



***Substitute Senate Bill No. 989***

***Public Act No. 21-56***

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

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 Section 53a-181c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

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

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

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 Section 53a-181d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

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

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

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

(3) "Personally identifying information" means:

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

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

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

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

(1) Such person knowingly engages in a course of conduct directed at or concerning a specific person that would cause a reasonable person to (A) fear for such specific person's physical safety or the physical safety of a third person; [or] (B) suffer emotional distress; or (C) fear injury to or the death of an animal owned by or in possession and control of such specific person;

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

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

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

(B) Suffer emotional distress.

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

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

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

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

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

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

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

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

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

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

(a) A person is guilty of harassment in the second degree when [: (1)

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By telephone he, addresses another in or uses indecent or obscene language; or (2)] with intent to harass, [annoy] terrorize or alarm another person, [he communicates] and for no legitimate purpose, such person: (1) Communicates with a person by telegraph or mail, [by] electronically transmitting a facsimile through connection with a telephone network, [by] electronic mail or text message or any other electronically sent message, whether by digital media account, messaging program or application, or otherwise by computer, computer service or computer network, as defined in section 53a-250, or [by] any other form of [written] communication, in a manner likely to cause [annoyance] terror, intimidation or alarm; [or (3) with intent to harass, annoy or alarm another person, he] (2) makes a telephone call or engages in any other form of communication, whether or not a conversation ensues, in a manner likely to cause [annoyance] terror, intimidation or alarm; or (3) communicates or shares a photograph, video or words or engages in any other form of communication to a digital, electronic, online or other meeting space, in a manner likely to cause terror, intimidation or alarm.

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

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

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