

2009 -- H 5748

LC01645

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2009

A N A C T

RELATING TO CRIMINAL OFFENSES -- COMPUTER CRIME

Introduced By: Representative Robert A. Watson

Date Introduced: February 26, 2009

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

15 (b) A second or subsequent conviction under subsection (a) of this section shall be
16 deemed a felony punishable by imprisonment for not more than two (2) years, by a fine of not
17 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
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1 This act would include within the crimes of cyberstalking and cyberharassment, the
2 posting of any information on a website or network for the purpose of harassing a person or his or
3 her family. The act would also modify the definition of harassing by eliminating the term “course
4 of conduct.”

5 This act would take effect upon passage.

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