STATE OF NEW YORK

9741

IN ASSEMBLY

February 5, 2018

Introduced by M. of A. D. ROSENTHAL, BRABENEC, CROUCH, ORTIZ, HOOPER, WILLIAMS, GALEF, COOK, ARROYO, COLTON, RAIA, McDONOUGH, MOSLEY, DICKENS, ABBATE -- Multi-Sponsored by -- M. of A. CRESPO, HEVESI -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to prohibiting cyberbullying

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative intent. The legislature finds that:

a. Bullying is a long-standing problem among school-aged children in New York state and throughout the nation. With increasing accessibility to electronic means of communication, bullying has transformed from a predominantly school-based issue to a broader societal problem.

b. Researchers have demonstrated that bullying has long-term consequences. Further, bullying goes beyond the classroom to bullying on the job, on athletic teams, on college campuses and the internet.

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

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

e. Enactment of this act is necessary and appropriate to further ensure that New York state's public schools are safe and free from cyberbullying.

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

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§ 2. The education law is amended by adding a new section 12-a to read as follows:

§ 12-a. Cyberbullying. 1. As used in this section, the following terms shall have the following meanings:

a. Minor shall mean any natural person or individual under the age of eighteen.

b. Person shall mean any natural person or individual.

2. Any person who knowingly engages in a repeated course of cyberbullying of a minor shall be guilty of an unclassified misdemeanor punishable by a fine of not more than one thousand dollars, or by a period of imprisonment not to exceed one year, or by both such fine and imprisonment.

§ 3. This act shall take effect immediately.