# New Laws on Cyber-Harassment (Part 1)

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In January 2014, the Senate and the General Assembly of New Jersey passed an act that created the crime of cyber-harassment. This act entails crimes committed through communications in an online capacity or through a social networking site. In order for the online or social media communication to be considered cyber-harassment, the sender must: (1) threaten to inflict injury or physical harm to any person or the property of any person; (2) knowingly send, post, comment, request, suggest, or propose any lewd, indecent, or obscene material to or about a person with the intent to emotionally harm a person or place a person in fear of physical or emotional harm; or (3) threaten to commit any crime against the person or the person's property.

In October 2016, the Senate and General Assembly have approved the inclusion of cyber-harassment in the Prevention of Domestic Violence Act. When Governor Christie signed this revised act into law in December 2016, cyber-harassment became the 19th crime listed under this act.

Many domestic violence complaints are filed charging a significant other with harassment. Many times, these complaints include e-mails or posts on social networking sites such as Facebook. The inclusion of cyber-harassment in the Prevention of Domestic Violence Act will enable victims of domestic violence to prove an act of cyber-harassment by producing the communication that was sent or posted by their significant other with the alleged intent of emotionally harming the victim. Under the Cyber-Harassment Statute within the revised act, a victim of domestic violence would have to prove that the communication was sent or posted knowingly by his or her significant other with the intent to emotionally harm the victim or place him/her in fear of physical or emotional harm. The communication could include postings on social network sites containing lewd, indecent, or obscene material to or about that person.

Unfortunately, many incidents of domestic violence occur throughout the United States each day. During divorce actions, one or both parties may communicate through text messages, e-mails, and social media, and these communications may contain emotionally charged comments or pictures that are intended to embarrass or cause emotional harm to the other spouse or domestic partner. However, not all those communications result in a complaint of domestic violence being filed by the victim or target of the e-mail, text, or social media posting. What's more, there are individuals who allege domestic abuse when none exists in an attempt to remove their spouse, domestic partner, or significant other from the home in which they reside together. Under the Cyber-Harassment Statute in the Prevention of Domestic Violence Act, the victim must prove that the other party:

- Made, or caused to be made, a communication or communications anonymously or at extremely inconvenient hours, or in offensively coarse language, or in any other manner likely to cause annoyance or alarm;
- Subjected another to striking, kicking, shoving, or other offensive touching, or threatened to do so; or
- Engaged in any other course of alarming conduct or other repeatedly committed acts with the purpose of alarming or seriously annoying such other person.

In the area of family law, the addition of cyber-harassment to the Prevention of Domestic Violence Act will likely help victims secure a temporary restraining order. In order to convince the court that a temporary restraining order should be converted to a final restraining order, the victim must prove, and the court must determine, that an act of domestic violence under the statute was committed. The victim also must establish a need for a final restraining order in order to prevent future abuse.

Including cyber-harassment in the Prevention of Domestic Violence Act may defer abusive conduct and unlawful use of online communications including social networking.