AN ACT

To enact R.S. 14:40.7 and Children's Code Article 730(11), relative to assault and battery
and related offenses; to create the crime of cyberbullying; to provide for definitions;
to provide for penalties; to provide for exceptions; to provide with respect to the
disposition of certain cases involving juveniles; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:40.7 is hereby enacted to read as follows:

§40.7. Cyberbullying

A. Cyberbullying is the transmission of any electronic textual, visual,
written, or oral communication with the malicious and willful intent to coerce, abuse,
torment, or intimidate a person under the age of eighteen.

B. For purposes of this Section:

(1) "Cable operator" means any person or group of persons who provides
cable service over a cable system and directly, or through one or more affiliates,
owns a significant interest in such cable system, or who otherwise controls or is
responsible for, through any arrangement, the management and operation of such a
cable system.

(2) "Electronic textual, visual, written, or oral communication” means any
communication of any kind made through the use of a computer online service,
Internet service, or any other means of electronic communication, including but not

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CODING: Words in struck through type are deletions from existing law; words underscored are additions.
limited to a local bulletin board service, Internet chat room, electronic mail, or online
messaging service.

(3) "Interactive computer service" means any information service, system,
or access software provider that provides or enables computer access by multiple
users to a computer server, including a service or system that provides access to the
Internet and such systems operated or services offered by libraries or educational
institutions.

(4) "Telecommunications service" means the offering of telecommunications
for a fee directly to the public, regardless of the facilities used.

C. An offense committed pursuant to the provisions of this Section may be
deemed to have been committed where the communication was originally sent,
originally received, or originally viewed by any person.

D.(1) Except as provided in Paragraph (2) of this Subsection, whoever
commits the crime of cyberbullying shall be fined not more than five hundred
dollars, imprisoned for not more than six months, or both.

(2) When the offender is under the age of seventeen, the disposition of the
matter shall be governed exclusively by the provisions of Title VII of the Children's
Code.

E. The provisions of this Section shall not apply to a provider of an
interactive computer service, provider of a telecommunications service, or a cable
operator as defined by the provisions of this Section.

F. The provisions of this Section shall not be construed to prohibit or restrict
religious free speech pursuant to Article I, Section 18 of the Constitution of
Louisiana.
Section 2. Children's Code Article 730(11) is hereby enacted to read as follows:

Art. 730. Grounds

Allegations that a family is in need of services must assert one or more of the following grounds:

* * *

(11) A child found to have engaged in cyberbullying.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________