

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 14-0605.02 Michael Dohr x4347

HOUSE BILL 14-1131

HOUSE SPONSORSHIP

Fields, Singer, Schafer, McCann, Primavera, Moreno, Exum, Melton, Pabon

SENATE SPONSORSHIP

Newell and Kefalas,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING HARASSMENT AGAINST A MINOR BY USING AN**
102 **INTERACTIVE COMPUTER SERVICE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill adds to the crime of harassment the use of interactive computer service to engage in a course of conduct that inflicts serious emotional distress on a minor or places the minor in reasonable fear of death or serious bodily injury with intent to cause the fear of death or serious bodily injury or with the intent to cause death or serious bodily

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

HOUSE
Amended 2nd Reading
March 10, 2014

injury. The crime is a class 2 misdemeanor. If the intent was to harass the person because of the person's race, color, religion, ancestry, or national origin, then it is a class 1 misdemeanor.

1 *Be it enacted by the General Assembly of the State of Colorado:*

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

4 **18-3-603. Cyberbullying of a minor - definition.** (1) ANY
5 PERSON WHO KNOWINGLY THROUGH THE USE OF SOCIAL MEDIA POSTS OR
6 ADDS ANY STATEMENT, PHOTOGRAPH, VIDEO, OR OTHER INFORMATION
7 ABOUT OR PERTAINING TO A MINOR WITH THE INTENT TO CAUSE THE MINOR
8 TO SUFFER SERIOUS EMOTIONAL DISTRESS, OR MAKES A CREDIBLE THREAT
9 AGAINST A MINOR THAT THE ACTOR KNOWS OR REASONABLY SHOULD
10 KNOW WILL BE COMMUNICATED TO OR VIEWED BY THE MINOR, COMMITS
11 CYBERBULLYING IF THE CONDUCT RESULTS IN SERIOUS EMOTIONAL
12 DISTRESS TO ANY MINOR.

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

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

22 (4) CONVICTION FOR A VIOLATION OF THIS SECTION DOES NOT
23 PRECLUDE CONVICTION FOR A VIOLATION OF SECTION 18-3-602, C.R.S.,
24 BASED IN WHOLE OR IN PART ON THE SAME OR RELATED CONDUCT, AND

1 THE COURT SHALL NOT REQUIRE THE PROSECUTION TO ELECT AT TRIAL
2 BETWEEN THE OFFENSES OF CYBERBULLYING AND STALKING.

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

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

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

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

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

24 **18-3-602. Stalking - penalty - definitions - Vonnie's law.**
25 (2) For the purposes of this part 6:

26 (c.5) "MINOR" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE.

27 **SECTION 4. Effective date - applicability.** This act takes effect

1 July 1, 2014, and applies to offenses committed on or after said date.

2 **SECTION 5. Safety clause.** The general assembly hereby finds,

3 determines, and declares that this act is necessary for the immediate

4 preservation of the public peace, health, and safety.