

2318--A

2017-2018 Regular Sessions

I N S E N A T E

January 13, 2017

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Introduced by Sens. RANZENHOFER, ADDABBO, AVELLA, DeFRANCISCO, FUNKE, GOLDEN, LARKIN, RITCHIE -- read twice and ordered printed, and when printed to be committed 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 cyberbullying

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

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

6 § 12-A. CYBERBULLYING. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS  
7 SHALL HAVE THE FOLLOWING MEANINGS:

8 A. MINOR SHALL MEAN ANY NATURAL PERSON OR INDIVIDUAL UNDER THE AGE OF  
9 EIGHTEEN.

10 B. PERSON SHALL MEAN ANY NATURAL PERSON OR INDIVIDUAL.

11 2. ANY PERSON WHO KNOWINGLY ENGAGES IN A REPEATED COURSE OF CYBERBUL-  
12 LYING OF A MINOR SHALL BE GUILTY OF AN UNCLASSIFIED MISDEMEANOR PUNISHA-  
13 BLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BY A PERIOD OF  
14 IMPRISONMENT NOT TO EXCEED ONE YEAR, OR BY BOTH SUCH FINE AND IMPRISON-  
15 MENT.

16 § 3. This act shall take effect immediately.