

Intro. Res. No. 1390-2010

Laid on Table 4/27/2010

Introduced by Legislators Cooper, Cilmi, Gregory, Barraga, Romaine, Stern and Horsley

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW  
NO. -2010, A LOCAL LAW TO PROHIBIT CYBER-  
BULLYING IN SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on , 2010, a proposed local law entitled, "A LOCAL LAW TO PROHIBIT CYBER-BULLYING IN SUFFOLK COUNTY"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO PROHIBIT CYBER-BULLYING IN SUFFOLK  
COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that bullying is a long-standing problem among school-aged children in Suffolk County and throughout the nation.

This Legislature also finds and determines that, with the advent of technology, bullying has transformed from a predominantly school-based issue to a broader societal problem.

This Legislature further finds and determines that cyber-bullying, which consists of non-physical bullying behaviors transmitted by electronic means, is the newest form of harassment.

This Legislature finds that cyber-bullying is rampant: forty two percent (42%) of children in the fourth through eighth grade surveyed in a recent poll reported being bullied online.

This Legislature determines that cyber-bullying follows its victims everywhere they go and can occur at any time of the day or night, as it is perpetrated online and/or through text and picture messages on cellular phones and handheld devices.

This Legislature also finds that perpetrators of cyber-bullying are often more extreme in the threats and taunts they inflict on their victims, as they do not actually see their victim's emotional reaction to the abuse and believe they are anonymous.

This Legislature further finds that victims of cyber-bullying suffer very real and serious harm as a result of these incidents, often showing signs of depression, anxiety, social isolation, nervousness when interacting with technology, low self esteem, and declining school performance.

This Legislature also determines that, in some cases, victims attempt or commit suicide in part because of the cyber-bullying they've endured.

This Legislature further determines that several states have enacted laws criminalizing cyber-bullying but, to date, the New York State Legislature has failed to address this problem.

This Legislature finds that Suffolk County should do everything in its power to protect its school-aged residents from such reprehensible behavior.

Therefore, the purpose of this law is to ban the cyber-bullying of minors in the County of Suffolk.

### **Section 2. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

"CYBER-BULLYING" shall mean engaging in a course of conduct or repeatedly committing acts of abusive behavior over a period of time by communicating or causing a communication to be sent by mechanical or electronic means, posting statements on the internet or through a computer network. Acts of abusive behavior shall include, but not be limited to, taunting; threatening; intimidating; insulting; tormenting; humiliating; disseminating embarrassing or sexually explicit photographs, either actual or modified, of a minor; disseminating the private, personal or sexual information, either factual or false, of a minor; or sending hate mail.

"MINOR" shall mean any natural person or individual under the age of eighteen (18).

"PERSON" shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association, or other entity or business organization of any kind.

### **Section 3. Prohibitions.**

No person shall engage in cyber-bullying against a minor in the County of Suffolk.

### **Section 4. Penalties.**

Any person who knowingly violates the provisions of this article shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year's imprisonment.

### **Section 5. Applicability.**

This law shall apply to all actions occurring on or after the effective date of this law.

### **Section 6. Reverse Preemption.**

This law shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are

contained in this article, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

**Section 7. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 8. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 9. Effective Date.**

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

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County Executive of Suffolk County

Date: