

April 8, 2009

H 1261. PROTECT OUR KIDS/CYBER BULLYING MISDEMEANOR. Filed 4/8/09.

PROTECTING CHILDREN OF THIS STATE BY MAKING CYBER BULLYING A CRIMINAL OFFENSE PUNISHABLE AS A CLASS 1 MISDEMEANOR.

Enacts new GS 14-458.1 to make it a Class 1 misdemeanor to use a computer or computer network to commit any of the following acts of cyber bullying: (1) falsifying one's identity in a chat room, electronic mail message, instant message with the intent to intimidate or torment a minor; (2) following a minor online or into a chat room with the intent to intimidate or torment a minor; (3) building a fake profile or a Website, or posing as a minor in an Internet chat room, an electronic mail message, or an instant message with the intent to intimidate or torment a minor; (4) planting any statement tending to provoke or that actually provokes any third party to stalk or harass a minor; (5) posting a real or doctored image of a minor on the Internet with the intent to embarrass, intimidate, or torment the minor or the minor's parent or guardian; (6) posting or encouraging others to post on the Internet private, personal, or sexual information pertaining to a minor with the intent to intimidate or torment the minor; (7) accessing, altering, or erasing any computer network, computer data, computer program, or computer software, including breaking into a password protected account or stealing or otherwise accessing passwords, with the intent to embarrass, intimidate, or torment a minor or the minor's parent or guardian; (8) copying and disseminating, or causing to be made an unauthorized copy of any data pertaining to a minor for the purpose of intimidating or tormenting that minor; (9) using a computer system to repeatedly communicate insults to, or about, a minor with the intent to intimidate or torment the minor or the minor's parent or guardian; (10) signing a minor up for a pornographic Internet site; (11) signing a minor up for electronic mailing lists or to receive junk electronic messages and instant messages without authorization, resulting in either costs to the minor or to the minor's parent or guardian or intimidation or torment of the minor. Amends GS 14-453 to define *internet chat room* and *profile*.

Effective for violations committed on or after December 1, 2009.

Intro. by Mackey.

GS 14

August 6, 2009

H 1261. PROTECT OUR KIDS/CYBER-BULLYING MISDEMEANOR. Filed 4/8/09. Senate committee substitute makes the following changes to 1st edition. Reorganizes subsection (a) of proposed new GS 14-458.1, which identifies the uses of a computer or computer network that are unlawful under the proposed statute. Deletes (1) prohibition on falsifying identity in chatroom, e-mail, or instant message; (2) requirement that to be identified as unlawful the use of the computer or computer network with the intent to intimidate or torment the minor or the minor's parent or guardian must communicate insults; (3) that the use of the computer or computer network to sign up a minor for receipt of certain electronic communications, without the authorization of the minor or the minor's parent or guardian, must result in costs to the minor or to the minor's parents, so that it must now only result in intimidation or torment to the minor; and (4) references of acting with the purpose of embarrassing a minor or a minor's parent or guardian.

Amends subsection (b) to provide that if the person who violates this statute is under the age of 18 at the time of the cyber-bullying offense, then the offense is punishable as a Class 2 misdemeanor; and if the defendant is 18 years or older at the time of the offense, then it is punishable as a Class 1 misdemeanor. Adds subsection (c) to provide that if a person pleads guilty or is guilty of an offense under this statute and that person was less than 18 years old at the time of the offense, the court may, with the consent of the defendant, defer further proceedings and place the defendant on probation without entering a judgment of guilt. When the conditions of probation are fulfilled, directs the court to discharge the defendant and to dismiss the proceedings against the defendant. Provides that such a discharge and dismissal is not to be deemed a conviction for purposes of this statute or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Provides that after discharge and dismissal under this statute, the person may apply for an order to expunge the complete record of the proceedings under the procedures and requirements set forth in GS 15A-146.

Applies to offenses (was, violations) committed on or after December 1, 2009. Makes a conforming change to the title.

September 1, 2009

SL 2009-551 (H 1261). PROTECT OUR KIDS/CYBER-BULLYING MISDEMEANOR. AN ACT PROTECTING CHILDREN OF THIS STATE BY MAKING CYBER-BULLYING A CRIMINAL OFFENSE PUNISHABLE AS A MISDEMEANOR. Summarized in *Daily Bulletin* 4/8/09 and 8/6/09. Enacted August 28, 2009. Effective December 1, 2009.