

HB0181/732611/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 181

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and C. Watson” and substitute “C. Watson, Kittleman, Arikan, Bartlett, Cox, W. Fisher, Grammer, Hartman, Lopez, Pippy, Shetty, and R. Watson”; in line 5, after “in” insert “an”; strike beginning with “under” in line 5 down through “circumstances” in line 6 and substitute “if the electronic communication, as part of a series of communications, has a certain effect and the person engaging in the electronic communication acts”; in line 6, after “person” insert “with a certain intent”; in line 7, after “act” insert “under certain circumstances”; in line 8, strike “result” and substitute “effect”; strike beginning with “prohibiting” in line 8 down through “minor;” in line 12 and substitute “prohibiting a person from engaging in certain electronic conduct with a certain intent if the act of electronic conduct has a certain effect;”; and in line 16, after “terms;” insert “altering a certain definition;”.

AMENDMENT NO. 2

On page 2, in lines 10, 13, and 32, in each instance, strike the bracket.

On page 3, in line 6, strike the bracket.

AMENDMENT NO. 3

On page 2, in line 3, strike “transmission of” and substitute “ACT OF TRANSMITTING”; in line 4, strike “SIGN, SIGNAL,”; in the same line, strike “SOUND, INTELLIGENCE,”; after line 9, insert:

“(3) “ELECTRONIC CONDUCT” MEANS THE USE OF A COMPUTER OR A COMPUTER NETWORK TO:

(I) BUILD A FAKE SOCIAL MEDIA PROFILE;

(Over)

(II) POSE AS ANOTHER, INCLUDING A FICTITIOUS PERSON IN AN ELECTRONIC COMMUNICATION;

(III) DISSEMINATE OR ENCOURAGE OTHERS TO DISSEMINATE INFORMATION CONCERNING THE SEXUAL ACTIVITY, AS DEFINED IN § 3-809 OF THIS SUBTITLE, OF A MINOR;

(IV) DISSEMINATE A REAL OR DOCTORED IMAGE OF A MINOR;

(V) ENGAGE OR ENCOURAGE OTHERS TO ENGAGE IN THE REPEATED, CONTINUING, OR SUSTAINED USE OF ELECTRONIC COMMUNICATION TO CONTACT A MINOR;

(VI) MAKE A STATEMENT TO PROVOKE A THIRD PARTY TO STALK OR HARASS A MINOR; OR

(VII) SUBSCRIBE A MINOR TO A PORNOGRAPHIC WEBSITE.

(4) “INSTANT MESSAGING SERVICE” MEANS A COMPUTER SERVICE ALLOWING TWO OR MORE USERS TO COMMUNICATE WITH EACH OTHER IN REAL TIME.”;

in lines 10, 17, and 24, strike “(3)”, “(4)”, and “(5)”, respectively, and substitute “(5)”, “(6)”, and “(7)”, respectively; strike in their entirety lines 14 through 16, inclusive; and in line 17, strike “COMPUTER SYSTEM,”.

AMENDMENT NO. 4

On pages 3 through 5, strike in their entirety the lines beginning with line 7 on page 3 through line 1 on page 5, inclusive.

AMENDMENT NO. 5

On page 5, before line 2, insert:

“(3) A PERSON MAY NOT MALICIOUSLY ENGAGE IN AN ELECTRONIC COMMUNICATION IF:

(I) THE ELECTRONIC COMMUNICATION IS PART OF A SERIES OF COMMUNICATIONS AND HAS THE EFFECT OF:

1. INTIMIDATING OR HARASSING A MINOR; AND

2. CAUSING PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO A MINOR; AND

(II) THE PERSON ENGAGING IN THE ELECTRONIC COMMUNICATION INTENDS TO:

1. INTIMIDATE OR HARASS THE MINOR; AND

2. CAUSE PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO THE MINOR.

(4) A PERSON MAY NOT MALICIOUSLY ENGAGE IN A SINGLE SIGNIFICANT ACT OR COURSE OF CONDUCT USING AN ELECTRONIC COMMUNICATION IF:

(I) THE PERSON’S CONDUCT, WHEN CONSIDERED IN ITS ENTIRETY, HAS THE EFFECT OF:

(Over)

1. INTIMIDATING OR HARASSING A MINOR; AND

2. CAUSING PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO A MINOR;

(II) THE PERSON INTENDS TO:

1. INTIMIDATE OR HARASS THE MINOR; AND

2. CAUSE PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO THE MINOR; AND

(III) IN THE CASE OF A SINGLE SIGNIFICANT ACT, THE COMMUNICATION:

1. IS MADE AFTER RECEIVING A REASONABLE WARNING OR REQUEST TO STOP;

2. IS SENT WITH A REASONABLE EXPECTATION THAT THE RECIPIENT WOULD SHARE THE COMMUNICATION WITH A THIRD PARTY; OR

3. SHOCKS THE CONSCIENCE.

(5) A PERSON MAY NOT MALICIOUSLY ENGAGE IN ELECTRONIC CONDUCT IF:

(I) THE ACT OF ELECTRONIC CONDUCT HAS THE EFFECT OF:

1. INTIMIDATING OR HARASSING A MINOR; AND

2. CAUSING PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO A MINOR; AND

(II) THE PERSON INTENDS TO:

1. INTIMIDATE OR HARASS THE MINOR; AND

2. CAUSE PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO THE MINOR.

(6) A PERSON MAY NOT VIOLATE THIS SECTION WITH THE INTENT TO INDUCE A MINOR TO COMMIT SUICIDE.”.

On page 5, in line 18, strike “(B)(1) THROUGH (5)” and substitute “(B)(1), (2), (3), (4), OR (5)”.