

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 813  
Committee Substitute Favorable 4/19/99  
Committee Substitute #2 Favorable 4/22/99

Short Title: Prohibit Cyberstalking.

(Public)

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Sponsors:

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Referred to:

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April 1, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE CYBERSTALKING A CRIMINAL OFFENSE.  
3 The General Assembly of North Carolina enacts:

4 Section 1. Article 35 of Chapter 14 is amended by adding a new section to  
5 read:

6 "**§ 14-277.5. Cyberstalking.**

7 (a) The following definitions apply in this section:

8 (1) Electronic communication. – Any transfer of signs, signals, writing,  
9 images, sounds, data, or intelligence of any nature, transmitted in whole  
10 or in part by a wire, radio, computer, electromagnetic, photoelectric, or  
11 photo-optical system.

12 (2) Electronic mail. – The transmission of information or communication  
13 by the use of the Internet, a computer, a facsimile machine, a pager, a  
14 cellular telephone, a video recorder, or other electronic means sent to a  
15 person identified by a unique address or address number and received  
16 by that person.

1           (3) Harass. – A knowing and willful course of conduct directed at a specific  
2           person that seriously alarms, annoys, torments, or terrorizes that person  
3           and that serves no legitimate purpose.

4           (4) Provider. – A provider of electronic mail or electronic communication  
5           or the provider's officer, employee, agent, landlord, custodian, or  
6           designee.

7           (5) Virus. – A program or set of instructions including, but not limited to, a  
8           virus, Trojan horse, boot sector, macro, logic bomb, worm, or hoax, the  
9           purpose of which is to replicate itself and to destroy, damage, or infect  
10           software or hardware designed to transmit or receive electronic mail or  
11           electronic communication.

12           (b) It is unlawful for a person to use electronic mail or electronic communication  
13           with the intent to harass, threaten, annoy, terrify, defame, or embarrass any person. A  
14           first offense under this subsection is a Class 1 misdemeanor; however, a first offense  
15           under this subsection is a Class A1 misdemeanor if there is in effect at the time of the  
16           offense a temporary restraining order, injunction, or other court order prohibiting the  
17           defendant from contact with the victim. A second or subsequent offense under this  
18           subsection is a Class A1 misdemeanor.

19           (c) It is unlawful for a person to use electronic mail or electronic communication  
20           to intentionally introduce a virus into electronic mail or electronic communication. An  
21           offense under this subsection is a Class H felony.

22           (d) Any offense committed by the use of electronic mail or electronic  
23           communication may be deemed to have been committed where the electronic mail or  
24           electronic communication was originally sent, originally received in this State, or first  
25           viewed by any person in this State.

26           (e) This section does not apply to any peaceable, nonviolent, or nonthreatening  
27           activity intended to express political views or to provide lawful information to others.  
28           This section shall not be construed to impair any constitutionally protected activity,  
29           including, but not limited to, speech, protest, or assembly.

30           (f) It is not an offense under this section for a provider to provide information,  
31           facilities, or technical assistance to persons authorized by federal or State law to intercept  
32           or provide electronic mail or electronic communication or to conduct electronic mail or  
33           electronic communication surveillance, if the provider has been provided with a court  
34           order signed by the authorizing judge directing the provision of information, facilities, or  
35           technical assistance."

36           Section 2. This act becomes effective December 1, 1999, and applies to  
37           offenses committed on or after that date.