

SENATE, No. 2240

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 17, 1997

By Senators CIESLA, GORMLEY, Matheussen, Martin and
Palaia

1 AN ACT concerning high technology crimes, supplementing Title 53
2 of the Revised Statutes and Title 18A of the New Jersey Statutes,
3 and appropriating \$400,000.

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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. This act may be known and shall be cited as the "High
9 Technology Crimes and Interactive Computer Services Protection
10 Act."

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12 2. As used in this act:

13 "Interactive computer service" means an information service
14 such as a 'chat room', 'newsgroup' or 'e-mail' that allows network
15 communication among multiple users and shall include, but not be
16 limited to, the Internet, bulletin board systems (BBS) and proprietary
17 online services.

18 "Juvenile" means a person under 16 years of age or believed to
19 be under 16 years of age.

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21 3. There is created in the Division of State Police of the
22 Department of Law and Public Safety a High Technology Crimes and
23 Investigation Support Unit. It shall be the responsibility of this unit
24 to:

25 a. Implement the toll-free "hot line" telephone service for children
26 and their families created in section 4 of P.L. , c. (C.) (now
27 pending before the Legislature as this bill).

28 b. Conduct investigations in which computers, telecommunications
29 devices and other high technology instruments are the vehicles for the
30 commission of criminal acts or are the objects of the investigation.
31 The crimes shall include but shall not be limited to computer
32 manipulation crimes, illegal online activities, telecommunications
33 crimes and thefts of computer related technologies.

34 c. Provide technological support to investigative units in the
35 division concerning the search, seizure, evidence preservation, forensic
36 recovery and analysis of all computer systems seized by the division or

1 any other law enforcement agencies within the State requesting such
2 technical assistance.

3 d. Provide training for division personnel and other law
4 enforcement agencies throughout the State in computer,
5 telecommunications and other high technology crimes.

6 e. Monitor existing laws and proposed legislation that focus on
7 high technology and computer crimes, and identify and recommend
8 further legislation if required.

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10 4. The High Technology Crimes and Investigation Support Unit
11 shall establish and maintain on a daily basis a 24-hour toll-free hot line
12 telephone service. The service shall allow for the immediate
13 notification of a duty detective knowledgeable in the investigation of
14 high technology crimes and interactive computer services, under the
15 direction of the superintendent. The hot line service shall receive and
16 respond to inquiries or complaints from the public reporting high
17 technology crimes, generally, where an immediate response is
18 necessary to protect life or property or both; preserve evidence; or
19 properly investigate reported crimes through the identification,
20 subsequent arrest and prosecution of the perpetrators.

21 The hot line shall be available for the reporting of bona fide
22 complaints by the families of juveniles who may be subject to
23 unsolicited contacts on interactive computer services from persons
24 suspected of being age 18 or over who:

25 a. Attempt to identify the age, gender, sexual orientation or sexual
26 interests of a juvenile in a manner that would lead an observer to
27 reasonably believe that such attempts are motivated by an intention to
28 use such information for unlawful purposes;

29 b. Initiate or otherwise engage in sexually explicit messages or
30 dialogue with a juvenile;

31 c. Generate or reproduce text, data, computer programs, sounds,
32 visual images or moving video images for a juvenile that depict
33 specified sexual activity as defined in paragraph (4) of N.J.S.2C:34-3;

34 d. Generate or reproduce a visual artistic representation containing
35 any specified anatomical area as defined in paragraph (3) of
36 N.J.S.2C:34-3 for a juvenile; or

37 e. Solicit material from a juvenile that would contain or does
38 contain any specified anatomical area as defined in paragraph (3) of
39 N.J.S.2C:34-3.

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41 5. The High Technology Crimes and Investigation Support Unit
42 shall establish and maintain a World Wide Web page. The web page
43 shall include but not be limited to guidelines and recommendations on
44 computer ethics, proper methods for reporting high technology
45 crimes, safe computing practices for children and their families, the use
46 of the hot line established under section 4 of this act, and

1 methods to filter, screen or block the receipt of objectionable material
2 on interactive computer services.

3 The Division of State Police shall conduct a continuing educational
4 program designed to inform educational, civic and business groups on
5 the emerging issues of high technology crimes including those
6 perpetrated through the use of interactive computer services.

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8 6. Every district or regional board of education shall include
9 instruction, in an appropriate place in the curriculum, on the potential
10 risks and dangers posed to children by persons who use interactive
11 computer services for illegal purposes. This instruction shall be
12 adapted to the age and understanding of elementary and secondary
13 school pupils. The instruction shall include information concerning the
14 safe computing guidelines contained on the World Wide Web page
15 and the use of the toll-free hot line both of which are established by
16 the New Jersey State Police High Technology Crimes and
17 Investigation Support Unit pursuant to P.L. , c. (C.) (now
18 pending before the Legislature as this bill). The Department of
19 Education shall develop guidelines and curriculum materials for
20 utilization by local school districts on the the ethical use of computers
21 and the potential risks and dangers posed to juveniles by persons who
22 use interactive computer services for unlawful purposes .

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24 7. There is appropriated to the Department of Law and Public
25 Safety \$400,000 to carry out the purposes of this act. This
26 appropriation shall supplement, but not supplant, funds currently
27 provided for the operation of the New Jersey State Police High
28 Technology Crimes and Investigation Support Unit.

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30 8. This act shall take effect on the first day of the fifth month after
31 enactment, but the superintendent may take such prior administrative
32 actions as may be necessary to establish the telephone hot line
33 authorized by this act.

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36 STATEMENT

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38 The purpose of this bill is to protect New Jersey residents from
39 cyber-criminals who prey on the public via interactive computer
40 networks, such as the Internet, and other high technology systems.

41 The bill creates in law a High Technology Crimes and Investigation
42 Support Unit within the Division of State Police. The unit is charged
43 with investigating computer manipulation crimes, illegal online
44 activities, telecommunications crimes, thefts of computer-related
45 technologies, and related activities. This unit was established
46 administratively in January 1997 and is staffed by three State troopers

1 and one civilian analyst. The unit's existing functions are codified in
2 the bill.

3 The bill also establishes within the unit a 24-hour toll-free hot line
4 telephone service. The hot line would be available to the public to
5 report crimes involving computers, the Internet or other high
6 technology instruments or services where an immediate response is
7 necessary to protect life or property, preserve evidence or otherwise
8 provide for proper investigation. Hot line personnel would notify a
9 duty detective trained in high technology crime investigations and
10 knowledgeable in the workings of the Internet and other interactive
11 computer services.

12 The bill requires the unit to publish a World Wide Web page on the
13 Internet concerning computer ethics, safe computing practices and the
14 proper methods for reporting high technology crimes on the toll-free
15 hot line. In addition, the State Police would conduct an educational
16 program to inform educational, civic and business groups on the
17 emerging issues of high technology crimes and interactive computer
18 services such as the Internet.

19 Also, the bill requires boards of education to include instruction on
20 the risks and dangers of the use of the Internet and other interactive
21 computer technologies such as bulletin boards and the "chat rooms" of
22 online services. Such advice would be age-related and taught in the
23 elementary and secondary grades. This small addition to the school
24 curriculum would include information about the hot line telephone
25 service and the role of children and families in reporting questionable
26 computer contacts. Guidelines and curriculum materials would be
27 developed by the Department of Education.

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32 "High Technology Crimes and Interactive Computer Services
33 Protection Act"; appropriates \$400,000.