

House Bill 1053

By: Representatives Wilensky of the 79<sup>th</sup>, Thomas of the 39<sup>th</sup>, Fleming of the 121<sup>st</sup>, Harrell of the 106<sup>th</sup>, Hitchens of the 161<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to offenses against public order, so as to provide for the crime of cyberbullying; to  
3 provide for definitions; to provide for penalties; to provide for a short title; to provide for  
4 related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 This Act shall be known and may be cited as "The Promise Act."

8 style="text-align:center">**SECTION 2.**

9 Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to  
10 offenses against public order, is amended by adding a new Code section to read as follows:

11 "16-11-37.2.

12 (a) As used in this Code section, the term:

13 (1) 'Harassing' means engaging in conduct directed at a person that is intended to cause  
14 substantial emotional harm to the person.

15 (2) 'Public media forum' means the internet or any other medium designed or intended  
16 to be used to convey information to other persons, regardless of whether a membership  
17 or password is required to view the information, and shall include, but shall not be limited  
18 to, group text messages.

19 (3) 'Serious injury' means permanent, serious disfigurement of a person; serious physical  
20 or mental injury resulting in the need for medical treatment of a person; or serious  
21 impairment of a bodily function of a person.

22 (4) 'Threatening conduct' means a series of five or more separate, noncontinuous acts  
23 directed at a person for the purpose of harassing, intimidating, or threatening violence or  
24 harm to such person or threatening damage to the property of such person.

25 (b) A person commits the offense of cyberbullying when such person engages in  
26 threatening conduct toward another person through the use of public media forums with  
27 the intent to convey such threatening conduct to the other person.

28 (c) A person who is found guilty of violating subsection (b) of this Code section shall be  
29 punished:

30 (1) For a first offense, as for a misdemeanor; provided, however, that, if the offense  
31 results in serious injury to the victim, the person shall be punished as for a misdemeanor  
32 of a high and aggravated nature;

33 (2) For a second and subsequent offense, as for a misdemeanor of a high and aggravated  
34 nature; provided, however, that, if the offense results in serious injury to the victim, the  
35 person shall be punished by imprisonment for not less than one nor more than five years,  
36 by a fine of not more than \$1,000.00, or both; or

37 (3) If the offense results in the death of the victim and the threatening conduct included  
38 elements of death threats or urging of the suicide of the victim, the person shall be  
39 punished by imprisonment for not less than one nor more than five years, by a fine of not  
40 more than \$1,000.00, or both.

41 Additionally, each such person so convicted shall be require to attend a cyberbullying  
42 awareness training program as selected by the court."

43 **SECTION 3.**

44 All laws and parts of laws in conflict with this Act are repealed.