

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S4/3/13 S4/5/13

A Bill

SENATE BILL 1115

By: Senator J. Key

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING CYBERBULLYING OF PUBLIC SCHOOL STAFF; AND
FOR OTHER PURPOSES.

Subtitle

*TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING CYBERBULLYING OF PUBLIC SCHOOL
STAFF.*

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

SECTION 1. DO NOT CODIFY. LEGISLATIVE FINDINGS. The General Assembly finds that:

(1) The successful recruitment and retention of school employees is essential to maintaining the state's constitutional obligation to provide a free and efficient system of public education;

(2) A safe and civil environment in any school is necessary for school employees to meet the objective of providing opportunities for students to learn and achieve high academic standards;

(3) Cyberbullying of school employees has become a national problem, subjecting school employees to many forms of intentional harassment that can be emotionally and professionally devastating;

(4) Because of the nature of online communications, students may feel they can act with anonymity and detachment when they are engaging in cyberbullying of a school employee;

(5) Some examples of the means used by students are:

(A) Building a fake profile or website;



(B) Posting or encouraging others to post on the Internet private, personal, or sexual information pertaining to a school employee;

(C) Posting an original or edited image of the school employee on the Internet;

(D) Accessing, altering, or erasing any computer network, computer data, computer program, or computer software, including breaking into a password-protected account or stealing or otherwise accessing passwords of a school employee;

(E) Making repeated, continuing, or sustained electronic communications, including electronic mail or other transmissions, to a school employee;

(F) Making, or causing to be made, and disseminating an unauthorized copy of data pertaining to a school employee in any form, including without limitation the printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network;

(G) Signing up a school employee for a pornographic Internet site; or

(H) Without authorization of the school employee, signing up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages; and

(6) This act is intended to heighten public attention to this crime and further protect an Arkansas public school employee from cyberbullying.

SECTION 2. Arkansas Code § 5-71-217(d), concerning the offense of cyberbullying, is amended to read as follows:

(d)(1) Cyberbullying is a Class B misdemeanor.

(2)(A) Cyberbullying of a school employee is a Class A misdemeanor.

(B) As used in this subdivision (d)(2), "school employee" means a person who is employed full time or part time at a school that serves students in any of kindergarten through grade twelve (K-12), including without limitation a:

(i) Public school operated by a school district;

(ii) Public school operated by a state agency or

institution of higher education;

(iii) Public charter school; or

(iv) Private school.

SECTION 3. Arkansas Code § 9-27-303(15), concerning the definition of "delinquent juvenile", is amended to read as follows:

(15) "Delinquent juvenile" means ~~any juvenile~~:

(A) A juvenile Ten ten (10) years old or older who:

(i) has Has committed an act other than a traffic offense or game and fish violation that, if the act had been committed by an adult, would subject the adult to prosecution for a felony, misdemeanor, or violation under the applicable criminal laws of this state ~~or who~~;

(ii) has Has violated § 5-73-119; ~~or~~

(iii) Has violated § 5-17-217(d)(2), cyberbullying of a school employee; or

(B) Any juvenile charged with capital murder, § 5-10-101, or murder in the first degree, § 5-10-102, subject to extended juvenile jurisdiction;

/s/J. Key