

2016 -- S 2220

LC003980

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO CRIMINAL OFFENSES - COMPUTER CRIME

Introduced By: Senators Lombardi, Archambault, Coyne, Ruggerio, and Lynch Prata

Date Introduced: January 27, 2016

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

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

**11-52-4.2. Cyberstalking and cyberharassment prohibited.** -- (a) Whoever transmits any communication by computer or other electronic device to any person or causes any person to be contacted for the sole purpose of harassing that person or his or her family is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500), by imprisonment for not more than one year, or both. For the purpose of this section, "harassing" means any knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or bothers the person, and which serves no legitimate purpose. The course of conduct must be of a kind that would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury. ~~"Course of conduct"~~ "Conduct" means a ~~pattern of conduct composed of a series of~~ single act which causes a person to be repeatedly contacted by others or two (2) or more acts over a period of time, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of ~~"course of conduct."~~ "conduct."

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

1           SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would provide that "conduct" for purposes of cyberstalking would be defined as  
2   "a single act which causes a person to be repeatedly contacted by others or two (2) or more acts  
3   over a period of time, evidencing a continuity of purpose."  
4           This act would take effect upon passage.

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