



General Assembly

**Amendment**

January Session, 2021

LCO No. 8244



Offered by:  
SEN. WINFIELD, 10<sup>th</sup> Dist.

To: Subst. Senate Bill No. 989

File No. 612

Cal. No. 351

**"AN ACT CONCERNING ONLINE HARASSMENT."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 53a-181c of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2021*):

5 (a) A person is guilty of stalking in the first degree when such person  
6 commits stalking in the second degree as provided in section 53a-181d,  
7 as amended by this act, and (1) such person has previously been  
8 convicted of a violation of section 53a-181d, as amended by this act, [or]  
9 (2) such conduct violates a court order in effect at the time of the offense,  
10 [or] (3) such person is twenty-two years of age or older and the other  
11 person is under sixteen years of age, or (4) such person intentionally  
12 directs such conduct at the other person, in whole or in part, because of  
13 the actual or perceived race, religion, ethnicity, disability, sex, sexual  
14 orientation or gender identity or expression of such other person.

15 (b) Stalking in the first degree is a class D felony.

16 Sec. 2. Section 53a-181d of the general statutes is repealed and the  
17 following is substituted in lieu thereof (*Effective October 1, 2021*):

18 (a) For the purposes of this section: [, "course of conduct"]

19 (1) "Course of conduct" means two or more acts, including, but not  
20 limited to, acts in which a person directly, indirectly or through a third  
21 party, by any action, method, device or means, including, but not  
22 limited to, electronic or social media, [(1)] (A) follows, lies in wait for,  
23 monitors, observes, surveils, threatens, harasses, communicates about  
24 or with or sends unwanted gifts to, a person, or [(2)] (B) interferes with  
25 a person's property; [, and "emotional distress"]

26 (2) "Emotional distress" means significant mental or psychological  
27 suffering or distress that may or may not require medical or other  
28 professional treatment or counseling; and [.]

29 (3) "Personally identifying information" means:

30 (A) Any information that can be used to distinguish or trace an  
31 individual's identity, such as name, prior legal name, alias, mother's  
32 maiden name, Social Security number, date or place of birth, address,  
33 telephone number or biometric data;

34 (B) Any information that is linked or linkable to an individual, such  
35 as medical, financial, education, consumer or employment information,  
36 data or records; or

37 (C) Any other sensitive private information that is linked or linkable  
38 to a specific identifiable individual, such as gender identity, sexual  
39 orientation or any sexually intimate visual depiction.

40 (b) A person is guilty of stalking in the second degree when:

41 (1) Such person knowingly engages in a course of conduct directed at  
42 or concerning a specific person that would cause a reasonable person to  
43 (A) fear for such specific person's physical safety or the physical safety  
44 of a third person; [or] (B) suffer emotional distress; or (C) fear injury to

45 or the death of an animal owned by or in possession and control of such  
46 specific person;

47 (2) Such person [intentionally] with intent to harass, terrorize or  
48 alarm, and for no legitimate purpose, engages in a course of conduct  
49 directed at or concerning a specific person that would cause a  
50 reasonable person to fear that such person's employment, business or  
51 career is threatened, where (A) such conduct consists of the actor  
52 telephoning to, appearing at or initiating communication or contact [at]  
53 to such other person's place of employment or business, including  
54 electronically, through video-conferencing or by digital media,  
55 provided the actor was previously and clearly informed to cease such  
56 conduct, and (B) such conduct does not consist of constitutionally  
57 protected activity; [.] or

58 (3) Such person, for no legitimate purpose and with intent to harass,  
59 terrorize or alarm, by means of electronic communication, including,  
60 but not limited to, electronic or social media, discloses a specific person's  
61 personally identifiable information without consent of the person,  
62 knowing, that under the circumstances, such disclosure would cause a  
63 reasonable person to:

64 (A) Fear for such person's physical safety or the physical safety of a  
65 third person; or

66 (B) Suffer emotional distress.

67 (c) For the purposes of this section, a violation may be deemed to have  
68 been committed either at the place where the communication originated  
69 or at the place where it was received.

70 [(c)] (d) Stalking in the second degree is a class A misdemeanor.

71 Sec. 3. Section 53a-129e of the general statutes is repealed and the  
72 following is substituted in lieu thereof (*Effective October 1, 2021*):

73 (a) A person is guilty of trafficking in personal identifying  
74 information when such person sells, gives or otherwise transfers

75 personal identifying information, as defined in section 53a-129a or 53a-  
76 181d, as amended by this act, of another person to a third person  
77 knowing that such information has been obtained without the  
78 authorization of such other person and that such third person intends  
79 to use such information for an unlawful purpose, including, but not  
80 limited to, a violation of section 53a-181d, as amended by this act.

81 (b) Trafficking in personal identifying information is a class D felony.

82 Sec. 4. (NEW) (*Effective October 1, 2021*) (a) Any person aggrieved by  
83 a violation of subdivision (3) of subsection (b) of section 53a-181d of the  
84 general statutes, as amended by this act, may bring a civil action in the  
85 superior court for the judicial district where such person resides or the  
86 judicial district of Hartford against (1) the person or persons who  
87 committed such violation, or (2) any person who knowingly benefitted,  
88 financially or by receiving anything of value, from participation in  
89 activity that such person knew or should have known involved an act  
90 in violation of said subdivision, to recover damages and other  
91 appropriate relief, including reasonable attorney's fee. The court, on  
92 motion of a party, may issue a temporary or permanent injunction in  
93 such civil action to prevent the disclosure or continued disclosure of a  
94 party's personally identifying information, as defined in section 53a-  
95 181d of the general statutes, as amended by this act.

96 (b) An individual who is found liable under this section shall be  
97 jointly and severally liable with each other person, if any, who is found  
98 liable under this section for damages arising from the same violation.

99 (c) No action shall be brought under this section but within three  
100 years from the date of the act complained of.

101 Sec. 5. Section 53a-183 of the general statutes is repealed and the  
102 following is substituted in lieu thereof (*Effective October 1, 2021*):

103 (a) A person is guilty of harassment in the second degree when [:(1)  
104 By telephone he, addresses another in or uses indecent or obscene  
105 language; or (2)] with intent to harass, [annoy] terrorize or alarm

106 another person, [he communicates] and for no legitimate purpose, such  
 107 person: (1) Communicates with a person by telegraph or mail, [by]  
 108 electronically transmitting a facsimile through connection with a  
 109 telephone network, [by] electronic mail or text message or any other  
 110 electronically sent message, whether by digital media account,  
 111 messaging program or application, or otherwise by computer, computer  
 112 service or computer network, as defined in section 53a-250, or [by] any  
 113 other form of [written] communication, in a manner likely to cause  
 114 [annoyance] terror, intimidation or alarm; [or (3) with intent to harass,  
 115 annoy or alarm another person, he] (2) makes a telephone call or  
 116 engages in any other form of communication, whether or not a  
 117 conversation ensues, in a manner likely to cause [annoyance] terror,  
 118 intimidation or alarm; or (3) communicates or shares a photograph,  
 119 video or words or engages in any other form of communication to a  
 120 digital, electronic, online or other meeting space, in a manner likely to  
 121 cause terror, intimidation or alarm.

122 (b) For the purposes of this section, such offense may be deemed to  
 123 have been committed either at the place where the communication  
 124 originated or at the place where it was received.

125 (c) The court may order any person convicted under this section to be  
 126 examined by one or more psychiatrists.

127 (d) Harassment in the second degree is a class C misdemeanor."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	53a-181c
Sec. 2	October 1, 2021	53a-181d
Sec. 3	October 1, 2021	53a-129e
Sec. 4	October 1, 2021	New section
Sec. 5	October 1, 2021	53a-183