

House Bill 310

By: Representatives Hugley of the 133rd, Reece of the 11th, Scott of the 76th, Abrams of the 84th, Smyre of the 132nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 20-2-751.4 of the Official Code of Georgia Annotated, relating to
2 policies in public schools prohibiting bullying, so as to enact "The End to Cyberbullying
3 Act"; to prohibit cyberbullying; to provide for related matters; to provide for an effective date
4 and for applicability; 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 End to Cyberbullying Act."

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

9 Code Section 20-2-751.4 of the Official Code of Georgia Annotated, relating to policies in
10 public schools prohibiting bullying, is amended by revising subsection (a) as follows:

11 "(a) As used in this Code section, the term 'bullying' means an act ~~which occurs on school~~
12 ~~property, on school vehicles, at designated school bus stops, or at school related functions~~
13 ~~or activities, or by use of data or software that is accessed through a computer, computer~~
14 ~~system, computer network, or other electronic technology of a local school system,~~ that is:

15 (1) Any willful attempt or threat to inflict injury on another person, when accompanied
16 by an apparent present ability to do so;

17 (2) Any intentional display of force such as would give the victim reason to fear or
18 expect immediate bodily harm; or

19 (3) Any intentional written, verbal, or physical act; which a reasonable person would
20 perceive as being intended to threaten, harass, or intimidate, that:

21 (A) Causes another person substantial physical harm within the meaning of Code
22 Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section
23 16-5-23.1;

24 (B) Has the effect of substantially interfering with a student's education;

25 (C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening
 26 educational environment; or

27 (D) Has the effect of substantially disrupting the orderly operation of the school.

28 The term applies to acts which occur on school property, on school vehicles, at designated
 29 school bus stops, or at school related functions or activities, or by use of data or software
 30 that is accessed through a computer, computer system, computer network, or other
 31 electronic technology of a local school system. The term also applies to acts of
 32 cyberbullying which occur through the use of electronic communication, including, but not
 33 limited to, telephones, cellular telephones, wireless communication devices, pagers,
 34 computers, electronic mail, instant messaging, text messaging, through websites, or any
 35 similar means of communication, whether or not such electronic communication originated
 36 on school property or with school equipment, if the electronic act is directed specifically
 37 at another student or at school personnel."

38 **SECTION 3.**

39 This Act shall become effective upon its approval by the Governor or upon its becoming law
 40 without such approval. This Act shall apply with respect to conduct on or after that date and
 41 conduct prior to that date shall continue to be governed by prior law.

42 **SECTION 4.**

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