

ASSEMBLY, No. 3095

STATE OF NEW JERSEY

208th LEGISLATURE

INTRODUCED MAY 6, 1999

Sponsored by:

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District 18 (Middlesex)

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SYNOPSIS

Authorizes actions for damages for computer impersonation and electronic forgery.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/4/1999)

1 AN ACT concerning computer impersonation and electronic forgery
2 and supplementing chapter 38A of Title 2A of the New Jersey
3 Statutes.

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

7
8 1. As used in this act:

9 "Computer identity" refers to a person's name, address, social
10 security number, employment, medical history, bank account numbers,
11 credit card numbers, salary, personal identification numbers, access
12 codes, passwords, and any other type of security code.

13
14 2. In addition to the actions authorized by N.J.S.2A:38A-1 et seq.,
15 a person or enterprise damaged in business or property as a result of
16 any of the following actions may sue the actor therefor in the Superior
17 Court and may recover compensatory and punitive damages and the
18 cost of the suit including a reasonable attorney's fee, costs of
19 investigation and litigation:

20 a. The purposeful or knowing, and unauthorized accessing of a
21 computer, computer system, computer network to assume the
22 computer identity of another person in connection with any scheme or
23 artifice to defraud or deceive;

24 b. The purposeful or knowing, and unauthorized creation or
25 alteration of electronic mail data contained in any computer, computer
26 network or computer system in such a way that the electronic mail
27 data as created or altered purports to have been created, or altered by
28 another person, or with different provisions, or by authority of one
29 who did not give such authority, or the initiation of the transmission
30 of such electronic mail data to another knowing it to have been thus
31 created or altered; or

32 c. The purposeful or knowing, and unauthorized creation or
33 alteration of any document, record, representation, or image data or
34 program whenever contained in any computer, computer network or
35 computer system in such a way that the data or program as created or
36 altered purports to have been created, or altered by another person, or
37 with different provisions, or by authority of one who did not give such
38 authority, or the initiation of the transmission of such electronic data
39 or program knowing it to have been thus created or altered.

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41 3. The value of damage, loss, property or income involved in any
42 lawsuit shall be determined by the trier of fact.

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44 4. In addition to any other action or proceeding authorized by law,
45 the Attorney General, or a person or enterprise alleging injury or loss
46 may bring an action in Superior Court to enjoin actions causing

1 damage as described in this act or to enjoin any acts in furtherance
2 thereof.

3

4 5. Actions brought under this act may be filed in the Superior
5 Court of the county in which the computer which is accessed is
6 located, or where the terminal used in the accessing is situated, or
7 where the actual damage occurs.

8

9 6. This act shall take effect immediately.

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12 STATEMENT

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14 This bill is intended to protect a person's computer identity from
15 fraudulent computer impersonation.

16 A person's computer identity can be displayed in a variety of ways.
17 For example, personal identification codes like access codes and
18 passwords, as well as other personal and financial information can
19 create a person's computer identity. As a result, the average person's
20 computer identity can be easily manipulated and impersonated through
21 the computer or computer system. This type of fraud can severely
22 affect a person's computer identity and personal reputation.

23 This bill is also intended to protect a person from electronic mail
24 forgery and document forgery.

25 An electronic mail user's identity is available to anyone who has
26 received electronic mail from the user as well as from countless
27 electronic mailing lists compiled by advertisers and marketers.

28 The most common use of forged electronic mail is to post false or
29 inflammatory messages which can damage a person's reputation and
30 cause mental and emotional distress.

31 This provision is also intended to apply to situations where the
32 actor, without authorization, uses another person's computer to send
33 electronic mail under the owner's identity. The unattended computer
34 provides the actor with the opportunity to forge messages and
35 attribute them to the owner.

36 The bill also protects persons against document or record forgery.
37 The use of computers to create false documents or records that are
38 perceived as genuine by others is on the rise as computers become
39 more commonplace. The economic consequences to the public can be
40 quite severe when an actor forges financial instruments such as credit
41 cards, checks, certificates of deposit and other instruments issued by
42 the government. This bill would authorize a person to seek damages
43 against someone who engages in document or record forgery.