

# WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

**ENROLLED**

**Committee Substitute**

**for**

**House Bill 2655**

BY DELEGATES UPSON, BLAIR, ESPINOSA,

HOUSEHOLDER, LONGSTRETH, ROBINSON, SOBONYA,

PHILLIPS, HILL AND HIGGINBOTHAM

[Passed March 10, 2018; in effect ninety days from passage.]

**FILED**

2018 MAR 27 A 9:44

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

HB 2655

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1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §61-3C-14c, relating to creating the offense of cyberbullying of minors; setting  
3 forth the essential elements of the offense; defining terms; providing exceptions; and  
4 establishing criminal penalties.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 3C. WEST VIRGINIA COMPUTER CRIME AND ABUSE ACT.**

**§61-3C-14c. Cyberbullying or specific acts of electronic harassment of minors; definitions;  
penalties; exceptions.**

1 (a) It is unlawful for a person to knowingly and intentionally use a computer or computer  
2 network, as defined in §61-3C-3, to engage in conduct with the intent to harass, intimidate, or  
3 bully a minor, including, but not limited to:

4 (1) Posting, disseminating or encouraging others to post or disseminate private, personal,  
5 or sexual information pertaining to a minor on the Internet; or

6 (2) Posting obscene material, as defined in §61-3C-14a of this code, in a real or doctored  
7 image of a minor on the Internet;

8 (b) For the purposes of this section:

9 (1) "Harass, intimidate or bully" means any intentional gesture, or any intentional  
10 electronic, written, verbal, or physical act, communication, transmission or threat that:

11 (A) A reasonable person under the circumstances should know the act will have the effect  
12 of any one or more of the following:

13 (i) Physically harming a minor;

14 (ii) Damaging a minor's property;

15 (iii) Placing a minor in reasonable fear of harm to his or her person; or

16 (iv) Placing a minor in reasonable fear of damage to his or her property; or

17 (B) Is sufficiently severe, persistent, or pervasive that it creates an intimidating,  
18 threatening, or emotionally abusive environment for a minor.

19 (2) "Minor" means an individual under the age of 18 years old.

20 (c) This section does not apply to a peaceful activity intended to:

21 (i) Express a political view; or

22 (ii) Provide information to others with no intent to harass, intimidate, or bully.

23 (d) Any person who violates this section is guilty of a misdemeanor and, upon conviction  
24 thereof, shall be fined not more than \$500 or confined in jail for a period not to exceed one year,  
25 or both confined and fined.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

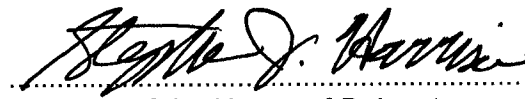
  
.....  
Chairman, House Committee

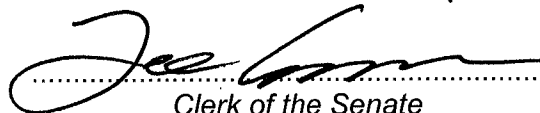
  
.....  
Member ~~Chairman~~, Senate Committee

FILED  
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OFFICE WEST VIRGINIA  
SECRETARY OF STATE


Originating in the House.

In effect ninety days from passage.


  
.....  
Clerk of the House of Delegates

  
.....  
Clerk of the Senate

  
.....  
Speaker of the House of Delegates

  
.....  
President of the Senate

The within is approved this the 27<sup>th</sup>  
day of March ....., 2018.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 19 2013

Time 1:45 pm