



## ARKANSAS SENTENCING COMMISSION

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### Impact Assessment for SB170 Sponsored by Senator Garner

**Subtitle** TO PROHIBIT THE UNLAWFUL DOXXING OF A MINOR ON SOCIAL MEDIA.

**Impact Summary**<sup>1</sup> Cannot be determined. The proposed bill creates a new criminal offense for which the likely number of occurrences is unknown. For this reason, the projected impact of the proposed bill cannot be determined.

**Change from Current Law**<sup>2</sup> Creates A.C.A. § 5-27-610, Unlawful doxxing of minor on social media platform. Under the proposed bill, a person commits the offense of doxing a minor on a social media platform if (1) the person knowingly doxxes or transmits, sends, or posts a communication concerning a minor to a social media platform with the purposes to frighten, coerce, intimidate, threaten, abuse, or harass the minor and (2) the communication causes the minor to be in reasonable fear of physical injury.

Under the proposed bill, Doxxing of a minor on a social media platform is a Class B felony if the death of the minor occurs due to the offense or monetary loss to the minor due to the offense is one million dollars (\$1,000,000) or more. Doxxing of a minor on a social media platform is a Class C felony if physical injury occurs to the minor due to the offense or monetary loss to the minor due to the offense is ten thousand dollars (\$10,000) or more, but less than one million dollars (\$1,000,000). Doxxing of a minor on a social media platform is a Class D felony if monetary loss to the minor due to the offense is five hundred dollars (\$500) or more but less than ten thousand dollars (\$10,000). If otherwise committed, doxxing of a minor on a social media platform is a Class A misdemeanor.

The proposed bill also defines “communication,” “doxxes,” and “social media platform.”

**Impact Information** The proposed bill creates a new criminal offense for which the likely number of occurrences is unknown. For this reason, the projected impact of the proposed bill cannot be determined. The following data is for informational purposes only.

The Administrative Office of the Courts reports that for the three (3) year period beginning January 1, 2017 and ending December 31, 2019, there were two (2) misdemeanor convictions for a violation of A.C.A. § 5-71-217, Cyberbullying, covering Class A and Class B misdemeanor occurrences. [See attached for complete reprint of the code section.]

It is important to note that misdemeanors are often disposed of in District Court, and that not all District courts report data to the AOC. For this reason, the number of Cyberbullying convictions may be higher than reported.

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<sup>1</sup> This impact assessment was prepared 3/8/2021 11:07 AM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Arkansas Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC inmate costs; and “major” = would require budgetary increases for ADC inmate costs and construction costs for additional beds

<sup>2</sup> Standard punishment ranges:

Class Y 10-40 years or life  
Class A 6-30 years; up to \$15,000  
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000  
Class D 0-6 years; up to \$10,000  
Unclassified As specified in statute

Misdemeanors

Class A Up to 1 year; up to \$2,500  
Class B Up to 90 days; up to \$1,000  
Class C Up to 30 days; up to \$500

**A.C.A. § 5-71-217. Cyberbullying.**

**(a)** As used in this section:

**(1)** “Communication” means the electronic communication of information of a person's choosing between or among points specified by the person without change in the form or content of the information as sent and received;

**(2)** “Electronic means” means any textual, visual, written, or oral communication of any kind made through the use of a computer online service, Internet service, telephone, or any other means of electronic communication, including without limitation to a local bulletin board service, an Internet chat room, electronic mail, a social networking site, or an online messaging service; and

**(3)** “School employee” means a person who is employed full time or part time at a school that serves students in any of the grades kindergarten through grade twelve (K-12), including without limitation a:

**(A)** Public school operated by a school district;

**(B)** Public school operated by a state agency or institution of higher education;

**(C)** Public charter school; or

**(D)** Private school.

**(b)** A person commits the offense of cyberbullying if:

**(1)** He or she transmits, sends, or posts a communication by electronic means with the purpose to frighten, coerce, intimidate, threaten, abuse, or harass another person; and

**(2)** The transmission was in furtherance of severe, repeated, or hostile behavior toward the other person.

**(c)** The offense of cyberbullying may be prosecuted in the county where the defendant was located when he or she transmitted, sent, or posted a communication by electronic means, in the county where the communication by electronic means was received by the person, or in the county where the person targeted by the electronic communications resides.

**(d)**

**(1)** Cyberbullying is a Class B misdemeanor.

**(2)** Cyberbullying is a Class A misdemeanor if the victim is a school employee.

**History**

[Acts 2011, No. 905, § 1](#); [2013, No. 1431, § 2](#); [2013, No. 1492, § 1](#); [2015, No. 1155, § 13](#).