

ELECTRONIC COMMUNICATION HARASSMENT

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: John Dougall

LONG TITLE

General Description:

This bill amends the current law regarding telephone harassment to include other forms of electronic communication harassment.

Highlighted Provisions:

This bill:

- ▶ defines electronic communication; ~~§~~ → [and] ← ~~§~~
- ▶ creates the offense of committing acts of communication harassment by electronic means in addition to by telephone with the intent to annoy or alarm a recipient, including the acts of:

- repeatedly attempting to contact a recipient via electronic means after having been told to not contact the recipient; and

- jamming or disrupting a recipient's electronic communication device ~~§~~ →; and

- clarifies that these provisions do not create any civil cause of action based on electronic communications made for legitimate business purposes ← ~~§~~ .

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-9-201, as last amended by Chapter 128, Laws of Utah 2001

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section **76-9-201** is amended to read:

29 **76-9-201. Electronic communication harassment -- Definitions -- Penalties.**

30 (1) As used in this section:

31 (a) "Electronic communication" means any communication by electronic,
32 electro-mechanical, or electro-optical communication device for the transmission and reception
33 of audio, image, or text but does not include broadcast transmissions or similar
34 communications that are not targeted at any specific individual.

35 (b) "Electronic communication device" includes telephone, facsimile, electronic mail,
36 or pager.

37 ~~(1)~~ (2) A person is guilty of ~~telephone~~ electronic communication harassment and
38 subject to prosecution in the jurisdiction where the ~~telephone call~~ communication originated
39 or was received if with intent to annoy, alarm, intimidate, offend, abuse, threaten, harass, ~~or~~
40 frighten ~~[another at the called number,], or disrupt the electronic communications of another,~~
41 the person:

42 (a) (i) makes repeated ~~telephone calls~~ contact by means of electronic
43 communications, whether or not a conversation ensues[;]; or

44 (ii) after ~~having been told~~ the recipient has requested or informed the person not to
45 ~~call back, causes the telephone of another to ring~~ contact the recipient, and the person
46 repeatedly or continuously[;];

47 (A) contacts the electronic communication device of the recipient; or

48 (B) causes an electronic communication device of the recipient to ring or to receive
49 other notification of attempted contact by means of electronic communication;

50 (b) makes ~~a telephone call~~ contact by means of electronic communication and insults,
51 taunts, or challenges the recipient of the ~~telephone call~~ communication or any person at the
52 ~~called number~~ receiving location in a manner likely to provoke a violent or disorderly
53 response; ~~or~~

54 (c) makes ~~a telephone call~~ contact by means of electronic communication and
55 threatens to inflict injury, physical harm, or damage to any person or the property of any
56 person[;]; or

57 (d) causes disruption, jamming, or overload of an electronic communication system
58 through excessive message traffic or other means utilizing an electronic communication device.

59 [~~2~~] (3) [~~Telephone~~] Electronic communication harassment is a class B misdemeanor.
59a **Ŝ→ (4) This section does not create any civil cause of action based on electronic**
59b **communications made for legitimate business purposes. ←Ŝ**

Legislative Review Note
as of 1-18-05 4:41 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0221

Electronic Communication Harassment

24-Jan-05

1:56 PM

State Impact

No state or local government fiscal impact.

Individual and Business Impact

Provisions of this bill could increase financial and other penalties for some individuals.

Office of the Legislative Fiscal Analyst