

# SENATE, No. 720

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator RICHARD J. CODEY**

**District 27 (Essex and Morris)**

**SYNOPSIS**

Broadens statute that criminalizes cyber-harassment of minor.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee with technical review.



S720 CODEY

2

1 AN ACT concerning cyber-harassment and amending P.L.2013,  
2 c.272.

3

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

6

7 1. Section 1 of P.L.2013, c.272 (C.2C:33-4.1) is amended to read  
8 as follows:

9 1. a. A person commits the crime of cyber-harassment if, while  
10 making one or more communications in an online capacity via any  
11 electronic device or through a social networking site and with the  
12 purpose to harass another, the person:

13 (1) threatens to inflict injury or physical harm to any person or the  
14 property of any person;

15 (2) knowingly sends, posts, comments, requests, suggests, or  
16 proposes any lewd, indecent, or obscene material to or about a person  
17 with the intent to emotionally harm a reasonable person or place a  
18 reasonable person in fear of physical or emotional harm to his person;  
19 or

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

22 b. Cyber-harassment is a crime of the fourth degree, unless the  
23 person is **[21]** 18 years of age or older at the time of the offense and  
24 **[impersonates a minor for the purpose of]** engages in cyber-harassing  
25 a minor, in which case it is a crime of the third degree.

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

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

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

34 d. A parent or guardian who fails to comply with a condition  
35 imposed by the court pursuant to subsection c. of this section is a  
36 disorderly person and shall be fined not more than \$100 for a first  
37 offense and not more than \$500 for each subsequent offense.

38 e. The trier of fact may infer that a person acted with a purpose to  
39 harass another if the person knows or should have known that any of  
40 the person's actions constituting an offense under this section are  
41 knowingly directed to or are about a judicial officer, and there is a  
42 nexus between the offense and relates to the performance of the  
43 judge's public duties. For the purposes of this subsection, "judicial  
44 officer" has the same meaning as defined in section 1 of P.L.1995,  
45 c.23 (C.47:1A-1.1).

**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.

**S720 CODEY**

- 1        f. In addition to any other disposition or condition imposed  
2 pursuant to this section, a parent or guardian having legal custody of a  
3 minor who demonstrates willful or wanton disregard in the exercise of  
4 the supervision and control of the conduct of a minor adjudicated  
5 delinquent of cyber-harassment pursuant to this section may be liable  
6 in a civil action pursuant to section 4 of P.L.2021, c.338 (C.2A:53A-  
7 17.1).  
8 (cf: P.L.2021, c.338, s.1)  
9
- 10        2. This act shall take effect immediately.