

S T A T E O F N E W Y O R K

10176--A

I N A S S E M B L Y

May 10, 2012

Introduced by M. of A. KEARNS, CORWIN, GABRYSZAK, P. RIVERA, CALHOUN, JAFFEE, BURLING, COLTON, WALTER, MONTESANO, McDONOUGH, RAIA, SCHIMMINGER, GIBSON -- Multi-Sponsored by -- M. of A. ABBATE, BRENNAN, CONTE, DUPREY, FINCH, MAGEE, RABBITT, SIMANOWITZ, WEISENBERG -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to prohibiting cyber-bullying

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Legislative intent. The legislature finds that:
2 a. Bullying is a long-standing problem among school-aged children in
3 New York state and throughout the nation. With increasing accessibility
4 to electronic means of communication, bullying has transformed from a
5 predominantly school-based issue to a broader societal problem.
6 b. Researchers have demonstrated that bullying has long-term conse-
7 quences. Further, bullying goes beyond the classroom to bullying on the
8 job, on athletic teams, on college campuses and the internet.
9 c. Experts researching bullying have suggested that one tool for
10 schools to use in combatting bullying is to maintain and enforce
11 consistent policies against bullying and harassment, including cyber-
12 bullying. Such enforcement is not always possible if bullying occurs
13 away from school or by a non-student.
14 d. Perpetrators of cyber-bullying are often more extreme in the
15 threats and taunts they inflict on their victims, as they do not actual-
16 ly see their victim's emotional reaction to the abuse and believe that
17 they are anonymous. Victims of cyber-bullying suffer very real and seri-
18 ous harm as a result of these incidents, often showing signs of
19 depression, anxiety, social isolation, nervousness when interacting with
20 technology, low self-esteem and declining school performance. In some
21 cases, victims attempt or commit suicide in part because of cyber-bully-
22 ing they've endured.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 e. Enactment of this act is necessary and appropriate to further
2 ensure that New York state's public schools are safe and free from
3 cyber-bullying.

4 S 2. The education law is amended by adding a new section 2803 to read
5 as follows:

6 S 2803. CYBER-BULLYING. 1. AS USED IN THIS SECTION, THE FOLLOWING
7 TERMS SHALL MEAN AS FOLLOWS:

8 A. CYBER-BULLYING SHALL MEAN ENGAGING IN A REPEATED COURSE OF COMMUNI-
9 CATION, OR REPEATEDLY CAUSING A COMMUNICATION TO BE SENT, BY MECHANICAL
10 OR ELECTRONIC MEANS, POSTING STATEMENTS ON THE INTERNET OR THROUGH A
11 COMPUTER NETWORK WITH NO LEGITIMATE COMMUNICATION PURPOSE WHICH CAUSES
12 ALARM OR SERIOUS ANNOYANCE, OR IS LIKELY TO CAUSE ALARM OR SERIOUS
13 ANNOYANCE.

14 B. MINOR SHALL MEAN ANY NATURAL PERSON OR INDIVIDUAL UNDER THE AGE OF
15 EIGHTEEN.

16 C. PERSON SHALL MEAN ANY NATURAL PERSON OR INDIVIDUAL.

17 2. NO PERSON SHALL ENGAGE IN CYBER-BULLYING AGAINST ANY MINOR.

18 3. ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF THIS SECTION
19 SHALL BE GUILTY OF AN UNCLASSIFIED MISDEMEANOR PUNISHABLE BY A FINE OF
20 UP TO ONE THOUSAND DOLLARS AND/OR UP TO ONE YEAR IMPRISONMENT.

21 4. THIS SECTION SHALL APPLY TO ALL ACTIONS OCCURRING ON OR AFTER THE
22 EFFECTIVE DATE OF THIS SECTION.

23 5. IF ANY CLAUSE, SENTENCE, PARAGRAPH OR PART OF THIS SECTION SHALL BE
24 ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH
25 JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THEREOF,
26 BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, PARA-
27 GRAPH OR PART THEREOF DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH SUCH
28 JUDGMENT SHALL HAVE BEEN RENDERED.

29 S 3. This act shall take effect immediately.