

2015 -- H 5467

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO CRIMINAL OFFENSES - COMPUTER CRIME

Introduced By: Representatives Fogarty, Amore, Johnston, Hull, and Costa

Date Introduced: February 12, 2015

Referred To: House Judiciary

(Attorney General)

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 for the sole purpose of harassing that person or his or her family is guilty of a
6 misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500), by
7 imprisonment for not more than one year, or both. For the purpose of this section, "harassing"
8 means any knowing and willful course of conduct directed at a specific person which seriously
9 alarms, annoys, or bothers the person, and which serves no legitimate purpose. The course of
10 conduct must be of a kind that would cause a reasonable person to suffer substantial emotional
11 distress, or be in fear of bodily injury. ~~"Course of conduct"~~ "Conduct" means ~~a pattern of conduct~~
12 ~~composed of a series of~~ a single act which causes a person to be repeatedly contacted by others or
13 two (2) or more acts over a period of time, evidencing a continuity of purpose. Constitutionally
14 protected activity is not included within the meaning of ~~"course of conduct."~~ "conduct."

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
OF
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- 1 This act would provide that "conduct" for purposes of cyberstalking would be defined as
- 2 "a single act which causes a person to be repeatedly contacted by others or two (2) or more acts
- 3 over a period of time, evidencing a continuity of purpose.
- 4 This act would take effect upon passage.

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