

SB

128

<TARGET><BILL>SB 128</BILL><SUBJECT>SB
128</SUBJECT><COMM>HJUD28</COMM></TARGET>

HOUSE CS FOR CS FOR SENATE BILL NO. 128(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS MEYER, Ellis, Dyson, Fairclough, McGuire, Gardner, Egan, Giessel, Stedman,
Wielechowski, Micciche, Huggins

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to the crime of harassment."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 11.61.120(a) is amended to read:

4 (a) A person commits the crime of harassment in the second degree if, with
5 intent to harass or annoy another person, that person

6 (1) insults, taunts, or challenges another person in a manner likely to
7 provoke an immediate violent response;

8 (2) telephones another and fails to terminate the connection with intent
9 to impair the ability of that person to place or receive telephone calls;

10 (3) makes repeated telephone calls at extremely inconvenient hours;

11 (4) makes an anonymous or obscene telephone call, an obscene
12 electronic communication, or a telephone call or electronic communication that
13 threatens physical injury or sexual contact;

14 (5) subjects another person to offensive physical contact; [OR]

15 (6) except as provided in AS 11.61.116, publishes or distributes

1
2
3
4
5

electronic or printed photographs, pictures, or films that show the genitals, anus, or female breast of the other person or show that person engaged in a sexual act; or

(7) repeatedly sends or publishes an electronic communication that insults, taunts, challenges, or intimidates a person under 18 years of age in a manner that places the person in reasonable fear of physical injury.

Alaska State Legislature



Interim:


716 West 4th Avenue, Room 410
Anchorage, Alaska 99501
(907) 269-0199 Phone
(907) 269-0197 Fax

Session:

State Capitol Building, Room 518
Juneau, Alaska 99801-1182
(907) 465-4945 Phone
(907) 465-3476 Fax

Senator Kevin Meyer Senate District L

TO: Representative Wes Keller, Chair
House Judiciary Committee

FROM: Senator Kevin Meyer, Co-Chair
Senate Finance Committee 

DATE: April 2, 2014

RE: Request to Schedule SB 128 <Pending Referral>

With this memorandum, I respectfully request the scheduling of SB 128, "Cyberbullying," in the House Judiciary Committee. This legislation will make it a class B misdemeanor to harass someone less than 18 years of age via electronic means. This includes via text, voice messages, email and social media.

Attached to this memorandum please find:

- Sponsor Statement
- CSSB 123 (JUD), Version 28-LS1001\G
- Fiscal Note SB128-LAW-CRIM-02-13-14
- Fiscal Note SB128-DOC-OC-02-14-14
- Legal Memorandum dated 3/6/2013
- Legal Memorandum dated 3/7/2013
- Cyberbullying Fact Sheet
- State Cyberbullying Laws
- News Articles
- Letter of Support, Alaska Nurses Association

If you have any questions, please contact my staff member assigned to this bill, Edra Morledge at 465-6874.

Alaska State Legislature



Interim:

716 West 4th Avenue, Room 410
Anchorage, Alaska 99501
(907) 269-0199 Phone
(907) 269-0197 Fax

Session:

State Capitol Building, Room 518
Juneau, Alaska 99801-1182
(907) 465-4945 Phone
(907) 465-3476 Fax

Senator Kevin Meyer Senate District L

SPONSOR STATEMENT SENATE BILL 128

With advances in technology and social media, harassment by electronic means, or "cyberbullying," has become increasingly prevalent. Our current statutes allow for some forms of bullying to be handled within the school system, however not all bullying occurs on or near school property. In some extreme cases, cyberbullying has led to suicide. SB 128 will allow for punishment outside of the school system, and makes harassment of a person under 18 years of age by electronic communication a class B misdemeanor.

I encourage your support on SB 128.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSSB 128(JUD)
Fiscal Note Number: 1
(S) Publish Date: 3/10/14

Identifier: SB128-LAW-CRIM-02-13-14
Title: ELECTRONIC BULLYING
Sponsor: MEYER
Requester: (S) JUDICIARY

Department: Department of Law
Appropriation: Criminal Division
Allocation: Criminal Justice Litigation
OMB Component Number: 2202

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

| | FY2015 Appropriation Requested | Included in Governor's FY2015 Request | Out-Year Cost Estimates | | | | | |
|-------------------------------|--------------------------------------|--|-------------------------|------------|------------|------------|------------|------------|
| | | | FY 2015 | FY 2016 | FY 2017 | FY 2018 | FY 2019 | FY 2020 |
| OPERATING EXPENDITURES | | | | | | | | |
| Personal Services | | | | | | | | |
| Travel | | | | | | | | |
| Services | | | | | | | | |
| Commodities | | | | | | | | |
| Capital Outlay | | | | | | | | |
| Grants & Benefits | | | | | | | | |
| Miscellaneous | | | | | | | | |
| Total Operating | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Fund Source (Operating Only)

| | | | | | | | | |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|
| None | | | | | | | | |
| Total | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Positions

| | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|
| Full-time | | | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

| | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|
| Change in Revenues | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|

Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version, not applicable.

| | | | |
|--------------|---|--------|---------------------|
| Prepared By: | Loretta Withington, Division Operations Manager | Phone: | (907)465-5427 |
| Division: | Department of Law | Date: | 02/13/2014 12:09 PM |
| Approved By: | Michael C. Geraghty, Attorney General | Date: | 02/13/14 |
| Agency: | Department of Law | | |

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB 128(JUD)

Analysis

Senate Bill 128 amends the crime of harassment in the second degree by adding a prohibition of insulting, taunting, challenging or intimidating a minor by electronic communication that subjects the person to the fear of physical injury, severe mental or emotional injury, or damage to the person's property.

The Department of Law anticipates no fiscal impact from SB 128.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSSB 128(JUD)
Fiscal Note Number: 2
(S) Publish Date: 3/10/14

Identifier: SB128-DOC-OC-02-14-14
Title: ELECTRONIC BULLYING
Sponsor: MEYER
Requester: Senate Judiciary

Department: Department of Corrections
Appropriation: Administration and Support
Allocation: Office of the Commissioner
OMB Component Number: 694

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

| | FY2015 Appropriation Requested | Included in Governor's FY2015 Request | Out-Year Cost Estimates | | | | | |
|-------------------------------|--------------------------------------|--|-------------------------|------------|------------|------------|------------|------------|
| | | | FY 2015 | FY 2016 | FY 2017 | FY 2018 | FY 2019 | FY 2020 |
| OPERATING EXPENDITURES | | | | | | | | |
| Personal Services | | | | | | | | |
| Travel | | | | | | | | |
| Services | | | | | | | | |
| Commodities | | | | | | | | |
| Capital Outlay | | | | | | | | |
| Grants & Benefits | | | | | | | | |
| Miscellaneous | | | | | | | | |
| Total Operating | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Fund Source (Operating Only)

| | | | | | | | | |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|
| None | | | | | | | | |
| Total | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Positions

| | | | | | | | | |
|-----------|--|--|--|--|--|--|--|--|
| Full-time | | | | | | | | |
| Part-time | | | | | | | | |
| Temporary | | | | | | | | |

| | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|
| Change in Revenues | | | | | | | | |
|---------------------------|--|--|--|--|--|--|--|--|

Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

This is the original version of the bill.

Prepared By: April Wilkerson, Director
Division: Administrative Services - Department of Corrections
Approved By: Leslie Houston, Deputy Commissioner
Agency: Department of Corrections

Phone: (907)465-3460
Date: 02/14/2014 08:45 AM
Date: 02/14/14

FISCAL NOTE ANALYSIS #2

**STATE OF ALASKA
2014 LEGISLATIVE SESSION**

BILL NO. CSSB 128(JUD)

Analysis

This legislation makes it a class B misdemeanor to insult, taunt, or intimidate someone who is under 18 via electronic communication in such a way that puts that person in fear of physical, mental or emotional harm or damage to their property.

A class B misdemeanor is punishable by a term of imprisonment of up to 90 days. At the current daily cost of care, the Department could see an impact ranging from \$0.0 (no time served) to \$14,280.30 (for a 90 day sentence) for each offender convicted under this legislation.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1162
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 6, 2014

SUBJECT: CSSB 128(JUD): Legal issues (Work Order No. 28-LS1001\Y)

TO: Senator John Coghill
Attn: Jordan Shilling

FROM: Kathleen Strasbaugh
Legislative Counsel

You have asked three questions about CSSB 128(JUD), Draft, "Y" version.

1. Does the word "send" in proposed AS 11.61.120(a)(7) cover posting to social media sites? I believe the answer to this question is yes. Since the bill as presently drafted does not go on to require that the information be conveyed to a particular person, it is my opinion that it would cover a posting.

2. Is there a problem referring to "significant damage" to property where the value of the property is not specified? In my opinion the answer is yes. The problem could be resolved either by removing the reference to property damage, or being more specific about the type or value of the property. The "Y" version seems to also provide for criminal liability with regard to property both when there is a reasonable fear of significant damage (p. 2, lines 8 - 10) and when any fear (presumably reasonable or unreasonable) of significant property damage is caused.

3. Are there first amendment problems with the bill? There can be potential constitutional issues with criminal statutes that penalize expressive conduct. The void for vagueness doctrine requires that a penal statute define the criminal offense with sufficient definiteness so that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement. *Kolender v. Lawson*, 461 U.S. 352, 357 (1983). In a case relevant to this bill by analogy, the court applied this doctrine to an Anchorage Municipal Ordinance regarding harassing or annoying telephone calls. *Jones v. Municipality of Anchorage*, 754 P.2d 275, 279 (Alaska App. 1988). The court found that the ordinance was not void for vagueness:

As we have already noted, the scope of the challenged ordinance is limited to repeated or anonymous telephone calls, and the ordinance applies to such calls only when the specific and exclusive purpose of the caller is to annoy, molest, abuse, or harass the listener or the listener's family. Thus, the express terms of the ordinance, when accorded their plain meaning, restrict speech only when it is essentially noncommunicative -- in other words, only when the speech is devoid of any substantive information and

is solely and specifically intended by the speaker to evoke an adverse emotional response from the listener.

So construed, the restriction on speech that results from the challenged ordinance closely resembles, and does not significantly exceed, the type of restriction contained in provisions aimed at prohibiting fighting words that are likely to provoke immediate, violent reaction. We perceive little possibility that the ordinance, as we interpret it, poses any appreciable risk of chilling the legitimate exercise of free speech.

The *Jones* court noted that, where the criminal conduct in a statute is made to "hinge on the subjective reactions of others," the statute may be void for vagueness. *Id.* In addition, the court noted that speech may only be regulated by a penal statute in exceptional circumstances, when the speech incites or directs imminent lawless action, such as the fighting words discussed above. *Id.*¹

In proposed AS 11.61.120(a)(7), certain electronic communications containing fighting words may withstand a challenge to the regulation of speech, if the speech being regulated is not protected speech. However, in the bill, where the speech being regulated relates to the subjective reaction of the victim, goes beyond "fighting words," and is viewed by the court to include speech that is protected, a court could find that the statute is vague for overbreadth where it chills speech protected by the First Amendment to the United States Constitution. The outcome of a challenge to AS 11.61.120(a)(7) will be fact dependent and it will be difficult to predict how a court will rule in any particular case. The facts in *Jones* do bear some similarity to the facts that might arise under the bill. The defendant in *Jones* called frequently, and left abusive, obscene messages, including racial slurs, name calling, insults regarding appearance and race, and descriptions of sexual activities in embarrassing detail. *Id.* at 277. The court noted also:

By specifying that "*the* purpose" of the caller, rather than merely "*a* purpose," must be to annoy, molest, abuse, or harass, the challenged ordinance makes it abundantly clear that it was meant to cover only those calls whose sole purpose is to annoy, molest, abuse, or harass. Accordingly, although the challenged ordinance has not previously been subjected to judicial construction, we believe its meaning is reasonably clear on its face.

Id. at 278 - 79. If the conduct precipitating the harm falls well within the statute, it may be that a conviction would be upheld.

If I may be of further assistance, please advise.

KJS:lem
14-118.lem

¹ See also, *Peterson v. State*, 930 P.2d 414 (Alaska App. 1996).

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 7, 2014

SUBJECT: Harassment of vulnerable adults
(Work Order No. 28-LS1565)

TO: Senator Kevin Meyer
Attn: Edra Morledge

FROM: Kathleen Strasbaugh
Legislative Counsel

You have asked whether there are special protections for mentally or developmentally disabled adults in criminal statutes related to stalking, harassment, or exploitation.

The harassment, stalking, and theft statutes¹ do not provide specific protections for mentally or developmentally disabled adults. However, it is likely that in sentencing the vulnerability of the victim will be a consideration. For all the felony level offenses the sentencing statutes allow formal consideration of the vulnerability of the victim. AS 12.55.155(c) provides two relevant aggravating factors that can increase the presumptive range of the sentence:

(5) the defendant knew or reasonably should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to advanced age, disability, ill health, homelessness, consumption of alcohol or drugs, or extreme youth or was for any other reason substantially incapable of exercising normal physical or mental powers of resistance;

...

(22) the defendant knowingly directed the conduct constituting the offense at a victim because of that person's race, sex, color, creed, physical or mental disability, ancestry, or national origin;

If either of these aggravating factors is found by the trier of fact, then the court may increase the defendant's sentence up to the maximum sentence for the offense. AS 12.55.155(h).

¹ AS 11.41.260 and 11.41.270 (stalking in the first or second degree); AS 11.61.118 and 11.61.120. See AS 11.46 generally for theft and property crimes.

Senator Kevin Meyer
March 7, 2014
Page 2

SB 128 would add a provision to harassment in the second degree that would have as an element whether the victim experienced, among other things, intimidation or mental or emotional injury. An individual's vulnerabilities, such as a mental or developmental disability would have to be considered in such a case.

As to protection from exploitation, there are programs for reporting abuse and managing the affairs of adults with mental illness or intellectual disability.² AS 11.51.200 - 11.51.220 penalize the abandonment or neglect of vulnerable adults. A vulnerable adult is defined in AS 47.24.900(21) as:

a person 18 years of age or older who, because of incapacity, mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, fraud, confinement, or disappearance, is unable to meet the person's own needs or to seek help without assistance.

The sexual assault statutes proscribe the commission of sexual acts with persons who are mentally incapable, incapacitated, or unaware that a sexual act is being committed.³ See AS 11.41.410 - 11.41.425.

Certain other crimes might apply to conduct against a vulnerable person. See, e.g., AS 11.46.210 (failure to make required disposition of funds received or held); AS 11.46.620 (misapplication of property).

If I may be of further assistance, please advise.

KJS:ray
14-103.ray

² See generally AS 47.24.

³ "Mentally incapable" is defined in AS 11.41.470(4) and "incapacitated" is defined in AS 11.41.470(2).

Cyberbullying Fact Sheet

What you need to know about online aggression



Sameer Hinduja, Ph.D. and Justin W. Patchin, Ph.D.
Cyberbullying Research Center

Adolescents have been bullying each other for generations. The latest generation, however, has been able to utilize technology to expand the reach and harm associated with bullying. This phenomenon is being called *cyberbullying*, briefly defined as: “willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices.” We developed this definition because it is simple, concise, reasonably comprehensive, and captures the most important elements. These elements include: “willful” (the behavior has to be deliberate, not accidental); “repeated” (bullying reflects a pattern of behavior, not just one isolated incident); “harm” (the target must perceive that harm was inflicted); and “computers, cell phones, and other electronic devices” (this, of course, is what differentiates cyberbullying from traditional bullying).

Cyberbullying is willful and repeated harm inflicted through the use of computers, cell phones, and other electronic devices.

Though not explicit in our definition, there is usually an imbalance of “power” in cyberbullying situations. We choose not to include it in our definition because the type of power being exerted in cyberspace is somewhat amorphous and often shifting. While power in traditional bullying might be physical (stature) or social (wit or popularity), online power may simply stem from proficiency or knowledge or the possession of some content (information, pictures, or video) that can be used to inflict harm. Anyone with any of these characteristics or possessions within a certain online context has “power,” which can be wielded through some form of cyberbullying. It is also important to point out that while adults can, and often do, engage in the types of behaviors described in this fact sheet, the term “bullying” and therefore also “cyberbullying” is commonly used only to describe the behaviors of adolescents while interacting with their peers.

Examples of Cyberbullying

There are a number of common types of cyberbullying which we are seeing quite regularly. First, using an Internet-connected computer a bully can send harassing e-

mails or instant messages, post obscene, insulting, and slanderous messages to online bulletin boards or social networking sites, or develop Web pages to promote and disseminate defamatory content. Second, malicious text messages can be sent to the target via cell phones. In addition to sending threatening text messages, most phones have picture-taking and video-recording capabilities. This functionality creates additional opportunities for would-be bullies to collect content (e.g., a picture) that could be used against someone else. For example, a picture could be taken in a place where privacy is expected (e.g., a locker room) and posted online for all to see.

Issues to Consider

Certain characteristics inherent in new technologies increase the likelihood that they will be exploited to cause harm to others. For example, electronic bullies can remain “virtually” anonymous. Temporary email accounts and pseudonyms in chat rooms, instant messaging programs, and other Internet venues can make it very difficult for adolescents to determine the identity of aggressors. Individuals can hide behind some measure of anonymity when using their personal computer or cell phone to bully another individual, which perhaps frees them from normative and social constraints on their behavior.

14-year-old girl from New Jersey

Being bullied besides over the internet is worse. It's torment and hurts. They say 'sticks and stones may break my bones, but words will never hurt me.' That quote is a lie and I don't believe in it. Sticks and stones may cause nasty cuts and scars, but those cuts and scars will heal. Insultive words hurt and sometimes take forever to heal.

Further, it seems that bullies might be emboldened when using electronic means to harm others because it takes less energy and fortitude to express hurtful comments using a keyboard or keypad than with one's voice. Along similar lines, cyberbullies do not have to deal with the immediate emotional, psychological, or physical effects of face-to-face bullying on their victim. In cyberspace, there is usually no swift or certain response that clues in an adolescent to the inappropriateness of harmful words. Such feedback in real

life can send a message to bullies that “enough is enough” or that their behavior is inappropriate.

Another key feature that makes cyberbullying so problematic is the fact that hurtful or humiliating content can be sent to a large number of people in a short period of time. While spoken rumors seem to spread around a school like wildfire, this process is greatly expedited when utilizing technology. Text messages can be sent from one electronic device to a limitless number of recipients in a matter of seconds. If a student posts a humiliating picture of a classmate on the mirror in the girls’ bathroom, only those who ventured in there would view the picture. If the same picture was posted to a Web site or sent to “everyone” via e-mail, many more people would be drawn into the joke, thereby making the target feel even worse.

Additionally, supervision is lacking in cyberspace. While chat hosts sometimes observe the dialog in some chat rooms in an effort to police conversations and evict offensive individuals, personal messages sent between users are viewable only by the sender and the recipient, and therefore outside their regulatory reach. Furthermore, there are no individuals to monitor or censor offensive content in electronic mail or text messages sent via computer or cell phone.

14 year-old girl from Illinois

I still cry when I think of what she said. After awhile you start believing all of the things people tell you that aren't true. When I look in the mirror I wonder if I'm fat (I'm not) after what my ex-friend said.

Another problem is the increasingly-common presence of computers in the private bedrooms of adolescents. Indeed, teenagers often know more about computers and cell phones than adults and are therefore able to operate the technologies without worry or concern that a probing parent will discover their participation in bullying (or even their victimization).

In a similar vein, the inseparability of a cell phone from its owner makes that person a perpetual target for victimization. Users often need to keep it turned on for legitimate uses, which provides the opportunity for those with malicious intent to send threatening and insulting statements via the cell phone’s text messaging capabilities. What’s more, most adolescents connect to the Internet at home and are online all hours of the evening and night. This contributes to the invasive nature of cyberbullying. There may truly be “no rest for the weary” as it penetrates the walls of a home - traditionally a place where victims could seek refuge.

Finally, the coordination of a bullying attack can occur with more ease because it is not constrained by the physical location of the bullies or victims. A veritable onslaught of mistreatment can quickly and effectively torment a victim through the use of these communications and connectivity tools.

Nature and Extent of Cyberbullying

In 2007, we surveyed a random sample of approximately 2,000 middle-school students from a large school district to learn about their experiences with cyberbullying. When asked if they had been “cyberbullied” in their entire lives, 17.3% said “yes.” A similar proportion (17.6%) admitted to cyberbullying others at some point in their lifetime. Finally, 12% of the sample reported being both a victim and a bully.

In addition, 42.9% experienced at least one of the following in the last 30 days:

- Received an e-mail that made them upset (not spam)
- Received an instant message (IM) that made them upset
- Had something posted on MySpace that made them upset
- Been made fun of in chat room
- Had something posted on a Web site that made them upset
- Had something posted online they didn’t want others to see
- Been afraid to go on the computer

While some of the above behaviors may not fit neatly under our definition, they may be considered cyberbullying if perpetrated by peers repeatedly over time. The point is that students might say “no” when asked if they have been “cyberbullied” - but “yes” when asked about specific *forms* or *examples* of cyberbullying.

It is also important to point out that this latest study was conducted among middle-schoolers, so the prevalence rates are slightly less than much of our previous research (which also included high school aged students). We estimate that approximately one-third of Internet-using adolescents have experienced some form of cyberbullying within the past year. Unless we do something about it, this number will undoubtedly continue to rise.

What Can Be Done?

It is hoped that cyberbullying can be curtailed by proactively addressing the potentially negative uses of technology. Parents must regularly monitor the online activities in which their children are engaged. They must also encourage an open dialog with their children regarding issues of safety and responsible Internet use.

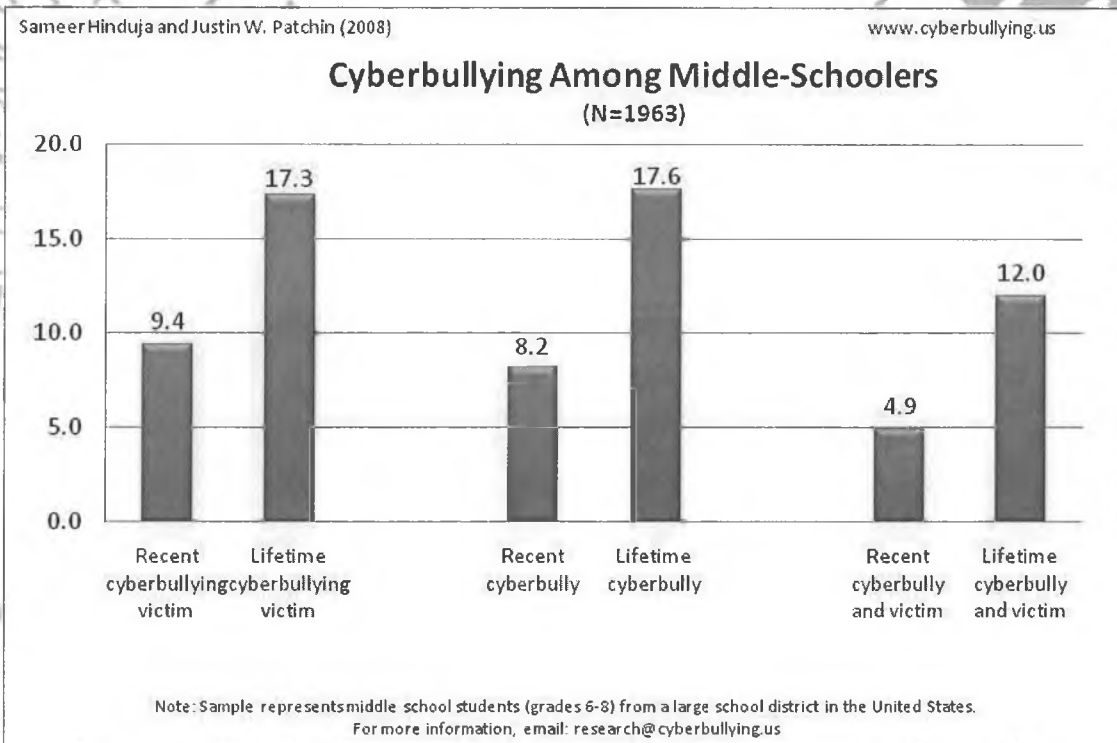
Teachers, too, must take care to supervise students as they use computers in the classrooms and should consider incorporating discussions of issues related to cybersafety in their curriculum when appropriate. "Hands-on" activities and role-playing exercises may be particularly useful for introducing this topic to youth. School liaison officers and law enforcement officials must investigate all instances of harassment – including electronic bullying – and hold responsible parties accountable. Each of us has an important role to play.

experience not only undermines a youth's freedom to use and explore valuable online resources, but also can result in severe functional, psychological, and emotional ramifications. It is hoped that this fact sheet will contribute to improving society's overall understanding of the causes and consequences of online aggression.

For more information about cyberbullying, visit www.cyberbullying.us and look for our book: Bullying Beyond the Schoolyard: Preventing, and Responding to Cyberbullying which is available from Sage Publications (Corwin Press).

Conclusion

Victimization on the Internet through cyberbullying is increasing in frequency and scope. This negative



Sameer Hinduja, Ph.D. is an Associate Professor at Florida Atlantic University and Justin W. Patchin, Ph.D. is an Associate Professor at the University of Wisconsin-Eau Claire. Together, they lecture across the United States on the causes and consequences of cyberbullying and offer comprehensive workshops for parents, teachers, counselors, mental health professionals, law enforcement, youth and others concerned with addressing and preventing online aggression.

The Cyberbullying Research Center is dedicated to providing up-to-date information about the nature, extent, causes, and consequences of cyberbullying among adolescents. For more information, visit <http://www.cyberbullying.us>. © 2009 Cyberbullying Research Center - Sameer Hinduja and Justin W. Patchin

State Cyberbullying Laws

A Brief Review of State Cyberbullying Laws and Policies



Sameer Hinduja, Ph.D. and Justin W. Patchin, Ph.D.

December 2013

| | Bullying law | Update or law proposed | Include "cyberbullying" ¹ | Include electronic harassment ² | Criminal sanction | School sanction | Requires School Policy | Include off campus behaviors? ³ |
|----------------------|------------------|------------------------|--------------------------------------|--|-------------------|-----------------|------------------------|--|
| Alabama | YES | proposed | NO | YES | NO | NO | YES | NO |
| Alaska | YES | proposed | NO | NO | NO | YES | YES | NO |
| Arizona | YES | NO | NO | YES | NO | YES | YES | NO |
| Arkansas | YES | NO | YES | YES | YES | YES | YES | YES |
| California | YES | NO | YES | YES | NO | YES | YES | YES |
| Colorado | YES ³ | NO | NO | YES | proposed | YES | YES | NO |
| Connecticut | YES | NO | YES | YES | NO | YES | YES | YES |
| Delaware | YES | NO | NO | YES | NO | YES | YES | NO |
| Florida | YES | NO | YES | YES | NO | YES | YES | YES |
| Georgia | YES | proposed | proposed | YES | NO | YES | YES | proposed |
| Hawaii | YES | NO | YES | YES | proposed | YES | YES | NO |
| Idaho | YES | NO | NO | YES | YES | YES | YES | NO |
| Illinois | YES | NO | proposed | YES | NO | YES | YES | NO |
| Indiana | YES | NO | NO | YES | NO | YES | YES | NO |
| Iowa | YES | NO | NO | YES | NO | YES | YES | NO |
| Kansas | YES | NO | YES | YES | NO | YES | YES | NO |
| Kentucky | YES | proposed | proposed | YES | YES | YES | YES | NO |
| Louisiana | YES | NO | YES | YES | YES | YES | YES | YES |
| Maine | YES | proposed | proposed | proposed | NO | YES | YES | NO |
| Maryland | YES | NO | NO | YES | proposed 2013 | YES | YES | NO |
| Massachusetts | YES | NO | YES | YES | NO | YES | YES | YES |
| Michigan | YES | NO | NO | YES | proposed | NO | YES | NO |
| Minnesota | YES | proposed | NO | YES | NO | YES | YES | NO |
| Mississippi | YES | NO | NO | YES | YES | YES | YES | NO |
| Missouri | YES | NO | YES | YES | YES | YES | YES | NO |
| Montana | NO | NO | NO | NO | YES | NO | NO | NO |
| Nebraska | YES | proposed | proposed | YES | NO | YES | YES | proposed |
| Nevada | YES | NO | YES | YES | YES | NO | YES | NO |
| New Hampshire | YES | proposed | YES | YES | NO | NO | YES | YES |
| New Jersey | YES | NO | NO | YES | NO | YES | YES | YES |
| New Mexico | YES | NO | NO | YES | NO | YES | YES | NO |
| New York | YES | NO | YES | YES | proposed | YES | YES | YES |
| North Carolina | YES | NO | YES | YES | YES | YES | YES | NO |
| North Dakota | YES | NO | NO | YES | YES | YES | YES | NO |
| Ohio | YES | NO | NO | YES | NO | YES | YES | NO |
| Oklahoma | YES | NO | NO | YES | NO | YES | YES | NO |
| Oregon | YES | NO | YES | YES | NO | YES | YES | NO |
| Pennsylvania | YES | NO | NO | YES | NO | YES | YES | NO |
| Rhode Island | YES | NO | NO | YES | NO | NO | YES | NO |
| South Carolina | YES | NO | NO | YES | NO | YES | YES | NO |
| South Dakota | YES | NO | NO | YES | NO | YES | YES | YES |
| Tennessee | YES | NO | YES | YES | YES | YES | YES | YES |
| Texas | YES | NO | NO | YES | NO | YES | YES | NO |
| Utah | YES | NO | YES | YES | NO | YES | YES | NO |
| Vermont | YES | NO | NO | YES | NO | YES | YES | YES |
| Virginia | YES | NO | YES | YES | NO | YES | YES | NO |
| Washington | YES | NO | YES | YES | NO | YES | YES | NO |
| West Virginia | YES | NO | NO | YES | NO | YES | YES | NO |
| Wisconsin | YES | NO | NO | NO | YES | YES | YES | NO |
| Wyoming | YES | NO | NO | YES | NO | YES | YES | NO |
| STATE TOTALS | 49 | 8 | 18 | 47 | 12 | 44 | 49 | 12 |
| FEDERAL | NO | 2009 | proposed | proposed | proposed | NO | NO | NO |
| Washington DC | YES | NO | NO | YES | NO | YES | YES | YES |

¹Indicates laws that actually include the terms "cyberbullying" or "cyber-bullying." This is compared to states that simply refer to electronic harassment or bullying using electronic means. See actual law for more details.

²Federal caselaw allows schools to discipline students for off-campus behavior that results in a substantial disruption of the learning environment at school. These states have simply codified that standard in state statute.

³See specific state info below for more details.

Please let us know if you are aware of any updates not included in this summary.

Alabama

The Alabama Student Harassment Prevention Act - HB 0216

PDF - www.BullyPolice.org/AL_law2009HB0216.pdf

Schools must develop policies to help with harassment, includes electronic forms of bullying; "punishment shall conform with applicable federal and state disability, antidiscrimination, and education laws and school discipline policies."

Alaska

House Bill 482 (2006): Sec. 14.33.200. Harassment, intimidation, and bullying policy. (a) By July 1, 2007, each school district shall adopt a policy that prohibits the harassment, intimidation, or bullying of any student. The policy must also include provisions for an appropriate punishment schedule up to and including expulsion and reporting of criminal activity to local law enforcement authorities.

05-09-06: Passed the Legislature, to be transmitted to the Governor for signature.

Various statutes: http://www.olweus.org/public/laws_alaska.page

Does not have a cyberbullying statute, but ALASKA STAT. § 11.61.120 which is an anti-harassment statute defines harassment as including by electronic means which threatens the physical well-being of another person.

(<http://www.ncsl.org/default.aspx?tabid=20753>)

Arizona

H.B. 2415 – (signed by Governor on April 19, 2011) Includes harassment, bullying, and intimidating with the use of electronic technology <http://www.azleg.gov/legtext/50leg/1r/bills/hb2415h.pdf>

H.B. 2368 (2005): requires school district governing boards to adopt and enforce procedures that prohibit the harassment, bullying and intimidation of pupils on school grounds, school property, school buses, school bus stops and at school sponsored events and activities

Arkansas

July 2011: cyberbullying crime law took effect: <http://www.arkleg.state.ar.us/assembly/2011/2011R/Acts/Act905.pdf>. Cyberbullying is a Class B misdemeanor.

Reference to off-campus behaviors: Policies must prohibit bullying: "(B) (i) By an electronic act that results in the substantial disruption of the orderly operation of the school or educational environment." "(ii) This section shall apply to an electronic act whether or not the electronic act originated on school property or with school equipment, if the electronic act is directed specifically at students or school personnel and maliciously intended for the purpose of disrupting school, and has a high likelihood of succeeding in that purpose."

(Ark. Code Ann. §6-18-514—<http://www.arkdisabilityrights.org/doc/arcod/aca6-18-514.pdf>).

H. B. 1072, 2007 Code §6-18-514(a) Anti-bullying Policies; now Act 115

<http://www.arkleg.state.ar.us/assembly/2007/R/Acts/Act115.pdf>;

<http://www.arkleg.state.ar.us/assembly/ArkansasCode/6/6-18-514.htm>

Policies must state the consequences for engaging in the prohibited conduct, which may vary depending on the age or grade of the student involved.

California

AB 256, Chapter 700 (October 10, 2013). Clarifies role of school in intervening in bullying cases that originate away from school.: “Electronic act’ means the creation and transmission originated on or off the schoolsite...” http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB256

AB 9 “Seth’s Law” (2011) requires school policy and investigation processes (named after 13 year old Seth Walsh who committed suicide after being harassed about sexual orientation and identity) (<http://e-lobbyist.com/gaits/text/354065>)

AB 1156 (2011) expanded the definition of bullying and connected it to academic performance. Notes that bullying causes a substantial disruption and detrimental effect on students. Encourages training for school officials. Creates provisions to remove victim from the “unhealthy setting.”

AB 746, signed into law July, 2011. Language of the law includes student behaviors on social networking web sites: “Under existing law, bullying, including bullying committed by means of an electronic act, as defined, is a ground on which suspension or expulsion may be based. This bill would specify that an electronic act for purposes of the act includes a post on a social network Internet Web site.” http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0701-0750/ab_746_bill_20110708_chaptered.pdf

SB 719 (Bullying Prevention for School Safety and Crime Reduction Act of 2003); Chapter 828.

2001 Cal. Stats., A.B. 79, Chap. 646 Requires the Department of Education to develop model policies on the prevention of bullying and on conflict resolution, makes the model policies available to school districts and authorizes school districts to adopt one or both policies for incorporation into the school safety plan.

PDF file: http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab_0051-0100/ab_79_bill_20011010_chaptered.pdf

HTML file: http://www.leginfo.ca.gov/pub/01-02/bill/asm/ab_0051-0100/ab_79_bill_20011010_chaptered.html

A. B. 86, 2008 Code §32261 (g) Lieu. Pupil safety. Gives school officials grounds to suspend a pupil or recommend a pupil for expulsion for bullying, including, but not limited to, bullying by electronic act.

Colorado

HB 11-1254 (signed into law May 2011): “Bullying’ means any written or verbal expression, or physical or electronic act or gesture...”

[http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/C41FA88143FD6AE687257801006047CF?](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/C41FA88143FD6AE687257801006047CF?Open&file=1254_enr.pdf)

[Open&file=1254_enr.pdf](http://www.leg.state.co.us/CLICS/CLICS2011A/csl.nsf/fsbillcont3/C41FA88143FD6AE687257801006047CF?Open&file=1254_enr.pdf)

SB 01-080 policy: http://www.bullypolice.org/co_02.pdf

“Colorado has no official anti bullying law. Colorado State Lawmakers chose a “Legislative declaration” and creation of Policy. Policy can be as good as law.” – From bullypolice.

School Districts are required by law to adopt a written conduct and discipline code relating to the discipline, conduct, safety and welfare of all students enrolled in the public schools of the District. Section 22-32-

109.1(2)(a)(I), C.R.S. (2000); “Safe School Plan.” Must include “a specific policy concerning bullying prevention and education, including information related to the development and implementation of any bullying prevention programs.

Section 22-32-109.1(2)(a)(I) through (X), C.R.S. (2002).”

Criminal sanction: See pg. 32-33 of the above link

Defines that a policy must be made in schools about bullying and it is up to the school to decide the punishment. Does not include electronic forms of punishment.

Connecticut

Signed by governor on 7-13-2011; "An Act Concerning the Strengthening of School Bullying Laws", or S.B. 1138). "Cyberbullying" means any act of bullying through the use of the Internet, interactive and digital technologies, cellular mobile telephone or other mobile electronic devices or any electronic communications..." School policies must "include provisions addressing bullying outside of the school setting if such bullying (A) creates a hostile environment at school for the victim, (B) infringes on the rights of the victim at school, or (C) substantially disrupts the education process or the orderly operation of a school..." <http://www.cga.ct.gov/2011/TOB/S/2011SB-01138-R00-SB.htm>

H.B. 5826 (2008): <http://www.cga.ct.gov/2008/ACT/PA/2008PA-00160-R00HB-05826-PA.htm>

2002 Connecticut Public Act 2-119, SHB 5425; Statutes § 10-222d; defines a policy that Schools must adhere to for the severity of bullying but does not clearly define punishments nor explain thoroughly what bullying means. <http://www.cga.ct.gov/2005/pub/Chap170.htm#Sec10-222d.htm>

Delaware

HB NO. 7: An Act to amend Title 14 of the Delaware code to establish the School Bullying Prevention Act. <http://www.aacap.org/galleries/LegislativeAction/DE%20-%20anti-bullying%20bill.pdf> 14 Delaware Code 4112(D) includes bullying that is "...intentional written, electronic, verbal or physical act http://www.doe.k12.de.us/infosuites/students_family/climate/files/Bully%20Prevention%20Law%20Outline.pdf

Section 1. Amend Title 14 of the Delaware Code by adding thereto a new § 4123A to read as follows:

"§ 4123A. School Bullying Prevention and Criminal Youth Gang Detection Training.

Section 2. Amend Chapter 41, Title 14 of the Delaware Code by adding thereto a new § 4112D, to read as follows:

"§ 4112D. School Bullying Prevention.

Nothing mentioned other than under (h) identify consequences must be met for bullying actions; up to the school to decide punishment

Florida

HB 609, signed by governor in May 2013, takes effect July 1, 2013. Added "cyberbullying" to bill and includes explicit language allowing schools to discipline students for their off-campus harassment that "substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school."

<http://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?>

FileName=_h0609er.docx&DocumentType=Bill&BillNumber=0609&Session=2013

Related to HB 626, "Imagine Sheterrria Elliot Act" passed <http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49783&>

Full law: <http://laws.flrules.org/2013/87>

H.B. 699 s. 1006.147: School Safety "Jeffrey Johnson Stand Up for All Students Act": Consequences must be made clear by the school district; <http://www.myfloridahouse.com/Sections/Documents/loadoc.aspx?>

FileName=_h0669_.xml&DocumentType=Bill&BillNumber=0669&Session=2008

Georgia

Proposed: "The End to Cyberbullying Act" – includes off campus and cyberbullying
<http://www.legis.ga.gov/Legislation/20112012/110632.pdf>

SB 250 (2010): http://www.legis.state.ga.us/legis/2009_10/pdf/sb250.pdf: Students found bullying third time in school year are sent to alternative school, requires that policies against bullying be posted in all middle and high schools, requires that bullying policies be included in student and parent handbooks.

O.C.G.A. 20-2-751.4: "...by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system..."

1999 Georgia Laws, H.B. 84, Chap. 282 (O.C.G.A. § 20-2-751.4 and O.C.G.A. § 20-2-751.5.) Requires the implementation of a character education program at all grade levels that is to include methods of discouraging bullying and violent acts against fellow students. Adds razor blade to the definition of weapon.

Hawaii

H.B. 688 (Signed July 11, 2011): http://www.capitol.hawaii.gov/session2011/Bills/HB688_.HTM. Includes cyberbullying.

SB2094.DOC: http://www.capitol.hawaii.gov/session2010/bills/SB2094_.HTM. If any child of school age engages in bullying or cyberbullying, the child, and the father, mother, or legal guardian, shall be fined not more than \$100 for each separate offense.

Idaho

H.B. 750, "Jared's Law": Student who personally violates any provision of this section shall be guilty of a misdemeanor; possible suspension or denial of school attendance; <http://www3.state.id.us/oasis/2006/H0750.html>

Illinois

January 1, 2012, H.B. 3281 "The board **may suspend** or by regulation authorize the superintendent of the district or the principal, assistant principal, or dean of students of any school to suspend a student for a period not to exceed 10 school days **or may expel** a student for a definite period of time not to exceed 2 calendar years, as determined on a case by case basis, if (i) that student has been determined to have made an explicit threat on an Internet website against a school employee, a student, or any school-related personnel, (ii) the Internet website through which the threat was made is a site that was accessible within the school at the time the threat was made or was available to third parties who worked or studied within the school grounds at the time the threat was made, and (iii) the threat could be reasonably interpreted as threatening to the safety and security of the threatened individual because of his or her duties or employment status or status as a student inside the school. The provisions of this subsection (d-5) apply in all school districts, including special charter districts and districts organized under Article 34 of this Code." (emphasis added)

2011 proposal references cyberbullying: <http://www.ilga.gov/legislation/fulltext.asp?DocName=&SessionId=84&GA=97&DocTypeId=HB&DocNum=1466&GAID=11&LegID=58226&SpecSess=0&Session=0>

S.B. 3266 (2010) (105 ILCS 5/27-13.3, 5/27-23.7, 5/10-20.14); <http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt.+27&ActID=1005&ChapAct=105%26nbsp%3BILCS%26nbsp%3B5%2F&ChapterID=17&ChapterName=SCHOOLS&SectionID=49363&SeqStart=145600000&SeqEnd=151900000&ActName=School+Code>

"105 ILCS 135/1-2 (2008) defines harassment through electronic communications. The definition includes "making any obscene comment, request, suggestion or proposal with an intent to offend," and "threatening injury to the person or to the property of the person to whom the electronic communication is directed or to any of his family or household members." Violation of the provisions of the statute will result in a class B misdemeanor." http://www.olweus.org/public/laws_illinois.page

H.B. 6391: Beginning with the 2010-2011 school year, a school district must include in the age-appropriate curriculum topics devices, including, but not limited to, the risks and consequences of dissemination and transmission of sexually explicit images and video. The age-appropriate unit of instruction may be incorporated into the current courses of study regularly taught in the district's schools, as determined by the school board. Nothing about the actual penalty other than it is up to the school.

Indiana

HB 1423, signed by governor on May 11, 2013 (Public Law 285) "bullying' means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors, that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other targeted student and create for the targeted student an objectively hostile school environment." <https://docs.google.com/viewer?url=http://static.openstates.org/documents/in/IND00057868&chrome=true>

HB 1276: Amends the definition of "bullying" to include communications transmitted from an electronic communications device or through a social networking web site. http://www.indiana-asbo.org/pdf/2010-2%20_2_.pdf: page 49

Senate Enrolled Act No. 285: <http://www.in.gov/legislative/bills/2005/PDF/SE/SE0285.1.pdf>
IC 20-30-5.5; IC 20-33-8-0.2; IC 20-33-8-13.5; IC 5-2-10.1-2; IC 5-2-10.1-11.12

See also: <http://www.in.gov/legislative/ic/code/title20/ar33/ch8.html>

Iowa

S.F. 61, 2007 Code §280.28 Harassment and Bullying Prohibited; <http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=IowaCode&input=280.28>;

b. "Harassment" and "bullying" shall be construed to mean any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student and which creates an objectively hostile school environment that meets one or more of the following conditions:

- (1) Places the student in reasonable fear of harm to the student's person or property.
- (2) Has a substantially detrimental effect on the student's physical or mental health.
- (3) Has the effect of substantially interfering with a student's academic performance.
- (4) Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

"On or before September 1, 2007, the board of directors of a school district and the authorities in charge of each accredited nonpublic school shall adopt a policy declaring harassment and bullying in schools, on school property, and at any school function, or school-sponsored activity regardless of its location, in a manner consistent with this section, as against state and school policy."

Kansas

H.B 2222, signed by governor on June 28, 2013, clarifies that bullying by a staff member is incorporated into K.S.A. 2012 Supp. 72-8256 (http://kansasstatutes.lesterama.org/Chapter_72/Article_82/72-8256.html) which requires school district policies on bullying. "Loren's Law" is named after Loren Wendelburg, who was abused by a teacher when he was in fifth grade. (http://www.kslegislature.org/li/b2013_14/committees/misc/ctte_h_ed_1_20130212_03_other.pdf; http://www.kslegislature.org/li/b2013_14/committees/misc/ctte_h_ed_1_20130212_03_other.pdf; http://www.kslegislature.org/li/b2013_14/measures/documents/hb2222_00_0000.pdf)

H.B 2758, 2008 Statutes Annotated §72-8256: defines cyberbullying; up to schools to decide punishment; <http://www.kslegislature.org/bills/2008/2758.pdf>

H.B. 2310: defines bullying

Kentucky

HB 370 (introduced Feb 7, 2012) includes cyberbullying: <http://www.lrc.ky.gov/record/11rs/hb370.htm>

Criminal statute: 525.080 (Harassing communications): Chapter 125, H.B. 91; “Communicates, while enrolled as a student in a local school district, with or about another school student, anonymously or otherwise, by telephone, the Internet, telegraph, mail, or any other form of electronic or written communication in a manner which a reasonable person under the circumstances should know would cause the other student to suffer fear of physical harm, intimidation, humiliation, or embarrassment and which serves no purpose of legitimate communication.” Punishment is a Class B misdemeanor. <http://www.lrc.ky.gov/Statrev/ACTS2008/0125.pdf>; Each local board of education shall be responsible for formulating a code of acceptable behavior and discipline to apply to the students in each school operated by the board.

Louisiana

H.B. 1259, Act 989 <http://www.legis.state.la.us/billdata/streamdocument.asp?did=723230>: “Cyberbullying is the transmission of any electronic textual, visual, written, or oral communication with the malicious and willful intent to coerce, abuse, torment, or intimidate a person under the age of eighteen...whoever commits the crime of cyberbullying shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.”

H.B. 364, Act 230; http://www.legis.state.la.us/leg_docs/01RS/CVT1/OUT/0000IV8L.PDF

H.B. 1458; School board may charge fee to attend conflict resolution class/es, not to exceed \$100

<http://www.legis.state.la.us/billdata/byinst.asp?sessionid=10RS&billid=HB1458>; Provides relative to cyberbullying and student codes of conduct adopted by local school boards, not passed for all School before or by August, 1, 2010.

Reference to off-campus behaviors: “Cyberbullying (for purposes of writing each policy) means: harassment, intimidation, or bullying of a student on school property by another student using a computer, mobile phone, or other interactive or digital technology OR harassment, intimidation, or bullying of a student while off school property by another student using any such means when the action or actions are intended to have an effect on the student when the student is on school property.” (La. Rev. Stat. Ann. §§ 14:40.7, 17:416.13—<http://www.legis.state.la.us/lss/lss.asp?doc=81029>)

Maine

“An Act to Prohibit Cyberbullying:” http://www.mainelegislature.org/legis/bills/bills_124th/billpdfs/SP035501.pdf

P.L. 2005, Ch. 307: <http://www.mainelegislature.org/ros/LOM/LOM122nd/8Pub301-350/Pub301-350-06.htm>

Statute Title 20-A 1001.15H (2005): School officials must “establish procedures and policies to address bullying, harassment, and sexual harassment” (<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec1001.html>)

SP035501: Current law requires each school board to adopt a policy that addresses injurious hazing. This bill defines “cyberbullying” as injurious hazing by any verbal, textual or graphic communication of any kind effected, created or transmitted by the use of any electronic device, including but not limited to a computer, telephone, cellular telephone, text messaging device and personal digital assistant. Punishment is up to the School Board.

Maryland

H.B. 199, 2008 Code §7-424, 7-424.1 Bullying, Harassment and Intimidation; <http://mlis.state.md.us/2008rs/bills/hb/hb0199e.pdf>; Up to the schools to establish policy for punishment.

Misuse of Interactive Computer Service (Grace's Law). Passed legislature 4/2013. Named after Grace McComas, a high school student who committed suicide in 2012 on Easter after being cyberbullied by a neighbor. "This bill prohibits a person from using an "interactive computer service" to maliciously engage in a course of conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury with the intent (1) to kill, injure, harass, or cause serious emotional distress to the minor or (2) to place the minor in reasonable fear of death or serious bodily injury. Violators are guilty of a misdemeanor, punishable by imprisonment for up to one year and/or a \$500 maximum fine." http://mgaleg.maryland.gov/2013RS/fnotes/bil_0002/sb1052.pdf

Massachusetts

CHAPTER 92 AN ACT RELATIVE TO BULLYING IN SCHOOLS. (see Senate, No. 2404) Approved by the Governor, May 3, 2010; Includes cyberbullying and addresses those behaviors that "materially and substantially disrupts the education process or the orderly operation of the school." Includes behaviors that occur: "at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school." <http://www.malegislature.gov/Laws/SessionLaws/Acts/2010/Chapter92>

S.B. 261 (S2323); <http://www.mass.gov/legis/bills/senate/186/sto2pdf/sto2283.pdf>; Each school district, commonwealth charter school and non-public school shall provide to all school staff annual written notice of the bullying prevention and intervention plan. The faculty and staff at each school shall be trained annually on the bullying prevention and intervention plan applicable to the school. Relevant sections of the bullying prevention and intervention plan shall be included in a district or school employee handbook. Define clearly what cyber bullying is and how severe it can be on schools.

Michigan

Act 451 of 1976 (MCL 380.1 - 380.1852) by adding sec. 1310b: "Matt's Safe School Law" or "Act 451" <http://legislature.mi.gov/doc.aspx?mcl-380-1310b>

"Bullying' means any written, verbal, or physical act, or any electronic communication, that is intended or that a reasonable person would know is likely to harm 1 or more pupils either directly or indirectly..."

House Bill 6468 (2010): Crimes; other; cyberbullying; prohibit, and provide penalties. Amends 1931 PA 328 (MCL 750.1 - 750.568) by adding sec. 411w. (<http://www.legislature.mi.gov/documents/2009-2010/billintroduced/House/htm/2010-HIB-6468.htm>) (this law has not passed)

Minnesota

S.B. 646, 2007 Statutes §121A.0695; Includes electronic forms be incorporated into harassment prevention policies; <https://www.revisor.mn.gov/bin/bldbill.php?bill=So646.o.html&session=ls85>

S.F. No. 971; <https://www.revisor.mn.gov/bin/bldbill.php?bill=So971.2.html&session=ls86>

Mississippi

House Bill 552 makes impersonating someone for the purposes of harming, intimidating, threatening, or defrauding another person (online or off) a misdemeanor (<http://e-lobbyist.com/gaits/text/213626>). Signed by the governor on March 11, 2011.

S.B.2015; passed July 2010; <http://billstatus.ls.state.ms.us/documents/2010/pdf/SB/2001-2099/SB2015SG.pdf>: "...bullying or harassing behavior" is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic, that takes place on school property, at any school-sponsored function, or on a school bus..."

S.B. 2390 (2001); "2001 Miss. Laws, S.B. 2390 - Directs the State Board of Education to develop a list of recommended conflict resolution and peer mediation programs that address responsible decision making, the causes and effects of school violence and harassment, cultural diversity, and nonviolent methods for resolving conflict, including peer mediation. Requires the board to make the list available to local school administrative units and school buildings by the beginning of the 2002-2003 school year."

Missouri

Missouri Revised Statutes, Chapter 160 (160.775) - <http://www.moga.mo.gov/statutes/C100-199/1600000775.HTM> - "Bullying' means intimidation or harassment that causes a reasonable student to fear for his or her physical safety or property. Bullying may consist of physical actions, including gestures, or oral, cyberbullying, electronic, or written communication, and any threat of retaliation for reporting of such acts."

S.B. 818; <http://www.senate.mo.gov/o8info/pdf-bill/tat/SB818.pdf>; "Currently, harassment is a Class A misdemeanor. Under this act, it is a Class A misdemeanor unless 1) committed by a person twenty-one years of age or older against a person seventeen years of age or younger; or 2) the person has previously committed the crime of harassment. In such cases, harassment is a class D felony." http://www.senate.mo.gov/o8info/BTS_Web/Bill.aspx?SessionType=R&BillID=147

Montana

No bullying law. State does have a criminal statute prohibiting harassment via electronic means: "a person commits the offense of violating privacy in communications if the person knowingly or purposely: (a) with the purpose to terrify, intimidate, threaten, harass, annoy, or offend, communicates with a person by electronic communication and uses obscene, lewd, or profane language, suggests a lewd or lascivious act, or threatens to inflict injury or physical harm to the person or property of the person. The use of obscene, lewd, or profane language or the making of a threat or lewd or lascivious suggestions is prima facie evidence of an intent to terrify, intimidate, threaten, harass, annoy, or offend." <http://data.opi.mt.gov/bills/mca/45/8/45-8-213.htm>

Nebraska

Proposed law (January 2011): Cyber-bullying as defined in section 79-2,137 shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, if such conduct causes or is reasonably projected to cause a substantial or material disruption of the school environment 14 or threatens the safety and security of students or school personnel, regardless of whether such conduct occurs or is initiated on or off of school grounds. <http://nebraskalegislature.gov/FloorDocs/102/PDF/Intro/LB123.pdf>

L.B. 205, 2008: R.R.S. Nebraska 121A.069579-2,137; Grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student Discipline Act, when such activity occurs on school

grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event.

Nevada

S.B. 163 (chapter 188); "Cyber-bullying" means bullying through the use of electronic communication; "Electronic communication" means the communication of any written, verbal or pictorial information through the use of an electronic device, including, without limitation, a telephone, a cellular phone, a computer or any similar means of communication. Section 7 of this bill requires each school district to adopt the policy for inclusion in its policy on the provision of a safe and respectful learning environment; http://www.leg.state.nv.us/Session/75th2009/Bills/SB/SB163_EN.pdf; penalty of misdemeanor. <http://www.leg.state.nv.us/NRS/NRS-388.html#NRS388Sec123>

New Hampshire

Took effect July 1, 2010

HB 1523 (2010); Update which revises the Pupil Safety and Violence Prevention Act. "The sole purpose of this chapter is to protect all children from bullying and cyberbullying." RSA 193-F:2 through RSA 193-F:5 are repealed and reenacted, and 193-F: 6 through 193-F:10 added. Takes effect beginning July 1, 2010. <http://www.gencourt.state.nh.us/legislation/2010/hb1523.html>

The school board of each school district shall adopt a written policy prohibiting bullying, harassment, intimidation, and cyberbullying. A school district shall involve, to the greatest extent practicable, pupils, parents, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of developing the policy. To the extent possible, the school district policy should be integrated with the school's curriculum, discipline policies, behavior programs, and other violence prevention efforts.

2000 N.H. Laws, S.B. 360; HB 1523; Creates the Pupil Safety and Violence Prevention Act. Requires local school boards to adopt a pupil safety and violence prevention policy that addresses bullying and provides technical assistance. Requires school employees to report any information regarding bullying behavior to the school principal and provides immunity to any school employee who makes such a report from any cause of action arising from a failure to remedy the reported incident.

New Jersey

September 1, 2011; P.L.2010, CHAPTER 122; "Anti-Bullying Bill of Rights Act." "Harassment, intimidation or bullying" means any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents ...that takes place on school property, at any school-sponsored function [or] on a school bus, or off school grounds that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, http://www.njleg.state.nj.us/2010/Bills/AL10/122_.PDF

S.B. 993, 2007: New Jersey Statutes §18A:37-14; Nothing said about the punishment other than it's up to the School District and the "electronic Communication" is added to the policy of Harassment in Schools. Examples could range from expulsion to detention; http://www.njleg.state.nj.us/2006/Bills/PL07/129_.HTM; http://www.njleg.state.nj.us/2006/Bills/A4000/3803_R1.PDF

New Mexico

NMAC 6.12.7; Statutory regulation which has the force of law; <http://www.nmcpr.state.nm.us/nmac/parts/title06/06.012.0007.htm>

New York

SENATE BILL - S 1987-B (A 3661-C): "Dignity for All Students Act" to afford all students in public schools an environment free of harassment and discrimination based on actual or perceived race, national origin, ethnic group, religion, disability, sexual orientation, gender or sex; passed by the NY State Senate on June 22, 2010, signed by the governor on September 8, 2010. "Harassment" shall mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex." Requires "instruction in civility, citizenship and character education." Scheduled to take effect July 1, 2012.

Takes effect July 1, 2013: "The legislature also recognizes that most cyberbullying originates off-campus, but nonetheless affects the school environment and disrupts the educational process, impeding the ability of students to learn and too often causing devastating effects on students' health and well-being." Includes behavior that "occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment..." <http://open.nysenate.gov/legislation/bill/S7740-2011>

"Law to Encourage the Acceptance of All Differences (LEAD)" - (Proposed April 29, 2011—still active as of June 21, 2012). <http://open.nysenate.gov/legislation/bill/S4921-2011>; argues: "it is imperative that any legislation aimed at protecting students from bullying includes a prohibition of acts of cyberbullying when such acts create a hostile environment for the student at school or materially and substantially disrupt the educational process or the orderly operation of a school." That said, the proposed law does not appear to include any specific language that would explicitly allow school intervention in behaviors that occur away from school.

Commissioner's Regulation 100.2 (l) and Education Law 2801 and Education Law 2801-a: Requires each board of education to adopt and enforce a code of conduct, which includes disciplinary measures to be taken in incidents involving the use of physical force or harassment. Requires school safety plans to contain strategies for improving communication among students and between students and staff and reporting of potentially violent incidents, such as creating a forum or designating a mentor for students concerned with bullying or violence and establishing anonymous reporting mechanisms for school violence.

H.B. A04028 (S 7158) – (Proposed in 2009 but never enacted): Increases penalty for some forms of hazing from a misdemeanor to a felony. Adds provisions to education law which would prohibit "bullying and cyber-bullying on school property, including a school function." Establishes a class B misdemeanor of failure to report hazing and requires instruction to discourage bullying and cyber-bullying in schools and polices for schools to be enacted. "Cyber-bullying" means a course of conduct or repeated acts of abusive behavior by communicating through electronic means, with a person anonymously or otherwise over a period of time committing such acts as, but not limited to, taunting, insulting, humiliating, harassing, menacing, sending hate mail or embarrassing photographs." (<http://m.nysenate.gov/legislation/bill/A4028-2009>)

North Carolina

Senate Bill 707 (effective December 1, 2012) amends 14-458.1. and adds as a punishable offense "Cyber-bullying of school employee by student." <http://www.ncleg.net/Sessions/2011/Bills/Senate/PDF/S707v6.pdf>

Unlawful for any person to use a computer or computer network to "Make any statement, whether true or false, intending to immediately provoke, and that is likely to provoke, any third party to stalk or harass a minor."

§ 115C-407.15. Bullying and harassing behavior.

(a) As used in this Article, "bullying or harassing behavior" is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, that takes place on school property, at any school-sponsored function, or on a school bus, and that:

(1) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

(2) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits. For purposes of this section, "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

§ 14-458.1. Cyber-bullying; (computer-related crime). Outlines specific types of cyberbullying and applies to behaviors directed toward minors or a minor's parents.

"Any person who violates this section shall be guilty of cyber-bullying, which offense shall be punishable as a Class 1 misdemeanor if the defendant is 18 years of age or older at the time the offense is committed. If the defendant is under the age of 18 at the time the offense is committed, the offense shall be punishable as a Class 2 misdemeanor"

ftp://ftp.legislature.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_14/Article_60.PDF

§ 14-458.2. Cyber-bullying of a school employee by student; penalty.

Unlawful for student to create a fake profile or web site, to post or encourage others to post personal, private, or sexual information, to post a real or doctored image of a school employee.

North Dakota

House Bill 1465 defines bullying and requires school districts to have bullying policies by July 1, 2012. <http://www.legis.nd.gov/assembly/62-2011/documents/11-8212-02000.pdf> "Bullying" means: a. Conduct that occurs in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event; b. Conduct that is received by a student while the student is in a public school, on school district premises, in a district owned or leased schoolbus or school vehicle, or at any public school or school district sanctioned or sponsored activity or event. "Conduct" includes the use of technology or other electronic media.

Code 12.1.17-07 (2009) makes harassment via phone, in writing or via electronic communication a Class A misdemeanor.

Ohio

H.B. 116 (Jessica Logan Act) - effective November 4, 2012. "Electronic act" means an act committed through the use of a cellular telephone, computer, pager, personal communication device, or other electronic communication device." Text of bill: http://www.legislature.state.oh.us/BillText129/129_HB_116_EN_N.pdf Summary/analysis: <http://www.lsc.state.oh.us/analyses129/12-hb116-129.pdf>

H.B. 276 ; http://www.legislature.state.oh.us/bills.cfm?ID=126_HB_0276

Oklahoma

H.B. 1661, signed by the governor on June 10, 2013. <http://openstates.org/ok/bills/2013-2014/HB1661/documents/OKD00017374/> Interestingly, schools no longer need a policy that "prohibits" bullying but rather need one that "addresses" it.

S.B.1941, 2008: 70 Oklahoma Statutes §24-100.3; Adopts a School Bullying Prevention Act that orders School Districts

to adopt a policy for Harassment and bullying that included electronic forms.; <http://sde.state.ok.us/Schools/SafeHealthy/pdf/SB1941.pdf>

H.B. 2215/ S.B. 992 enact the Bully Prevention Act, define bullying; amend 70 O.S. 2001, Section 24-100

Oregon

Senate Bill 1555 (July 1, 2012): “Each school district shall adopt a policy prohibiting harassment, intimidation or bullying and prohibiting cyberbullying.” “(B) Require a school employee to report an act of harassment, intimidation or bullying or an act of cyberbullying...”

“School districts must incorporate into existing training programs for students and school employees information related to: (a) The prevention of, and the appropriate response to, acts of harassment, intimidation and bullying and acts of cyberbullying[.];”

<https://docs.google.com/viewer?url=http://www.leg.state.or.us/12reg/measpdf/sb1500.dir/sb1555.en.pdf>

Chapter 647 Oregon Laws 2007

339.351. As used in ORS 339.351 to 339.364[.]:

(1) “Cyberbullying” means the use of any electronic communication device to harass, intimidate or bully.

(2) “Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official school bus stop, and that has the effect of:

[(1)] (a) Physically harming a student or damaging a student’s property;

[(2)] (b) Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or

[(3)] (c) Creating a hostile educational environment.

339.353. (1) The Legislative Assembly finds that:

(a) A safe and civil environment is necessary for students to learn and achieve high academic standards.

(b) Harassment, intimidation or bullying and cyberbullying, like other disruptive or violent behavior, [is] are conduct that disrupts a student’s ability to learn and a school’s ability to educate its students in a safe environment.

<http://www.leg.state.or.us/07orlaws/sess0600.dir/0647.htm>

Pennsylvania

H.B. 1067, 2008: 24 Pennsylvania Statutes §1303.1-A; requires school systems to develop policies prohibiting bullying, including through electronic means. Also defines bullying as harassment with electronic means; [http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?](http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2007&sessInd=0&billBody=H&billTyp=B&billNbr=1067&pn=4199)

[txtType=PDF&sessYr=2007&sessInd=0&billBody=H&billTyp=B&billNbr=1067&pn=4199](http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2007&sessInd=0&billBody=H&billTyp=B&billNbr=1067&pn=4199)

Rhode Island

S. 2012, 2008: General Laws §16-21-26; school districts adopt policies to determine how to deal with this bullying; repeat offenders of the policy under Rhode Island general law will go to family court. <http://www.rilin.state.ri.us/BillText08/SenateText08/S2012B.pdf>

South Carolina

H.B. 3573, 2006: South Carolina Code §59-63-120, §59-63-140; Extends bullying to electronic means of communication. Developed Safe School Climate Act which leaves it up to School Districts to decide the actions to take; http://www.scstatehouse.gov/sess116_2005-2006/bills/3573.htm

www.scstatehouse.gov/sess116_2005-2006/bills/3573.htm

South Dakota

Bullying law signed by the Governor on March 22, 2012. "Bullying consists of repeated physical, verbal, non-verbal, written, electronic, or any conduct directed toward a student that is so pervasive, severe, and objectively offensive ..."

"Neither the physical location nor the time of day of any incident involving the use of computers or other electronic devices is a defense to any disciplinary action taken by a school district for conduct determined to meet the definition of bullying in section 2 of this Act."

(<http://legis.state.sd.us/sessions/2012/Bill.aspx?File=SB130ENR.htm>)

Tennessee

Tenn. Code Ann. § 49-6-1014 (2012)

49-6-1014. Legislative findings -- Safety and civility.

The general assembly finds and declares that:

- (1) A safe and civil environment is necessary for students to learn and achieve high academic standards;
- (2) Harassment, intimidation, bullying or cyber-bullying, like other disruptive or violent behavior, is conduct that disrupts a student's ability to learn and a school's ability to educate its students in a safe environment;
- (3) Students learn by example. School administrators, faculty, staff and volunteers who demonstrate appropriate behavior, treating others with civility and respect and refusing to tolerate harassment, intimidation, bullying or cyber-bullying, encourage others to do so as well; and
- (4) The use of telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites by students in a manner that is safe and secure is essential to a safe and civil learning environment and is necessary for students to successfully use technology.

Tenn. Code Ann. § 49-6-1015 (2012)

49-6-1015. Definitions for §§ 49-6-1014 -- 49-6-1019.

- (a) As used in § 49-6-1014, this section and §§ 49-6-1016 -- 49-6-1019:
 - (1) "Cyber-bullying" means bullying undertaken through the use of electronic devices;
 - (2) "Electronic devices" include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices, personal digital assistants (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites;
 - (3) "Harassment, intimidation or bullying" means any act that substantially interferes with a student's educational benefits, opportunities or performance; and:
 - (A) If the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation or at any official school bus stop, the act has the effect of:
 - (i) Physically harming a student or damaging a student's property;
 - (ii) Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;
 - (iii) Causing emotional distress to a student or students; or
 - (iv) Creating a hostile educational environment; or
 - (B) If the act takes place off school property or outside of a school-sponsored activity, it is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.

http://www.tn.gov/education/safe_schls/safety_cntr/doc/TennesseeBullyingHarassmentCyber-bullyingLaws.pdf

S.B.113; A misdemeanor (up to 1 year in prison and a \$2,500 fine) for making threats made online as well as certain instances of cyberharassment.

Texas

H.B. 1942 <http://www.legis.state.tx.us/tlodocs/82R/billtext/pdf/HB01942F.pdf#navpanes=0> Act applies beginning with the 2012-2013 school year. Schools must have a policy. "...'bullying' means...engaging in written or verbal expression, expression through electronic means, or physical conduct that occurs on school property, at a school-sponsored or school-related activity, or in a vehicle operated by the district." Nothing in the law about behaviors that occur away from school or about substantial disruption to the learning environment.

H.B. 283; Tex. Educ. Code Ann 25.0342, 37.217, 37.001, 37.083; <http://www.statutes.legis.state.tx.us/Docs/ED/pdf/ED.37.pdf>

Utah

SB 304 – signed March 22, 2001 (<http://le.utah.gov/~2011/bills/sbillenr/sb0304.htm>): (3) "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication."

HB325: Requires local school boards and local charter boards to adopt a policy, on or before September 1, 2009, for reporting and responding to bullying, hazing, or retaliation; <http://le.utah.gov/~code/TITLE53A/htm/53A11a010200.htm>; <http://le.utah.gov/~code/TITLE53A/htm/53A11a030100.htm>

"State Board of Education Policy R277-613-1 (2009) defines Cyber Bullying as "the use of email, instant messaging, chat rooms, pagers, cell phones or other forms of information technology to deliberately harass, threaten, or intimidate someone for the purpose of placing a school employee or student in fear of physical harm to the school employee or student or harm to property of the school employee or student. The policy requires each school district to implement a policy prohibiting bullying and hazing consistent with Code 53A-11a-301 (2008)." http://www.olweus.org/public/laws_utah.page

Vermont

16 V.S.A. § 11

Subsection 26(A) defines "harassment" as "...an incident or incidents of verbal, written, visual, or physical conduct, including any incident conducted by electronic means, based on or motivated by a student's or a student's family member's actual or perceived race, creed, color, national origin, marital status, sex, sexual orientation, gender identity, or disability that has the purpose or effect of objectively and substantially undermining and detracting from or interfering with a student's educational performance or access to school resources or creating an objectively intimidating, hostile, or offensive environment."

Subsection 32 defines "bullying" as (32) "...any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and which:

(A) is repeated over time;

(B) is intended to ridicule, humiliate, or intimidate the student; and

(C)(i) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school-sponsored activity; or

(ii) does not occur during the school day on school property, on a school bus, or at a school-sponsored activity and can be shown to pose a clear and substantial interference with another student's right to access educational programs."

(<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=16&Chapter=001&Section=00011>)

Statute § 1162 explicitly allows for the suspension or expulsion of students for their bullying behaviors even when not on

school property: "...where the misconduct can be shown to pose a clear and substantial interference with another student's equal access to educational programs."

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=16&Chapter=025&Section=01162>

2004 Vermont Act 117; 16 V.S.A. § 11(a)(32); An Act was enabled in memory of Ryan Patrick Halligan who was severely bullied electronically. The penalty is to have schools develop a plan to notify parents of bullying along with the victim and expulsion may be a consequence. The law passed is called the Vermont Bully's Prevention Law; <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=16&Chapter=001&Section=00011>; <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=16&Chapter=009&Section=00565>

Virginia

H.B. 1871, signed by governor on July 1, 2013. "Bullying' means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. 'Bullying' includes cyber bullying. 'Bullying' does not include ordinary teasing, horseplay, argument, or peer conflict." <http://lis.virginia.gov/cgi-bin/legp604.exe?131+ful+CHAP0575>

H.B.1624; Virginia must design a model policy for means of Harassment and others means of bullying including standards, consistent with state, federal and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel; and (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies; <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+22.1-279.6>

Washington

RCS 28A.300.285 (2010): <http://apps.leg.wa.gov/RCW/default.aspx?cite=28A.300.285>. "By August 1, 2011, each school district shall adopt or amend if necessary a policy and procedure..."

"Harassment, intimidation, or bullying' means any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act..."

Implicitly includes off campus behaviors because it includes behaviors that have: "...the effect of substantially disrupting the orderly operation of the school."

"The Washington state school directors' association, with the assistance of the office of the superintendent of public instruction, shall convene an advisory committee to develop a model policy prohibiting acts of harassment, intimidation, or bullying that are conducted via electronic means by a student while on school grounds and during the school day. The policy shall include a requirement that materials meant to educate parents and students about the seriousness of cyberbullying be disseminated to parents or made available on the school district's web site."

S.B. 5288, 2007: Revised Code of Washington §28A.300.285; Adds cyber bullying to the Harassment and bullying Act that Schools must have a policy for; terms of penalty are determined by the School; <http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202010/2801-S.SL.pdf> AN ACT Relating to including cyberbullying in school district harassment prevention policies.

West Virginia

As used in this article, "harassment, intimidation or bullying" means any intentional gesture, or any intentional electronic, written, verbal or physical act, communication, transmission or threat..."

<http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=18&art=2C#02C>

2001 West Virginia Acts, H.B. 3023, Chap. 103 (W.Va. Code Ann.18-2C-3); http://www.legis.state.wv.us/Bill_Text_HTML/2001_SESSIONS/RS/Bills/hb3023%20enr.htm;

"Synopsis - 2001 West Virginia Acts, H.B. 3023, Chap. 103 Requires county school boards to develop and adopt a policy prohibiting harassment, intimidation or bullying on school property or at school-sponsored events. Requires state board of education to develop a model policy to assist county boards. Requires policy to include definition, statement prohibiting harassment, intimidation or bullying, reporting procedures, notification of parents, procedures for response and investigation, process for documentation of incidents, strategy for protecting victims from further harassment or bullying after a report is made and a disciplinary procedure for students found guilty."

Wisconsin

2009 Wisconsin Act 309 (SENATE BILL 154) (<https://docs.legis.wisconsin.gov/2009/related/acts/309>). School districts need to adopt bullying policies by August 15, 2010. Department of Public Instruction (DPI) is directed to create a model policy that schools may or may not adopt. Law does not include electronic forms of bullying nor does it refer to off-campus bullying. The DPI model policy does refer to cyberbullying. Dr. Patchin's analysis of the law, and 2012 proposed update is available here: <http://cyberbullying.us/blog/wisconsins-bullying-law.html>

947.0125 Unlawful use of computerized communication systems; Class B misdemeanor; a fine up to \$1,000, or imprisonment for up to 90 days, or both for sending electronic threats or using lewd or profane language in electronic communication. (<http://www.legis.state.wi.us/statutes/Stat0947.pdf>)

Wisconsin also has a criminal defamation statute: "(1) Whoever with intent to defame communicates any defamatory matter to a 3rd person without the consent of the person defamed is guilty of a Class A misdemeanor. (2) Defamatory matter is anything which exposes the other to hatred, contempt, ridicule, degradation or disgrace in society or injury in the other's business or occupation." <https://docs.legis.wisconsin.gov/statutes/statutes/942/01>

Wyoming

H.B.0223 Safe School Climate Act; Orders the Safe School Climate Act that all School Districts must have a policy in regard to the bullying (including electronically) and the punishments are the discretion of the Schools; <http://www.BullyPolice.org/WYHBO223.pdf>

District of Columbia

D.C. Act 19-384—"Youth Bullying Prevention Act of 2012" - signed by D.C. Mayor on June 22, 2012. "Bullying' means any severe, pervasive, or persistent act or conduct, whether physical, electronic, or verbal..." "...Can be reasonably predicted to... (II) Cause a substantial detrimental effect on the youth's physical or mental health..." (IV) Substantially interfere with the youth's academic performance or attendance..." Schools need to have a bullying prevention policy within 365 days of the effective date of the act. The policy is to be enforced when the bullying happens on school property, while using school-owned property, and "Through electronic communication to the extent it is directed at a youth and it substantially interferes with the youth's ability to participate in or benefit from the services, activities, or privileges provided by the agency, educational institution, or grantee."

<http://www.dcregs.dc.gov/Gateway/NoticeHome.aspx?noticeid=2692737>

Federal

HR1966 (proposed in 04/2009; last action 09/2009); Megan Meier Cyberbullying Prevention Act; whoever transmits in interstate or foreign commerce any communication, with the intent to coerce, intimidate, harass, or cause substantial emotional distress to a person, using electronic means to support severe, repeated, and hostile behavior, shall be fined under this title or imprisoned not more than two years, or both.

<http://www.govtrack.us/congress/billtext.xpd?bill=h111-1966>

Sameer Hinduja, Ph.D. is a professor at Florida Atlantic University and Justin W. Patchin, Ph.D. is a professor at the University of Wisconsin-Eau Claire. Together, they lecture across the United States and abroad on the causes and consequences of cyberbullying and offer comprehensive workshops for parents, teachers, counselors, mental health professionals, law enforcement, youth and others concerned with addressing and preventing online aggression. The Cyberbullying Research Center is dedicated to providing up-to-date information about the nature, extent, causes, and consequences of cyberbullying among adolescents.

For more information, visit <http://www.cyberbullying.us>

© 2013 Cyberbullying Research Center - Sameer Hinduja and Justin W. Patchin

Let's take bullying offline: Legislation would make it a crime to send message causing fear

Posted: Thursday, February 13, 2014 12:18 am | Updated: 12:20 am, Thu Feb 13, 2014.

Fairbanks Daily News-Miner editorial

The U.S. Centers for Disease Control and Prevention calls it an “emerging public health problem” facing young people. There’s no vaccination available to prevent it. Nor is there a pill to cure someone who falls victim to it.

It’s called “electronic aggression.” Some simply call it “cyberbullying.”

The CDC says a rising number of young people are harmed by it: “Youth can use electronic media to embarrass, harass or threaten their peers. Increasing numbers of teens and pre-teens are becoming victims of this new form of violence.”

Electronic aggression, the CDC said, causes emotional distress and problems at school. It said young people who are victimized electronically are “very likely to also be victimized off-line” by being sexually harassed, suffering psychological or emotional abuse by a caregiver or being raped.

It seems young people are always online these days. And it’s often without proper adult supervision, and that’s when potentially devastating problems can occur.

The Alaska Legislature in 2011 passed a bill making it a crime to send someone an explicit photo of a person younger than 16. That new law differs from existing child pornography law because it covers a wider range of image categories.

Now a bill is up for a hearing to further clamp down on how electronic devices are used as a means of bullying someone. This one, Senate Bill 128 by Sen. Kevin Meyer, R-Anchorage, would make it a crime to send “an electronic communication that insults, taunts, challenges or intimidates a person under 18 years of age in a manner that subjects the person to the fear of physical injury, severe mental or emotional injury, or damage to the person’s property.”

The crime would be a class B misdemeanor, punishable by up to 90 days in jail.

Sen. Meyer, in his sponsor statement about the bill, notes that existing state law allows school districts to deal with some types of bullying. But he points out that bullying also occurs outside of school. "In some extreme cases," he writes, "cyberbullying has led to suicide."

It's long been known that adults prey on children through electronic means. The fact that children are attacking each other through electronic devices is what has most recently caught the attention of medical experts, educators, legislators and law enforcement authorities around the nation.

One challenge, should SB 128 become law, would be determining what constitutes electronic language that can cause a minor to fear injury. Kids often use foul language; that's not new. They use it among friends, so this isn't just about the actual words used. The intent of the person sending the communication would be the key part of any prosecution. SB 128 has hearings scheduled for Monday and Wednesday in the Senate Judiciary Committee.

Kids have enough to worry about these days. Bullying exists at school and probably always will to some degree. Nevertheless, laws aimed at reducing the harm that can come via electronic communications should be pursued to at least reduce the number of ways through which bullying can occur.

Rebecca's Law Aims to Punish Bullying in Fla.

January 17, 2014



Rebecca Ann Sedwick

In honor of a 12-year-old girl who committed suicide after allegedly being bullied, two Florida politicians have introduced a bill that would make bullying a crime in the state.

"Rebecca's Law" is named for Rebecca Sedwick, who jumped to her death at an abandoned cement plant near her home in September 2013. The local sheriff accused a 12-year-old and a 14-year-old of harassing and intimidating Sedwick prior to her death, and charged both with felony aggravated stalking – the first time the statute had been used to combat bullying. The charges against the girls were later dropped.

If passed, "Rebecca's Law" would create a new category of criminal offense in the state: bullying, a misdemeanor; and aggravated bullying, a third-degree felony. Bullying is defined as "willfully, maliciously, and repeatedly" harassing another person. Someone guilty of aggravated bullying would have "willfully, maliciously, and repeatedly harasses or cyberbullies another person and makes a credible threat to that person."

Punishments for committing the offense of bullying would vary based on the degree, and could include a fine or jail time.

Fla. State Rep. Heather Fitzhagen, who sponsors the bill in the House of Representatives, told CBS News' Crimesider that she is not aware of other states that have codified anti-bullying statutes, but hopes that if the bill passes, the issue will "get traction across the nation."

Fitzhagen says that Sedwick's case hit particularly close to home for her because she has a 12-year-old daughter herself. She hopes the bill will spur discussion at schools, in families and among teens.

"I think this is going to raise awareness because now there is a consequence to this type of behavior," she says.

Fitzhagen says she has met with Sedwick's mother, Tricia Norman, who she calls "very brave."

Norman's attorney, Matt Morgan, has previously said that his client is considering lawsuits against the two girls who allegedly bullied her daughter, and the Polk County school district.

© 2014 CBS Interactive Inc. All Rights Reserved.

Bossier City teen takes plea deal in cyberbullying suicide case

By KSLA Staff

Posted: Dec 02, 2013 12:35 PM

Updated: Dec 16, 2013 12:35 PM

BOSSIER CITY, LA (KSLA) -

A Bossier City teen charged with felony criminal assistance to suicide in connection with the death of a bullied local teen has cut a deal with prosecutors and pleaded guilty to a lesser charge.

15-year-old Danielle Cox was a sophomore and Parkway High School in Bossier City. Her mother, Jessica Morton, says she had many hopes and dreams. She took her own life on May 24th, 2011. Her family says it was because of cyber-bullying.

Jason Thomas was 17 when he was first charged with cyberbullying following the death of 15-year-old fellow Parkway High School student Danielle Cox. He was accused of using a web site to "text bomb" Danielle, sending her more than 100 text messages in January 2011, encouraging her to kill herself. Hours later, she attempted to overdose on over-the-counter pain pills. She survived, was treated and returned to school, but her parents say she continued to struggle with the pain of the cyberbullying. She took her own life on May 24, 2011.

The cyberbullying charge was later upgraded to felony criminal assistance to suicide. Thomas was set to go to trial on that charge Monday. He would have faced up to 10 years in prison if convicted. Instead, he pleaded guilty to the original misdemeanor charge of cyberbullying in a deal that will keep him out of jail.

He was sentenced to 6 months, suspended, 1 year of probation and ordered to serve 24 hours of community service per month. Now 19, Thomas was also ordered to either stay in school full-time or have a full-time job and undergo monthly counseling sessions.

During sentencing Monday morning, Bossier district court judge Mike Nerren told Thomas that he could not order remorse or an apology, but he strongly recommended that he "take care of that as soon as possible." To that, Thomas replied that he was "prepared to do that now." Standing, Thomas took a deep breath and said, "I sincerely apologize for what I did,"

continuing on to say, "I was wrong on January 21, 2011. Nothing was right about it...I'm not proud of my actions. Thank you."

Thomas declined to comment following his sentencing Monday morning. The Cox family says they did not feel that Thomas' courtroom apology was sincere, but they say his sentencing is a step closer to closure.

Following their daughter's death, they created a Facebook group called Smiles for Danielle to raise awareness about what happened to her and to encourage a dialogue about cyber-bullying.

Hear more from the Cox family, and on the one major issue surrounding Thomas' conviction via plea that has yet to be resolved, tonight on KSLA News 12 at 5.

Copyright 2013 KSLA. All rights reserved.

Students Arrested for Cyber Bullying

Baton Rouge, LA - We all know about high school bullying but have you heard of cyber-bullying? It's real and three Loranger High School students have been arrested for it. As WAFB's Marie Centanni reports, student bullying may have gone too far.

Investigators with the Attorney General's High-Tech Crimes Unit say the situation started when a 15-year-old female student created a website called "Loranger's biggest queer.com." The website featured pictures of a 14-year-old male student. He responded with his own website, which investigators say included a list of students he called "The Preps," and poems so graphically violent, investigators say "they crossed the line."

Kris Wartelle with the Attorney General's Office said, "It sort of was like bullying on the Internet that got even worse, and we're lucky it didn't escalate to something even worse."

After seeing the boy's website, a concerned parent alerted the Tangipahoa Parish Sheriff's Office. The Attorney General's High Tech Crime Unit was contacted and began an immediate investigation. Authorities confiscated the student's computers.

Both students were arrested, as well as 18-year old Joseph Sanchez, who was charged with contributing to the delinquency of a minor. Authorities say Sanchez helped the younger male set up and maintain his website. The pair called themselves the "8-Ballas," and targeted students they called "The Preps."

"When you have students making threats to other students or groups of students on the Internet, talking about killing someone or blowing up the school or shooting a certain group of people, when there's a feud like that and certain words are used," explains Wartelle, "That's when you worry about something escalating or becoming the next Columbine and these days you have to take threats seriously."

The school system is taking it seriously as well, and will decide Friday whether to expel the three students for the remainder of the school year. All of the students involved are honor students.

Cyber-stalking is a relative felony, which means a judge can decide if it is a misdemeanor or the more serious felony crime. It's punishable with a \$2,000 fine or one year imprisonment.

<http://www.wafb.com/story/2774728/students-arrested-for-cyber-bullying>

Officials: Suicidal Teen Was Cyber-bullied

Officials in Massachusetts believe there's been another deadly case of cyber-bullying in the apparent suicide of 15-year-old Phoebe Prince of South Hadley, Mass.

Prince moved last year to the area from Ireland. While making the transition to a new town and a new country, Prince, officials believe, became the target of intense cyber-bullying, which may have contributed to her apparent suicide.

CBS News correspondent **Whit Johnson** reports Prince seemed to be well-adjusted and happy, but underneath, friends say, the 15-year-old freshman was tormented -- a victim of cyber-bullying.

A friend who did not want to be identified told **CBS News**, "She was being bullied because she was pretty and people were just jealous."

Prince's classmate also said he was one of her closest friends, but she never revealed her pain.

Her friend said she was called an "Irish slut" and a whore.

According to a letter from Prince's high school principal, what began as "mean-spirited comments" at school soon found their way online, something experts say is far more dangerous.

Meline Kevorkian, the author of "101 Facts About Bullying" told **CBS News**, "Cyber-bullying can be so dangerous because it can lead to cyber-mobbing, which means kids can come together to attack another kid, 24 hours a day, seven days a week."

Prince was found dead in her South Hadley home on Jan. 14, just days before a big school dance.

The night after she died, fellow students held a candlelight vigil.

Prince's unidentified friend said, "It just makes me sad that it takes the life of a young teenager who had everything going for her to bring the community together to have them realize how bad bullying is."

This isn't the first time cyber-bullying has ended in death. In 2006, 13-year-old Megan Meier killed herself after being harassed on MySpace by a neighbor's mother, posing as a 16-year-old teenage boy.

The anonymity of the Internet, experts say, means parents should be even more vigilant.

Kevorkian said, "As a parent, the concern has to be that we're monitoring and we're really knowing what they're doing in the virtual world."

School officials say the incident is under investigation and some students have already been disciplined. Meanwhile, the family has flown Prince's body back to Ireland for burial.

Brittany Jordan, a 17-year-old cyber-bullying victim, appeared on "**The Early Show**." Tina Meier, the mother of Megan Meier, also appeared on the broadcast. Tina is the founder of the Megan Meier Foundation.

Jordan said Prince's story reminds her of how close she came to killing herself. Cyber-bullying, she

said, turned her into a "totally different person."

Jordan said she thought suicide was the only option because she'd been put down so much.

She said, "I thought that it was just the only thing I could do to get away from all of the hurt and pain."

Why didn't she ask for help?

Jordan said she didn't know what to do or say about the cyber-bullying attacks.

Tina, who has counseled Jordan, said her daughter was bullied in a different way than most cases. Megan, she said, was bullied over a two-hour period, while most cyber-bullying, she said, happens over a longer time. Tina said she was "very vigilant" with her daughter's online activities.

Tina said parents should have open communication with their kids and know what they're doing on the computer. She said it's important to know if your children have a Facebook and MySpace account, or both. She said parents should also know who their child's friends are online. Parents, she said, should also be on the lookout for any changes in their child's attitude.

She said trouble might be indicated if "they start having their grades drop and not wanting to go to school and not using their cell phone like they did before and not getting on the Internet like they did before and they're being isolated from their friends."

Tina said kids don't have to be depressed to get into a cyber-bullying situation.

She said, "These can be everyday kids who are going through their lives that can all of a sudden get in a situation that they are being cyber-bullied that can transform them into this situation, and it can be devastating for them."

Jordan said kids should "know that they are loved and that people care about them, and they can make it through this."

Tina added it's OK for kids to reach out to other people and talk about what they're going through.

Copyright 2010 CBS. All rights reserved.

Compromise "cyberbullying" bill passes Legislature, goes to Gov. Jindal

By Ed Anderson, The Times-Picayune

on June 21, 2010 at 1:23 PM, updated June 21, 2010 at 1:26 PM

BATON ROUGE -- A compromise bill that creates the crime of "cyberbullying," or sending threatening or harassing messages by electronic means, to those under 17 cleared the Legislature today and now goes to Gov. Bobby Jindal for his approval or veto.

The House voted 89-0 today for House Bill 1259 by Rep. Roy Burrell, D-Shreveport; the Senate followed suit by a 36-0 vote.

Burrell's bill was rewritten in a six-member compromise committee after senators said the original version was too harsh and could land a teenager in jail for a prank or a "stupid mistake."

The new version of Burrell's bill says that if a youth under 17 receives a threatening or harassing message by cell phone, through an Internet chat room or other electronic means and the sender is over 17, the offender can face up to six months in jail, be fined up to \$500 or both.

If the offender and victim are both under 17, the sender can be ordered to undergo counseling with parents and teachers or others, Burrell said. If that doesn't do any good, the local district attorney can file criminal charges of "cyberbullying" and its misdemeanor penalties or the more serious charge of "cyberstalking," which can result in a felony conviction.

Ed Anderson can be reached at eanderson@timespicayune.com or



3701 E. Tudor Road, Suite 208
Anchorage, Alaska 99507
(907) 317-4570
arlene.aknurse@gmail.com

02/10/2014

Dear Senator Meyer,

My name is Arlene Briscoe, RN-BC. I am a board certified mental health nurse. I am also a constituent from your district. I have been a mental health nurse since 1987. I am pleased that you have introduced SB 128- Electronic Bullying. I support this bill as it addresses a significantly growing problem that has been recognized, but not addressed. I work as a mental health staff nurse at a hospital in Anchorage and see daily the torment that any type of bullying creates. The hardest hit populations are middle and high school children. Cyber was a word only used in science fiction stories when I was a kid. When there were bullies at school, a child could go home and feel safe. Now with the advent of "cyber technology" a child or even an adult has no safe haven. A bully can follow a person home and greet them on their mobile phone, Facebook, Twitter or their own personal e-mail.

I have seen numerous children hospitalized endorsing suicide ideation after cyber bullying, the suffering it causes not only the child, but the entire family emotionally and financially is overwhelming. A child with substantial suicide ideation is hospitalized frequently a minimum of 10 days, with an average length of stay 2-3 weeks here in Anchorage.

Senate Bill 128 starts the process of protecting our most precious resource, our children and gives schools and families the power to protect kids not only the bullied children, but the "bullies". Children who are identified as bullies require help too, and by identifying these kids and setting limits on these behaviors they will hopefully get the help they need to stop this entire negative cycle.

I will be in Juneau for the nurses' fly-in, the week of February 17th and look forward to meeting you and thanking you personally for your effort.

Most Sincerely,

Arlene Briscoe, RN-BC
7330 Biglerville Circle
Anchorage, AK 99507
knitdogg20@hotmail.com