

HB1131\_L.003

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.HB14-1131 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, add 18-3-603 as  
4 follows:

5 **18-3-603. Cyberbullying of a minor - definition.** (1) ANY  
6 PERSON WHO KNOWINGLY THROUGH THE USE OF SOCIAL MEDIA POSTS OR  
7 ADDS ANY STATEMENT, PHOTOGRAPH, VIDEO, OR OTHER INFORMATION  
8 ABOUT OR PERTAINING TO A MINOR WITH THE INTENT TO CAUSE THE MINOR  
9 TO SUFFER SERIOUS EMOTIONAL DISTRESS, OR MAKES A CREDIBLE THREAT  
10 AGAINST A MINOR THAT THE ACTOR KNOWS OR REASONABLY SHOULD  
11 KNOW WILL BE COMMUNICATED TO OR VIEWED BY THE MINOR, COMMITS  
12 CYBERBULLYING IF THE CONDUCT RESULTS IN SERIOUS EMOTIONAL  
13 DISTRESS TO ANY MINOR.

14 (2) "SOCIAL MEDIA" MEANS ANY ELECTRONIC MEDIUM, INCLUDING  
15 AN INTERACTIVE COMPUTER SERVICE, THAT ALLOWS USERS TO CREATE,  
16 SHARE, AND VIEW USER-GENERATED CONTENT, INCLUDING BUT NOT  
17 LIMITED TO VIDEOS, STILL PHOTOGRAPHS, BLOGS, VIDEO BLOGS,  
18 PODCASTS, INSTANT MESSAGES, ELECTRONIC MAIL, OR INTERNET WEB SITE  
19 PROFILES.

20 (3) THE VICTIM NEED NOT RECEIVE PROFESSIONAL TREATMENT OR  
21 COUNSELING AS PROOF THAT THE VICTIM SUFFERED SERIOUS EMOTIONAL  
22 DISTRESS.

23 (4) CONVICTION FOR A VIOLATION OF THIS SECTION DOES NOT  
24 PRECLUDE CONVICTION FOR A VIOLATION OF SECTION 18-3-602, C.R.S.,  
25 BASED IN WHOLE OR IN PART ON THE SAME OR RELATED CONDUCT, AND  
26 THE COURT SHALL NOT REQUIRE THE PROSECUTION TO ELECT AT TRIAL  
27 BETWEEN THE OFFENSES OF CYBERBULLYING AND STALKING.

28 (5) CYBERBULLYING IS A CLASS 2 MISDEMEANOR; EXCEPT IT IS A  
29 CLASS 1 MISDEMEANOR IF THE OFFENDER ENGAGES IN THE CONDUCT  
30 BECAUSE OF THE MINOR'S ACTUAL OR PERCEIVED RACE, COLOR, RELIGION,  
31 ANCESTRY, NATIONAL ORIGIN, PHYSICAL OR MENTAL DISABILITY, GENDER  
32 IDENTITY, OR SEXUAL ORIENTATION.

33 (6) WHEN THE SAME CONDUCT OF THE ACTOR RESULTS IN SERIOUS  
34 EMOTIONAL DISTRESS TO MORE THAN ONE VICTIM, THE ACTOR MAY BE  
35 CONVICTED OF A SEPARATE OFFENSE UNDER THIS SECTION FOR EACH  
36 VICTIM.

37 (7) THE DISTRICT ATTORNEY, PRIOR TO FILING CHARGES PURSUANT  
38 TO THIS SECTION AGAINST A JUVENILE, SHALL ASSESS IF THE JUVENILE IS



1 SUITABLE FOR PARTICIPATION IN A RESTORATIVE JUSTICE OUTCOME BASED  
2 ON THE CONSIDERATIONS SET FORTH IN SECTION 19-2-512 (2), C.R.S., IF  
3 THE JUDICIAL DISTRICT HAS AN APPROPRIATE RESTORATIVE JUSTICE  
4 PROGRAM. IF THE ASSESSMENT DETERMINES THE JUVENILE IS SUITABLE,  
5 THE DISTRICT ATTORNEY MAY OFFER THE JUVENILE PREFILING DIVERSION  
6 TO A PROGRAM UTILIZING RESTORATIVE JUSTICE PRACTICES. IF THE  
7 JUVENILE ACCEPTS PARTICIPATION IN THE PROGRAM UTILIZING  
8 RESTORATIVE JUSTICE PRACTICES, THE DISTRICT ATTORNEY SHALL NOT  
9 FILE THE PETITION. THE DISTRICT ATTORNEY SHALL PLACE THE JUVENILE  
10 IN A DIVERSION PROGRAM UTILIZING RESTORATIVE JUSTICE PRACTICES,  
11 AND THE JUVENILE SHALL PAY A FEE OF ONE HUNDRED TWENTY-FIVE  
12 DOLLARS. THE FEE MAY BE REDUCED ON A SLIDING SCALE BASED ON  
13 INCOME CONSISTENT WITH GUIDELINES USED TO DETERMINE ELIGIBILITY  
14 FOR APPOINTMENT OF COUNSEL. IF THE JUVENILE SUCCESSFULLY  
15 COMPLETES THE PROGRAM, THE DISTRICT ATTORNEY SHALL NOT FILE A  
16 PETITION AGAINST THE JUVENILE FOR AN ALLEGED VIOLATION OF  
17 SUBSECTION (1.5) OF THIS SECTION. IF THE JUVENILE IS CHARGED WITH A  
18 NEW OFFENSE WHILE IN THE PROGRAM OR DOES NOT SUCCESSFULLY  
19 COMPLETE THE PROGRAM UTILIZING RESTORATIVE JUSTICE PRACTICES, THE  
20 DISTRICT ATTORNEY MAY INITIATE A PETITION AGAINST THE JUVENILE AND  
21 SHALL PROCEED AS AUTHORIZED IN ARTICLE 2 OF TITLE 19, C.R.S. ANY  
22 STATEMENTS MADE DURING THE CONFERENCE ARE CONFIDENTIAL AND  
23 MAY NOT BE USED AS A BASIS FOR CHARGING OR PROSECUTING THE  
24 JUVENILE UNLESS THE JUVENILE COMMITS A CHARGEABLE OFFENSE  
25 DURING THE CONFERENCE. EACH PARTICIPANT IN THE RESTORATIVE  
26 JUSTICE PROGRAM SHALL COMPLETE THE UNIFORM RESTORATIVE JUSTICE  
27 SATISFACTION EVALUATION.

28 **SECTION 2.** In Colorado Revised Statutes, 18-1-202, **add** (14)  
29 as follows:

30 **18-1-202. Place of trial.** (14) IF A PERSON COMMITS  
31 CYBERBULLYING AS DESCRIBED IN SECTION 18-3-603, C.R.S., THE  
32 OFFENSE IS COMMITTED, AND THE OFFENDER MAY BE TRIED IN THE  
33 COUNTY WHERE THE THREAT OR OTHER INFORMATION IS RECEIVED OR  
34 VIEWED BY THE VICTIM, IN THE COUNTY WHERE THE VICTIM RESIDES, IN  
35 ANY COUNTY WHERE ACTIONS TAKEN IN FURTHERANCE OF THE INFLICTION  
36 OF SERIOUS EMOTIONAL DISTRESS OCCUR, OR IN ANY COUNTY OTHERWISE  
37 SPECIFIED IN THIS SECTION.

38 **SECTION 3.** In Colorado Revised Statutes, 18-3-602, **add** (2)  
39 (c.5) as follows:

40 **18-3-602. Stalking - penalty - definitions - Vonnie's law.**  
41 (2) For the purposes of this part 6:

1 (c.5) "MINOR" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE.  
2 **SECTION 4. Effective date - applicability.** This act takes effect  
3 July 1, 2014, and applies to offenses committed on or after said date.  
4 **SECTION 5. Safety clause.** The general assembly hereby finds,  
5 determines, and declares that this act is necessary for the immediate  
6 preservation of the public peace, health, and safety."

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