

ASSEMBLY, No. 2478

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 7, 1996

By Assemblymen ZISA and CARABALLO

1 AN ACT concerning inmates' access to certain information, amending
2 P.L.1992, c.209 and N.J.S.2C:33-4 and supplementing P.L.1963,
3 c.73 and Title 30 of the Revised Statutes.

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

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8 1. (New section) a. Notwithstanding the provisions of this act or
9 the provisions of any other law to the contrary, where it shall appear
10 that an inmate who is serving a term of imprisonment or is on parole
11 or probation as the result of a conviction of any indictable offense
12 under the laws of this State or any other state is seeking personal
13 information records pertaining to a victim or the victim's family,
14 including but not limited to a victim's home address, home telephone
15 number, social security account number, medical history or any other
16 identifying information, the right of examination herein provided for
17 shall be denied.

18 b. Personal identifying information which is privileged pursuant to
19 the provisions of this section may be released to an inmate or his
20 representative if the information is necessary to assist in his own
21 defense.

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23 2. (New section) Notwithstanding the provisions of section 7 of
24 P.L.1979, c.441 (C.30:4-123.51), R.S.30:4-140, R.S.30:4-92 or any
25 other law to the contrary, progressive time credits or credits for
26 diligent application to work shall be forfeited as a penalty for
27 misconduct if an inmate unlawfully obtains or seeks to obtain
28 personal identifying information of a victim or the victim's family in
29 violation of section 1 of P.L. , c. (C.)(now pending before the
30 Legislature as section 1 of this bill).

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32 3. Section 1 of P.L.1992, c.209 (C.2C:12-10) is amended to read
33 as follows:

34 1. a. As used in this act:

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 (1) "Course of conduct" means repeatedly maintaining a visual or
2 physical proximity to a person or repeatedly conveying verbal or
3 written threats or threats implied by conduct or a combination thereof
4 directed at or toward a person.

5 (2) "Repeatedly" means on two or more occasions.

6 (3) "Immediate family" means a spouse, parent, child, sibling or
7 any other person who regularly resides in the household or who within
8 the prior six months regularly resided in the household.

9 b. A person is guilty of stalking, a crime of the fourth degree, if he:

10 (1) Purposefully engages in a course of conduct directed at a
11 specific person that would cause a reasonable person to fear bodily
12 injury to himself or a member of his immediate family or to fear the
13 death of himself or a member of his immediate family; and

14 (2) Knowingly, recklessly or negligently places the specific person
15 in reasonable fear of bodily injury to himself or a member of his
16 immediate family or in reasonable fear of the death of himself or a
17 member of his immediate family.

18 c. A person is guilty of a crime of the third degree if he commits
19 the crime of stalking in violation of an existing court order prohibiting
20 the behavior.

21 d. A person who commits a second or subsequent offense of
22 stalking against the same victim is guilty of a crime of the third degree.

23 e. A person is guilty of a crime of the third degree if he commits
24 the crime of stalking while serving a term of imprisonment or while on
25 parole or probation as the result of a conviction for any indictable
26 offense under the laws of this State or any other state.

27 f. This act shall not apply to conduct which occurs during
28 organized group picketing.

29 (cf: P.L.1996, c.39, s.1)

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31 4. N.J.S. 2C:33-4 is amended to read as follows:

32 2C:33-4. Harassment.

33 Except as provided in subsection d.and e., a person commits a petty
34 disorderly persons offense if, with purpose to harass another, he:

35 a. Makes, or causes to be made, a communication or
36 communications anonymously or at extremely inconvenient hours, or
37 in offensively coarse language, or any other manner likely to cause
38 annoyance or alarm;

39 b. Subjects another to striking, kicking, shoving, or other offensive
40 touching, or threatens to do so; or

41 c. Engages in any other course of alarming conduct or of
42 repeatedly committed acts with purpose to alarm or seriously annoy
43 such other person.

44 A communication under subsection a. may be deemed to have been
45 made either at the place where it originated or at the place where it
46 was received.

1 d. A person commits a crime of the fourth degree if in committing
2 an offense under this section, he acted with a purpose to intimidate an
3 individual or group of individuals because of race, color, religion,
4 gender, handicap, sexual orientation or ethnicity.

5 e. A person commits a crime of the fourth degree if, in committing
6 an offense under this section, he was serving a term of imprisonment
7 or was on parole or probation as the result of a conviction of any
8 indictable offense under the laws of this State or any other state.

9 (cf: P.L.1995, c.211, s.2)

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11 5. This act shall take effect immediately .
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14 STATEMENT
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16 This bill would prohibit an inmate who is serving a term of
17 imprisonment or is on parole or probation as the result of a
18 conviction of any indictable offense under the laws of this State or any
19 other state from using the provisions of the "Right to Know Law"
20 (N.J.S.A.47:1A-1 et seq.) to obtain public records containing personal
21 identifying information of a victim or the victim's family. The bill,
22 however, allows an inmate or his representative to obtain the
23 information if it is necessary to assist in his own defense.

24 This bill would also provide that an inmate would forfeit his good
25 time credits if the inmate unlawfully obtains or seeks to obtain
26 personal identifying information of a victim or the victim's family.

27 In addition, this bill would amend the stalking and harassment
28 statutes to make it a crime of the third degree if an inmate stalks a
29 victim or a crime of the fourth degree if the inmate harasses a victim.
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34 Prohibits inmates' access to certain information concerning victims;
35 upgrades crimes of stalking and harassment under certain
36 circumstances.