

CONFERENCE COMMITTEE REPORT
House Bill No. 1259 By Representative Burrell

June 17, 2010

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 1259 by Representative Burrell, recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendment Nos. 1 and 2 proposed by the Senate Committee on Judiciary C and adopted by the Senate on May 19, 2010, be rejected.
2. That Senate Floor Amendment Nos. 1 through 7 proposed by Senator Crowe and adopted by the Senate on June 8, 2010, be rejected.
3. That Senate Floor Amendment No. 1 proposed by Senator Duplessis and adopted by the Senate on June 8, 2010, be rejected.
4. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 14:40.7" delete the comma "," and insert "and Children's Code Article 730(11),"

AMENDMENT NO. 2

On page 1, line 3, after "penalties;" and before "and" insert "to provide for exceptions; to provide with respect to the disposition of certain cases involving juveniles;"

AMENDMENT NO. 3

On page 1, delete lines 8 through 20 in their entirety

AMENDMENT NO. 4

On page 2, delete lines 1 through 5 in their entirety and insert the following:

"A. Cyberbullying is the transmission of any electronic textual, visual, written, or oral communication with the malicious and willful intent to coerce, abuse, torment, or intimidate a person under the age of eighteen.

B. For purposes of this Section:

(1) "Cable operator" means any person or group of persons who provides cable service over a cable system and directly, or through one or more affiliates, owns a significant interest in such cable system, or who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.

(2) "Electronic textual, visual, written, or oral communication" means any communication of any kind made through the use of a computer online service, Internet service, or any other means of electronic communication, including but not limited to a local bulletin board service, Internet chat room, electronic mail, or online messaging service.

(3) "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

(4) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, regardless of the facilities used.

C. An offense committed pursuant to the provisions of this Section may be deemed to have been committed where the communication was originally sent, originally received, or originally viewed by any person.

D.(1) Except as provided in Paragraph(2) of this Subsection, whoever commits the crime of cyberbullying shall be fined not more than five hundred dollars, imprisoned for not more than six months, or both.

(2) When the offender is under the age of seventeen, the disposition of the matter shall be governed exclusively by the provisions of Title VII of the Children's Code.

E. The provisions of this Section shall not apply to a provider of an interactive computer service, provider of a telecommunications service, or a cable operator as defined by the provisions of this Section.

F. The provisions of this Section shall not be construed to prohibit or restrict religious free speech pursuant to Article I, Section 18 of the Constitution of Louisiana.

Section 2. Children's Code Article 730(11) is hereby enacted to read as follows:

Art. 730. Grounds

Allegations that a family is in need of services must assert one or more of the following grounds:

* * *

(11) A child found to have engaged in cyberbullying."

Respectfully submitted,

Representative Roy Burrell

Senator Yvonne Dorsey

Representative Ernest D. Wooton

Senator Ann Duplessis

Representative Ledricka Thierry

Senator A. G. Crowe