

Regular Session, 2010

HOUSE BILL NO. 1259

BY REPRESENTATIVE BURRELL

CRIME: Creates the crime of cyberbullying

1 AN ACT

2 To enact R.S. 14:40.7, relative to assault and battery and related offenses; to create the crime  
3 of cyberbullying; to provide for definitions; to provide for penalties; and to provide  
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:40.7 is hereby enacted to read as follows:

7 §40.7. Cyberbullying

8 A. Cyberbullying is the transmission of any electronic textual, visual,  
9 written, or oral communication with the intent to coerce, abuse, torment, intimidate,  
10 harass, embarrass, or cause emotional distress to a person under the age of seventeen.

11 B. For purposes of this Section, "electronic textual, visual, written, or oral  
12 communication" means any communication of any kind made through the use of a  
13 computer online service, Internet service, or any other means of electronic  
14 communication, including but not limited to a local bulletin board service, Internet  
15 chat room, electronic mail, or online messaging service.

16 C. An offense committed pursuant to the provisions of this Section may be  
17 deemed to have been committed where the communication was originally sent,  
18 originally received, or originally viewed by any person.

19 D.(1) Whoever commits the crime of cyberbullying shall be fined not more  
20 than five hundred dollars, imprisoned for not more than six months, or both.

1                   (2) Upon a second conviction, the offender shall be fined not more than two  
 2                   thousand dollars, imprisoned for not more than one year, or both.

3                   (3) Upon a third or subsequent conviction, the offender shall be fined not  
 4                   more than five thousand dollars, imprisoned for not less than one year and not more  
 5                   than three years, or both.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Burrell

HB No. 1259

**Abstract:** Creates the crime of cyberbullying and provides for criminal penalties.

Proposed law provides that cyberbullying is the transmission of any electronic textual, visual, written, or oral communication with the intent to coerce, abuse, torment, intimidate, harass, embarrass, or cause emotional distress to a person under the age of 17.

Proposed law defines "electronic textual, visual, written, or oral communication" as any communication of any kind made through the use of a computer online service, Internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, Internet chat room, electronic mail, or online messaging service.

Proposed law provides for the following criminal penalties for the crime of cyberbullying:

- (1) A fine of not more than \$500, imprisonment for not more than six months, or both.
- (2) Upon a second conviction, a fine of not more than \$2,000, imprisonment for not more than one year, or both.
- (3) Upon a third or subsequent conviction, a fine of not more than \$5,000, imprisonment for not less than one year and not more than three years, or both.

(Adds R.S. 14:40.7)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Changed the elements of the crime to apply only to victims who are under the age of 17.

#### House Floor Amendments to the engrossed bill.

1. Deleted "frighten" as an element of the offense.