

ASSEMBLY, No. 1649

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Prohibits posting or publishing on Internet home address or telephone number of certain judges and prosecutors.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1649 QUIJANO

2

1 AN ACT prohibiting disclosure of certain information regarding
2 certain judges and prosecutors and amending P.L.2015, c.226.

3

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

6

7 1. Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is amended to
8 read as follows:

9 1. A person shall not knowingly, with purpose to expose
10 another to harassment or risk of harm to life or property, or in
11 reckless disregard of the probability of such exposure, post or
12 publish on the Internet the home address or unpublished home
13 telephone number of any active or retired law enforcement officer,
14 **【law enforcement officer】** judge of any court of law of this State, or
15 State, county, or municipal prosecutor, or the spouse or child **【of a**
16 **law enforcement officer】** thereof. A reckless violation of this
17 section is a crime of the fourth degree. A purposeful violation of
18 this section is a crime of the third degree.

19 (cf: P.L.2015, c.226, s.1)

20

21 2. Section 2 of P.L.2015, c.226 (C.47:1-17) is amended to read
22 as follows:

23 2. A State or local governmental agency shall not knowingly
24 post or publish on the Internet the home address or unpublished
25 home telephone number of any active or retired law enforcement
26 officer **【or law enforcement officer】** , judge of any court of law of
27 this State, or State, county, or municipal prosecutor without first
28 obtaining the written permission of that **【law enforcement officer or**
29 **retired law enforcement officer】** individual.

30 (cf: P.L.2015, c.226, s.2)

31

32 3. Section 3 of P.L.2015, c.226 (C.56:8-166.1) is amended to
33 read as follows:

34 3. a. A person, business, or association shall not disclose on
35 the Internet the home address or unpublished home telephone
36 number of **【a law enforcement officer or】** an active or retired law
37 enforcement officer, judge of any court of law of this State, or
38 State, county, or municipal prosecutor under circumstances in
39 which a reasonable person would believe that providing that
40 information would expose another to harassment or risk of harm to
41 life or property.

42 b. A person, business, or association that violates subsection a.
43 of this section shall be liable to the **【law enforcement officer,】**
44 active or retired law enforcement officer, judge of any court of law
45 of this State, or State, county, or municipal prosecutor, or any other
46 person residing at the home address of the **【law enforcement**

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 officer] active or retired law enforcement officer, judge of any
2 court of law of this State, or State, county, or municipal prosecutor,
3 who may bring a civil action in the Superior Court.

4 c. The court may award:

5 (1) actual damages, but not less than liquidated damages
6 computed at the rate of \$1,000 for each violation of this act;

7 (2) punitive damages upon proof of willful or reckless disregard
8 of the law;

9 (3) reasonable attorney's fees and other litigation costs
10 reasonably incurred; and

11 (4) any other preliminary and equitable relief as the court
12 determines to be appropriate.

13 d. For the purposes of this section, "disclose" shall mean to
14 solicit, sell, manufacture, give, provide, lend, trade, mail, deliver,
15 transfer, publish, distribute, circulate, disseminate, present, exhibit,
16 advertise or offer.

17 (cf: P.L.2015, c.226, s.3)

18

19 4. This act shall take effect immediately.

20

21

22

STATEMENT

23

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

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

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

A1649 QUIJANO

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

8 The bill specifies that persons, businesses, or associations may
9 be liable for violating this prohibition of the bill. The bill authorizes
10 a civil action in Superior Court. The court may award: (1) actual
11 damages, but not less than liquidated damages computed at the rate
12 of \$1,000 for each violation; (2) punitive damages upon proof of
13 willful or reckless disregard of the law; (3) reasonable attorney's
14 fees and other litigation costs reasonably incurred; and (4) any other
15 preliminary and equitable relief as the court determines to be
16 appropriate.

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