

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1649

STATE OF NEW JERSEY

DATED: AUGUST 13, 2020

The Assembly State and Local Government Committee reports favorably Assembly Bill No. 1649.

This bill prohibits persons, State and local agencies, and businesses from posting or publishing on the Internet the home addresses or unpublished home telephone numbers of judges, or State, county, or municipal prosecutors regardless of whether they are retired or in the workforce. This bill amends current law that already prohibits such disclosure for law enforcement officers.

Specifically, the bill makes it a crime for a person to knowingly, with purpose to expose another to harassment or risk of harm to life or property, or in reckless disregard of the probability of this exposure, to post or publish on the Internet the home address or unpublished telephone number of a judge or State, county, or municipal prosecutor, regardless of whether they are retired or in the workforce, or their spouse or child. If the person recklessly violates this prohibition, it is a crime of the fourth degree. A fourth degree crime is punishable by a prison term of up to 18 months, a fine of up to \$10,000, or both. If the person purposefully violates this prohibition, it is a crime of the third degree. A third degree crime is punishable by a prison term of three to five years, a fine of up to \$15,000, or both.

The bill also prohibits State or local agencies from posting or publishing on the Internet a home address or telephone number of a judge or State, county, or municipal prosecutor regardless of whether they are retired or in the workforce, without first obtaining written consent.

Persons, businesses, and associations also are prohibited by the bill from disclosing on the Internet a judge's, or State, county, or municipal prosecutor's home address or unpublished home telephone number, regardless of whether they are retired or in the workforce, under circumstances in which a reasonable person would believe that providing that information would expose another to harassment or risk of harm to life or property.

The bill specifies that persons, businesses, or associations may be liable for violating this prohibition of the bill. The bill authorizes a civil action in Superior Court. The court may award: (1) actual damages, but not less than liquidated damages computed at the rate of

\$1,000 for each violation; (2) punitive damages upon proof of willful or reckless disregard of the law; (3) reasonable attorney's fees and other litigation costs reasonably incurred; and (4) any other preliminary and equitable relief as the court determines to be appropriate.

The bill defines "disclose" as soliciting, selling, manufacturing, giving, providing, lending, trading, mailing, delivering, transferring, publishing, distributing, circulating, disseminating, presenting, exhibiting, advertising or offering.

This bill was pre-filed for introduction in the 2018-2019 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.