ASSEMBLY, No. 4304

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED MAY 21, 2007

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

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

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

2. The Legislature finds and declares:
   a. Residents of this State need to be informed of the potential
      risks of participating in Internet dating services. There is a public
      safety need to disclose whether criminal history background
      screenings have been performed and to increase public awareness of
      the possible risks associated with Internet dating activities.
   b. The offer of Internet dating services to residents of this State,
      and the acceptance of membership fees from residents of this State
      means that an Internet dating service is conducting business in this
      State and is subject to regulation by this State and the jurisdiction of
      the State's courts.

3. As used in this act:
   a. "Criminal background screening" means a name search for a
      person's criminal convictions initiated by an on-line dating service
      provider and conducted by one of the following means:
      (1) By searching available and regularly updated government
          public record databases for criminal convictions so long as such
          databases, in the aggregate, provide substantial national coverage;
          or
      (2) By searching a database maintained by a private vendor that
          is regularly updated and is maintained in the United States with
          substantial national coverage of criminal history records and sexual
          offender registries.
   b. "Director" means the Director of the Division of Consumer
      Affairs in the Department of Law and Public Safety.
   c. "Division" means the Division of Consumer Affairs in the
      Department of Law and Public Safety.
   d. "Internet dating service" means a person or entity directly or
      indirectly in the business, for profit, of offering, promoting or
      providing access to dating, relationship, compatibility, matrimonial
      or social referral services principally on or through the Internet.
   e. "Internet service provider" means any person, business or
      organization qualified to do business in this State that provides
      individuals, corporations, or other entities with the ability to
      connect to the Internet through equipment that is located in this
      State.
   f. "Member" means a customer, client or participant who
      submits to an Internet dating service information required to access
the service for the purpose of engaging in dating, relationship, compatibility, matrimonial or social referral.

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

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

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

   a. 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. Examples of such notifications include:

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

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

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

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

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

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

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

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

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

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

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

STATEMENT

This bill 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.”