



NEW YORK STATE SENATOR

Jeffrey D. Klein

Sen. Klein, IDC, Introduce Legislation to Crack Down on Cyberbullying

JEFFREY D. KLEIN January 9, 2012

| ISSUE: **CODES, CHILDREN, INTERNET, YOUTH**

Following months of consultation with prosecutors, advocates and students, Senator Jeffrey D. Klein (D-Bronx/Westchester) and his fellow members of the Independent Democratic Conference introduced legislation to crack down on cyberbullying in New York State.

The bill (S.6132) updates New York's stalking and harassment laws to cover electronic bullying. Additionally, it allows for criminal prosecution of particular cyberbullying incidents under New York's hate crime statutes.

The introduction of this legislation comes in the wake of numerous bullying-related teen tragedies, most recently the death of a Staten Island teenager whose family members said took her own life amid constant cyberbullying attacks.

“Tragically, we're seeing modern technology used as a weapon and our laws have not kept pace with that technology,” said Senator Klein. “This legislation will give prosecutors the tools they need to treat cyberbullying as the crime it is and also send a message that this type of reckless and potentially deadly behavior will not be tolerated.”

The legislation would:

- Update the crime of Third Degree Stalking to include bullying of a youth by electronic communications.
- Add electronic communications to the means of which to commit the crime of Aggravated Harassment.
- Modernize the crime of First Degree Criminal Impersonation to include electronic communications.

Third Degree Stalking and Aggravated Harassment are both currently Class A misdemeanors punishable by up to a year in jail. The crimes are eligible to be elevated to felonies if they violate New York's hate crime statutes. First Degree Criminal Impersonation is currently a Class E Felony punishable by up to 4 years in prison.

"This is a new world where bullying, once confined to the school yard, now follows its victims wherever the Internet goes," said Senator Diane Savino (D-Staten Island/ Brooklyn). "Before there is another tragedy, we need to treat cyberbullying as the crime that it is."

The legislation will be carried in the New York State Assembly by Assemblyman William Scarborough (D-Jamaica).

The National Crime Prevention Council reports that 43 % of all teens in the U.S. have been subjected to cyberbullying. That number jumps to 53% for LBGT youth.

At present time there is no New York State specific data. In an effort to change that, the IDC has launched the New York Cyberbully Census. The anonymous survey, which can be found at www.nycyberbullycensus.com, is expected to help provide a comprehensive picture of the problem of cyberbullying in New York State and build support for cyberbullying legislation. Results of the survey will be released in the coming months.

"We cannot allow our children to become victims by those that wish to use harmful and cowardly acts of cyberbullying," said Senator Carlucci. "Harassment in any form cannot be

tolerated here in New York State, period. This legislation will finally update New York's laws so that we can protect otherwise future victims and punish those that commit these soon-to-be criminal acts."

"Society changes with each advance in technology, and our laws need to keep up," said Senator David Valesky, (D-Oneida). "Unfortunately, as a result, cyberbullying has become a serious problem, and we need a new law to combat it."