

1 State of Arkansas *As Engrossed: S4/3/13, S4/5/13*

2 89th General Assembly

# A Bill

3 Regular Session, 2013

SENATE BILL 1115

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5 By: Senator J. Key

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## For An Act To Be Entitled

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AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE

9

CONCERNING CYBERBULLYING OF PUBLIC SCHOOL STAFF; AND

10

FOR OTHER PURPOSES.

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## Subtitle

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*TO AMEND PROVISIONS OF THE ARKANSAS CODE*

15

*CONCERNING CYBERBULLYING OF PUBLIC SCHOOL*

16

*STAFF.*

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 *SECTION 1. DO NOT CODIFY. LEGISLATIVE FINDINGS. The General Assembly*  
22 *finds that:*

23 *(1) The successful recruitment and retention of school employees*  
24 *is essential to maintaining the state's constitutional obligation to provide*  
25 *a free and efficient system of public education;*

26 *(2) A safe and civil environment in any school is necessary for*  
27 *school employees to meet the objective of providing opportunities for*  
28 *students to learn and achieve high academic standards;*

29 *(3) Cyberbullying of school employees has become a national*  
30 *problem, subjecting school employees to many forms of intentional harassment*  
31 *that can be emotionally and professionally devastating;*

32 *(4) Because of the nature of online communications, students may*  
33 *feel they can act with anonymity and detachment when they are engaging in*  
34 *cyberbullying of a school employee;*

35 *(5) Some examples of the means used by students are:*

36 *(A) Building a fake profile or website;*



1 (B) Posting or encouraging others to post on the Internet  
2 private, personal, or sexual information pertaining to a school employee;

3 (C) Posting an original or edited image of the school  
4 employee on the Internet;

5 (D) Accessing, altering, or erasing any computer network,  
6 computer data, computer program, or computer software, including breaking  
7 into a password-protected account or stealing or otherwise accessing  
8 passwords of a school employee;

9 (E) Making repeated, continuing, or sustained electronic  
10 communications, including electronic mail or other transmissions, to a school  
11 employee;

12 (F) Making, or causing to be made, and disseminating an  
13 unauthorized copy of data pertaining to a school employee in any form,  
14 including without limitation the printed or electronic form of computer data,  
15 computer programs, or computer software residing in, communicated by, or  
16 produced by a computer or computer network;

17 (G) Signing up a school employee for a pornographic  
18 Internet site; or

19 (H) Without authorization of the school employee, signing  
20 up a school employee for electronic mailing lists or to receive junk  
21 electronic messages and instant messages; and

22 (6) This act is intended to heighten public attention to this  
23 crime and further protect an Arkansas public school employee from  
24 cyberbullying.

25  
26 SECTION 2. Arkansas Code § 5-71-217(d), concerning the offense of  
27 cyberbullying, is amended to read as follows:

28 (d)(1) Cyberbullying is a Class B misdemeanor.

29 (2)(A) Cyberbullying of a school employee is a Class A  
30 misdemeanor.

31 (B) As used in this subdivision (d)(2), "school employee"  
32 means a person who is employed full time or part time at a school that serves  
33 students in any of kindergarten through grade twelve (K-12), including  
34 without limitation a:

35 (i) Public school operated by a school district;

36 (ii) Public school operated by a state agency or

1 institution of higher education;

2 (iii) Public charter school; or

3 (iv) Private school.

4  
5 SECTION 3. Arkansas Code § 9-27-303(15), concerning the definition of  
6 "delinquent juvenile", is amended to read as follows:

7 (15) "Delinquent juvenile" means ~~any juvenile~~:

8 (A) A juvenile Ten ten (10) years old or older who:

9 (i) has Has committed an act other than a traffic  
10 offense or game and fish violation that, if the act had been committed by an  
11 adult, would subject the adult to prosecution for a felony, misdemeanor, or  
12 violation under the applicable criminal laws of this state ~~or who~~;

13 (ii) has Has violated § 5-73-119; ~~or~~

14 (iii) Has violated § 5-17-217(d)(2), cyberbullying  
15 of a school employee; or

16 (B) Any juvenile charged with capital murder, § 5-10-101,  
17 or murder in the first degree, § 5-10-102, subject to extended juvenile  
18 jurisdiction;

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20 /s/J. Key

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23 **APPROVED: 04/22/2013**