

**ELECTRONIC COMMUNICATION HARASSMENT**

2005 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Dougall**

Senate Sponsor: Curtis S. Bramble

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**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;
- ▶ 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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

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

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

(c) makes [a telephone call] contact by means of electronic communication and threatens

to inflict injury, physical harm, or damage to any person or the property of any person[-]; or

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

~~[(2)]~~ (3) ~~[Telephone]~~ Electronic communication harassment is a class B misdemeanor.

(4) This section does not create any civil cause of action based on electronic communications made for legitimate business purposes.