

ASSEMBLY, No. 431

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

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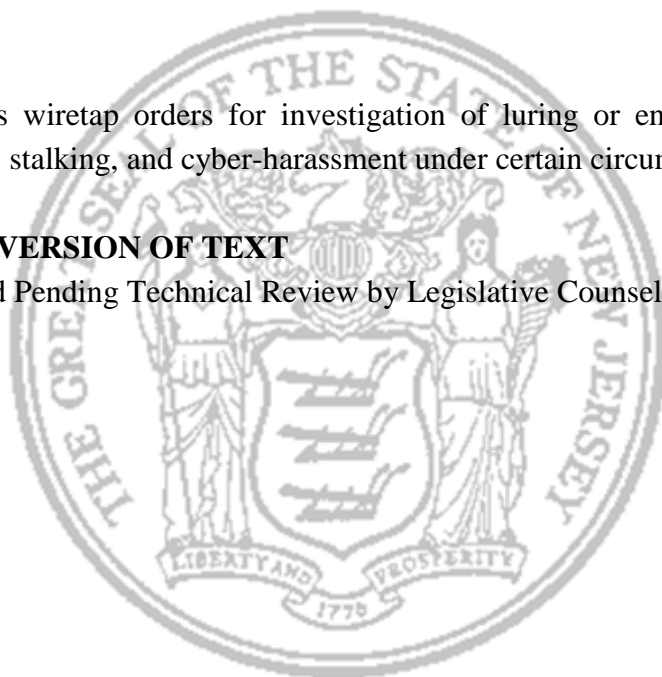
Assemblywoman Vainieri Huttie, Assemblymen Prieto, Moriarty, DeAngelo, Burzichelli, Assemblywoman Quijano, Assemblyman Gusciora, Assemblywomen Caride and Pinkin

SYNOPSIS

Authorizes wiretap orders for investigation of luring or enticing a child, identity theft, stalking, and cyber-harassment under certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning wiretap orders for certain crimes and amending
2 P.L.1968, c.409.

3

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

6

7 1. Section 8 of P.L.1968, c.409 (C.2A:156A-8) is amended to
8 read as follows:

9 8. The Attorney General, county prosecutor or a person
10 designated to act for such an official and to perform his duties in
11 and during his actual absence or disability, may authorize, in
12 writing, an ex parte application to a judge designated to receive the
13 same for an order authorizing the interception of a wire, or
14 electronic or oral communication by the investigative or law
15 enforcement officers or agency having responsibility for an
16 investigation when such interception may provide evidence of the
17 commission of the offense of murder, kidnapping, gambling,
18 robbery, bribery, a violation of paragraph (1) or (2) of subsection b.
19 of N.J.S.2C:12-1, a violation of section 3 of P.L.1997, c.353
20 (C.2C:21-4.3), a violation of N.J.S.2C:21-19 punishable by
21 imprisonment for more than one year, a violation of P.L.1994, c.121
22 (C.2C:21-23 et seq.), a violation of sections 1 through 5 of
23 P.L.2002, c.26 (C.2C:38-1 through C.2C:38-5), a violation of
24 N.J.S.2C:33-3, a violation of N.J.S.2C:17-2, a violation of sections
25 1 through 3 of P.L.1983, c.480 (C.2C:17-7 through 2C:17-9), a
26 violation of N.J.S.2C:12-3 (terroristic threats), violations of
27 N.J.S.2C:35-3, N.J.S.2C:35-4 and N.J.S.2C:35-5, violations of
28 sections 112 through 116, inclusive, of the "Casino Control Act,"
29 P.L.1977, c.110 (C.5:12-112 through 5:12-116), a violation of
30 section 1 of P.L.2005, c.77 (C.2C:13-8), a violation of N.J.S.2C:34-
31 1 punishable by imprisonment for more than one year, arson,
32 burglary, theft and related offenses punishable by imprisonment for
33 more than one year, **endangering the welfare of a child pursuant**
34 **to** a violation of N.J.S.2C:24-4, luring or enticing a child pursuant
35 to section 1 of P.L.1993, c.291 (C.2C:13-6), impersonation or theft
36 of identity pursuant to N.J.S.2C:21-17, stalking pursuant to
37 P.L.1992, c.209 (C.2C:12-10.), the third degree or fourth degree
38 crime of cyber-harassment pursuant to P.L.2013, c.272 (C.2C:33-
39 4.1), escape, forgery and fraudulent practices punishable by
40 imprisonment for more than one year, alteration of motor vehicle
41 identification numbers, unlawful manufacture, purchase, use, or
42 transfer of firearms, unlawful possession or use of destructive
43 devices or explosives, weapons training for illegal activities
44 pursuant to section 1 of P.L.1983, c.229 (C.2C:39-14), racketeering

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 or a violation of subsection g. of N.J.S.2C:5-2, leader of organized
2 crime, organized criminal activity directed toward the unlawful
3 transportation, storage, disposal, discharge, release, abandonment or
4 disposition of any harmful, hazardous, toxic, destructive, or
5 polluting substance, or any conspiracy to commit any of the
6 foregoing offenses or which may provide evidence aiding in the
7 apprehension of the perpetrator or perpetrators of any of the
8 foregoing offenses.

9 (cf: P.L.2013, c.51, s.14)

10
11 2. This act shall take effect immediately.

12
13
14 STATEMENT

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16 This bill would expand the wiretap statutes to authorize wiretap
17 orders for investigation of the following crimes or a conspiracy to
18 commit them: luring or enticing a child, impersonation or theft of
19 identity, stalking, and cyber-harassment.

20 Current law authorizes wiretap orders for investigations of the
21 following crimes or a conspiracy to commit them: murder;
22 kidnapping; gambling; robbery; bribery; certain aggravated assault
23 offenses; health care claims fraud; certain wrongful credit practices;
24 money laundering; terrorism; false public alarms; causing or risking
25 widespread injury or damage; certain damages to nuclear electric
26 generating plants; terroristic threats; leader of a narcotics trafficking
27 network; maintaining or operating an unlawful CDS production
28 facility; unlawfully manufacturing, distributing or dispensing CDS;
29 certain violations of the Casino Control Act; human trafficking;
30 certain prostitution offenses; arson; burglary; certain theft offenses;
31 endangering the welfare of a child; escape; certain forgery and
32 fraudulent practices; alteration of motor vehicle identification
33 numbers; unlawful manufacture, purchase, use, or transfer of
34 firearms; unlawful possession or use of destructive devices or
35 explosives; weapons training for illegal activities; racketeering;
36 leader of organized crime, and organized criminal activity
37 concerning certain hazardous substances.