

2021 -- H 5615

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO CRIMINAL OFFENSES -- COMPUTER CRIME

Introduced By: Representative William W. O'Brien

Date Introduced: February 18, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-52-4.2 of the General Laws in Chapter 11-52 entitled "Computer
2 Crime" is hereby amended to read as follows:

3 **11-52-4.2. Cyberstalking and cyberharassment prohibited.**

4 (a) Whoever transmits any communication by computer or other electronic device to any
5 person or causes any person to be contacted for the sole purpose of harassing that person or his or
6 her family is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred
7 dollars (\$500), by imprisonment for not more than one year, or both. For the purpose of this section,
8 "harassing" means any knowing and willful course of conduct directed at a specific person which
9 seriously alarms, annoys, or bothers the person, and which serves no legitimate purpose. The course
10 of conduct must be of a kind that would cause a reasonable person to suffer substantial emotional
11 distress, or be in fear of bodily injury. "Course of conduct" means a pattern of conduct composed
12 of a series of acts over a period of time, evidencing a continuity of purpose. Constitutionally
13 protected activity is not included within the meaning of "course of conduct."

14 (b) A second or subsequent conviction under subsection (a) of this section shall be deemed
15 a felony punishable by imprisonment for not more than two (2) years, by a fine of not more than
16 six thousand dollars (\$6,000), or both.

17 (c) In addition to any other disposition or condition imposed pursuant to this section, a
18 parent or guardian having legal custody of a minor who demonstrates willful or wonton disregard
19 in the exercise of the supervision and control of the conduct of a minor adjudicated delinquent of

1 [cyberstalking or cyberharassment pursuant to this section may be liable in a civil action pursuant](#)
2 [to chapter 1 of title 9.](#)

3 SECTION 2. Chapter 9-1 of the General Laws entitled "Causes of Action" is hereby
4 amended by adding thereto the following section:

5 **9-1-55. Cyberstalking and cyberharassment -- Parental liability of minor.**

6 [Notwithstanding any other law to the contrary, any parent of any minor adjudicated](#)
7 [delinquent of cyberstalking or cyberharassment may be liable in a civil action for failing to exercise](#)
8 [supervision and control over the minor pursuant to this chapter, if they show willful or wonton](#)
9 [disregard for the minor's conduct.](#)

10 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES -- COMPUTER CRIME

1 This act would allow for a civil action against parents of a student who demonstrates
2 disregard for the suspension of their child who has committed the offense of cyberstalking or
3 cyberharassment.

4 This act would take effect upon passage.

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