Internet dating service conducts criminal background
42 screenings on all of its communicating members, then the service
43 shall disclose, clearly and conspicuously, to all New Jersey
44 members that the Internet dating service conducts a criminal
45 background screening on each member prior to permitting a New
46 Jersey member to communicate with another member. The
47 disclosure shall be provided on the website pages used when a New

1 Jersey member signs up. A disclosure under this subsection shall be
2 in bold, capital letters in at least 12-point type.

3 d. If an Internet dating service conducts criminal background
4 screenings, then the service shall disclose whether it has a policy
5 allowing a member who has been identified as having a criminal
6 conviction to have access to its service to communicate with any
7 New Jersey member; shall state that criminal background
8 screenings are not foolproof; that they may give members a false
9 sense of security; that they are not a perfect safety solution; that
10 criminals may circumvent even the most sophisticated search
11 technology; that not all criminal records are public in all states and
12 not all databases are up to date; that only publicly available
13 convictions are included in the screening; and that screenings do not
14 cover other types of convictions or arrests or any convictions from
15 foreign countries.

16
17 5. It shall be an unlawful practice and a violation of P.L.1960,
18 c.39 (C.56:8-1 et. seq.) for an Internet dating service to fail to
19 provide notice or falsely indicate that it has performed criminal
20 background screenings in accordance with this act.

21
22 6. An Internet service provider does not violate this act solely
23 as a result of serving as an intermediary for the transmission of
24 electronic messages between members of an Internet dating service.

25
26 7. The director, in consultation with the Attorney General and
27 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
28 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate
29 the purposes of this act.

30
31 8. This act shall take effect on the 120th day after enactment,
32 except the director may take such anticipatory administrative action
33 in advance as shall be necessary for the implementation of this act.

34
35

36 STATEMENT

37
38 This bill requires Internet dating services offering services to
39 New Jersey members to provide a safety awareness notice to
40 customers and a notice disclosing whether criminal background
41 screenings on its members have been performed. The bill makes it
42 an unlawful practice and a violation of the Consumer Fraud Act for
43 an Internet dating service to fail to provide the notice required by
44 the bill or falsely indicate that it has performed criminal background
45 screenings in accordance with the bill.

46 Under the bill, the Internet dating service is required to provide
47 safety awareness notification that includes, at minimum, a list and

1 description of safety measures reasonably designed to increase
2 awareness of safer dating practices as determined by the service.

3 Under the bill, if an Internet dating service does not conduct
4 criminal background screenings on its members, the service shall
5 disclose that fact clearly and conspicuously to all New Jersey
6 members. The disclosure is required to be in bold, capital letters in
7 at least 12-point type.

8 If an Internet dating service does conduct criminal background
9 screenings, then the service shall disclose that fact and disclose
10 whether it has a policy allowing a member who has been identified
11 as having a criminal conviction to have access to its service to
12 communicate with any New Jersey member. The service also shall
13 be required to state that:

- 14 • criminal background screenings are not foolproof;
- 15 • they may give members a false sense of security;
- 16 • they are not a perfect safety solution;
- 17 • criminals may circumvent even the most sophisticated
18 search technology;
- 19 • not all criminal records are public in all states and not all
20 databases are up to date;
- 21 • only publicly available convictions are included in the
22 screening; and
- 23 • screenings do not cover other types of convictions or arrests
24 or any convictions from foreign countries.

25 The bill also provides that an Internet service provider does not
26 violate the provisions of the bill solely as a result of serving as an
27 intermediary for the transmission of electronic messages between
28 members of an Internet dating service.

29 This bill is modeled on a 2006 Florida bill creating the “Florida
30 Internet Dating Safety Awareness Act.”

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4304

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 2007

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 4304.

Assembly Bill No. 4304 requires Internet dating services offering services to New Jersey members to provide a safety awareness notice to customers and a notice disclosing whether criminal background screenings on its members have been performed. The bill makes it an unlawful practice and a violation of the Consumer Fraud Act for an Internet dating service to fail to provide the notice required by the bill or falsely indicate that it has performed criminal background screenings in accordance with the bill.

Under the bill, the Internet dating service is required to provide safety awareness notification that includes, at minimum, a list and description of safety measures reasonably designed to increase awareness of safer dating practices as determined by the service.

If an Internet dating service does not conduct criminal background screenings on its members, the service shall disclose that fact clearly and conspicuously to all New Jersey members. The disclosure is required to be in bold, capital letters in at least 12-point type.

If an Internet dating service does conduct criminal background screenings, the service shall disclose that fact and disclose whether it has a policy allowing a member who has been identified as having a criminal conviction to have access to its service to communicate with any New Jersey member. The service also must state that:

- criminal background screenings are not foolproof;
- they may give members a false sense of security;
- they are not a perfect safety solution;
- criminals may circumvent even the most sophisticated search technology;
- not all criminal records are public in all states and not all databases are up to date;
- only publicly available convictions are included in the screening; and
- screenings do not cover other types of convictions or arrests or any convictions from foreign countries.

The bill also provides that an Internet service provider does not violate the provisions of the bill solely as a result of serving as an

intermediary for the transmission of electronic messages between members of an Internet dating service.

This bill is modeled on a 2006 Florida bill creating the “Florida Internet Dating Safety Awareness Act.”

As reported by the committee, this bill is identical to Senate Bill No. 1977 (1R), also reported by the committee on this same date.