

CSSB 128 (JUD) Summary of Changes

Page, Line	Version 28-LS1001\A	Version 28-LS1001\O
2, Lines 5-6 (each changed element is color-coded to correspond to the new language)	"... subjects the person to the fear of physical injury , severe mental or emotional injury , or damage to the person's property ."	"... causes severe mental or emotional injury , causes significant damage to the person's property , or places the person in reasonable fear of physical injury ."

1. Changed the action word "subjects" to "causes" – more objective verb
2. "Fear of physical injury" – Added the word "reasonable" to make the condition more objective.
3. "severe mental or emotional injury" – Rearranged this terminology so that there was no confusion regarding the "fear of..." severe mental or emotional injury. Added the word "causes" to clarify that the behavior must have *resulted in* the injury.
4. "damage to the person's property" – Added the words "causes significant" to clarify that the behavior must have resulted in the damage.

This legislation is intended to allow for the punishment of what is known as "cyberbullying," -- typically a school-age behavior. Currently school districts can punish "traditional" bullying for incidents that occur on school grounds; however, electronic bullying can and does occur no matter where an individual is located. Therefore:

1. The sponsor did not modify the language "a person under 18 years of age." The purpose of this legislation is to protect school-age children, who are arguably more vulnerable than adults. Many minor suicides are related to bullying and/or cyberbullying. In the Lower 48, there have been many cases where there are no appropriate laws under which a perpetrator can successfully be charged or tried.
2. The sponsor also did not modify the language "sends an electronic communication." In our first committee hearing it was suggested that the legislation state clearly that the communication be sent "to a person," however that is not the sponsor's intent. Social media sites such as Facebook, Instagram, Snapchat, Twitter, MySpace, blogs, etc., are sites that are accessed by the public, and one user's posts are usually shared with many individuals. It is well documented that cyberbullying often involves the posting of derogatory or demeaning content with the intent of insulting, taunting, challenging, or intimidating another person, but does not necessarily have to be sent directly to that person.