

CHAPTER 45

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

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

C.2C:14-9.1 Sexual extortion, crime, parameters.

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

a. with the purpose to coerce another person to: engage in sexual contact, sexual penetration, or simulated sexual contact or sexual penetration, expose their intimate parts, or produce, photograph, film, videotape, record, or otherwise reproduce in any manner any image, video, or other recording of any individual's intimate parts or any individual engaged in sexual contact, sexual penetration, or simulated sexual contact or sexual penetration, the actor communicates by any means a threat:

(1) to the person, property, or reputation of the victim or any other person; or

(2) to disclose an image, video, or other recording of the victim or any other person engaged in sexual contact, sexual penetration, simulated sexual contact or penetration, or of the victim's or any other person's intimate parts; or

b. the actor knowingly causes another person to engage in sexual contact, sexual penetration, or, simulated sexual contact or penetration, or expose their intimate parts, or produce, photograph, film, videotape, record, or otherwise reproduce in any manner, any image, video, or other recording of any individual's intimate parts or any individual engaged in sexual contact, sexual penetration, or simulated sexual contact or penetration; by communicating by any means a threat:

(1) to the person, property, or reputation of the victim or any other person; or

(2) to disclose an image, video, or other recording of the victim or any other person engaged in sexual contact, sexual penetration, simulated sexual contact or sexual penetration, or of the victim's or any other person's intimate parts.

Sexual extortion is a crime of the third degree.

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

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

(2) expose their intimate parts; or

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

Aggravated sexual extortion is crime of the second degree.

d. For purposes of this section:

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

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

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

"Sexual contact" means sexual contact as defined in N.J.S.2C:14-1.

"Sexual penetration" has the definition set forth in N.J.S.2C:14-1.

e. Nothing contained in this section shall be construed to preclude or limit a prosecution or conviction of any person for aggravated sexual assault or sexual assault pursuant to N.J.S.2C:14-2, invasion of privacy pursuant to section 1 of P.L.2003, c.206 (C.2C:14-9), theft by extortion pursuant to N.J.S.2C:20-5, or any other offense.

2. This act shall take effect immediately.

Approved May 8, 2023.