

**SB0103/508171/2**

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 103

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Smith” and substitute “Smith, Carter, Cassilly, Hester, Lee, Ready, Waldstreicher, Washington, West, and Elfreth”; in line 5, after “in” insert “an”; strike beginning with “under” in line 5 down through “circumstances” in line 6 and substitute “if the electronic communication, as part of a series of communications, has a certain effect and the person engaging in the electronic communication acts”; in line 6, after “person” insert “with a certain intent”; in line 8, strike “result” and substitute “effect”; and strike beginning with “prohibiting” in line 8 down through “minor;” in line 12 and substitute “prohibiting a person from engaging in certain electronic conduct with a certain intent if the act of electronic conduct has a certain effect;”.

AMENDMENT NO. 2

On page 2, in lines 8, 11, and 30, in each instance, strike the bracket.

On page 3, in line 4, strike the bracket.

AMENDMENT NO. 3

On page 2, in line 1, strike “transmission of” and substitute “ACT OF TRANSMITTING”; in line 2, strike “SIGN, SIGNAL,”; in the same line, strike “SOUND, INTELLIGENCE,”; after line 7, insert:

**“(3) “ELECTRONIC CONDUCT” MEANS THE USE OF A COMPUTER OR A COMPUTER NETWORK TO:**

**(I) BUILD A FAKE SOCIAL MEDIA PROFILE;**

(Over)

(II) POSE AS ANOTHER, INCLUDING A FICTITIOUS PERSON IN AN ELECTRONIC COMMUNICATION;

(III) DISSEMINATE OR ENCOURAGE OTHERS TO DISSEMINATE SEXUAL INFORMATION PERTAINING TO A MINOR;

(IV) DISSEMINATE A REAL OR DOCTORED IMAGE OF A MINOR;

(V) ENGAGE OR ENCOURAGE OTHERS TO ENGAGE IN THE REPEATED, CONTINUING, OR SUSTAINED USE OF ELECTRONIC COMMUNICATION TO CONTACT A MINOR;

(VI) MAKE A STATEMENT TO PROVOKE A THIRD PARTY TO STALK OR HARASS A MINOR; OR

(VII) SUBSCRIBE A MINOR TO A PORNOGRAPHIC WEBSITE.

(4) “INSTANT MESSAGING SERVICE” MEANS A COMPUTER SERVICE ALLOWING TWO OR MORE USERS TO COMMUNICATE WITH EACH OTHER IN REAL TIME.”;

in lines 8, 15, and 22, strike “(3)”, “(4)”, and “(5)”, respectively, and substitute “(5)”, “(6)”, and “(7)”, respectively; strike in their entirety lines 12 through 14, inclusive; and in line 15, strike “COMPUTER SYSTEM,”.

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 5 on page 3 through line 31 on page 4, inclusive.

AMENDMENT NO. 5

**SB0103/508171/2 Judicial Proceedings Committee  
Amendments to SB 103  
Page 3 of 5**

On page 5, before line 1, insert:

**“(3) A PERSON MAY NOT MALICIOUSLY ENGAGE IN AN ELECTRONIC COMMUNICATION IF:**

**(I) THE ELECTRONIC COMMUNICATION IS PART OF A SERIES OF COMMUNICATIONS AND HAS THE EFFECT OF:**

**1. INTIMIDATING, TORMENTING, OR HARASSING A MINOR; AND**

**2. CAUSING PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO A MINOR; AND**

**(II) THE PERSON ENGAGING IN THE ELECTRONIC COMMUNICATION INTENDS TO:**

**1. INTIMIDATE, TORMENT, OR HARASS THE MINOR;**  
**OR**

**2. CAUSE PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO THE MINOR.**

**(4) A PERSON MAY NOT MALICIOUSLY ENGAGE IN A SINGLE SIGNIFICANT ACT OR COURSE OF CONDUCT USING AN ELECTRONIC COMMUNICATION IF:**

**(I) THE PERSON’S CONDUCT, WHEN CONSIDERED IN ITS ENTIRETY, HAS THE EFFECT OF:**

(Over)

1. INTIMIDATING, TORMENTING, OR HARASSING A MINOR; AND

2. CAUSING PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO A MINOR; AND

(II) THE PERSON INTENDS TO:

1. INTIMIDATE, TORMENT, OR HARASS THE MINOR;  
OR

2. CAUSE PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO THE MINOR.

(5) A PERSON MAY NOT MALICIOUSLY ENGAGE IN ELECTRONIC CONDUCT IF:

(I) THE ACT OF ELECTRONIC CONDUCT HAS THE EFFECT OF:

1. INTIMIDATING, TORMENTING, OR HARASSING A MINOR; AND

2. CAUSING PHYSICAL INJURY OR SERIOUS EMOTIONAL DISTRESS TO A MINOR; AND

(II) THE PERSON INTENDS TO:

1. INTIMIDATE, TORMENT, OR HARASS THE MINOR;  
OR

**2. CAUSE PHYSICAL INJURY OR SERIOUS EMOTIONAL  
DISTRESS TO THE MINOR.**

**(6) A PERSON MAY NOT VIOLATE THIS SECTION WITH THE INTENT  
TO INDUCE A MINOR TO COMMIT SUICIDE.”.**