

[First Reprint]

ASSEMBLY, No. 343

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

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Assemblyman **McKeon**

SYNOPSIS

Establishes crime of “sexual extortion”: using explicit sexual images to extort victims.

CURRENT VERSION OF TEXT

As amended by the Senate on February 2, 2023.

(Sponsorship Updated As Of: 2/27/2023)

1 AN ACT concerning certain criminal sexual activity and
2 supplementing Title 2C of the New Jersey Statutes.

3

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

6

7 1. An actor commits the crime of sexual extortion if:

8 a. with the purpose to coerce another person to¹;¹ engage in
9 sexual contact, sexual penetration, or simulated sexual contact or
10 ¹sexual¹ penetration ¹, expose their intimate parts¹, or ¹to¹
11 produce, ¹[provide, or distribute] photograph, film, videotape,
12 record, or otherwise reproduce in any manner,¹ any image, video, or
13 other recording of any individual's intimate parts or ¹[an] any¹
14 individual engaged in sexual contact ¹[or] ¹,¹ sexual penetration, ¹or
15 simulated sexual contact or sexual penetration,¹ the actor
16 communicates ¹[in person or]¹ by ¹[electronic] any¹ means a
17 threat:

18 (1) to the ¹[victim's]¹ person, property, or reputation ¹of the
19 victim or any other person¹; or

20 (2) to disclose an image ¹[or] ¹,¹ video¹, or other recording¹ of
21 the victim ¹or any other person¹ engaged in sexual contact, sexual
22 penetration, simulated sexual contact or penetration, or of ¹[an
23 individual's] the victim's or any other person's¹ intimate parts; or

24 b. the actor knowingly causes ¹[a victim] another person¹ to
25 engage in sexual contact, sexual penetration, or¹;¹ simulated sexual
26 contact or penetration ¹, or expose their intimate parts¹, or ¹to¹
27 produce, ¹[provide, or distribute] photograph, film, videotape,
28 record, or otherwise reproduce in any manner,¹ any image, video, or
29 other recording of any individual's intimate parts or ¹[an] any¹
30 individual engaged in sexual contact ¹[or] ¹,¹ sexual penetration, ¹or
31 simulated sexual contact or penetration;¹ by ¹communicating by
32 any¹ means ¹[of]¹ a threat:

33 (1) to ¹[the victim's]¹ person, property, or reputation ¹of the
34 victim or any other person¹; or

35 (2) to disclose an image ¹[or] ¹,¹ video¹, or other recording¹ of
36 the victim ¹or any other person¹ engaged in sexual contact, sexual
37 penetration, simulated sexual contact or ¹sexual¹ penetration, or of
38 ¹[an individual's] the victim's or any other person's¹ intimate
39 parts.

40 Sexual extortion is a crime of the third degree.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted February 2, 2023.

1 c. An actor is guilty of aggravated sexual extortion if the actor
2 commits an act of sexual extortion ¹【on】 pursuant to subsection a.
3 or b. of this section with purpose to coerce, or the knowingly
4 cause,¹ a child under the age of 18 years or an adult with a
5 developmental disability ¹to:

6 (1) engage in sexual contact, sexual penetration, or simulated
7 sexual contact or penetration;

8 (2) expose their intimate parts; or

9 (3) produce, photograph, film, videotape, record, or otherwise
10 reproduce in any manner, any image, video, or other recording of
11 any individual's intimate parts or any individual engaged in sexual
12 contact, sexual penetration, or simulated sexual contact or sexual
13 penetration¹.

14 Aggravated sexual extortion is crime of the second degree.

15 ¹d.¹ For purposes of this section:

16 “Developmental disability” has the definition set forth in section
17 3 of P.L.1977, c.82 (C.30:6D-3).

18 “Disclose” means sell, manufacture, give, provide, lend, trade,
19 mail, deliver, transfer, publish, distribute, circulate, disseminate,
20 present, exhibit, advertise, offer, share, or make available via the
21 Internet or by any other means.

22 “Intimate parts” has the definition set forth in N.J.S.2C:14-1.

23 “Sexual contact” means sexual contact as defined in
24 N.J.S.2C:14-1.

25 “Sexual penetration” has the definition set forth in N.J.S.2C:14-
26 1.

27 ¹e. Nothing contained in this section shall be construed to
28 preclude or limit a prosecution or conviction of any person for
29 aggravated sexual assault or sexual assault pursuant to N.J.S.2C:14-
30 2, invasion of privacy pursuant to N.J.S.2C:14-9, theft by extortion
31 pursuant to N.J.S.2C:20-5, or any other offense.¹

32

33 2. This act shall take effect immediately.