

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1261

Short Title: Protect Our Kids/Cyber Bullying Misdemeanor. (Public)

Sponsors: Representatives Mackey, Parmon (Primary Sponsors); K. Alexander, Cotham, Fisher, Harrison, Lucas, Mobley, Pierce, Wainwright, Womble, and Wray.

Referred to: Science and Technology, if favorable, Judiciary III.

April 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT PROTECTING CHILDREN OF THIS STATE BY MAKING CYBER BULLYING
3 A CRIMINAL OFFENSE PUNISHABLE AS A CLASS 1 MISDEMEANOR.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 60 of Chapter 14 of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 14-458.1. Cyber bullying; penalty.**

8 (a) Except as otherwise made unlawful by this Article, it shall be unlawful for any
9 person to use a computer or computer network to do any of the following:

- 10 (1) Falsify one's identity in an Internet chat room, an electronic mail message, or
11 an instant message with the intent to intimidate or torment a minor.
- 12 (2) Follow a minor online or into an Internet chat room with the intent to
13 intimidate or torment a minor.
- 14 (3) Build a fake profile, a Web site, or pose as a minor in an Internet chat room,
15 an electronic mail message, or an instant message with the intent to
16 intimidate or torment a minor.
- 17 (4) Plant any statement, whether true or false, tending to provoke or that actually
18 provokes, any third party to stalk or harass a minor.
- 19 (5) Post a real or doctored image of a minor on the Internet with the intent to
20 embarrass, intimidate, or torment the minor or the minor's parent or
21 guardian.
- 22 (6) Post or encourage others to post on the Internet private, personal, or sexual
23 information pertaining to a minor with the intent to intimidate or torment the
24 minor.
- 25 (7) Access, alter, or erase any computer network, computer data, computer
26 program, or computer software, including breaking into a password
27 protected account or stealing or otherwise accessing passwords, with the
28 intent to embarrass, intimidate, or torment a minor or the minor's parent or
29 guardian.
- 30 (8) Copy and disseminate, or cause to be made an unauthorized copy of any data
31 pertaining to a minor for the purpose of intimidating or tormenting that
32 minor (in any form, including, but not limited to, any printed or electronic
33 form of computer data, computer programs, or computer software residing
34 in, communicated by, or produced by a computer or computer network).



1 (9) Use a computer system to repeatedly communicate insults to, or about, a
2 minor with the intent to intimidate or torment the minor or the minor's parent
3 or guardian.

4 (10) Sign a minor up for a pornographic Internet site.

5 (11) Sign a minor up for electronic mailing lists, or to receive junk electronic
6 messages and instant messages, without authorization, resulting in either (i)
7 costs to the minor or to the minor's parent or guardian or (ii) intimidation or
8 torment of the minor.

9 (b) Any person who violates this section shall be guilty of cyber bullying, which
10 offense shall be punishable as a Class 1 misdemeanor."

11 **SECTION 2.** G.S. 14-453 is amended by adding new subdivisions to read:

12 "(7b) 'Internet chat room' means a computer service allowing two or more users to
13 communicate with each other in real time.

14 (7c) 'Profile' means a configuration of user data required by a computer so that
15 the user may access programs or services and have the desired functionality
16 on that computer."

17 **SECTION 3.** This act becomes effective December 1, 2009, and applies to
18 violations on or after that date.