

**ASSEMBLY, No. 4304**

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**STATE OF NEW JERSEY**

**212th LEGISLATURE**

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INTRODUCED MAY 21, 2007

**Sponsored by:**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Assemblyman PATRICK J. DIEGNAN, JR.**

**District 18 (Middlesex)**

**Co-Sponsored by:**

**Assemblyman Mayer**

**SYNOPSIS**

Creates the "Internet Dating Safety Act," requiring Internet dating services to provide notice whether the service conducts criminal background screenings.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/14/2007)**

1 AN ACT concerning Internet dating safety and supplementing Title  
2 56 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the “Internet  
8 Dating Safety Act.”

9

10 2. The Legislature finds and declares:

11 a. Residents of this State need to be informed of the potential  
12 risks of participating in Internet dating services. There is a public  
13 safety need to disclose whether criminal history background  
14 screenings have been performed and to increase public awareness of  
15 the possible risks associated with Internet dating activities.

16 b. The offer of Internet dating services to residents of this State,  
17 and the acceptance of membership fees from residents of this State  
18 means that an Internet dating service is conducting business in this  
19 State and is subject to regulation by this State and the jurisdiction of  
20 the State's courts.

21

22 3. As used in this act:

23 a. "Criminal background screening" means a name search for a  
24 person's criminal convictions initiated by an on-line dating service  
25 provider and conducted by one of the following means:

26 (1) By searching available and regularly updated government  
27 public record databases for criminal convictions so long as such  
28 databases, in the aggregate, provide substantial national coverage;  
29 or

30 (2) By searching a database maintained by a private vendor that  
31 is regularly updated and is maintained in the United States with  
32 substantial national coverage of criminal history records and sexual  
33 offender registries.

34 b. "Director" means the Director of the Division of Consumer  
35 Affairs in the Department of Law and Public Safety.

36 c. "Division" means the Division of Consumer Affairs in the  
37 Department of Law and Public Safety.

38 d. "Internet dating service" means a person or entity directly or  
39 indirectly in the business, for profit, of offering, promoting or  
40 providing access to dating, relationship, compatibility, matrimonial  
41 or social referral services principally on or through the Internet.

42 e. "Internet service provider" means any person, business or  
43 organization qualified to do business in this State that provides  
44 individuals, corporations, or other entities with the ability to  
45 connect to the Internet through equipment that is located in this  
46 State.

47 f. "Member" means a customer, client or participant who  
48 submits to an Internet dating service information required to access

1 the service for the purpose of engaging in dating, relationship,  
2 compatibility, matrimonial or social referral.

3 g. "New Jersey member" means a member who provides a New  
4 Jersey billing address or zip code when registering with the service.

5 h. "Criminal conviction" means a conviction for any crime  
6 including but not limited to any sex offense that would qualify the  
7 offender for registration pursuant to section 2 of P.L.1994, c.133  
8 (C.2C:7-2) or under another jurisdiction's equivalent statute.

9  
10 4. An Internet dating service offering services to New Jersey  
11 members shall:

12 a. Provide safety awareness notification that includes, at  
13 minimum, a list and description of safety measures reasonably  
14 designed to increase awareness of safer dating practices as  
15 determined by the service. Examples of such notifications include:

16 (1) "Anyone who is able to commit identity theft can also falsify  
17 a dating profile."

18 (2) "There is no substitute for acting with caution when  
19 communicating with any stranger who wants to meet you."

20 (3) "Never include your last name, e-mail address, home  
21 address, phone number, place of work, or any other identifying  
22 information in your Internet profile or initial e-mail messages. Stop  
23 communicating with anyone who pressures you for personal or  
24 financial information or attempts in any way to trick you into  
25 revealing it."

26 (4) "If you choose to have a face-to-face meeting with another  
27 member, always tell someone in your family or a friend where you  
28 are going and when you will return. Never agree to be picked up at  
29 your home. Always provide your own transportation to and from  
30 your date and meet in a public place with many people around."

31 b. If an Internet dating service does not conduct criminal  
32 background screenings on its members, the service shall disclose,  
33 clearly and conspicuously, to all New Jersey members that the  
34 Internet dating service does not conduct criminal background  
35 screenings. The disclosure shall be provided when an electronic  
36 mail message is sent or received by a New Jersey member, on the  
37 profile describing a member to a New Jersey member, and on the  
38 web-site pages of the Internet dating service used when a New  
39 Jersey member signs up. A disclosure under this subsection shall be  
40 in bold, capital letters in at least 12-point type.

41 c. If an Internet dating service conducts criminal background  
42 screenings on all of its communicating members, then the service  
43 shall disclose, clearly and conspicuously, to all New Jersey  
44 members that the Internet dating service conducts a criminal  
45 background screening on each member prior to permitting a New  
46 Jersey member to communicate with another member. The  
47 disclosure shall be provided on the website pages used when a New

1 Jersey member signs up. A disclosure under this subsection shall be  
2 in bold, capital letters in at least 12-point type.

3 d. If an Internet dating service conducts criminal background  
4 screenings, then the service shall disclose whether it has a policy  
5 allowing a member who has been identified as having a criminal  
6 conviction to have access to its service to communicate with any  
7 New Jersey member; shall state that criminal background  
8 screenings are not foolproof; that they may give members a false  
9 sense of security; that they are not a perfect safety solution; that  
10 criminals may circumvent even the most sophisticated search  
11 technology; that not all criminal records are public in all states and  
12 not all databases are up to date; that only publicly available  
13 convictions are included in the screening; and that screenings do not  
14 cover other types of convictions or arrests or any convictions from  
15 foreign countries.

16  
17 5. It shall be an unlawful practice and a violation of P.L.1960,  
18 c.39 (C.56:8-1 et. seq.) for an Internet dating service to fail to  
19 provide notice or falsely indicate that it has performed criminal  
20 background screenings in accordance with this act.

21  
22 6. An Internet service provider does not violate this act solely  
23 as a result of serving as an intermediary for the transmission of  
24 electronic messages between members of an Internet dating service.

25  
26 7. The director, in consultation with the Attorney General and  
27 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
28 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate  
29 the purposes of this act.

30  
31 8. This act shall take effect on the 120<sup>th</sup> day after enactment,  
32 except the director may take such anticipatory administrative action  
33 in advance as shall be necessary for the implementation of this act.

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36 STATEMENT

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38 This bill requires Internet dating services offering services to  
39 New Jersey members to provide a safety awareness notice to  
40 customers and a notice disclosing whether criminal background  
41 screenings on its members have been performed. The bill makes it  
42 an unlawful practice and a violation of the Consumer Fraud Act for  
43 an Internet dating service to fail to provide the notice required by  
44 the bill or falsely indicate that it has performed criminal background  
45 screenings in accordance with the bill.

46 Under the bill, the Internet dating service is required to provide  
47 safety awareness notification that includes, at minimum, a list and

1 description of safety measures reasonably designed to increase  
2 awareness of safer dating practices as determined by the service.

3 Under the bill, if an Internet dating service does not conduct  
4 criminal background screenings on its members, the service shall  
5 disclose that fact clearly and conspicuously to all New Jersey  
6 members. The disclosure is required to be in bold, capital letters in  
7 at least 12-point type.

8 If an Internet dating service does conduct criminal background  
9 screenings, then the service shall disclose that fact and disclose  
10 whether it has a policy allowing a member who has been identified  
11 as having a criminal conviction to have access to its service to  
12 communicate with any New Jersey member. The service also shall  
13 be required to state that:

- 14 • criminal background screenings are not foolproof;
- 15 • they may give members a false sense of security;
- 16 • they are not a perfect safety solution;
- 17 • criminals may circumvent even the most sophisticated  
18 search technology;
- 19 • not all criminal records are public in all states and not all  
20 databases are up to date;
- 21 • only publicly available convictions are included in the  
22 screening; and
- 23 • screenings do not cover other types of convictions or arrests  
24 or any convictions from foreign countries.

25 The bill also provides that an Internet service provider does not  
26 violate the provisions of the bill solely as a result of serving as an  
27 intermediary for the transmission of electronic messages between  
28 members of an Internet dating service.

29 This bill is modeled on a 2006 Florida bill creating the “Florida  
30 Internet Dating Safety Awareness Act.”