

Intro. Res. No. 1390-2010

Laid on Table 4/27/2010

Introduced by Legislators Cooper, Cilmi, Gregory, Barraga, Romaine, Stern, Horsley, Losquadro, Browning and Lindsay

**RESOLUTION NO. 663 -2010, ADOPTING LOCAL LAW
NO. 36-2010, A LOCAL LAW TO PROHIBIT CYBER-BULLYING
OF MINORS IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 27, 2010, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT CYBER-BULLYING OF MINORS IN SUFFOLK COUNTY**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 36 -2010, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROHIBIT CYBER-BULLYING OF MINORS IN
SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that bullying is a long-standing problem among school-aged children in Suffolk County and throughout the nation.

This Legislature also finds and determines that, with the advent of technology, bullying has transformed from a predominantly school-based issue to a broader societal problem.

This Legislature further finds and determines that cyber-bullying, which consists of repeated non-physical bullying behaviors transmitted by electronic means, is the newest form of harassment.

This Legislature finds that cyber-bullying is rampant: forty two percent (42%) of children in the fourth through eighth grade surveyed in a recent poll reported being bullied online.

This Legislature determines that cyber-bullying follows its victims everywhere they go, can occur as frequently as the aggressor desires, and can take place at any time of the day or night, as it is perpetrated online and/or through text and picture messages on cellular phones and handheld devices.

This Legislature also finds that perpetrators of cyber-bullying are often more extreme in the threats and taunts they inflict on their victims, as they do not actually see their victim's emotional reaction to the abuse and believe they are anonymous.

This Legislature further finds that victims of cyber-bullying suffer very real and serious harm as a result of these incidents, often showing signs of depression, anxiety, social

isolation, nervousness when interacting with technology, low self esteem, and declining school performance.

This Legislature also determines that, in some cases, victims attempt or commit suicide in part because of the cyber-bullying they've endured.

This Legislature further determines that several states have enacted laws criminalizing cyber-bullying but, to date, the New York State Legislature has failed to address this problem.

This Legislature finds that Suffolk County should do everything in its power to protect its school-aged residents from such reprehensible behavior.

Therefore, the purpose of this law is to ban the cyber-bullying of minors in the County of Suffolk.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

"CYBER-BULLYING" shall mean engaging in a course of conduct or repeatedly committing acts of abusive behavior over a period of time, with the intent to coerce, intimidate, harass or cause substantial emotional distress to a person, and which serve no legitimate purpose, by communicating or causing a communication to be sent by mechanical or electronic means, posting statements on the internet or through a computer network. Acts of abusive behavior shall include, but not be limited to, taunting; threatening; intimidating; insulting; tormenting; humiliating; disseminating embarrassing or sexually explicit photographs, either actual or modified, of a minor; disseminating the private, personal or sexual information, either factual or false, of a minor; or sending hate mail.

"MINOR" shall mean any natural person or individual under the age of nineteen (19).

"PERSON" shall mean any natural person or individual.

Section 3. Prohibitions.

No person shall engage in cyber-bullying against a minor in the County of Suffolk.

Section 4. Penalties.

Any person who knowingly violates the provisions of this article shall be guilty of an unclassified misdemeanor punishable by a fine of up to \$1,000 and/or up to one year's imprisonment.

Section 5. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 6. Reverse Preemption.

This law shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this article, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. SEQRA Determination.

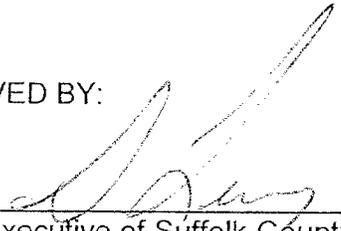
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 9. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED: June 22, 2010

APPROVED BY:



County Executive of Suffolk County

Date: 7-14-10

After a public hearing duly held on July 6, 2010
Filed with the Secretary of State on August 4, 2010

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on June 22, 2010 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

A handwritten signature in cursive script that reads "Tim Laube".

Clerk of the Legislature

Intro. Res. 1390

Res. No. 1018

June 22, 2010

Motion:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneideman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17				

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
Send To Committee _____
Table Subject To Call _____
Lay On The Table _____
Discharge _____
Take Out of Order _____
Reconsider _____
Waive Rule _____
Override Veto _____
Close _____
Recess _____
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

<input checked="" type="checkbox"/> RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

Tim Laube

 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote