

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1444

H.P. 1060

House of Representatives, April 12, 2021

An Act To Prohibit Cyberbullying of School Employees by Students

Received by the Clerk of the House on April 8, 2021. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STOVER of Boothbay.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 15 MRSA §3103, sub-§1, ¶G**, as repealed and replaced by PL 2003, c. 688,
3 Pt. A, §12, is amended to read:

4 G. A violation of section 393, subsection 1, paragraph C or section 393, subsection
5 1-A; ~~and~~

6 **Sec. 2. 15 MRSA §3103, sub-§1, ¶H**, as amended by PL 2005, c. 328, §5, is further
7 amended to read:

8 H. If a juvenile has been convicted of a crime for a violation of a provision of Title 12
9 or 29-A not specifically included in paragraph E or F, willful refusal to pay a resulting
10 fine or willful violation of the terms of a resulting administrative release or willful
11 failure to comply with the terms of any other resulting court order; and

12 **Sec. 3. 15 MRSA §3103, sub-§1, ¶I** is enacted to read:

13 I. A violation of Title 20-A, section 6554-A.

14 **Sec. 4. 20-A MRSA §6554-A** is enacted to read:

15 **§6554-A. Cyberbullying of school employees**

16 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
17 following terms have the following meanings.

18 A. "School employee" means an employee of a school administrative unit, private
19 school, approved private school or career and technical education center.

20 B. "Student" means an elementary student or secondary student.

21 **2. Prohibition.** A student may not use a computer or computer network to:

22 A. Intentionally intimidate or torment a school employee by:

23 (1) Creating a fake profile or website;

24 (2) Initiating a post or encouraging another person to post on the Internet private,
25 personal or sexual information pertaining to the school employee;

26 (3) Posting a real or doctored image of the school employee on the Internet;

27 (4) Accessing, altering or erasing any computer network, computer data, computer
28 program or computer software, including, but not limited to, breaking into a
29 password-protected account or stealing or otherwise accessing a password, of the
30 school employee; or

31 (5) Using a computer network for repeated, continuing or sustained electronic
32 communications, including, but not limited to, e-mail or other transmissions, to the
33 school employee;

34 B. Make a statement, whether true or false, intended to and likely to provoke a 3rd
35 party to stalk or harass a school employee;

36 C. Copy and disseminate or cause to be made in any form an unauthorized copy of
37 data pertaining to a school employee for the purpose of intimidating or tormenting the
38 school employee;

1 D. Sign up a school employee for a pornographic Internet site with the intent to
2 intimidate or torment the school employee; or

3 E. Without authorization of the school employee, sign up a school employee for e-
4 mail mailing lists or to receive junk electronic messages or instant messages, with the
5 intent to intimidate or torment the school employee.

6 **3. Juvenile crime.** A student who violates this section commits cyberbullying of a
7 school employee, which is a juvenile crime pursuant to Title 15, section 3103, subsection
8 1, paragraph I. Notwithstanding any provision of law to the contrary, if a student pleads
9 guilty to or is found guilty of an offense under this section, the court may, without entering
10 a judgment of guilt and with the consent of the student, defer further proceedings and place
11 the student on probation upon such reasonable terms and conditions as the court may
12 require.

13 **SUMMARY**

14 This bill prohibits elementary and secondary school students from using a computer or
15 computer network to take certain actions against or toward a school employee. A student
16 who violates the prohibition commits a juvenile crime pursuant to the Maine Juvenile Code.