

ASSEMBLY, No. 4304

STATE OF NEW JERSEY

212th LEGISLATURE

INTRODUCED MAY 21, 2007

Sponsored by:

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District 14 (Mercer and Middlesex)

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District 18 (Middlesex)

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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.

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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.

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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.

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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 120th 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.”