State of Arkansas

88th General Assembly

Regular Session, 2011

By: Senator L. Chesterfield

For An Act To Be Entitled

AN ACT TO ESTABLISH THE CRIME OF CYBERBULLYING; AND
FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE CRIME OF CYBERBULLYING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 5, Chapter 71, Subchapter 2 is amended to create a new section to read as follows:

5-71-217. Cyberbullying.

(a) As used in this section:

(1) "Communication" means the electronic communication of information of a person's choosing between or among points specified by the person without change in the form or content of the information as sent and received; and

(2) "Electronic means" means any textual, visual, written, or oral communication of any kind made through the use of a computer online service, Internet service, telephone, or any other means of electronic communication, including without limitation to a local bulletin board service, an Internet chat room, electronic mail, a social networking site, or an online messaging service.

(b) A person commits the offense of cyberbullying if:

(1) He or she transmits, sends, or posts a communication by electronic means with the purpose to frighten, coerce, intimidate, threaten, abuse, harass, or alarm another person; and
(2) The transmission was in furtherance of severe, repeated, or hostile behavior toward the other person.

(c) The offense of cyberbullying may be prosecuted in the county where the defendant was located when he or she transmitted, sent, or posted a communication by electronic means, in the county where the communication by electronic means was received by the person, or in the county where the person targeted by the electronic communications resides.

(d) Cyberbullying is a Class B misdemeanor.

/s/L. Chesterfield

APPROVED: 04/01/2011