

2007 -- S 1062

LC03177

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2007

A N A C T

RELATING TO CRIMINAL OFFENSES -- COMPUTER CRIME

Introduced By: Senators Tassoni, Doyle, Maselli, and Bates

Date Introduced: May 31, 2007

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-52-4.2 of the General Laws in Chapter 11-52 entitled "Computer  
2 Crime" is hereby amended to read as follows:

3 **11-52-4.2. ~~Cyberstalking prohibited~~ Cyberstalking and cyberharassment prohibited.**

4 -- (a) Whoever transmits any communication by computer or other electronic device to any  
5 person or causes any person to be contacted or who posts any information on a Website or  
6 network for the sole purpose of harassing that person or his or her family is guilty of a  
7 misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500), by  
8 imprisonment for not more than one year, or both. For the purpose of this section, ~~"harasses"~~  
9 "harassing" means ~~following a any~~ knowing and willful ~~course of~~ conduct directed at a specific  
10 person which seriously alarms, annoys, or bothers the person, and which serves no legitimate  
11 purpose. The ~~course of~~ conduct must be of a kind that would cause a reasonable person to suffer  
12 substantial emotional distress, or be in fear of bodily injury. ~~"Course of conduct" means a pattern~~  
13 ~~of conduct composed of a series of acts over a period of time, evidencing a continuity of purpose.~~  
14 Constitutionally protected activity is not included within the meaning of ~~"course of conduct."~~  
15 "harassing."

16 (b) A second or subsequent conviction under subsection (a) of this section shall be  
17 deemed a felony punishable by imprisonment for not more than two (2) years, by a fine of not  
18 more than six thousand dollars (\$6,000), or both.

1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would prohibit "cyberharassing" as well as cyberstalking and would define  
2 harassing conduct.

3           This act would take effect upon passage.

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