

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 24, 2014

Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB14-1131 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 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.

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

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

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

12 **18-1-202. Place of trial.** (14) IF A PERSON COMMITS
13 CYBERBULLYING AS DESCRIBED IN SECTION 18-3-603, C.R.S., THE
14 OFFENSE IS COMMITTED, AND THE OFFENDER MAY BE TRIED IN THE
15 COUNTY WHERE THE THREAT OR OTHER INFORMATION IS RECEIVED OR
16 VIEWED BY THE VICTIM, IN THE COUNTY WHERE THE VICTIM RESIDES, IN
17 ANY COUNTY WHERE ACTIONS TAKEN IN FURTHERANCE OF THE INFLECTION
18 OF SERIOUS EMOTIONAL DISTRESS OCCUR, OR IN ANY COUNTY OTHERWISE
19 SPECIFIED IN THIS SECTION.

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

22 **18-3-602. Stalking - penalty - definitions - Vonnie's law.**
23 (2) For the purposes of this part 6:

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

25 **SECTION 4. Effective date - applicability.** This act takes effect
26 July 1, 2014, and applies to offenses committed on or after said date.

27 **SECTION 5. Safety clause.** The general assembly hereby finds,
28 determines, and declares that this act is necessary for the immediate
29 preservation of the public peace, health, and safety."

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