

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2105

with Assembly Floor Amendments
(Proposed by Assemblyman COUGHLIN)

ADOPTED: MAY 24, 2012

Under current law, a person is guilty of an offense under N.J.S.2C:21-17 if he impersonates another, assumes a false identity, or obtains any personal identifying information pertaining to another person for the purpose of obtaining a benefit. Penalties range from a crime of the fourth degree to a crime of the second degree, depending on the monetary amount of the benefit involved or the number of victims.

Currently, if a person obtains a benefit or deprives another of a benefit in an amount less than \$500 he is guilty of a crime of the fourth degree. The bill as amended by committee would have created a new disorderly persons offense and a new crime of the fourth degree. Under the bill as amended by committee, if a person impersonated another or assumed a false identity and by means of electronic communication or an Internet website did an act in such assumed character or false identity for the purpose of obtaining a benefit with no pecuniary value or for the purpose of injuring or defrauding another, and the offense involved one victim, it would have been a disorderly persons offense. If the offense resulted in bodily injury to another or significant mental suffering or distress, it would have been a crime of the fourth degree.

These floor amendments remove the language “for the purpose of obtaining a benefit for himself or another which has no pecuniary value” and create a new gradation scheme. Under the amendments, a person commits a disorderly persons offense if he impersonates another or assumes a false identity and by means of electronic communications or an Internet website does an act in such assumed character or false identity for the purpose of injuring or defrauding another, and the offense involves the identity of one or more victims. If the offense results in bodily injury to another or significant mental suffering or distress it would be a crime of the fourth degree.

The floor amendments do not address the situation where a person uses a pseudonym to protect his own identity for a lawful purpose, because it is the intent of the bill to encompass only the person who steals another’s identity in order to cause injury or to defraud.