



## LEGAL PROTECTIONS FOR PUBLIC HEALTH OFFICIALS

### New Jersey Fact Sheet

## Threats and Improper Influence

Nationwide, state and local public health officials working to protect the public from COVID-19 are on the receiving end of threatening and harassing conduct for simply fulfilling their duty to protect the public health. In response, the Network conducted research to examine whether the states and Washington, D.C., have criminal statutes punishing individuals who impede public health officials' duties with such behavior. Our research is presented in this [chart](#). Many states have adopted statutes to protect public officials generally; included here are those with broad enough language to include public health officials. However, we have also included the three states with laws that if broadened, would encompass public health officials, namely, Illinois, North Carolina, and Vermont. While 35 states and Washington, D.C., have such a statute, the remaining 15 states either do not have a statute protecting government officials in these circumstances or do not have one protecting public health officials. Of the 35 states and Washington, D.C., all but two, Louisiana and Oklahoma, include protections for state **and** local officials. Below is more information on New Jersey's relevant law.


### New Jersey Code of Criminal Justice, § 2C:27-3, Threats and Other Improper Influence in Official and Political Matters

a. Offenses defined. A person commits an offense if he directly or indirectly:

- (1) Threatens unlawful harm to any person with purpose to influence a decision, opinion, recommendation, vote or exercise of discretion of a public servant, party official or voter on any public issue or in any public election; or
  - (2) Threatens harm to any public servant with purpose to influence a decision, opinion, recommendation, vote or exercise of discretion in a judicial or administrative proceeding; or
  - (3) Threatens harm to any public servant or party official with purpose to influence him to violate his official duty.
- It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way, whether because he had not yet assumed office or lacked jurisdiction, or for any other reason.

b. Grading. An offense under this section is a crime of the third degree.

### New Jersey Code of Criminal Justice, § 2C:29-1, Obstructing Administration of Law or Other Government Function



a. A person commits an offense if he purposely obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from lawfully performing an official function by means of flight, intimidation, force, violence, or physical interference or obstacle, or by means of any independently unlawful act. This section does not apply to failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

b. An offense under this section is a crime of the fourth degree if the actor obstructs the detection or investigation of a crime or the prosecution of a person for a crime, otherwise it is a disorderly persons offense.

## Relevant Definitions

### **New Jersey Code of Criminal Justice, § 2C:27-1**

"Government" includes any branch, subdivision or agency of the government of the State or any locality within it.

"Public servant" means any officer or employee of government, including legislators and judges, and any person participating as juror, advisor, consultant or otherwise, in performing a governmental function, but the term does not include witnesses.

## Penalties

### ***New Jersey Code of Criminal Justice, § 2C:27-3***

3-5 years imprisonment and/or up to \$15,000 fine

### ***New Jersey Code of Criminal Justice, § 2C:29-1***

Up to 6 months imprisonment and/or up to a \$1,000 fine


## Summary

A person is guilty of threatening or improperly influencing official matters when he/she threatens harm to a public servant in order to influence his/her job, duties, or responsibilities. Public servants include all government employees at the state or local level. A person convicted faces 3-5 years imprisonment and/or up to a \$15,000 fine. A person is guilty of obstructing the administration of law or other government functions when he/she obstructs a government function or attempts to prevent a public servant from lawfully performing an official function by using violence, force, or other physical interference. If convicted, a person faces up to 6 months and imprisonment and/or a fine of up to \$1,000. Public servants include all government employees at the state or local level.

## Template for Notifying Violators

**Below is a sample template for notifying individuals regarding their conduct relative to the code.**

***New Jersey Code of Criminal Justice, § 2C:27-3*** prohibits threats or improper influence of public servants. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to the New Jersey Governor



threatening his life if he announced a mask mandate.] *This may constitute a violation of § 2C:27-3 If convicted, you face up to 3-5 years imprisonment and a fine of up to \$15,000*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*

***New Jersey Code of Criminal Justice, § 2C:29-1*** prohibits the obstruction of government administration. [insert here a description of the conduct with a date—for example: On August 28, 2020, you sent an email to the New Jersey Governor threatening his life if he announced a mask mandate.] *This may constitute a violation of § 2C:29-1 If convicted, you face up to 6 months imprisonment and a fine of up to \$1,000*

- If the conduct is extreme, add: *We have notified the [insert proper law enforcement agency] of this conduct.*
- If the conduct does not rise to the level of reporting, add: *Should you continue with this conduct, we may report the matter to [insert law enforcement agency].*