

SB0242S01 compared with SB0242

~~deleted text~~ shows text that was in SB0242 but was deleted in SB0242S01.

Inserted text shows text that was not in SB0242 but was inserted into SB0242S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Eric K. Hutchings proposes the following substitute bill:

CYBERCRIME AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: ~~_____~~ Eric K. Hutchings

LONG TITLE

General Description:

This bill amends provisions relating to cybercrime.

Highlighted Provisions:

This bill:

- ▶ amends provisions relating to electronic communication harrassment.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-9-201, as last amended by Laws of Utah 2017, Chapter 462

SB0242S01 compared with SB0242

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) "Adult" means ~~[a person]~~ an individual 18 years of age or older.

(b) "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.

(c) "Electronic communication device" includes a telephone, a facsimile machine, electronic mail, a pager, a computer, or any other device or medium that can be used to communicate electronically.

(d) "Minor" means ~~[a person]~~ an individual who is younger than 18 years of age.

(e) "Personal identifying information" means the same as that term is defined in Section 76-6-1102.

(2) ~~[A person]~~ An individual is guilty of electronic communication harassment and subject to prosecution in the jurisdiction where the communication originated or was received if with intent to intimidate, abuse, threaten, ~~{}~~harass, frighten, ~~{}~~ or disrupt the electronic communications of another, the ~~[person]~~ individual:

(a) (i) makes repeated contact by means of electronic communications, regardless of whether a conversation ensues; or

(ii) after the recipient has requested or informed the ~~[person]~~ individual not to contact the recipient, and the ~~[person]~~ individual 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 contact by means of electronic communication and insults, taunts, or challenges the recipient of the communication or any ~~[person]~~ individual at the receiving location in a manner likely to provoke a violent or disorderly response;

(c) makes contact by means of electronic communication and threatens to inflict injury,

SB0242S01 compared with SB0242

physical harm, or damage to any [person] individual or the property of any [person] individual;
or

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

~~[(c) electronically publishes, posts, or otherwise discloses personal identifying information of another person, in a public online site or forum, without that person's permission.~~

~~— (3) }~~

(3) An individual who electronically publishes, posts, or otherwise discloses personal identifying information of another individual in a public online site or forum with the intent to abuse, threaten, or disrupt the individual's electronic communication and without that individual's permission is guilty of electronic communication harassment.

~~[(3)] (4)~~ (a) (i) Electronic communication harassment committed against an adult is a class B misdemeanor, except under Subsection ~~[(3)] (4)~~(a)(ii).

(ii) A second or subsequent offense under Subsection ~~[(3)] (4)~~(a)(i) is a:

(A) class A misdemeanor if all prior violations of this section were committed against adults; and

(B) a third degree felony if any prior violation of this section was committed against a minor.

(b) (i) Electronic communication harassment committed against a minor is a class A misdemeanor, except under Subsection ~~[(3)] (4)~~(b)(ii).

(ii) A second or subsequent offense under Subsection ~~[(3)] (4)~~(b)(i) is a third degree felony, regardless of whether any prior violation of this section was committed against a minor or an adult.

~~[(4)] (5)~~ (a) Except under Subsection ~~[(4)] (5)~~(b), criminal prosecution under this section does not affect an individual's right to bring a civil action for damages suffered as a result of the commission of any of the offenses under this section.

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

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SB0242S01 compared with SB0242

Legislative Review Note

Office of Legislative Research and General Counsel