

HOUSE BILL 396

E1

3lr0889

By: **Delegates Cardin, Afzali, DeBoy, Gilchrist, Jameson, Luedtke, W. Miller, Mitchell, Morhaim, Olszewski, Rosenberg, Stein, Stocksdales, and Walker**

Introduced and read first time: January 25, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Electronic Harassment of a Minor**

3 FOR the purpose of prohibiting a person from using a computer or computer network
4 to cause a minor or another person to reasonably fear for the safety of the minor
5 under certain circumstances; prohibiting a person from using a computer or
6 computer network to engage in conduct which would constitute sexual
7 harassment of a minor; prohibiting a person from using a computer or computer
8 network to disseminate certain data with the malicious intent to psychologically
9 torment or harass a minor; prohibiting a person from using a computer or
10 computer network to make any statement intended to provoke or likely to
11 provoke a third party to stalk or harass a minor; defining certain terms;
12 establishing a certain penalty for a violation of this Act; and generally relating
13 to electronic harassment.

14 BY renumbering

15 Article – Criminal Law

16 Section 3–805.1

17 to be Section 3–805.2

18 Annotated Code of Maryland

19 (2012 Replacement Volume and 2012 Supplement)

20 BY adding to

21 Article – Criminal Law

22 Section 3–805.1

23 Annotated Code of Maryland

24 (2012 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 3-805.1 of Article – Criminal Law of the Annotated
3 Code of Maryland be renumbered to be Section(s) 3-805.2.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5 read as follows:

6 **Article – Criminal Law**

7 **3-805.1.**

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
9 MEANINGS INDICATED.

10 (2) “ELECTRONIC CHAT ROOM” MEANS A COMPUTER SERVICE
11 ALLOWING TWO OR MORE USERS TO COMMUNICATE WITH EACH OTHER IN REAL
12 TIME.

13 (3) “PROFILE” MEANS:

14 (I) A CONFIGURATION OF USER DATA REQUIRED TO BE
15 ENTERED INTO A COMPUTER SO THAT THE USER MAY ACCESS PROGRAMS OR
16 SERVICES AND HAVE THE DESIRED FUNCTIONALITY ON THAT COMPUTER; OR

17 (II) A WEB SITE USER’S PERSONAL PAGE OR SECTION OF A
18 PAGE MADE UP OF DATA, IN TEXT OR GRAPHICAL FORM, WHICH DISPLAYS
19 SIGNIFICANT, UNIQUE, OR IDENTIFYING INFORMATION, INCLUDING LISTING
20 ACQUAINTANCES, INTERESTS, ASSOCIATIONS, ACTIVITIES, OR PERSONAL
21 STATEMENTS.

22 (B) A PERSON MAY NOT USE A COMPUTER OR COMPUTER NETWORK TO:

23 (1) CAUSE A MINOR OR ANOTHER PERSON TO REASONABLY FEAR
24 FOR THE SAFETY OF THE MINOR BY:

25 (I) BUILDING A FAKE PROFILE OR WEB SITE;

26 (II) POSING AS THE MINOR IN:

27 1. AN ELECTRONIC CHAT ROOM;

28 2. AN ELECTRONIC MAIL MESSAGE; OR

29 3. AN INSTANT MESSAGE; OR

1 (III) REPEATEDLY FOLLOWING THE MINOR ONLINE OR INTO
2 AN ELECTRONIC CHAT ROOM;

3 (2) ENGAGE IN CONDUCT WHICH WOULD CONSTITUTE SEXUAL
4 HARASSMENT OF A MINOR, INCLUDING:

5 (I) POSTING OR ENCOURAGING OTHERS TO POST PRIVATE,
6 PERSONAL, OR SEXUAL INFORMATION PERTAINING TO THE MINOR ON THE
7 INTERNET;

8 (II) POSTING A REAL OR DOCTORED IMAGE OF THE MINOR
9 ON THE INTERNET; OR

10 (III) SIGNING UP THE MINOR FOR A PORNOGRAPHIC
11 INTERNET SITE;

12 (3) DISSEMINATE UNAUTHORIZED DATA PERTAINING TO THE
13 MINOR WITH THE MALICIOUS INTENT TO PSYCHOLOGICALLY TORMENT OR
14 HARASS THE MINOR; OR

15 (4) MAKE ANY STATEMENT, WHETHER TRUE OR FALSE,
16 INTENDING TO IMMEDIATELY PROVOKE, AND THAT IS LIKELY TO PROVOKE, ANY
17 THIRD PARTY TO STALK OR HARASS A MINOR.

18 (C) THIS SECTION DOES NOT APPLY TO A PEACEABLE ACTIVITY
19 INTENDED TO EXPRESS A POLITICAL VIEW OR PROVIDE INFORMATION TO
20 OTHERS.

21 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
22 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
23 EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2013.