

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2419

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

[Introduced February 14, 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.

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.**

- 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 (i) Building a fake profile or web site;
- 4 (ii) Posing as the minor in:
- 5 (A) An electronic chat room;
- 6 (B) An electronic mail message; or
- 7 (C) An instant message; or
- 8 (iii) 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 (i) Posting or encouraging others to post private, personal, or sexual information pertaining
 11 to the minor on the Internet;
- 12 (ii) Posting a real or doctored image of the minor on the Internet; or
- 13 (iii) 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, and 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 (i) A configuration of user data required to be entered into a computer so that the user may
23 access programs or services and have the desired functionality on that computer; or
- 24 (ii) A web site 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, on conviction is
30 subject to imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

NOTE: The purpose of this bill is to define and establish the crime of cyberbullying and to establish penalties for violations of this section.

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