

SENATE, No. 4574

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED SEPTEMBER 28, 2026

Sponsored by:
Senator NILSA I. CRUZ-PEREZ
District 5 (Camden and Gloucester)

SYNOPSIS

Establishes offense of harassing, intimidating, or bullying minor; establishes diversionary program for juveniles charged with offense.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning harassment, intimidation, or bullying of a
2 minor, supplementing Title 2C of the New Jersey Statutes, and
3 amending P.L.2011, c.128.

4

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

7

8 1. (New section) a. A person commits the offense of
9 harassing, intimidating, or bullying a minor if the person, through
10 any gesture, written, verbal, or physical act, or any electronic
11 communication, whether by way of a single incident or a series of
12 incidents, communicates with a minor:

13 (1) with the purpose to physically or emotionally harm the
14 minor, damage the minor's property, or place a minor in fear of
15 physical or emotional harm to the minor's person or damage to the
16 minor's property because of the minor's race, color, religion,
17 gender, disability, sexual orientation, gender identity or expression,
18 national origin, or ethnicity; or

19 (2) knowing that the communication would physically or
20 emotionally harm the minor, damage the minor's property, or place
21 the minor in fear of physical or emotional harm to the minor's
22 person or damage to the minor's property because of the minor's
23 race, color, religion, gender, disability, sexual orientation, gender
24 identity or expression, national origin, or ethnicity.

25 b. Except as otherwise provided in subsection c. of this section,
26 a person who commits an offense of harassing, intimidating, or
27 bullying a minor is guilty of a disorderly persons offense and,
28 notwithstanding the provisions of subsection c. of N.J.S.2C:43-3,
29 shall be subject to a fine of not more \$100 for a first offense and not
30 more than \$250 for each subsequent offense.

31 c. A minor who is adjudicated delinquent for an act which, if
32 committed by an adult, would constitute an offense of harassing,
33 intimidating, or bullying a minor is guilty of a petty disorderly
34 offense and, notwithstanding the provisions of subsection d. of
35 N.J.S.2C:43-3, shall be subject to a fine of not more \$100 for a first
36 offense and not more than \$250 for each subsequent offense.

37

38 2. Section 2 of P.L.1982, c.81 (C.2A:4A-71) is amended to
39 read as follows:

40 2. Review and processing of complaints.

41 a. The jurisdiction of the court in any complaint filed pursuant
42 to section 11 of P.L.1982, c.77 (C.2A:4A-30) shall extend to the
43 juvenile who is the subject of the complaint and **[his]** the juvenile's
44 parents or guardian.

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.

1 b. Every complaint shall be reviewed by court intake services
2 for recommendation as to whether the complaint should be
3 dismissed, diverted, or referred for court action. Where the
4 complaint alleges a crime which, if committed by an adult, would
5 be a crime of the first, second, third or fourth degree, or alleges a
6 repetitive disorderly persons offense or any disorderly persons
7 offense defined in chapter 35 or chapter 36 of Title 2C, the
8 complaint shall be referred for court action, unless the prosecutor
9 otherwise consents to diversion.

10 There shall be a presumption that a complaint alleging a petty
11 disorderly persons offense of harassing, intimidating, or bullying a
12 minor pursuant to subsection c. of section 2 of P.L. , c. (C.)
13 (pending before the Legislature as this bill) shall be diverted. If the
14 court has approved diversion of the complaint, and the offense was
15 committed in a jurisdiction in which there is an applicable existing
16 restorative and transformative justice program including, but not
17 limited to a restorative justice hub pursuant to the Restorative and
18 Transformative Justice for Youths and Communities Pilot Program,
19 P.L.2021, c.196, the matter shall be diverted for resolution to the
20 restorative and transformative justice program. Pursuant to
21 subsection a. of section 2 of P.L.2011, c.128 (C.2A:4A-71.1), any
22 resolution of the complaint shall include the juvenile's participation
23 in a remedial education or counseling program which satisfies the
24 requirements of subsection e. of section 2 of P.L.2011, c.128
25 (C.2A:4A-71.1).

26 Court intake services shall consider the following factors in
27 determining whether to recommend diversion:

28 (1) The seriousness of the alleged offense or conduct and the
29 circumstances in which it occurred;

30 (2) The age and maturity of the juvenile;

31 (3) The risk that the juvenile presents as a substantial danger to
32 others;

33 (4) The family circumstances, including any history of drugs,
34 alcohol abuse or child abuse on the part of the juvenile, his parents
35 or guardian;

36 (5) The nature and number of contacts with court intake services
37 and the court that the juvenile or his family have had;

38 (6) The outcome of those contacts, including the services to
39 which the juvenile or family have been referred and the results of
40 those referrals;

41 (7) The availability of appropriate services outside referral to
42 the court;

43 (8) Any recommendations expressed by the victim or
44 complainant, or arresting officer, as to how the case should be
45 resolved;

46 (9) Any recommendation expressed by the county prosecutor;

47 (10) The amenability of the juvenile to participation in a
48 remedial education or counseling program that satisfies the

1 requirements of subsection b. of section 2 of P.L.2011, c.128
2 (C.2A:4A-71.1) if the offense alleged is an eligible offense as
3 defined in subsection c. of section 2 of P.L.2011, c.128 (C.2A:4A-
4 71.1); **and**

5 (11) Any information relevant to the offense in any case where
6 the juvenile is charged with an act which if committed by an adult
7 would constitute prostitution in violation of N.J.S.2C:34-1 or any
8 offense which the juvenile alleges is related to the juvenile being a
9 victim of human trafficking;

10 (12) The amenability of the juvenile to participation in a
11 remedial education or counseling program that satisfies the
12 requirements of subsection e. of section 2 of P.L.2011, c.128
13 (C.2A:4A-71.1) if the offense alleged is an eligible offense as
14 defined in subsection d. of section 2 of P.L.2011, c.128 (C.2A:4A-
15 71.1); and

16 (13) The eligibility and amenability of the juvenile to
17 participation in an applicable existing restorative and transformative
18 justice program including, but not limited to, a restorative justice
19 hub established pursuant to the Restorative and Transformative
20 Justice for Youths and Communities Pilot Program, P.L.2021, c.196
21 if the offense alleged is an eligible offense as defined in subsection
22 d. of section 2 of P.L.2011, c.128 (C.2A:4A-71.1).

23 (cf: P.L.2011, c.195, s.4)

24
25 3. Section 2 of P.L.2011, c.128 (C.2A:4A-71.1) is amended to
26 read as follows:

27 2. a. Where a complaint against a juvenile pursuant to section
28 11 of P.L.1982, c.77 (C.2A:4A-30) alleges that the juvenile has
29 committed an eligible offense involving sexually explicit or
30 suggestive materials as defined in subsection c. of this section or an
31 eligible offense involving harassing, intimidating, or bullying a
32 minor as defined in subsection d. of this section, and the court has
33 approved diversion of the complaint pursuant to section 4 of
34 P.L.1982, c.81 (C.2A:4A-73), the resolution of the complaint shall
35 include the juvenile's participation in a remedial education or
36 counseling program. The court shall take into consideration the
37 availability of such a program in the area in which the juvenile
38 resides and, where appropriate, may permit the juvenile to
39 participate in a self-guided awareness program in lieu of a remedial
40 education or counseling program provided that it satisfies the
41 requirements of subsection b. or subsection e. of this section, as
42 appropriate.

43 b. A remedial education or counseling program for an offense
44 involving sexually explicit or suggestive materials satisfies the
45 requirements of **[P.L.2011, c.128]** subsection a. of this section if
46 the program is designed to increase the juvenile's awareness of:

1 (1) the legal consequences and penalties for sharing sexually
2 suggestive or explicit materials, including applicable federal and
3 State statutes;

4 (2) the non-legal consequences of sharing sexually suggestive or
5 explicit materials including, but not limited to, the effect on
6 relationships, loss of educational and employment opportunities,
7 and being barred or removed from school programs and
8 extracurricular activities;

9 (3) the potential, based upon the unique characteristics of
10 cyberspace and the Internet, of long-term and unforeseen
11 consequences for sharing sexually suggestive or explicit materials;
12 and

13 (4) the possible connection between bullying and cyber-bullying
14 and juveniles sharing sexually suggestive or explicit materials.

15 c. As used in P.L.2011, c.128, “eligible offense involving
16 sexually explicit or suggestive materials” means an offense in
17 which:

18 (1) the facts of the case involve the creation, exhibition, or
19 distribution of a photograph depicting nudity or portraying a child
20 in a sexually suggestive manner, as defined in N.J.S.2C:24-4,
21 through the use of an electronic communication device, an
22 interactive wireless communications device, or a computer; and

23 (2) the creator and subject of the photograph are juveniles or
24 were juveniles at the time of its making.

25 d. As used in this section, “eligible offense involving
26 harassment, intimidation, or bullying” means an offense of
27 harassing, intimidating, or bullying a minor pursuant to subsection
28 a. of section 1 of P.L. , c. (C.) (pending before the
29 Legislature as this bill).

30 e. A remedial education or counseling program for an offense
31 committed by a minor that, if committed by an adult, would
32 constitute an eligible offense involving harassment, intimidation, or
33 bullying satisfies the requirements of subsection a. of this section if
34 the program is designed to increase the juvenile's awareness of:

35 (1) the legal consequences and penalties for harassing,
36 intimidating, or bullying a minor, including applicable federal and
37 State statutes;

38 (2) the non-legal consequences of harassing, intimidating, or
39 bullying a minor including, but not limited to, the effect on
40 relationships, loss of educational and employment opportunities,
41 and being barred or removed from school programs and
42 extracurricular activities;

43 (3) the potential of long-term and unforeseen consequences for
44 harassing, intimidating, or bullying a minor; and

45 (4) the possible connection between cyber-bullying and
46 harassing, intimidating, or bullying a minor.

47 (cf: P.L.2021, c.342, s.3)

1 4. Section 4 of P.L.1982, c.81 (C.2A:4A-73) is amended to
2 read as follows:

3 2A:4A-73. Diverting complaints

4 a. The court may divert a complaint filed pursuant to section 11
5 of P.L.1982, c.77 (C.2A:4A-30) to intake conferences or juvenile
6 conference committees. Where the complaint alleges a disorderly
7 persons or petty disorderly persons offense the court may dispose of
8 the case as a juvenile-family crisis pursuant to P.L.1982, c.80
9 (C.2A:4A-76 et seq.). There shall be a presumption that a
10 complaint alleging a petty disorderly persons offense pursuant to
11 subsection c. of section 1 of P.L. , c. (C.) (pending before
12 the Legislature as this bill) shall be diverted in accordance with the
13 provisions of section 2 of P.L.1982, c.77 (C.2A:4A-71). The county
14 prosecutor shall be promptly notified of the diversion of a
15 complaint.

16 b. The complainant or victim of any offense committed by a
17 juvenile diverted by the court, which offense would be a crime if
18 committed by an adult, shall receive a statement as to the reasons
19 for the proposed diversion.
20 (cf: P.L.1982, c.81, s.4)

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22 5. This act shall take effect on the first day of the third month
23 next following the date of enactment.

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STATEMENT

27

28 This bill establishes the offense of harassing, intimidating, or
29 bullying a minor and establishes a diversionary program for
30 juveniles who are charged with this offense.

31 The provisions of the bill provide that a person commits the
32 offense of harassment, intimidation, or bullying a minor if the
33 person, through any gesture, written, verbal, or physical act, or any
34 electronic communication, whether it be a single incident or a series
35 of incidents, communicates with a minor:

- 36 • with the purpose to physically or emotionally harm the minor,
37 damage the minor's property, or place a minor in fear of
38 physical or emotional harm to the minor's person or damage to
39 the minor's property because of the minor's race, color,
40 religion, gender, disability, sexual orientation, gender identity
41 or expression, national origin, or ethnicity; or
- 42 • knowing that the communication would physically or
43 emotionally harm the minor, damage the minor's property, or
44 place the minor in fear of physical or emotional harm to the
45 minor's person or damage to the minor's property because of
46 the minor's race, color, religion, gender, disability, sexual
47 orientation, gender identity or expression, national origin, or
48 ethnicity.

1 Under the bill, harassing, intimidating, or bullying a minor is a
2 disorderly persons offense, unless a minor is adjudicated for an act
3 that, if committed by an adult would constitute the offense, in
4 which case the minor is guilty of a petty disorderly offense. In
5 addition, any adult or juvenile who commits an offense is subject to
6 a fine of up to \$100 for a first offense and a fine of up to \$250 for
7 each subsequent offense. The bill establishes a presumption that a
8 complaint against a minor who commits an offense of harassing,
9 intimidating, or bullying a minor is to be diverted. If the offense
10 was committed in a jurisdiction in which there is an existing
11 applicable restorative and transformative justice program, the
12 matter is to be diverted to the restorative justice hub.

13 The bill provides that where a complaint against a juvenile
14 alleges that the juvenile has committed an offense that, if
15 committed by an adult, constitutes an “eligible offense involving
16 harassment, intimidation, or bullying” as defined in the bill and the
17 court approves diversion of the complaint, the resolution of the
18 complaint would include participation in a remedial education or
19 counseling program if the juvenile is amenable to participation in
20 such a program, and a program is available in the area where the
21 juvenile resides. Also, if appropriate, the court may permit the
22 juvenile to participate in a self-guided awareness program in lieu of
23 a remedial education or counseling program provided that it
24 satisfies the bill’s requirements.

25 A remedial education or counseling program satisfies the bill’s
26 requirements if the program is designed to increase the juvenile’s
27 awareness of:

- 28 • the legal consequences and penalties for harassing,
29 intimidating, or bullying a minor, including applicable federal
30 and State statutes;
- 31 • the non-legal consequences of harassing, intimidating, or
32 bullying a minor including, but not limited to, the effect on
33 relationships, loss of educational and employment
34 opportunities, and being barred or removed from school
35 programs and extracurricular activities;
- 36 • the potential of long-term and unforeseen consequences for
37 harassing, intimidating, or bullying a minor; and
- 38 • the possible connection between cyber-bullying and harassing,
39 intimidating, or bullying a minor.