

By Legislators Gumina and Barker

Intro No. 180

LOCAL LAW NO. 2 OF 2012

LOCAL LAW ENTITLED "PROHIBITING CYBER-BULLYING IN MONROE COUNTY"

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

Section 1. Part IV, General Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to include the following Local Law:

CHAPTER 382, PROHIBITING CYBER-BULLYING IN MONROE COUNTY

§382-1. Title.

This chapter shall be known as the law "Prohibiting Cyber-Bullying in Monroe County."

§382-2. Legislative Intent.

The Legislature finds that:

A. Bullying is a long-standing problem among school-aged children in Monroe County and throughout the nation. With increasing accessibility to electronic means of communication, bullying has transformed from a predominately school-based issue to a broader societal problem.

B. Recent studies indicated cyber bullying affects about 1 in 5 students today.

C. A bullied child can no longer count on respite from attacks upon returning home from school. Cyber bullying can be a 24-hour, 7-day a week problem.

D. Several states have enacted laws criminalizing cyber-bullying. To date, the New York State Legislature has failed to take action on this problem. Monroe County should not wait for New York State to act and should implement legislation to discourage and prevent cyber-bullying from occurring.

§382-3. Purpose.

The purpose of this section is to ban cyber-bullying against minors in Monroe County.

§382-4. Definitions. As used in this section:

A. County – the County of Monroe, New York.

B. Computer network – shall mean the interconnection of hardware or wireless communication lines with a computer through remote terminals, or a complex consisting of two or more interconnected computers.

C. Cyber-Bullying – shall mean, with intent to harass, annoy, threaten, or place another in fear of personal injury, engaging in a course of conduct or repeatedly committing acts of abusive behavior over a period of time by communication or causing a communication to be sent by mechanical or electronic means, posting statements or images on the internet, through a computer network, or via cell or smart phone. Acts of abusive behavior shall include, but not be limited to: taunting; threatening; intimidating; insulting; tormenting; humiliating;

disseminating sexually explicit photographs, either actual or modified, of a minor; disseminating the private, personal or sexual information, either factual or false, of a minor without lawful authority.

D. Minor – shall mean any natural person or individual under the age of eighteen (18).

E. 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.

§382-5. Prohibitions.

It shall be unlawful for a person to engage in cyber-bullying against any minor in Monroe County.

§382-6. Enforcement and Penalties.

Any person violating the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding \$1,000 per offense, and/or up to one year's imprisonment.

§382-7. Severability.

If any clause, sentence, paragraph, section or article of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

§382-8 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 local law or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by Monroe County. 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 2. This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

Agenda/Charter Committee; April 23, 2012 – CV: 6-0
File No. 12-0140.LL

ADOPTION: Date: June 12, 2012

Vote: 22-5
(Legislators Andrews, Bauroth, Gamble, Kaleh and J. Lightfoot voted in the negative.)

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____
SIGNATURE: Maxio Prades DATE: 7/2/2012
EFFECTIVE DATE OF LOCAL LAW: 7/2/2012