

2C:43-3.8

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2009 **CHAPTER:** 143
NJSA: 2C:43-3.8 (Creates "Computer Crime Prevention Fund"; imposes penalties on certain offenders)
BILL NO: A3763 (Substituted for S2702)
SPONSOR(S) Barnes and Others
DATE INTRODUCED: February 9, 2009
COMMITTEE: **ASSEMBLY:** Judiciary
 Appropriations
SENATE: Judiciary
AMENDED DURING PASSAGE: No
DATE OF PASSAGE: **ASSEMBLY:** March 16, 2009
SENATE: June 25, 2009
DATE OF APPROVAL: October 19, 2009

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced version of bill enacted)

A3763

SPONSOR'S STATEMENT: (Begins on page 6 of original bill)	Yes	
COMMITTEE STATEMENT:	ASSEMBLY:	Yes Judiciary 2-26-09 Appropri. 3-9-09
	SENATE:	Yes

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

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL NOTE:	Yes

S2702

SPONSOR'S STATEMENT: (Begins on page 6 of original bill)	Yes	
COMMITTEE STATEMENT:	ASSEMBLY:	No
	SENATE:	Yes

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL NOTE:	Yes

VETO MESSAGE:	No
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(continued)

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes 10-20-09

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

LAW/RWH

P.L. 2009, CHAPTER 143 *approved October 19, 2009*
Assembly, No. 3763

1 AN ACT concerning Computer Crime Prevention Fund surcharges,
2 amending P.L.1979, c.396 and P.L.1991, c.329 and
3 supplementing Title 2C of the New Jersey Statutes.
4

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

8 1. (New section) a. In addition to any disposition authorized
9 by this Title, the provisions of section 24 of P.L.1982, c.77
10 (C.2A:4A-43), or any other statute indicating the dispositions that
11 can be ordered for an adjudication of delinquency, every person
12 convicted of or adjudicated delinquent for a violation of
13 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-
14 4, N.J.S.2C:34-3, or an offense involving computer criminal activity
15 in violation of any provision of chapter 20 of this title shall be
16 assessed for each such offense a penalty fixed at:

17 (a) \$2,000 in the case of a crime of the first degree;
18 (b) \$1,000 in the case of a crime of the second degree;
19 (c) \$750 in the case of a crime of the third degree;
20 (d) \$500 in the case of a crime of the fourth degree;
21 (e) \$250 in the case of a disorderly persons or petty disorderly
22 persons offense.

23 b. All penalties provided for in this section shall be collected as
24 provided for collection of fines and restitutions in section 3 of
25 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the
26 Department of the Treasury as provided in subsection c. of this
27 section.

28 c. All moneys collected pursuant to this section shall be
29 forwarded to the Department of the Treasury to be deposited in a
30 nonlapsing revolving fund to be known as the "Computer Crime
31 Prevention Fund." Moneys in the fund shall be appropriated by the
32 Legislature to the Department of Law and Public Safety on an
33 annual basis for the purposes of investigating and prosecuting
34 computer-related crime, and funding continuing educational
35 programs on high technology crimes and the 24-hour toll-free
36 computer crime hotline telephone service established pursuant to
37 section 3 of P.L. 1998, c.134 (C.52:17B-193) and publicizing
38 thereof, as well as other programs designed to enhance public
39 awareness of computer-related crime, including but not limited to
40 use of the Internet to facilitate sexual predatory acts, cyber-stalking
41 and cyberbullying, online child pornography, threats of violence in

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 schools or other institutions, Internet fraud, and unauthorized
2 intrusions into computer systems.

3 d. There is created in the Department of Treasury a non-lapsing
4 fund entitled the "Computer Crime Prevention Fund." The fund
5 shall be the depository for assessments collected pursuant to
6 subsection a. of this section, to be appropriated and used in
7 accordance with the purposes set forth in subsection c. of this
8 section.

9

10 2. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
11 as follows:

12 3. a. All fines, assessments imposed pursuant to section 2 of
13 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
14 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
15 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
16 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
17 penalties imposed pursuant to section 1 of P.L. c. (C.)
18 (pending before the Legislature as section 1 of this bill) and
19 restitution shall be collected as follows:

20 (1) All fines, assessments imposed pursuant to section 2 of
21 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
22 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
23 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
24 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
25 penalties imposed pursuant to section 1 of P.L. c. (C.)
26 (pending before the Legislature as section 1 of this bill) and
27 restitution imposed by the Superior Court or otherwise imposed at
28 the county level, shall be collected by the county probation division
29 except when such fine, assessment or restitution is imposed in
30 conjunction with a custodial sentence to a State correctional facility
31 or in conjunction with a term of incarceration imposed pursuant to
32 section 25 of P.L.1982, c.77 (C.2A:4A-44) in which event such
33 fine, assessment or restitution shall be collected by the Department
34 of Corrections or the Juvenile Justice Commission established
35 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). An adult
36 prisoner of a State correctional institution or a juvenile serving a
37 term of incarceration imposed pursuant to section 25 of P.L.1982,
38 c.77 (C.2A:4A-44) who has not paid an assessment imposed
39 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty
40 imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5) a
41 penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-
42 10) , a penalty imposed pursuant to section 1 of P.L. c. (C.)
43 (pending before the Legislature as section 1 of this bill) or
44 restitution shall have the assessment, penalty, fine or restitution
45 deducted from any income the inmate receives as a result of labor
46 performed at the institution or on any type of work release program
47 or, pursuant to regulations promulgated by the Commissioner of the
48 Department of Corrections or the Juvenile Justice Commission,

1 from any personal account established in the institution for the
2 benefit of the inmate.

3 (2) All fines, assessments imposed pursuant to section 2 of
4 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to
5 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
6 by a municipal court shall be collected by the municipal court
7 administrator except if such fine, assessments imposed pursuant to
8 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
9 as a condition of probation in which event it shall be collected by
10 the county probation division.

11 b. Except as provided in subsection c. with respect to fines
12 imposed on appeals following convictions in municipal courts and
13 except as provided in subsection i. with respect to restitution
14 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
15 al.), all fines imposed by the Superior Court or otherwise imposed
16 at the county level, shall be paid over by the officer entitled to
17 collect same to:

18 (1) The county treasurer with respect to fines imposed on
19 defendants who are sentenced to and serve a custodial term,
20 including a term as a condition of probation, in the county jail,
21 workhouse or penitentiary except where such county sentence is
22 served concurrently with a sentence to a State institution; or

23 (2) The State Treasurer with respect to all other fines.

24 c. All fines imposed by municipal courts, except a central
25 municipal court established pursuant to N.J.S.2B:12-1 on
26 defendants convicted of crimes, disorderly persons offenses and
27 petty disorderly persons offenses, and all fines imposed following
28 conviction on appeal therefrom, and all forfeitures of bail shall be
29 paid over by the officer entitled to collect same to the treasury of
30 the municipality wherein the municipal court is located.

31 In the case of an intermunicipal court, fines shall be paid into the
32 municipal treasury of the municipality in which the offense was
33 committed, and costs, fees, and forfeitures of bail shall be
34 apportioned among the several municipalities to which the court's
35 jurisdiction extends according to the ratios of the municipalities'
36 contributions to the total expense of maintaining the court.

37 In the case of a central municipal court, established by a county
38 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of
39 bail shall be paid into the county treasury of the county where the
40 central municipal court is located.

41 d. All assessments imposed pursuant to section 2 of P.L.1979,
42 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
43 in that section.

44 e. All mandatory Drug Enforcement and Demand Reduction
45 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
46 and deposited as provided for in that section.

- 1 f. All forensic laboratory fees assessed pursuant to
2 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
3 that section.
- 4 g. All restitution ordered to be paid to the Victims of Crime
5 Compensation Board pursuant to N.J.S.2C:44-2 shall be forwarded
6 to the board for deposit in the Victims of Crime Compensation
7 Board Account.
- 8 h. All assessments imposed pursuant to section 11 of P.L.1993,
9 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
10 in that section.
- 11 i. All restitution imposed on defendants under the provisions
12 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
13 enforcement entity in extraditing the defendant from another
14 jurisdiction shall be paid over by the officer entitled to collect same
15 to the law enforcement entities which participated in the extradition
16 of the defendant.
- 17 j. All penalties imposed pursuant to section 1 of P.L.1999,
18 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
19 in that section.
- 20 k. All penalties imposed pursuant to section 11 of P.L.2001,
21 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
22 that section.
- 23 l. All mandatory penalties imposed pursuant to section 1 of
24 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
25 provided in that section.
- 26 m. All mandatory Computer Crime Prevention penalties
27 imposed pursuant to section 1 of P.L. , c. (C.) (pending
28 before the Legislature as this bill) shall be forwarded and deposited
29 as provided in that section.
30 (cf: P.L.2005, c.73, s.5)
- 31
- 32 3. Section 13 of P.L.1991, c. 329 (C.2C:46-4.1) is amended to
33 read as follows:
- 34 13. Moneys that are collected in satisfaction of any assessment
35 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
36 in satisfaction of restitution or fines imposed in accordance with the
37 provisions of Title 2C of the New Jersey Statutes or with the
38 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be
39 applied in the following order:
- 40 a. first, in satisfaction of all assessments imposed pursuant to
41 section 2 of P.L.1979, c.396 (C.2C:43-3.1);
- 42 b. second, except as provided in subsection f. of this section, in
43 satisfaction of any restitution ordered;
- 44 c. third, in satisfaction of all assessments imposed pursuant to
45 section 11 of P.L.1993, c.220 (C.2C:43-3.2);
- 46 d. fourth, in satisfaction of any forensic laboratory fee assessed
47 pursuant to N.J.S.2C:35-20;

- 1 e. fifth, in satisfaction of any mandatory Drug Enforcement
2 and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-
3 15;
- 4 f. sixth, in satisfaction of any anti-drug profiteering penalty
5 imposed pursuant to N.J.S.2C:35A-1 et seq.;
- 6 g. seventh, in satisfaction of any anti-money laundering
7 profiteering penalty imposed pursuant to section 9 of P.L.1999,
8 c.25;
- 9 h. eighth, in satisfaction of restitution for any extradition costs
10 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);
- 11 i. ninth, in satisfaction of any penalty imposed pursuant to
12 section 1 of P.L.1999, c.295 (C.2C:43-3.5);
- 13 j. tenth, in satisfaction of any penalty imposed pursuant to
14 section 11 of P.L.2001, c.81 (C.2C:43-3.6);
- 15 k. eleventh, in satisfaction of the mandatory penalty imposed
16 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10); **[and]**
- 17 l. twelfth, in satisfaction of any mandatory Computer Crime
18 Prevention penalty assessed pursuant to section 1 of P.L. _____,
19 c. (C. _____) (pending before the Legislature as this bill); and
20 m. in satisfaction of any fine.
21 (cf: PL: 2005, c.73, s.6)

22
23 4. This act shall take effect immediately.
24
25

26 STATEMENT

27
28 This bill would impose additional penalties on certain offenders
29 and use the monies to establish a “Computer Crime Prevention
30 Fund.”

31 Under the bill, the penalties would be imposed on every person
32 convicted of or adjudicated delinquent for a violation of
33 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4
34 (knowingly possessing or knowingly viewing child pornography),
35 N.J.S.2C:34-3 (selling, distributing or exhibiting obscene material
36 to a person under age 18), or an offense set out in chapter 20 of
37 Title 2C involving computer criminal activity. The penalties would
38 be as follows:

- 39 (a) \$2,000 in the case of a crime of the first degree;
40 (b) \$1,000 in the case of a crime of the second degree;
41 (c) \$750 in the case of a crime of the third degree;
42 (d) \$500 in the case of a crime of the fourth degree; and
43 (e) \$250 in the case of a disorderly persons or petty disorderly
44 persons offense.

45 The bill provides that the moneys would be forwarded to the
46 Department of the Treasury to be deposited in a nonlapsing
47 revolving fund to be known as the “Computer Crime Prevention
48 Fund.” Moneys in the fund would be appropriated by the

1 Legislature to the Department of Law and Public Safety on an
2 annual basis for the following purposes: investigating and
3 prosecuting computer-related crime, and funding continuing
4 educational programs on high technology crimes and the 24-hour
5 toll-free computer crime hotline telephone service established
6 pursuant to section 3 of P.L. 1998, c.134 (C.52:17B-193) and
7 publicizing thereof, as well as other programs designed to enhance
8 public awareness of computer-related crime, including but not
9 limited to use of the Internet to facilitate sexual predatory acts,
10 cyber-stalking and cyberbullying, online child pornography, threats
11 of violence in schools or other institutions, Internet fraud, and
12 unauthorized intrusions into computer systems.

13 This bill also amends N.J.S.A.2C:46-4 and N.J.S.A.2C:46-4.1
14 concerning the collection and priority of criminal fines, assessments
15 and penalties to reference the new criminal penalties created
16 pursuant to section 1 of the bills.

17 This bill is part of the Attorney General's initiative concerning
18 Internet safety.

19

20

21

22

23 Creates "Computer Crime Prevention Fund"; imposes penalties
24 on certain offenders.

ASSEMBLY, No. 3763

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED FEBRUARY 9, 2009

Sponsored by:

Assemblyman PETER J. BARNES, III

District 18 (Middlesex)

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

Assemblywoman ELEASE EVANS

District 35 (Bergen and Passaic)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

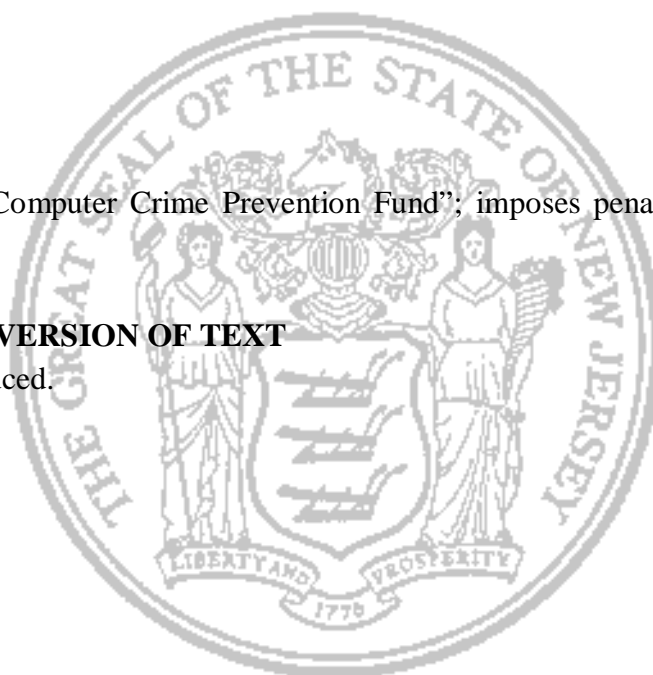
Assemblymen Johnson, Milam, Assemblywoman Vainieri Huttle, Assemblymen Prieto, Vas, Assemblywoman Voss, Assemblyman Moriarty, Assemblywoman Wagner, Assemblyman DeAngelo, Assemblywoman Riley, Assemblyman Burzichelli, Assemblywoman Rodriguez and Senator Beach

SYNOPSIS

Creates “Computer Crime Prevention Fund”; imposes penalties on certain offenders.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/26/2009)

1 AN ACT concerning Computer Crime Prevention Fund surcharges,
2 amending P.L.1979, c.396 and P.L.1991, c.329 and
3 supplementing Title 2C of the New Jersey Statutes.

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

7
8 1. (New section) a. In addition to any disposition authorized
9 by this Title, the provisions of section 24 of P.L.1982, c.77
10 (C.2A:4A-43), or any other statute indicating the dispositions that
11 can be ordered for an adjudication of delinquency, every person
12 convicted of or adjudicated delinquent for a violation of
13 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-
14 4, N.J.S.2C:34-3, or an offense involving computer criminal activity
15 in violation of any provision of chapter 20 of this title shall be
16 assessed for each such offense a penalty fixed at:

- 17 (a) \$2,000 in the case of a crime of the first degree;
18 (b) \$1,000 in the case of a crime of the second degree;
19 (c) \$750 in the case of a crime of the third degree;
20 (d) \$500 in the case of a crime of the fourth degree;
21 (e) \$250 in the case of a disorderly persons or petty disorderly
22 persons offense.

23 b. All penalties provided for in this section shall be collected as
24 provided for collection of fines and restitutions in section 3 of
25 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the
26 Department of the Treasury as provided in subsection c. of this
27 section.

28 c. All moneys collected pursuant to this section shall be
29 forwarded to the Department of the Treasury to be deposited in a
30 nonlapsing revolving fund to be known as the "Computer Crime
31 Prevention Fund." Moneys in the fund shall be appropriated by the
32 Legislature to the Department of Law and Public Safety on an
33 annual basis for the purposes of investigating and prosecuting
34 computer-related crime, and funding continuing educational
35 programs on high technology crimes and the 24-hour toll-free
36 computer crime hotline telephone service established pursuant to
37 section 3 of P.L. 1998, c.134 (C.52:17B-193) and publicizing
38 thereof, as well as other programs designed to enhance public
39 awareness of computer-related crime, including but not limited to
40 use of the Internet to facilitate sexual predatory acts, cyber-stalking
41 and cyberbullying, online child pornography, threats of violence in
42 schools or other institutions, Internet fraud, and unauthorized
43 intrusions into computer systems.

44 d. There is created in the Department of Treasury a non-lapsing
45 fund entitled the "Computer Crime Prevention Fund." The fund

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 shall be the depository for assessments collected pursuant to
2 subsection a. of this section, to be appropriated and used in
3 accordance with the purposes set forth in subsection c. of this
4 section.

5
6 2. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
7 as follows:

8 3. a. All fines, assessments imposed pursuant to section 2 of
9 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
10 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
11 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
12 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
13 penalties imposed pursuant to section 1 of P.L. c. (C.)
14 (pending before the Legislature as section 1 of this bill) and
15 restitution shall be collected as follows:

16 (1) All fines, assessments imposed pursuant to section 2 of
17 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
18 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
19 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
20 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
21 penalties imposed pursuant to section 1 of P.L. c. (C.)
22 (pending before the Legislature as section 1 of this bill) and
23 restitution imposed by the Superior Court or otherwise imposed at
24 the county level, shall be collected by the county probation division
25 except when such fine, assessment or restitution is imposed in
26 conjunction with a custodial sentence to a State correctional facility
27 or in conjunction with a term of incarceration imposed pursuant to
28 section 25 of P.L.1982, c.77 (C.2A:4A-44) in which event such
29 fine, assessment or restitution shall be collected by the Department
30 of Corrections or the Juvenile Justice Commission established
31 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). An adult
32 prisoner of a State correctional institution or a juvenile serving a
33 term of incarceration imposed pursuant to section 25 of P.L.1982,
34 c.77 (C.2A:4A-44) who has not paid an assessment imposed
35 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty
36 imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5) a
37 penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-
38 10) , a penalty imposed pursuant to section 1 of P.L. c. (C.)
39 (pending before the Legislature as section 1 of this bill) or
40 restitution shall have the assessment, penalty, fine or restitution
41 deducted from any income the inmate receives as a result of labor
42 performed at the institution or on any type of work release program
43 or, pursuant to regulations promulgated by the Commissioner of the
44 Department of Corrections or the Juvenile Justice Commission,
45 from any personal account established in the institution for the
46 benefit of the inmate.

47 (2) All fines, assessments imposed pursuant to section 2 of
48 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to

1 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
2 by a municipal court shall be collected by the municipal court
3 administrator except if such fine, assessments imposed pursuant to
4 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
5 as a condition of probation in which event it shall be collected by
6 the county probation division.

7 b. Except as provided in subsection c. with respect to fines
8 imposed on appeals following convictions in municipal courts and
9 except as provided in subsection i. with respect to restitution
10 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
11 al.), all fines imposed by the Superior Court or otherwise imposed
12 at the county level, shall be paid over by the officer entitled to
13 collect same to:

14 (1) The county treasurer with respect to fines imposed on
15 defendants who are sentenced to and serve a custodial term,
16 including a term as a condition of probation, in the county jail,
17 workhouse or penitentiary except where such county sentence is
18 served concurrently with a sentence to a State institution; or

19 (2) The State Treasurer with respect to all other fines.

20 c. All fines imposed by municipal courts, except a central
21 municipal court established pursuant to N.J.S.2B:12-1 on
22 defendants convicted of crimes, disorderly persons offenses and
23 petty disorderly persons offenses, and all fines imposed following
24 conviction on appeal therefrom, and all forfeitures of bail shall be
25 paid over by the officer entitled to collect same to the treasury of
26 the municipality wherein the municipal court is located.

27 In the case of an intermunicipal court, fines shall be paid into the
28 municipal treasury of the municipality in which the offense was
29 committed, and costs, fees, and forfeitures of bail shall be
30 apportioned among the several municipalities to which the court's
31 jurisdiction extends according to the ratios of the municipalities'
32 contributions to the total expense of maintaining the court.

33 In the case of a central municipal court, established by a county
34 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of
35 bail shall be paid into the county treasury of the county where the
36 central municipal court is located.

37 d. All assessments imposed pursuant to section 2 of P.L.1979,
38 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
39 in that section.

40 e. All mandatory Drug Enforcement and Demand Reduction
41 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
42 and deposited as provided for in that section.

43 f. All forensic laboratory fees assessed pursuant to
44 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
45 that section.

46 g. All restitution ordered to be paid to the Victims of Crime
47 Compensation Board pursuant to N.J.S.2C:44-2 shall be forwarded

1 to the board for deposit in the Victims of Crime Compensation
2 Board Account.

3 h. All assessments imposed pursuant to section 11 of P.L.1993,
4 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
5 in that section.

6 i. All restitution imposed on defendants under the provisions
7 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
8 enforcement entity in extraditing the defendant from another
9 jurisdiction shall be paid over by the officer entitled to collect same
10 to the law enforcement entities which participated in the extradition
11 of the defendant.

12 j. All penalties imposed pursuant to section 1 of P.L.1999,
13 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
14 in that section.

15 k. All penalties imposed pursuant to section 11 of P.L.2001,
16 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
17 that section.

18 l. All mandatory penalties imposed pursuant to section 1 of
19 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
20 provided in that section.

21 m. All mandatory Computer Crime Prevention penalties
22 imposed pursuant to section 1 of P.L. , c. (C.) (pending
23 before the Legislature as this bill) shall be forwarded and deposited
24 as provided in that section.

25 (cf: P.L.2005, c.73, s.5)

26

27 3. Section 13 of P.L.1991, c. 329 (C.2C:46-4.1) is amended to
28 read as follows:

29 13. Moneys that are collected in satisfaction of any assessment
30 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
31 in satisfaction of restitution or fines imposed in accordance with the
32 provisions of Title 2C of the New Jersey Statutes or with the
33 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be
34 applied in the following order:

35 a. first, in satisfaction of all assessments imposed pursuant to
36 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

37 b. second, except as provided in subsection f. of this section, in
38 satisfaction of any restitution ordered;

39 c. third, in satisfaction of all assessments imposed pursuant to
40 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

41 d. fourth, in satisfaction of any forensic laboratory fee assessed
42 pursuant to N.J.S.2C:35-20;

43 e. fifth, in satisfaction of any mandatory Drug Enforcement
44 and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-
45 15;

46 f. sixth, in satisfaction of any anti-drug profiteering penalty
47 imposed pursuant to N.J.S.2C:35A-1 et seq.;

- 1 g. seventh, in satisfaction of any anti-money laundering
2 profiteering penalty imposed pursuant to section 9 of P.L.1999,
3 c.25;
- 4 h. eighth, in satisfaction of restitution for any extradition costs
5 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);
- 6 i. ninth, in satisfaction of any penalty imposed pursuant to
7 section 1 of P.L.1999, c.295 (C.2C:43-3.5);
- 8 j. tenth, in satisfaction of any penalty imposed pursuant to
9 section 11 of P.L.2001, c.81 (C.2C:43-3.6);
- 10 k. eleventh, in satisfaction of the mandatory penalty imposed
11 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10); **[and]**
- 12 l. twelfth, in satisfaction of any mandatory Computer Crime
13 Prevention penalty assessed pursuant to section 1 of P.L. _____,
14 c. (C. _____) (pending before the Legislature as this bill); and
15 m. in satisfaction of any fine.
16 (cf: PL: 2005, c.73, s.6)

17
18 4. This act shall take effect immediately.

19
20
21 STATEMENT

22
23 This bill would impose additional penalties on certain offenders
24 and use the monies to establish a “Computer Crime Prevention
25 Fund.”

26 Under the bill, the penalties would be imposed on every person
27 convicted of or adjudicated delinquent for a violation of
28 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4
29 (knowingly possessing or knowingly viewing child pornography),
30 N.J.S.2C:34-3 (selling, distributing or exhibiting obscene material
31 to a person under age 18), or an offense set out in chapter 20 of
32 Title 2C involving computer criminal activity. The penalties would
33 be as follows:

- 34 (a) \$2,000 in the case of a crime of the first degree;
35 (b) \$1,000 in the case of a crime of the second degree;
36 (c) \$750 in the case of a crime of the third degree;
37 (d) \$500 in the case of a crime of the fourth degree; and
38 (e) \$250 in the case of a disorderly persons or petty disorderly
39 persons offense.

40 The bill provides that the moneys would be forwarded to the
41 Department of the Treasury to be deposited in a nonlapsing
42 revolving fund to be known as the “Computer Crime Prevention
43 Fund.” Moneys in the fund would be appropriated by the
44 Legislature to the Department of Law and Public Safety on an
45 annual basis for the following purposes: investigating and
46 prosecuting computer-related crime, and funding continuing
47 educational programs on high technology crimes and the 24-hour
48 toll-free computer crime hotline telephone service established

1 pursuant to section 3 of P.L. 1998, c.134 (C.52:17B-193) and
2 publicizing thereof, as well as other programs designed to enhance
3 public awareness of computer-related crime, including but not
4 limited to use of the Internet to facilitate sexual predatory acts,
5 cyber-stalking and cyberbullying, online child pornography, threats
6 of violence in schools or other institutions, Internet fraud, and
7 unauthorized intrusions into computer systems.

8 This bill also amends N.J.S.A.2C:46-4 and N.J.S.A.2C:46-4.1
9 concerning the collection and priority of criminal fines, assessments
10 and penalties to reference the new criminal penalties created
11 pursuant to section 1 of the bills.

12 This bill is part of the Attorney General's initiative concerning
13 Internet safety.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3763

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 2009

The Assembly Judiciary Committee reports favorably Assembly Bill No. 3763.

This bill would impose additional penalties on certain offenders and use the monies to establish a "Computer Crime Prevention Fund."

Under the bill, the penalties would be imposed on every person convicted of or adjudicated delinquent for a violation of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4 (knowingly possessing or knowingly viewing child pornography), N.J.S.2C:34-3 (selling, distributing or exhibiting obscene material to a person under age 18), or an offense set out in chapter 20 of Title 2C involving computer criminal activity. The penalties would be as follows:

- (a) \$2,000 in the case of a crime of the first degree;
- (b) \$1,000 in the case of a crime of the second degree;
- (c) \$750 in the case of a crime of the third degree;
- (d) \$500 in the case of a crime of the fourth degree; and
- (e) \$250 in the case of a disorderly persons or petty disorderly persons offense.

The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing revolving fund to be known as the "Computer Crime Prevention Fund." Moneys in the fund would be appropriated by the Legislature to the Department of Law and Public Safety on an annual basis for the following purposes: investigating and prosecuting computer-related crime, and funding continuing educational programs on high technology crimes and the 24-hour toll-free computer crime hotline telephone service established pursuant to section 3 of P.L. 1998, c.134 (C.52:17B-193) and publicizing thereof, as well as other programs designed to enhance public awareness of computer-related crime, including but not limited to use of the Internet to facilitate sexual predatory acts, cyber-stalking and cyberbullying, online child pornography, threats of violence in schools or other institutions, Internet fraud, and unauthorized intrusions into computer systems.

This bill also amends N.J.S.A.2C:46-4 and N.J.S.A.2C:46-4.1 concerning the collection and priority of criminal fines, assessments and penalties to reference the new criminal penalties created pursuant to section 1 of the bills.

This bill is part of the Attorney General's initiative concerning Internet safety.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3763

STATE OF NEW JERSEY

DATED: MARCH 9, 2009

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3763.

The bill would impose additional penalties on certain offenders and use the monies to establish a "Computer Crime Prevention Fund."

Under the bill, the penalties would be imposed on every person convicted of or adjudicated delinquent for a violation of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4 (knowingly possessing or knowingly viewing child pornography), N.J.S.2C:34-3 (selling, distributing or exhibiting obscene material to a person under age 18), or an offense set out in chapter 20 of Title 2C involving computer criminal activity. The penalties would be as follows:

- (a) \$2,000 in the case of a crime of the first degree;
- (b) \$1,000 in the case of a crime of the second degree;
- (c) \$750 in the case of a crime of the third degree;
- (d) \$500 in the case of a crime of the fourth degree; and
- (e) \$250 in the case of a disorderly persons or petty disorderly persons offense.

The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing revolving fund to be known as the "Computer Crime Prevention Fund." Moneys in the fund would be appropriated by the Legislature to the Department of Law and Public Safety on an annual basis for the following purposes: investigating and prosecuting computer-related crime, and funding continuing educational programs on high technology crimes and the 24-hour toll-free computer crime hotline telephone service established pursuant to section 3 of P.L. 1998, c.134 (C.52:17B-193) and publicizing thereof, as well as other programs designed to enhance public awareness of computer-related crime, including but not limited to use of the Internet to facilitate sexual predatory acts, cyber-stalking and cyberbullying, online child pornography, threats of violence in schools or other institutions, Internet fraud, and unauthorized intrusions into computer systems.

This bill also amends N.J.S.A.2C:46-4 and N.J.S.A.2C:46-4.1 concerning the collection and priority of criminal fines, assessments and penalties to reference the new criminal penalties created pursuant to section 1 of the bill.

This bill is part of the Attorney General's initiative concerning Internet safety.

FISCAL IMPACT:

The Administrative Office of the Courts has not provided a specific estimate of the expected revenue that would be generated and forwarded to the "Computer Crime Prevention Fund." Without data the Office of Legislative Services is unable to make an independent estimate.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3763

STATE OF NEW JERSEY

DATED: JUNE 18, 2009

The Senate Judiciary Committee reports favorably Assembly Bill No. 3763.

The bill would impose additional penalties on certain offenders and use the monies to establish a "Computer Crime Prevention Fund."

Under the bill, the penalties would be imposed on every person convicted of or adjudicated delinquent for a violation of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4 (knowingly possessing or knowingly viewing child pornography), N.J.S.2C:34-3 (selling, distributing or exhibiting obscene material to a person under age 18), or an offense set out in chapter 20 of Title 2C involving computer criminal activity. The penalties would be as follows:

- (a) \$2,000 in the case of a crime of the first degree;
- (b) \$1,000 in the case of a crime of the second degree;
- (c) \$750 in the case of a crime of the third degree;
- (d) \$500 in the case of a crime of the fourth degree; and
- (e) \$250 in the case of a disorderly persons or petty disorderly persons offense.

The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing revolving fund to be known as the "Computer Crime Prevention Fund." Moneys in the fund would be appropriated by the Legislature to the Department of Law and Public Safety on an annual basis for the following purposes: investigating and prosecuting computer-related crime, and funding continuing educational programs on high technology crimes and the existing 24-hour toll-free computer crime hotline telephone service as well as other programs designed to enhance public awareness of computer-related crime.

The bill also amends N.J.S.A.2C:46-4 and N.J.S.A.2C:46-4.1 concerning the collection and priority of criminal fines, assessments and penalties to reference the new criminal penalties created pursuant to section 1 of the bill.

This bill is part of the Attorney General's initiative concerning Internet safety.

This bill is identical to Senate, No. 2702.

FISCAL NOTE
ASSEMBLY, No. 3763
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: APRIL 2, 2009

SUMMARY

Synopsis: Creates “Computer Crime Prevention Fund”; imposes penalties on certain offenders.

Type of Impact: General Fund revenue

Agencies Affected: Department of Law and Public Safety, Computer Crime Prevention Fund

Executive Estimate

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

- The Office of Legislative Services **concurs** with the Executive estimate and notes that the funds collected under this bill fall twelfth in priority for the payment of court imposed fees and fines (C.2C:46-4.1). Therefore, assessments levied on offenders by 11 other entities must be met before funds can be applied to the Computer Crime Prevention Fund. As a result, it is likely that the Computer Crime Prevention Fund would receive at most only a portion of the amount assessed.
- The bill would impose additional penalties on certain offenders and use the monies to establish a “Computer Crime Prevention Fund.”
- Information obtained from the Office of the Attorney General indicates that assuming that all of these fines would be collectible, the maximum amount of revenue to be collected would total about \$47,750.

BILL DESCRIPTION

Assembly Bill No. 3763 of 2009 would impose additional penalties on certain offenders and use the monies to establish a “Computer Crime Prevention Fund.”

Under the bill, the penalties would be imposed on every person convicted of or adjudicated delinquent for a violation of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4 (knowingly possessing or knowingly viewing child pornography), N.J.S.2C:34-3 (selling,

distributing or exhibiting obscene material to a person under age 18), or an offense set out in chapter 20 of Title 2C involving computer criminal activity. The penalties would be as follows:

- (a) \$2,000 in the case of a crime of the first degree;
- (b) \$1,000 in the case of a crime of the second degree;
- (c) \$750 in the case of a crime of the third degree;
- (d) \$500 in the case of a crime of the fourth degree; and
- (e) \$250 in the case of a disorderly persons or petty disorderly persons offense.

The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing revolving fund to be known as the "Computer Crime Prevention Fund." Moneys in the fund would be appropriated by the Legislature to the Department of Law and Public Safety on an annual basis for the following purposes: investigating and prosecuting computer-related crime, and funding continuing educational programs on high technology crimes and the 24-hour toll-free computer crime hotline telephone service established pursuant to section 3 of P.L. 1998, c.134 (C.52:17B-193) and publicizing thereof, as well as other programs designed to enhance public awareness of computer-related crime, including but not limited to use of the Internet to facilitate sexual predatory acts, cyber-stalking and cyberbullying, online child pornography, threats of violence in schools or other institutions, Internet fraud, and unauthorized intrusions into computer systems.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Information obtained from the Office of the Attorney General indicates that in FY 2008, the following number of convictions were obtained under the provisions outlined in this bill

Degree of Crime	Number Convictions	Total Fine
Second Degree	5	\$5,000
Third Degree	37	\$23,250
Fourth Degree	39	\$19,500
Disorderly Persons	Unknown	
Total		\$47,750

As a result, assuming that all of these fines would be collectible, the maximum amount of revenue to be collected would total about \$47,750.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive analysis, but notes that the funds collected under this bill fall twelfth in priority for the payment of court imposed fees and fines.(C.2C:46-4.1) Therefore, assessments levied on offenders by 11 other entities must be met before funds can be applied to the Computer Crime Prevention Fund. As a result, it is likely that the Computer Crime Prevention Fund would receive, at most only a portion of the amount assessed.

Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

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

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-1 et seq.).

SENATE, No. 2702

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MARCH 9, 2009

Sponsored by:

Senator JAMES BEACH

District 6 (Camden)

SYNOPSIS

Creates “Computer Crime Prevention Fund”; imposes penalties on certain offenders.

CURRENT VERSION OF TEXT

As introduced.



S2702 BEACH

2

1 AN ACT concerning Computer Crime Prevention Fund surcharges,
2 amending P.L.1979, c.396 and P.L.1991, c.329 and
3 supplementing Title 2C of the New Jersey Statutes.

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

7
8 1. (New section) a. In addition to any disposition authorized
9 by this Title, the provisions of section 24 of P.L.1982, c.77
10 (C.2A:4A-43), or any other statute indicating the dispositions that
11 can be ordered for an adjudication of delinquency, every person
12 convicted of or adjudicated delinquent for a violation of
13 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-
14 4, N.J.S.2C:34-3, or an offense involving computer criminal activity
15 in violation of any provision of chapter 20 of this title shall be
16 assessed for each such offense a penalty fixed at:

- 17 (a) \$2,000 in the case of a crime of the first degree;
18 (b) \$1,000 in the case of a crime of the second degree;
19 (c) \$750 in the case of a crime of the third degree;
20 (d) \$500 in the case of a crime of the fourth degree;
21 (e) \$250 in the case of a disorderly persons or petty disorderly
22 persons offense.

23 b. All penalties provided for in this section shall be collected as
24 provided for collection of fines and restitutions in section 3 of
25 P.L.1979, c.396 (C.2C:46-4), and shall be forwarded to the
26 Department of the Treasury as provided in subsection c. of this
27 section.

28 c. All moneys collected pursuant to this section shall be
29 forwarded to the Department of the Treasury to be deposited in a
30 nonlapsing revolving fund to be known as the "Computer Crime
31 Prevention Fund." Moneys in the fund shall be appropriated by the
32 Legislature to the Department of Law and Public Safety on an
33 annual basis for the purposes of investigating and prosecuting
34 computer-related crime, and funding continuing educational
35 programs on high technology crimes and the 24-hour toll-free
36 computer crime hotline telephone service established pursuant to
37 section 3 of P.L. 1998, c.134 (C.52:17B-193) and publicizing
38 thereof, as well as other programs designed to enhance public
39 awareness of computer-related crime, including but not limited to
40 use of the Internet to facilitate sexual predatory acts, cyber-stalking
41 and cyberbullying, online child pornography, threats of violence in
42 schools or other institutions, Internet fraud, and unauthorized
43 intrusions into computer systems.

44 d. There is created in the Department of Treasury a non-lapsing
45 fund entitled the "Computer Crime Prevention Fund." The fund

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.

S2702 BEACH

1 shall be the depository for assessments collected pursuant to
2 subsection a. of this section, to be appropriated and used in
3 accordance with the purposes set forth in subsection c. of this
4 section.

5
6 2. Section 3 of P.L.1979, c.396 (C.2C:46-4) is amended to read
7 as follows:

8 3. a. All fines, assessments imposed pursuant to section 2 of
9 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
10 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
11 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
12 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
13 penalties imposed pursuant to section 1 of P.L. c. (C.)
14 (pending before the Legislature as section 1 of this bill) and
15 restitution shall be collected as follows:

16 (1) All fines, assessments imposed pursuant to section 2 of
17 P.L.1979, c.396 (C.2C:43-3.1), all penalties imposed pursuant to
18 section 1 of P.L.1999, c.295 (C.2C:43-3.5), all penalties imposed
19 pursuant to section 11 of P.L.2001, c.81 (C.2C:43-3.6), all penalties
20 imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10), all
21 penalties imposed pursuant to section 1 of P.L. c. (C.)
22 (pending before the Legislature as section 1 of this bill) and
23 restitution imposed by the Superior Court or otherwise imposed at
24 the county level, shall be collected by the county probation division
25 except when such fine, assessment or restitution is imposed in
26 conjunction with a custodial sentence to a State correctional facility
27 or in conjunction with a term of incarceration imposed pursuant to
28 section 25 of P.L.1982, c.77 (C.2A:4A-44) in which event such
29 fine, assessment or restitution shall be collected by the Department
30 of Corrections or the Juvenile Justice Commission established
31 pursuant to section 2 of P.L.1995, c.284 (C.52:17B-170). An adult
32 prisoner of a State correctional institution or a juvenile serving a
33 term of incarceration imposed pursuant to section 25 of P.L.1982,
34 c.77 (C.2A:4A-44) who has not paid an assessment imposed
35 pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), a penalty
36 imposed pursuant to section 1 of P.L.1999, c.295 (C.2C:43-3.5) a
37 penalty imposed pursuant to section 1 of P.L.2005, c.73 (C.2C:14-
38 10) , a penalty imposed pursuant to section 1 of P.L. c. (C.)
39 (pending before the Legislature as section 1 of this bill) or
40 restitution shall have the assessment, penalty, fine or restitution
41 deducted from any income the inmate receives as a result of labor
42 performed at the institution or on any type of work release program
43 or, pursuant to regulations promulgated by the Commissioner of the
44 Department of Corrections or the Juvenile Justice Commission,
45 from any personal account established in the institution for the
46 benefit of the inmate.

47 (2) All fines, assessments imposed pursuant to section 2 of
48 P.L.1979, c.396 (C.2C:43-3.1), any penalty imposed pursuant to

S2702 BEACH

1 section 1 of P.L.1999, c.295 (C.2C:43-3.5) and restitution imposed
2 by a municipal court shall be collected by the municipal court
3 administrator except if such fine, assessments imposed pursuant to
4 section 2 of P.L.1979, c.396 (C.2C:43-3.1), or restitution is ordered
5 as a condition of probation in which event it shall be collected by
6 the county probation division.

7 b. Except as provided in subsection c. with respect to fines
8 imposed on appeals following convictions in municipal courts and
9 except as provided in subsection i. with respect to restitution
10 imposed under the provisions of P.L.1997, c.253 (C.2C:43-3.4 et
11 al.), all fines imposed by the Superior Court or otherwise imposed
12 at the county level, shall be paid over by the officer entitled to
13 collect same to:

14 (1) The county treasurer with respect to fines imposed on
15 defendants who are sentenced to and serve a custodial term,
16 including a term as a condition of probation, in the county jail,
17 workhouse or penitentiary except where such county sentence is
18 served concurrently with a sentence to a State institution; or

19 (2) The State Treasurer with respect to all other fines.

20 c. All fines imposed by municipal courts, except a central
21 municipal court established pursuant to N.J.S.2B:12-1 on
22 defendants convicted of crimes, disorderly persons offenses and
23 petty disorderly persons offenses, and all fines imposed following
24 conviction on appeal therefrom, and all forfeitures of bail shall be
25 paid over by the officer entitled to collect same to the treasury of
26 the municipality wherein the municipal court is located.

27 In the case of an intermunicipal court, fines shall be paid into the
28 municipal treasury of the municipality in which the offense was
29 committed, and costs, fees, and forfeitures of bail shall be
30 apportioned among the several municipalities to which the court's
31 jurisdiction extends according to the ratios of the municipalities'
32 contributions to the total expense of maintaining the court.

33 In the case of a central municipal court, established by a county
34 pursuant to N.J.S.2B:12-1, all costs, fines, fees and forfeitures of
35 bail shall be paid into the county treasury of the county where the
36 central municipal court is located.

37 d. All assessments imposed pursuant to section 2 of P.L.1979,
38 c.396 (C.2C:43-3.1) shall be forwarded and deposited as provided
39 in that section.

40 e. All mandatory Drug Enforcement and Demand Reduction
41 penalties imposed pursuant to N.J.S.2C:35-15 shall be forwarded
42 and deposited as provided for in that section.

43 f. All forensic laboratory fees assessed pursuant to
44 N.J.S.2C:35-20 shall be forwarded and deposited as provided for in
45 that section.

46 g. All restitution ordered to be paid to the Victims of Crime
47 Compensation Board pursuant to N.J.S.2C:44-2 shall be forwarded

S2702 BEACH

1 to the board for deposit in the Victims of Crime Compensation
2 Board Account.

3 h. All assessments imposed pursuant to section 11 of P.L.1993,
4 c.220 (C.2C:43-3.2) shall be forwarded and deposited as provided
5 in that section.

6 i. All restitution imposed on defendants under the provisions
7 of P.L.1997, c.253 (C.2C:43-3.4 et al.) for costs incurred by a law
8 enforcement entity in extraditing the defendant from another
9 jurisdiction shall be paid over by the officer entitled to collect same
10 to the law enforcement entities which participated in the extradition
11 of the defendant.

12 j. All penalties imposed pursuant to section 1 of P.L.1999,
13 c.295 (C.2C:43-3.5) shall be forwarded and deposited as provided
14 in that section.

15 k. All penalties imposed pursuant to section 11 of P.L.2001,
16 c.81 (C.2C:43-3.6) shall be forwarded and deposited as provided in
17 that section.

18 l. All mandatory penalties imposed pursuant to section 1 of
19 P.L.2005, c.73 (C.2C:14-10) shall be forwarded and deposited as
20 provided in that section.

21 m. All mandatory Computer Crime Prevention penalties
22 imposed pursuant to section 1 of P.L. , c. (C.) (pending
23 before the Legislature as this bill) shall be forwarded and deposited
24 as provided in that section.

25 (cf: P.L.2005, c.73, s.5)

26

27 3. Section 13 of P.L.1991, c. 329 (C.2C:46-4.1) is amended to
28 read as follows:

29 13. Moneys that are collected in satisfaction of any assessment
30 imposed pursuant to section 2 of P.L.1979, c.396 (C.2C:43-3.1), or
31 in satisfaction of restitution or fines imposed in accordance with the
32 provisions of Title 2C of the New Jersey Statutes or with the
33 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), shall be
34 applied in the following order:

35 a. first, in satisfaction of all assessments imposed pursuant to
36 section 2 of P.L.1979, c.396 (C.2C:43-3.1);

37 b. second, except as provided in subsection f. of this section, in
38 satisfaction of any restitution ordered;

39 c. third, in satisfaction of all assessments imposed pursuant to
40 section 11 of P.L.1993, c.220 (C.2C:43-3.2);

41 d. fourth, in satisfaction of any forensic laboratory fee assessed
42 pursuant to N.J.S.2C:35-20;

43 e. fifth, in satisfaction of any mandatory Drug Enforcement
44 and Demand Reduction penalty assessed pursuant to N.J.S.2C:35-
45 15;

46 f. sixth, in satisfaction of any anti-drug profiteering penalty
47 imposed pursuant to N.J.S.2C:35A-1 et seq.;

S2702 BEACH

6

- 1 g. seventh, in satisfaction of any anti-money laundering
2 profiteering penalty imposed pursuant to section 9 of P.L.1999,
3 c.25;
- 4 h. eighth, in satisfaction of restitution for any extradition costs
5 imposed pursuant to section 4 of P.L.1997, c.253 (C.2C:43-3.4);
- 6 i. ninth, in satisfaction of any penalty imposed pursuant to
7 section 1 of P.L.1999, c.295 (C.2C:43-3.5);
- 8 j. tenth, in satisfaction of any penalty imposed pursuant to
9 section 11 of P.L.2001, c.81 (C.2C:43-3.6);
- 10 k. eleventh, in satisfaction of the mandatory penalty imposed
11 pursuant to section 1 of P.L.2005, c.73 (C.2C:14-10); **[and]**
- 12 l. twelfth, in satisfaction of any mandatory Computer Crime
13 Prevention penalty assessed pursuant to section 1 of P.L. _____,
14 c. (C. _____) (pending before the Legislature as this bill); and
15 m. in satisfaction of any fine.
16 (cf: PL: 2005, c.73, s.6)

17
18 4. This act shall take effect immediately.

19
20
21 STATEMENT

22
23 This bill would impose additional penalties on certain offenders
24 and use the monies to establish a “Computer Crime Prevention
25 Fund.”

26 Under the bill, the penalties would be imposed on every person
27 convicted of or adjudicated delinquent for a violation of
28 subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4
29 (knowingly possessing or knowingly viewing child pornography),
30 N.J.S.2C:34-3 (selling, distributing or exhibiting obscene material
31 to a person under age 18), or an offense set out in chapter 20 of
32 Title 2C involving computer criminal activity. The penalties would
33 be as follows:

- 34 (a) \$2,000 in the case of a crime of the first degree;
35 (b) \$1,000 in the case of a crime of the second degree;
36 (c) \$750 in the case of a crime of the third degree;
37 (d) \$500 in the case of a crime of the fourth degree; and
38 (e) \$250 in the case of a disorderly persons or petty disorderly
39 persons offense.

40 The bill provides that the moneys would be forwarded to the
41 Department of the Treasury to be deposited in a nonlapsing
42 revolving fund to be known as the “Computer Crime Prevention
43 Fund.” Moneys in the fund would be appropriated by the
44 Legislature to the Department of Law and Public Safety on an
45 annual basis for the following purposes: investigating and
46 prosecuting computer-related crime, and funding continuing
47 educational programs on high technology crimes and the 24-hour
48 toll-free computer crime hotline telephone service established

S2702 BEACH

7

1 pursuant to section 3 of P.L. 1998, c.134 (C.52:17B-193) and
2 publicizing thereof, as well as other programs designed to enhance
3 public awareness of computer-related crime, including but not
4 limited to use of the Internet to facilitate sexual predatory acts,
5 cyber-stalking and cyberbullying, online child pornography, threats
6 of violence in schools or other institutions, Internet fraud, and
7 unauthorized intrusions into computer systems.

8 This bill also amends N.J.S.A.2C:46-4 and N.J.S.A.2C:46-4.1
9 concerning the collection and priority of criminal fines, assessments
10 and penalties to reference the new criminal penalties created
11 pursuant to section 1 of the bills.

12 This bill is part of the Attorney General's initiative concerning
13 Internet safety.

FISCAL NOTE
SENATE, No. 2702
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: MARCH 30, 2009

SUMMARY

Synopsis: Creates “Computer Crime Prevention Fund”; imposes penalties on certain offenders.

Type of Impact: General Fund revenue

Agencies Affected: Department of Law and Public Safety, Computer Crime Prevention Fund

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	Indeterminate - See comments below		

- The Office of Legislative Services (OLS) **concurs** with the Executive estimate and notes that the funds collected under this bill fall twelfth in priority for the payment of court imposed fees and fines (C.2C:46-4.1). Therefore, assessments levied on offenders by 11 other entities must be met before funds can be applied to the Computer Crime Prevention Fund. As a result, it is likely that the Computer Crime Prevention Fund would receive, at most only a portion of the amount assessed.
- The bill would impose additional penalties on certain offenders and use the monies to establish a “Computer Crime Prevention Fund.”
- Information obtained from the Office of the Attorney General indicates that assuming that all of these fines would be collectible, the maximum amount of revenue to be collected would total about \$47,750.

BILL DESCRIPTION

Senate Bill No. 2702 of 2009 would impose additional penalties on certain offenders and use the monies to establish a “Computer Crime Prevention Fund.”

Under the bill, the penalties would be imposed on every person convicted of or adjudicated delinquent for a violation of subparagraph (b) of paragraph (5) of subsection b. of N.J.S.2C:24-4 (knowingly possessing or knowingly viewing child pornography), N.J.S.2C:34-3 (selling,

distributing or exhibiting obscene material to a person under age 18), or an offense set out in chapter 20 of Title 2C involving computer criminal activity. The penalties would be as follows:

- (a) \$2,000 in the case of a crime of the first degree;
- (b) \$1,000 in the case of a crime of the second degree;
- (c) \$750 in the case of a crime of the third degree;
- (d) \$500 in the case of a crime of the fourth degree; and
- (e) \$250 in the case of a disorderly persons or petty disorderly persons offense.

The bill provides that the moneys would be forwarded to the Department of the Treasury to be deposited in a nonlapsing revolving fund to be known as the "Computer Crime Prevention Fund." Moneys in the fund would be appropriated by the Legislature to the Department of Law and Public Safety on an annual basis for the following purposes: investigating and prosecuting computer-related crime, and funding continuing educational programs on high technology crimes and the 24-hour toll-free computer crime hotline telephone service established pursuant to section 3 of P.L. 1998, c.134 (C.52:17B-193) and publicizing thereof, as well as other programs designed to enhance public awareness of computer-related crime, including but not limited to use of the Internet to facilitate sexual predatory acts, cyber-stalking and cyberbullying, online child pornography, threats of violence in schools or other institutions, Internet fraud, and unauthorized intrusions into computer systems.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Information obtained from the Office of the Attorney General indicates that in FY 2008, the following number of convictions were obtained under the provisions outlined in this bill.

Degree of Crime	Number Convictions	Total Fine
Second Degree	5	\$5,000
Third Degree	37	\$23,250
Fourth Degree	39	\$19,500
Disorderly Persons	Unknown	
Total		\$47,750

As a result, assuming that all of these fines would be collectible, the maximum amount of revenue to be collected would total about \$47,750.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs with the Executive analysis, but notes that the funds collected under this bill fall twelfth in priority for the payment of court imposed fees and fines.(C.2C:46-4.1) Therefore, assessments levied on offenders by 11 other entities must be met before funds can be applied to the Computer Crime Prevention Fund. As a result, it is likely that the Computer Crime Prevention Fund would receive, at most only a portion of the amount assessed, if at all.

S2702

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Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

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

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2702

STATE OF NEW JERSEY

DATED: JUNE 18, 2009

The Senate Judiciary Committee reports favorably Senate Bill No. 2702.

This bill would impose additional penalties on certain offenders and use the monies to establish a "Computer Crime Prevention Fund."

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This bill also amends N.J.S.A.2C:46-4 and N.J.S.A.2C:46-4.1 concerning the collection and priority of criminal fines, assessments and penalties to reference the new criminal penalties created pursuant to section 1 of the bill.

This bill is part of the Attorney General's initiative concerning Internet safety.

This bill is identical to Assembly, No. 3763.

FISCAL NOTE
SENATE, No. 2702
STATE OF NEW JERSEY
213th LEGISLATURE

DATED: MARCH 30, 2009

SUMMARY

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EXECUTIVE BRANCH

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S2702

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Section: Judiciary

*Analyst: Anne Raughley
Principal Fiscal Analyst*

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

This fiscal note has been prepared pursuant to P.L. 1980, c.67 (C. 52:13B-1 et seq.).



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JON S. CORZINE
Governor

For Immediate Release:
Date: October 20, 2009

For More Information:
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Governor Corzine Signs Internet Safety Measures

TRENTON - Further enhancing the State's aggressive Internet Safety initiatives, Governor Jon S. Corzine today signed two bills that will increase Internet security and aid Internet crime prevention in New Jersey.

"With all of the benefits that evolving technologies provide us, there remains to be unfortunate opportunities that exist for the exploitation of children and adults through the use of the Internet," Governor Corzine said. "These two measures will help to close that door on these dangerous situations and prevent Internet predators from perpetrating these criminal encounters."

According to the National Center for Missing & Exploited Children, approximately one in seven young people online (10 to 17-years-old) were solicited or approached over the Internet.

"The Internet serves as a hub for communication, learning, and socialization, but use of the Internet is not without risk," Attorney General Anne Milgram said. "Sexual solicitation, harassment, bullying, and exposure to violent and inappropriate online content represent consistent threats to the safety of our children. That is why this legislation is so important and why my office has employed an aggressive, multi-pronged approach ranging from criminal and civil investigations to cooperative efforts with networking sites and service providers to education initiatives aimed at teachers, school administrators, parents and students."

The first bill, A-3761 / S-2697, authorizes wire or electronic communications of a suspected computer trespasser to be intercepted under certain circumstances. Authorized circumstances include direct approval from the owner or operator of the computer; the information's relevance to an investigation and if the seizure does not acquire communications other than those transmitted to or from the computer trespasser.

"Online stalkers who target children cannot be treated lightly," said Assemblyman Fred Scalera (D-Essex/Bergen/Passaic). "We need to be able to go after these individuals swiftly and bring the full force of the law to bear."

"This helps give law enforcement the tools they need to better protect children who use the Internet for education and recreation," said Assemblywoman Linda Greenstein (D-Middlesex/Mercer). "No longer will Web sites be the playgrounds of criminals looking to prey on vulnerable children."

"Every parent worries when their child logs onto a computer and enters that new world that has evolved on the Internet," said Assemblyman Matthew Milam (D-Atlantic/Cape May/Cumberland). "It can be a wonderful tool for education and keeping in touch with friends and loved ones, but it can also be a dangerous place. These bills aim to give authorities what they need to keep pace with the criminals."

The second bill, A-3763/S-2702, creates the Computer Crime Prevention Fund through fines imposed on individuals convicted of certain internet crimes. These penalties range from \$250 for a case of a disorderly persons or petty disorderly persons offense to \$2,000 in the case of crime in the first degree.

"Penalizing the people who force us to investigate these nightmarish crimes is sensible public policy that puts the burden on offenders, not taxpayers," said Assemblyman Peter J. Barnes III (D-Middlesex).

"Times and technology have changed and so must our laws," said Assemblywoman Elease Evans (D-Passaic).

Collected fines will be placed in a Computer Crime Prevention Fund located within the Department of the Treasury. The funds can be used by the Department of Law and Public Safety to investigate and raise public awareness of computer crimes.

"Law enforcement needs the tools to keep pace with today's ever-changing technology and ward off predators who lurk behind a computer screen in hopes of preying on children," said Assemblyman Nelson Albano (D-Atlantic/Cape May/Cumberland). "This is a common-sense step forward to help give parents peace of mind that we're doing all we can to protect their children in this technological age."

"Through these measures, we are furthering our commitment to ensuring the safety and well-being of New Jersey's children," said Senator James Beach, (D-Camden). "We are also sending an unmistakably clear message that anyone who intends to harm our youth will be prosecuted to the fullest extent of the law. As parents and grandparents, and as adults, we must protect the children of our State."

Both bills signed by Governor Corzine augment the Internet Safety initiatives implemented by the Department of Law and Public Safety. Through these initiatives:

- The State Police, the Division of Criminal Justice and county prosecutors have arrested and prosecuted more than 200 people for possession or distribution of child pornography, including trading child pornography on peer to peer file sharing networks. The Attorney General has also asked Internet Service Providers to block access to child pornography websites to help prevent the victimization of children.
- The Attorney General's Office, working with social networking sites, has identified convicted sex offenders with profiles on social networking sites. As a result of information derived from this initiative, supervised sex offenders have been arrested for violating their conditions of parole by accessing social networking sites.
- The Attorney General's Office developed a unique Report Abuse icon, which is in use on MyYearbook.com and is being tested by Facebook, that provides a common, easily accessible and recognizable mechanism on social networking website pages that allows users to report offensive content quickly and effectively in a way that facilitates and ensures follow-up by the websites and, when appropriate, results in alerts to law enforcement.
- A Civil investigation into potential violations of the Consumer Fraud Act by a college gossip website which allowed malicious and anonymous postings was launched. The website eventually shut down on its own, while the Attorney General advised all New Jersey colleges and universities to adopt best practices to make cyber-security a priority on their campuses.
- In collaboration with the Department of Education, the Attorney General's Office and the Division of State Police have trained more than 1,000 school teachers and administrators on how best to teach children about Internet safety.

Governor Corzine signed the legislation as part of National Cyber Safety Awareness Month, which was designed to encourage citizens to protect their computers and the nation's critical cyber infrastructure.

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