

Summary of County Executive Mike Hein's Proposed Anti-Cyberbullying Legislation

Attached, please find a new local law aimed at protecting Ulster County children from the harmful effects of cyberbullying. This legislation will fill in the gaps left by current statutes by providing a mechanism for law enforcement agencies to charge those who engage in cyberbullying activities aimed at inflicting emotional harm on minors. This law addresses recent Court of Appeals rulings that have criticized similar legislation for infringing on first amendment rights to free speech. Based on a review of the rulings, this legislation has been narrowly tailored.

The recently enacted Dignity for All Students Act (DASA) aims at protecting students from bullying and cyberbullying, the penalties outlined under this legislation are educational in nature (i.e. detention or suspension from school). Furthermore, although DASA requires school administrators to refer severe cases of bullying to law enforcement agencies; these agencies cannot charge a student unless it rises to the level of criminal harassment under Penal Law. If enacted, this local law would fill in the gaps and provide the tools for which law enforcement agencies can charge a person, not just a student, who has engaged in cyberbullying activities. In addition, DASA only protects students whose educational performance is impacted by cyberbullies; this legislation would protect all children regardless of their educational performance.

If enacted, this legislation will protect our children by creating real penalties for those who engage in cyberbullying activities, while also providing a mechanism for the offenders to receive rehabilitative services aimed at understanding why they bully and offering victims and families remedies not currently offered through law enforcement and the court system.

Below are some facts regarding the ill effects of cyberbullying;

- Nearly 42% of kids have been bullied online;
- Bullying victims are more likely to commit suicide;
- 81% of young people think that bullying online is easier to get away with than bullying in person;
- 70% of students report seeing frequent bullying online;
- 68% of teens agree that cyberbullying is a serious problem;
- A cyberbully can attack anonymously, 24 hours a day, 7 days a week;
- The bullying may go “viral,” with many people harassing the same target at once;
- The bully does not see the emotional toll his bullying creates, allowing them to push further than they might in a face-to-face relationship where the adverse effects are clearly perceived; and
- Many parents and teachers do not have the technological know-how to monitor these actions.