

[First Reprint]

SENATE, No. 653

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

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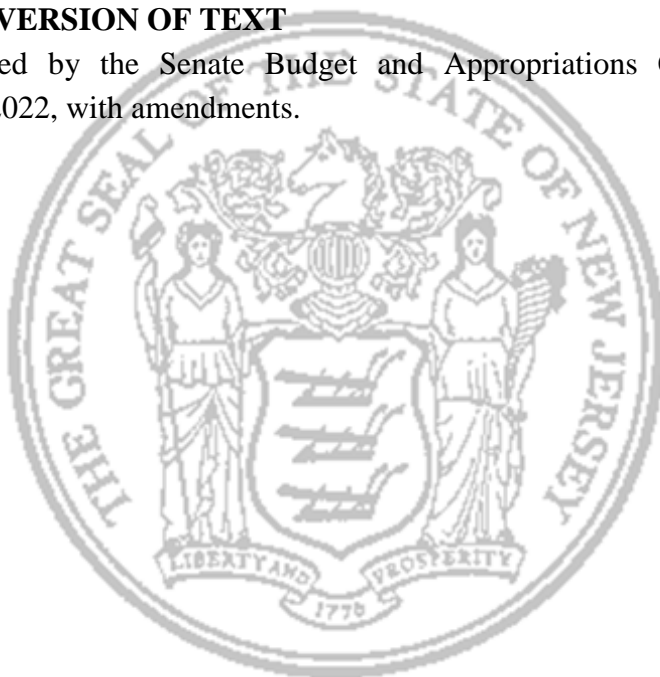
**Senators Stanfield, Pennacchio, Pou, A.M.Bucco, Durr, Diegnan, Sarlo,
Zwicker, Gill and O'Scanlon**

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on October 31, 2022, with amendments.



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

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; ¹engage in
9 sexual contact, sexual penetration, or simulated sexual contact or
10 ¹sexual penetration ¹, expose their intimate parts¹, or ¹**to**¹
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** ¹sexual 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** ¹video¹, 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 ¹the 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; ¹simulated sexual
26 contact or penetration ¹, or expose their intimate parts¹, or ¹**to**¹
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** ¹sexual 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** ¹video¹, or other recording¹ of
36 the victim ¹or any other person¹ engaged in sexual contact, sexual
37 penetration, simulated sexual contact or ¹sexual penetration, or of
38 ¹**an individual's** ¹the victim's or any other person's¹ intimate
39 parts.

40 Sexual extortion is a crime of the third degree.

41 c. An actor is guilty of aggravated sexual extortion if the actor
42 commits an act of sexual extortion ¹**on** pursuant to subsection a.
43 or b. of this section with purpose to coerce, or the knowingly

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 SBA committee amendments adopted October 31, 2022.

1 cause,¹ a child under the age of 18 years or an adult with a
2 developmental disability ¹to:

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

5 (2) expose their intimate parts; or

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

11 Aggravated sexual extortion is crime of the second degree.

12 ¹d.¹ For purposes of this section:

13 “Developmental disability” has the definition set forth in section
14 3 of P.L.1977, c.82 (C.30:6D-3).

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

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

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

22 “Sexual penetration” has the definition set forth in N.J.S.2C:14-
23 1.

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

29

30 2. This act shall take effect immediately.