

The Senate Committee on Education and Youth offers the following substitute to HB 131:

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 include acts of bullying through the
3 use of electronic communication; to provide for related matters; to provide for a short title;
4 to provide for an effective date and for applicability; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7 This Act shall be known and may be cited as "The End to Cyberbullying Act."

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, including an act through
12 the use of electronic communication, which occurs on school property, on school vehicles,
13 at designated school bus stops, or at school related functions or activities, or by use of data
14 or software that is accessed through a computer, computer system, computer network, or
15 other electronic technology of a local school system; that is:

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

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

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

22 (A) Causes another person substantial physical harm within the meaning of Code
23 Section 16-5-23.1 or visible bodily harm as such term is defined in Code Section
24 16-5-23.1;
25

- 26 (B) Has the effect of substantially interfering with a student's education;
- 27 (C) Is so severe, persistent, or pervasive that it creates an intimidating or threatening
28 educational environment; or
- 29 (D) Has the effect of substantially disrupting the orderly operation of the school.
- 30 The term applies to acts which occur on school property, on school vehicles, at designated
31 school bus stops, or at school related functions or activities or by use of data or software
32 that is accessed through a computer, computer system, computer network, or other
33 electronic technology of a local school system. For purposes of this Code section,
34 electronic communication includes but is not limited to telephones, cellular telephones,
35 wireless communication devices, pagers, computers, e-mail, instant messaging, text
36 messaging, through websites, or any similar means of communication, whether or not such
37 electronic act originated on school property or with school equipment."

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 to conduct on or after that date, and conduct
41 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.