

Regular Session, 2010
HOUSE BILL NO. 1259
BY REPRESENTATIVE BURRELL

ACT No. 989

1 AN ACT

2 To enact R.S. 14:40.7 and Children's Code Article 730(11), relative to assault and battery
3 and related offenses; to create the crime of cyberbullying; to provide for definitions;
4 to provide for penalties; to provide for exceptions; to provide with respect to the
5 disposition of certain cases involving juveniles; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:40.7 is hereby enacted to read as follows:

8 §40.7. Cyberbullying

9 A. Cyberbullying is the transmission of any electronic textual, visual,
10 written, or oral communication with the malicious and willful intent to coerce, abuse,
11 torment, or intimidate a person under the age of eighteen.

12 B. For purposes of this Section:

13 (1) "Cable operator" means any person or group of persons who provides
14 cable service over a cable system and directly, or through one or more affiliates,
15 owns a significant interest in such cable system, or who otherwise controls or is
16 responsible for, through any arrangement, the management and operation of such a
17 cable system.

18 (2) "Electronic textual, visual, written, or oral communication" means any
19 communication of any kind made through the use of a computer online service,
20 Internet service, or any other means of electronic communication, including but not

1 limited to a local bulletin board service, Internet chat room, electronic mail, or online
2 messaging service.

3 (3) "Interactive computer service" means any information service, system,
4 or access software provider that provides or enables computer access by multiple
5 users to a computer server, including a service or system that provides access to the
6 Internet and such systems operated or services offered by libraries or educational
7 institutions.

8 (4) "Telecommunications service" means the offering of telecommunications
9 for a fee directly to the public, regardless of the facilities used.

10 C. An offense committed pursuant to the provisions of this Section may be
11 deemed to have been committed where the communication was originally sent,
12 originally received, or originally viewed by any person.

13 D.(1) Except as provided in Paragraph (2) of this Subsection, whoever
14 commits the crime of cyberbullying shall be fined not more than five hundred
15 dollars, imprisoned for not more than six months, or both.

16 (2) When the offender is under the age of seventeen, the disposition of the
17 matter shall be governed exclusively by the provisions of Title VII of the Children's
18 Code.

19 E. The provisions of this Section shall not apply to a provider of an
20 interactive computer service, provider of a telecommunications service, or a cable
21 operator as defined by the provisions of this Section.

22 F. The provisions of this Section shall not be construed to prohibit or restrict
23 religious free speech pursuant to Article I, Section 18 of the Constitution of
24 Louisiana.

1 Section 2. Children's Code Article 730(11) is hereby enacted to read as follows:

2 Art. 730. Grounds

3 Allegations that a family is in need of services must assert one or more of the
4 following grounds:

5 * * *

6 (11) A child found to have engaged in cyberbullying.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____