

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0605.02 Michael Dohr x4347

HOUSE BILL 14-1131

HOUSE SPONSORSHIP

Fields, Singer, Schafer, McCann, Primavera, Moreno, Exum, Melton, Pabon

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING HARASSMENT AGAINST A MINOR BY USING AN
102 INTERACTIVE COMPUTER SERVICE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill adds to the crime of harassment the use of interactive computer service to engage in a course of conduct that inflicts serious emotional distress on a minor or places the minor in reasonable fear of death or serious bodily injury with intent to cause the fear of death or serious bodily injury or with the intent to cause death or serious bodily

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

injury. The crime is a class 2 misdemeanor. If the intent was to harass the person because of the person's race, color, religion, ancestry, or national origin, then it is a class 1 misdemeanor.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-9-111, **amend**
3 (1.5) and (2); and **add** (1.3) as follows:

4 **18-9-111. Harassment - definitions.** (1.3) (a) A PERSON MAY
5 NOT USE AN INTERACTIVE COMPUTER SERVICE TO ENGAGE IN A COURSE OF
6 CONDUCT THAT INFLICTS SERIOUS EMOTIONAL DISTRESS ON A MINOR OR
7 PLACES A MINOR IN REASONABLE FEAR OF DEATH OR SERIOUS BODILY
8 INJURY WITH THE INTENT:

9 (I) TO KILL, INJURE, HARASS, OR CAUSE SERIOUS EMOTIONAL
10 DISTRESS TO THE MINOR; OR

11 (II) TO PLACE THE MINOR IN REASONABLE FEAR OF DEATH OR
12 SERIOUS BODILY INJURY.

13 (b) FOR PURPOSES OF THIS SUBSECTION (1.3), A VICTIM NEED NOT
14 SHOW THAT HE OR SHE RECEIVED PROFESSIONAL TREATMENT OR
15 COUNSELING TO SHOW THAT HE OR SHE SUFFERED SERIOUS EMOTIONAL
16 DISTRESS.

17 (1.5) As used in this section, unless the context otherwise
18 requires:

19 (a) "INTERACTIVE COMPUTER SERVICE" MEANS AN INFORMATION
20 SERVICE, SYSTEM, OR ACCESS SOFTWARE PROVIDER THAT PROVIDES OR
21 ENABLES COMPUTER ACCESS BY MULTIPLE USERS TO A COMPUTER SERVER,
22 INCLUDING A SYSTEM THAT PROVIDES ACCESS TO THE INTERNET AND
23 CELLULAR PHONES.

24 (b) "Obscene" means a patently offensive description of ultimate

1 sexual acts or solicitation to commit ultimate sexual acts, whether or not
2 said ultimate sexual acts are normal or perverted, actual or simulated,
3 including masturbation, cunnilingus, fellatio, anilingus, or excretory
4 functions.

5 (2) (a) Harassment pursuant to subsection (1) of this section is a
6 class 3 misdemeanor; except that harassment is a class 1 misdemeanor if
7 the offender commits harassment pursuant to subsection (1) of this
8 section with the intent to intimidate or harass another person because of
9 that person's actual or perceived race, color, religion, ancestry, or national
10 origin.

11 (b) HARASSMENT PURSUANT TO SUBSECTION (1.3) OF THIS SECTION
12 IS A CLASS 2 MISDEMEANOR; EXCEPT THAT HARASSMENT IS A CLASS 1
13 MISDEMEANOR IF THE OFFENDER COMMITS HARASSMENT PURSUANT TO
14 SUBSECTION (1) OF THIS SECTION WITH THE INTENT TO INTIMIDATE OR
15 HARASS ANOTHER PERSON BECAUSE OF THAT PERSON'S ACTUAL OR
16 PERCEIVED RACE, COLOR, RELIGION, ANCESTRY, OR NATIONAL ORIGIN.

17 **SECTION 2. Effective date - applicability.** This act takes effect
18 July 1, 2014, and applies to offenses committed on or after said date.

19 **SECTION 3. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.