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

2146

2015-2016 Regular Sessions

I N A S S E M B L Y

January 15, 2015

Introduced by M. of A. McDONOUGH -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to bullying and cyberbullying

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

Section 1. The penal law is amended by adding a new section 270.40 to read as follows:

S 270.40 BULLYING AND CYBERBULLYING.

1. A PERSON IS GUILTY OF BULLYING WHEN HE OR SHE ENGAGES A WILLFUL COURSE OF CONDUCT WHICH INVOLVES HARASSMENT OF A PERSON BETWEEN THE AGES OF FIVE AND TWENTY-FIVE.

2. A PERSON IS GUILTY OF CYBERBULLYING WHEN HE OR SHE ENGAGES IN BULLYING AND HARASSMENT OF A PERSON WHO IS BETWEEN THE AGES OF FIVE AND TWENTY-FIVE USING AN ELECTRONIC COMMUNICATION DEVICE.

3. IT SHALL BE UNLAWFUL FOR ANY PERSON TO ENGAGE IN BULLYING OR CYBERBULLYING OF A PERSON OR INDUCE ANOTHER PERSON TO ENGAGE IN SUCH BULLYING. IT SHALL BE UNLAWFUL FOR ANY PERSON TO RETALIATE AGAINST ANY PERSON THAT REPORTS ANY CONDUCT PROHIBITED BY THIS SECTION.

4. ANY PERSON WHO IS EIGHTEEN YEARS OR OLDER OR AN EMANCIPATED MINOR WHO VIOLATES THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR, UNLESS CHARGED AS A VIOLATION, AT THE DISCRETION OF THE ENFORCING OFFICER.

5. ANY UNEMANCIPATED PERSON UNDER THE AGE OF EIGHTEEN WHO VIOLATES THIS SECTION SHALL:

(A) BE GUILTY OF A VIOLATION, PUNISHABLE BY A FINE NOT EXCEEDING ONE HUNDRED DOLLARS,

(B) BE GUILTY OF A VIOLATION, PUNISHABLE BY A FINE NOT EXCEEDING TWO HUNDRED DOLLARS ON THEIR SECOND OFFENSE, OR

(C) BE GUILTY OF A MISDEMEANOR FOR EACH ADDITIONAL OFFENSE.

S 2. This act shall take effect immediately.

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

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