

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2655

FISCAL
NOTE

BY DELEGATES UPSON, BLAIR, ESPINOSA,
HOUSEHOLDER, LONGSTRETH, ROBINSON, SOBONYA,
PHILLIPS, HILL AND HIGGINBOTHAM

[Introduced February 22, 2017; referred to the
Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §61-3C-14c, relating to defining and establishing the crime of cyberbullying;
 3 imposing penalties; defining terms; establishing a criminal penalty; and authorizing the
 4 section to be known as “Grace’s Law.”

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, as amended, be amended by adding thereto a new
 2 section, designated §61-3C-14c, to read as follows:

ARTICLE 3C. WEST VIRGINIA COMPUTER CRIME AND ABUSE ACT.

§61-3C-14c. Cyberbullying or specific acts of electronic harassment of minors and others;

penalties; definitions; may be known as “Grace’s Law”.

- 1 (a) It is unlawful for a person to use a computer or computer network to:
- 2 (1) Cause a minor or another person to reasonably fear for the safety of the minor by:
- 3 (A) Building a fake profile or website;
- 4 (B) Posing as the minor in:
- 5 (i) An electronic chat room;
- 6 (ii) An electronic mail message; or
- 7 (iii) An instant message; or
- 8 (C) Repeatedly following the minor online or into an electronic chat room;
- 9 (2) Engage in conduct which would constitute sexual harassment of a minor, including:
- 10 (A) Posting or encouraging others to post private, personal, or sexual information
- 11 pertaining to the minor on the Internet;
- 12 (B) Posting a real or doctored image of the minor on the Internet; or
- 13 (C) Signing up the minor for a pornographic Internet site;
- 14 (3) Disseminate unauthorized data pertaining to the minor with the malicious intent to
- 15 psychologically torment or harass the minor; or
- 16 (4) Make any statement, whether true or false, intending to immediately provoke, or that

17 is likely to provoke, any third party to stalk or harass a minor.

18 (b) For the purposes of this section:

19 (1) "Electronic chat room" means a computer service allowing two or more users to
20 communicate with each other in real time.

21 (2) "Profile" means:

22 (A) A configuration of user data required to be entered into a computer so that the user
23 may access programs or services and have the desired functionality on that computer; or

24 (B) A website user's personal page or section of a page made up of data, in text or
25 graphical form, which displays significant, unique, or identifying information, including listing
26 acquaintances, interests, associations, activities, or personal statements.

27 (c) This section does not apply to a peaceful activity intended to express a political view
28 or provide information to others.

29 (d) A person who violates this section is guilty of a misdemeanor and, upon conviction,
30 may be confined in jail for a period not to exceed one year, a fine not to exceed \$500, or both
31 confined and fined.

32 (e) This section may be known and cited as "Grace's Law."

NOTE: The purpose of this bill is to define and establish the crime of cyberbullying. The bill defines terms. The bill establishes a criminal penalty. The bill authorizes the section to be known as "Grace's Law."

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.