

## Stop Street Harassment

### New Jersey

A variety of forms of street harassment are illegal in New Jersey, including verbal harassment, up-skirt photos, indecent exposure, following, groping, and hate crimes. Here are the laws and reporting procedures you need to know.

#### Verbal Harassment

There are three laws that prohibit some form of verbal street harassment in New Jersey.

##### ***Disorderly Conduct***

##### [Title 2C, Chap. 33 §2](#)

It is considered disorderly conduct in New Jersey for anyone to purposefully “offend the sensibilities of the hearer” by addressing “unreasonably loud and offensively coarse or abusive language” at a specific person in a public place.

New Jersey’s disorderly conduct law also prohibits:

- Fighting
- Making threats
- Engaging in violent or tumultuous (noisy or uproarious) behavior
- Creating a hazardous or physically dangerous condition in a public place with the intent to “cause public inconvenience, annoyance or alarm”

If a street harasser is yelling at you, threatening you, using offensive or abusive language, or otherwise making a scene, you can report him/her.

Penalty: Disorderly conduct is a petty disorderly persons offense in New Jersey, punishable by a fine of up to \$500 and/or up to 30 days in jail.

##### ***Harassment***

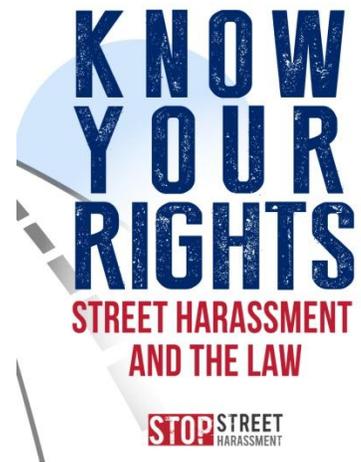
##### [Title 2C, Chap. 33 §4](#)

New Jersey’s law against general harassment prohibits:

- Communicating with another person using offensively coarse language.
- Subjecting someone to offensive physical contact, striking or kicking, or threatens to do so.
- Engaging in another course of conduct meant to alarm or seriously annoy the person.

If a street harasser uses sexually explicit language, follows you, threatens you, touches you in an offensive way, blocks your path or tries to keep you from leaving a space, you can report him/her.

Penalty: Harassment is a petty disorderly persons offense in New Jersey, punishable by a fine of up to \$500 and/or up to 30 days in jail.



## Stop Street Harassment

### ***Maintaining a Nuisance***

#### [Title 2C, Chap. 33 §12](#)

New Jersey has a law against “nuisances” that facilitate unlawful activity or “endanger the safety and health of a considerable number of persons.”

Nuisance laws typically apply to one entity – either a person or organization – that causes a problem for a large part of the community. New Jersey’s nuisance law probably won’t help if many people in your community are being harassed by a variety of people, but if you find that one individual or organization is consistently causing many people to be harassed, you may be able to report it under this law. For example:

- A person who routinely harasses many passersby on the same street corner every day, or who causes some other significant disruption that affects many people at once.
- A company whose employees regularly harass people while on the job, such as construction workers or delivery truck drivers. You might try going directly to the business owner first to file a complaint. But if the harassment doesn’t stop, you could report the business as a nuisance.

Lawmakers, law enforcement officials, or judges may try to trivialize street harassment, but it is okay to make the case for why it IS a public nuisance.

Penalty: Maintaining a nuisance is a disorderly persons offense, punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

### **Unlawful Filming & Photography**

#### ***Invasion of Privacy***

#### [Title 2C, Chap. 14 §9](#)

It is illegal in New Jersey for anyone to, “knowing that he [or she] is not licensed or privileged to do so,” observe, photograph, film, videotape, or record another person “whose intimate parts are exposed or who is engaged in an act of sexual penetration or sexual contact, without that person’s consent and under circumstances in which a reasonable person would not expect to be observed.”

If a harasser films or photographs you someplace like public restrooms, dressing rooms, locker rooms, and hotel rooms, you can report him/her.

The law does not expressly address surreptitiously photographing someone under his or her clothing, so it is unclear whether a judge would interpret this law to be an express prohibition of “up-skirt,” “down-blouse,” or other inappropriate photographs in the context of street harassment. We feel it would violate the spirit of this law and reporting it may help it to be interpreted this way.

Penalty: Invasion of privacy via observing another person is a crime of the fourth degree, punishable by a fine of up to \$10,000 and/or up to 18 months in prison. Invasion of privacy via illegal photograph(s), filming, or other recording(s) is a crime of the third degree, punishable by a fine of up to \$15,000 and/or between 3 and 5 years in prison.

## Stop Street Harassment

### Indecent Exposure

#### **Lewdness**

##### [Title 2C, Chap. 14 §4](#)

New Jersey's law against lewdness prohibits the exposing of one's genitals or intimate parts in public for the purpose of gratifying sexual desire.

If a harasser flashes or exposes her or himself to you in a public place, such as a park, on public transportation, or in a store, you can report him/her.

**Penalty:** Lewdness is a disorderly persons offense, punishable by a fine of up to \$1,000 and/or up to 6 months in jail. An act of lewdness in the presence of a child less than 13 years of age (if the actor is at least four years older than the child) is a crime of the fourth degree, punishable by a fine of up to \$10,000 and/or up to 18 months in prison.

### Following

If you think someone is following you, you can call 911 right away, the first time it happens. You do not have to wait for that person to commit a crime.

#### **Criminal Coercion**

##### [Title 2C, Chap. 13 §5](#)

New Jersey law specifically prohibits threats made to coerce someone into doing or not doing something, or threats that make someone fear any retaliation for a lawful act.

An actual act of violence is considered assault, but if a street harasser makes a serious threat of violence that comes with any kind of ultimatum, such as, "if you do/don't do this, I will...", or, as an elected or public official, threatens to take some legal action against you, you can report him/her.

This may seem like an extreme situation, but, unfortunately, there have been reports of police officers making such illegal threats when s/he has committed street harassment. If this happens to you, know that it is illegal, you can report it, and you can find more information in our section on [engaging with police](#).

**Penalty:** Criminal coercion is a crime of the fourth degree, punishable by a fine of up to \$10,000 and/or up to 18 months in jail.

#### **Harassment**

##### [Title 2C, Chap. 33 §4](#)

The harassment law prohibits a course of conduct meant to alarm or seriously annoy someone. A course of conduct could include following and harassing someone at least twice.

If a street harasser follows you, blocks your path or tries to keep you from leaving a space, you can report him/her.

**Penalty:** Harassment is a petty disorderly persons offense in New Jersey, punishable by a fine of up to \$500 and/or up to 30 days in jail.

## Stop Street Harassment

### ***Stalking***

#### [Title 2C, Chap. 12 §10](#)

Stalking is defined as purposefully or knowingly engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of a third person or suffer other emotional distress.

Course of conduct includes repeatedly maintaining a visual or physical proximity to a person by following, monitoring, observing, surveilling, threatening, or communicating to or about, a person. It also includes repeatedly committing harassment against a person.

If the same person, on more than one occasion, follows you or harasses you and you feel threatened and unsafe or feel emotionally distressed, you can report that person.

Penalty: Stalking is most often considered a crime of the fourth degree, punishable by up to 18 months in prison and fines.

### **Groping**

#### ***Criminal Sexual Contact***

#### [Title 2C, Chap. 14 §3](#)

In New Jersey, sexual contact is prohibited when:

- The assailant uses physical force or coercion.
- The victim was physically or mentally “helpless.”
- The victim is between 13-16 years old and the assailant is at least four years older.

Sexual contact is the intentional touching, either under or over clothing, of your or the harasser’s intimate parts for the purpose of either sexual arousal or gratification *or* degrading or humiliating you. A person’s intimate parts include his or her sexual organs, genital area, butt, groin, inner thigh, or breast.

If a street harasser makes sexual contact with you by means of force or coercion – for example, threatening you, grabbing you forcefully, or holding you in place – or you were mentally or physically unable to escape or you are between 13-16 years old and the harasser is at least four years older than you, you can report him/her

Penalty: Criminal sexual contact is a crime of the fourth degree, punishable by a fine of up to \$10,000 and/or up to 18 months in prison. If you are severely injured, or the assault is by force and committed by more than one person, the charge rises to aggravated criminal sexual contact, a crime of the third degree punishable by a fine of up to \$15,000 and/or between 3 and 5 years in prison.

### ***Harassment***

#### [Title 2C, Chap. 33 §4](#)

New Jersey’s law against harassment prohibits offensive physical contact, or engaging in another course of conduct meant to alarm or seriously annoy someone.

## Stop Street Harassment

If a street harasser touches you in an offensive way you can report him/her.

Penalty: Harassment is a petty disorderly persons offense in New Jersey, punishable by a fine of up to \$500 and/or up to 30 days in jail.

### ***Simple Assault***

#### [Title 2C, Chap. 12 §1](#)

It is illegal for someone to cause another person to fear serious bodily injury.

If a street harasser grabs you forcefully, raises his/her hand to you, or acts in any other way that causes you to fear injury, you can report him/her.

Penalty: Simple assault is a disorderly persons offense, punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

## Hate Crimes

### ***Bias Intimidation***

#### [Title 2C, Chap. 16 §1](#)

In New Jersey, if someone commits or threatens to commit harassment, stalking, lewdness, invasion of privacy, criminal coercion, simple assault, criminal sexual contact (of the crimes included here), or some other violent crime or crime against another person or property because of a bias against the person's actual or perceived protected characteristic, the person can report it under the crime s/he committed as well as for bias intimidation. Protected characteristics in New Jersey include:

- Race
- Color
- National origin
- Ethnicity
- Religion
- Gender
- Gender identity or expression
- Sexual orientation
- Disability

So if a crime was committed against you in an attempt to intimidate you because of one of these characteristics, a separate and additional sentence, in proportion to the crime committed, will be imposed— even if the harasser is mistaken in his or her perception of your race, gender, sexual orientation, disability, or other characteristic.

The law specifies that your gender identity or expression needs to be that which is stereotypically associated with your assigned sex at birth.

There is one important exception to New Jersey's bias intimidation law. It is *not* considered an act of bias intimidation if a harasser commits invasion of privacy, lewdness, criminal sexual contact, or any

## Stop Street Harassment

other crime from Chapter 14 of the New Jersey code, which address sexual assault, *because of your gender*.

Presumably, this reflects the fact that gender preference is inherent in sexual acts, and so the state of New Jersey does not find an additional conviction for bias intimidation to be appropriate. If you live in New Jersey and feel that sexual assault laws should reflect the dynamics of power and intimidation that are a real part of street harassment, we encourage you to engage in your own campaign for safe spaces activism and legal reform. [Contact](#) Stop Street Harassment for resources or support.

**Penalty:** Bias intimidation is at minimum a crime of the fourth degree, and in most cases a crime of one degree higher than the underlying offense. Most street harassment crimes in New Jersey are disorderly persons offense or petty disorderly persons offense, making bias intimidation a crime of the fourth degree, punishable by a fine of up to \$10,000 and/or up to 18 months in prison. In addition, anyone convicted of bias intimidation may also be required to complete sensitivity training, attend counseling, or make payments to a local victims-services program.

### Reporting Crimes to the Police

- Call 911 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence
  - You can provide information about who may have committed a crime.
- Call the local police office's non-emergency number to submit a report afterward. For example, in Newark, it is (973) 733-6000 and in Jersey City, it's (201) 547-5477. In Paterson, it is 973-321-1111. Be prepared to provide them with:
  - When it happened (date and time).
  - Where it happened (street location, store location, bus line or bus stop, park name, etc).
  - Who is reporting (your name and contact information).
  - A description of what happened.
  - The name and contact information of witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such as harassment) [N.J. Stat. § 2C:33-4. Harassment. \(2002\)](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
  - A description of the harasser/s.
- Many police departments also have online reporting forms by which you can submit the same information listed in #2. For example, in [Newark](#) you can use an online reporting form to report crimes like harassment.
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
  - In Jersey City, you can do this by calling (201) 547-JAIL or emailing [policetips@njcps.org](mailto:policetips@njcps.org).

## Stop Street Harassment

- In Newark, you can report by calling 877-NWK-TIPS.
- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment “isn't a big deal,” or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.