

6614

I N S E N A T E

March 5, 2012

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and
when printed to be committed to the Committee on Education

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 consequences. Further, bullying goes beyond the classroom to bullying on the
7 job, on athletic teams, on college campuses and the internet.

8 c. Experts researching bullying have suggested that one tool for
9 schools to use in combatting bullying is to maintain and enforce
10 consistent policies against bullying and harassment, including cyber-
11 bullying. Such enforcement is not always possible if bullying occurs
12 away from school or by a non-student.

13 d. Perpetrators of cyber-bullying are often more extreme in the
14 threats and taunts they inflict on their victims, as they do not actually
15 see their victim's emotional reaction to the abuse and believe that
16 they are anonymous. Victims of cyber-bullying suffer very real and serious
17 harm as a result of these incidents, often showing signs of
18 depression, anxiety, social isolation, nervousness when interacting with
19 technology, low self-esteem and declining school performance. In some
20 cases, victims attempt or commit suicide in part because of cyber-bullying they've endured.

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

24 S 2. The education law is amended by adding a new section 2803 to read
25 as follows:
26
27

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

LBD13596-01-1

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

3 A. CYBER-BULLYING SHALL MEAN ENGAGING IN A COURSE OF CONDUCT OR
4 REPEATEDLY COMMITTING ACTS OF ABUSIVE BEHAVIOR OVER A PERIOD OF TIME BY
5 COMMUNICATING OR CAUSING A COMMUNICATION TO BE SENT BY MECHANICAL OR
6 ELECTRONIC MEANS, POSTING STATEMENTS ON THE INTERNET OR THROUGH A
7 COMPUTER NETWORK. ACTS OF ABUSIVE BEHAVIOR SHALL INCLUDE, BUT NOT BE
8 LIMITED TO, TAUNTING; THREATENING; INTIMIDATING; INSULTING; TORMENTING;
9 HUMILIATING; DISSEMINATING EMBARRASSING OR SEXUALLY EXPLICIT PHOTO-
10 GRAPHS, EITHER ACTUAL OR MODIFIED, OF A MINOR; DISSEMINATING THE
11 PRIVATE, PERSONAL OR SEXUAL INFORMATION, EITHER FACTUAL OR FALSE, OF A
12 MINOR; OR SENDING HATE MAIL.

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

15 C. PERSON SHALL MEAN ANY NATURAL PERSON, INDIVIDUAL, CORPORATION,
16 UNINCORPORATED ASSOCIATION, PROPRIETORSHIP, FIRM, PARTNERSHIP, JOINT
17 VENTURE, JOINT-STOCK ASSOCIATION, OR OTHER ENTITY OR BUSINESS ORGANIZA-
18 TION OF ANY KIND.

19 2. NO PERSON SHALL ENGAGE IN CYBER-BULLYING AGAINST ANY MINOR OR
20 PERSON.

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

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

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

32 S 3. This act shall take effect immediately.