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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2008

A N A C T

RELATING TO CRIMINAL OFFENSES -- COMPUTER CRIME

Introduced By: Senators Tassoni, McBurney, Doyle, and Felag

Date Introduced: January 02, 2008

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

11-52-4.2. ~~Cyberstalking prohibited~~ Cyberstalking and cyberharassment prohibited. -- (a) Whoever transmits any communication by computer or other electronic device to any person or causes any person to be contacted or who posts any information on a Website or network for the sole purpose of harassing that person or his or her family is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars ($500), by imprisonment for not more than one year, or both. For the purpose of this section, ~~"harasses"~~ "harassing" means ~~following a~~ any knowing and willful ~~course of~~ conduct directed at a specific person which seriously alarms, annoys, or bothers the person, and which serves no legitimate purpose. The ~~course of~~ conduct must be of a kind that would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury. ~~"Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, evidencing a continuity of purpose.~~ Constitutionally protected activity is not included within the meaning of ~~"course of conduct."~~ "harassing."

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

SECTION 2. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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This act would prohibit "cyberharassing" as well as cyberstalking and would define harassing conduct. This act would also eliminate the requirement that prohibited communication be part of a course of conduct.

This act would take effect upon passage.

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