

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 653**

with committee amendments

# STATE OF NEW JERSEY

DATED: OCTOBER 31, 2022

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 653, with committee amendments.

As amended and reported by the committee, this bill would establish the crime of “sexual extortion”: coercing or knowingly causing an individual to engage in sexual activity, expose the individual’s intimate parts, or supply images of the individual engaged in sexual activity or of the individual’s intimate parts by means of threat.

More specifically, an actor would be guilty of sexual extortion if, with the purpose to coerce or knowingly cause another person to engage in sexual contact, sexual penetration, or simulated sexual contact or penetration, expose the individual’s intimate parts, or to produce, photograph, film, videotape, record, or otherwise reproduce in any manner any image, video, or other recording of the person engaged in sexual contact or sexual penetration, or simulated sexual contact or sexual penetration, or of the person’s intimate parts, 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 person engaged in actual or simulated sexual contact or penetration, simulated sexual contact or penetration, or of the victim’s or any other person’s intimate parts.

Sexual extortion would be graded as a crime of the third degree. A third degree crime is ordinarily punishable by a term of imprisonment of three to five years, a fine of up to a \$15,000, or both.

An actor would be guilty of aggravated sexual extortion, which would be graded as a crime of the second degree, if the actor committed an act of sexual extortion as described above on a child under 18 years of age or an adult with a developmental disability. A crime of the second degree is ordinarily punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both.

#### COMMITTEE AMENDMENTS:

The committee amendments clarify certain language including the methods of reproducing an image involving sexual contact, sexual penetration, or simulated sexual contact or penetration, or a person’s intimate parts. The amendments further clarify that nothing in the bill

would preclude or limit a prosecution or conviction for aggravated sexual assault, invasion of privacy or extortion. The amendments also make additional technical and grammatical corrections.

**FISCAL IMPACT:**

The Office of Legislative Services (OLS) concludes that the bill will result in an indeterminate annual increase in State expenditures and revenues. The OLS lacks sufficient information to quantify the fiscal impacts as it is not possible to know how many individuals will be prosecuted, tried, and sentenced for crimes established by the bill.

The State may receive indeterminate annual revenue from fines and penalties imposed on individuals convicted for the crimes of sexual extortion and aggravated sexual extortion; however, the State's ability to collect criminal fines and penalties has historically been limited.