SENATE, No. 1826

STATE OF NEW JERSEY

222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:
Senator TROY SINGLETON
District 7 (Burlington)
Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)

Co-Sponsored by:
Senators Space, Burgess and Stack

SYNOPSIS

Requires age verification to prohibit minors from accessing sexually explicit material online.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 6/15/2026)

AN ACT concerning obscenity and amending N.J.S.2C:34-3.

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

1. N.J.S.2C:34-3 is amended to read as follows:

2C:34-3. Obscenity For Persons Under 18.

a. Definitions for purposes of this section:

(1) "Obscene material" means any description, narrative account, display, depiction of a specified anatomical area or specified sexual activity contained in, or consisting of, a picture or other representation, publication, sound recording, live performance, or film, which by means of posing, composition, format, or animated sensual details, emits sensuality with sufficient impact to concentrate prurient interest on the area or activity.

(2) "Obscene film" means any motion picture film or preview or trailer to a film, not including newsreels portraying actual current events or pictorial news of the day, in which a scene, taken by itself:

(a) Depicts a specified anatomical area or specified sexual activity, or the simulation of a specified sexual activity, or verbalization concerning a specified sexual activity; and

(b) Emits sensuality sufficient, in terms of the duration and impact of the depiction, to appeal to prurient interest.

(3) "Specified anatomical area" means:

(a) Less than completely and opaquely covered human genitals, pubic region, buttock, or female breasts below a point immediately above the top of the areola; or

(b) Human male genitals in a discernibly turgid state, even if covered.

(4) "Specified sexual activity" means:

(a) Human genitals in a state of sexual stimulation or arousal; or

(b) Any act of human masturbation, sexual intercourse, or deviate sexual intercourse; or

(c) Fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock, or female breast.

(5) "Knowingly" means:

(a) Having knowledge of the character and content of the material or film described herein; **[**or**]**

(b) Having failed to exercise reasonable inspection which would disclose its character and content; or

(c) Having failed to take reasonable measures to verify that a person is at least 18 years of age, including but not limited to performing the age verification required pursuant to subsection f. of this section.

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.

(6) "Exhibit" means the sale of admission to view obscene material; or the showing of obscene material by a sexually oriented online entity, whether or not for a fee.

(7) "Show" means cause or allow to be seen.

(8) "Interactive computer service" has the meaning provided in 47 U.S.C. s.230.

(9) "Sexually oriented online entity" means a person, corporation, limited liability company, partnership, limited partnership, sole proprietorship, association, or other legally recognized entity engaged in the business of exhibiting or showing obscene material through the Internet or any computer or telecommunications network. "Sexually oriented online entity" includes the owner or operator of an interactive computer service, including but not limited to, a website, social media platform, file sharing platform, video platform, gaming platform, mobile application, bulletin board system, or other Internet-connected computer server or network, the primary purpose or substantial portion of which is to exhibit or show obscene material; to allow individuals to share or distribute obscene material with other individuals; or to allow individuals to generate obscene material.

(10) "Substantial portion" means, for an interactive computer service, more than one-third of its revenue is derived from the exhibiting, showing, sale, or advertising of obscene material; more than one-third of the total number of user accounts show obscene material; or more than one-third of the content of any single user account consists of the showing of obscene material.

b. Promoting obscene material.

(1) A person who knowingly sells, distributes, rents, or exhibits to a person under 18 years of age obscene material is guilty of a crime of the third degree.

(2) A person who knowingly shows obscene material to a person under 18 years of age with the knowledge or purpose to arouse, gratify or stimulate himself or another is guilty of a crime of the third degree if the person showing the obscene material is at least four years older than the person under 18 years of age viewing the material.

c. Admitting to exhibition of obscene film, or exhibiting other obscene material.

(1) Any person who knowingly admits a person under 18 years of age to a theatre then exhibiting an obscene film, or any person who knowingly exhibits obscene material to a person under 18 years of age, is guilty of a crime of the third degree.

(2) A person who knowingly shows an obscene film to a person under 18 years of age with the knowledge or purpose to arouse, gratify or stimulate himself or another is guilty of a crime of the third degree if the person showing the obscene film is at least four years older than the person under 18 years of age viewing the film.

d. Presumption of knowledge and age.

The requisite knowledge with regard to the character and content of the film or material [and of the age of the person] is presumed in the case of an actor who sells, distributes, rents, exhibits, or shows obscene material [to a person under 18 years of age or admits to a film obscene for a person under 18 years of age a person who is under 18 years of age], or in the case of an actor who is a sexually oriented online entity. The requisite knowledge with regard to the age of a person under 18 years of age is presumed in the case of an actor who knowingly fails to take reasonable measures to verify a person's age, including but not limited to performing the age verification required pursuant to subsection f. of this section.

e. Defenses.

(1) It is an affirmative defense to a prosecution under subsections b. and c. which the defendant must prove by a preponderance of evidence that:

(a) The person under age 18 falsely represented in or by writing that he was age 18 or over;

(b) The person's appearance was such that an individual of ordinary prudence would believe him to be age 18 or over; and

(c) The sale, distribution, rental, showing, or exhibition to or admission of the person was made in good faith relying upon such written representation and appearance and in the reasonable belief that he was actually age 18 or over.

(2) It is an affirmative defense to a prosecution under subsection c. that the defendant is an employee in a motion picture theatre who has no financial interest in that motion picture theatre other than his wages and has no decision-making authority or responsibility with respect to the selection of the motion picture show which is exhibited.

f. Online age verification.

(1) A sexually oriented online entity located in this State or that exhibits or shows obscene material to individuals in this State through the Internet, or any computer or telecommunications network, shall verify that each individual that attempts to access or view the obscene material is at least 18 years of age.

(2) Methods of online age verification may include:

(a) Any electronic or computerized system for driver's license or non-driver identification verification made available by the New Jersey Motor Vehicle Commission for use by persons required by law to perform age verifications, provided however that age verification performed through the New Jersey Motor Vehicle Commission shall be compliant with all data privacy requirements imposed by the commission;

(b) Commercially available third-party age verification services, provided however that a sexually oriented online entity shall, prior to contracting with the commercial third-party service, ensure that the commercial third-party service does not retain, sell, transfer, or disclose any identifying information of the individual after access

has been granted to the obscene material, except to the extent necessary for the individual to maintain access or as required by law; or

(c) An age verification system developed or implemented by a sexually oriented online entity for its own use, which may require an individual to establish an account with the entity, provided however that a sexually oriented online entity that develops or implements an age verification system for its own use shall not retain, sell, transfer, or disclose any identifying information of the individual after access has been granted to the obscene material, except to the extent necessary for the individual to maintain access or as required by law.

(3) A sexually oriented online entity performing age verification shall provide a means by which an individual at least 18 years of age who is wrongly denied access may contact the entity to correct the individual's access restriction.

(4) A sexually oriented online entity that violates the provisions of this subsection shall be subject to prosecution under subsections b. and c. of this section. In addition to any other penalty which may be imposed, a sexually oriented online entity convicted of violating this section shall be subject to a civil penalty of up to $50,000.

(5) Nothing in this section shall be construed to alter or negate any rights, obligations, or immunities of an interactive computer service provider pursuant to 47 U.S.C. s.230.

(cf: P.L.1999, c.227, s.1)

2. This act shall take effect on the first day of the third month next following enactment.

STATEMENT

This bill amends the State's obscenity law for minors to require sexually oriented online entities to perform age verifications for sexually explicit obscene material available over the Internet.

Under existing law, N.J.S.A.2C:34-3, it is a crime of the third degree to sell, distribute, rent, or exhibit sexually explicit obscene material to a person under 18 years of age. However, it is an affirmative defense that: (a) the person under age 18 falsely represented in or by writing that he was age 18 or over; (b) the person's appearance was such that an individual of ordinary prudence would believe him to be age 18 or over; and (c) the sale, distribution, rental, showing, or exhibition was made in good faith relying upon such written representation and appearance and in the reasonable belief that the person was actually age 18 or over. A crime of the third degree is punishable by a term of imprisonment of three to five years, a fine of up to $15,000, or both.

The obscenity law originates from a time before widespread use of the Internet, when sexually explicit material was generally available only through certain retail stores, or adult video stores, book stores, or theaters.

Under the bill, the obscenity law is extended to apply to sexually oriented online entities, which are defined as persons or entities engaged in the business of exhibiting or showing obscene material through the Internet, and includes websites, social media platforms, file sharing platforms, video platforms, gaming platforms, mobile applications, bulletin board systems, and other Internet-connected networks, the primary purpose or substantial portion of which is to exhibit or show obscene material; to allow individuals to share or distribute obscene material with other individuals; or to allow individuals to generate obscene material.

A sexually oriented online entity located in this State or that exhibits or shows obscene material to individuals in this State through the Internet will be required to verify that each individual that attempts to access or view the obscene material is at least 18 years of age. The bill provides that age verification may be performed through a proprietary system developed by the entity, commercial third-party services, or online driver's license checks available through the Motor Vehicle Commission, provided that certain data protections for user privacy are followed. A sexually oriented online entity that violates the age verification requirement will be subject to prosecution under the obscenity law and, if convicted, will be subject to a civil penalty of up to $50,000 in addition to any other penalty imposed.