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State Cyberstalking, Cyberharassment and Cyberbullying Laws

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Overview

Many states have enacted "cyberstalking" or "cyberharassment" laws or have laws that explicitly include electronic forms of communication within more traditional stalking or harassment laws. In addition, recent concerns about protecting minors from online bullying or harassment have led states to enact "cyberbullying" laws. This chart identifies *only* state laws that include specific references to electronic communication. However, other state laws may still apply to those who harass, threaten or bully others online, although specific language may make the laws easier to enforce. This chart classifies the various state laws addressing these three different types of online behaviors, as described below.

Cyberstalking. Cyberstalking is the use of the Internet, email or other electronic communications to stalk, and generally refers to a pattern of threatening or malicious behaviors. Cyberstalking can be considered to be the most dangerous of the three types of Internet harassment, based on a posing credible threat of harm. Sanctions range from misdemeanors to felonies.

Cyberharassment. Cyberharassment differs from cyberstalking in that it is generally defined as not involving a credible threat. Cyberharassment usually pertains to threatening or harassing email messages, instant messages, or to blog entries or websites dedicated solely to tormenting an individual. Some states approach cyberharassment by including language addressing electronic communications in general harassment statutes, while others have created stand-alone cyberharassment statutes.

Cyberbullying. Cyberbullying and cyberharassment are sometimes used interchangeably, but for the purposes of this chart, cyberbullying is used to mean electronic harassment or bullying between minors within the school context. Recent cyberbullying legislation reflects a trend toward school districts as the policy enforcers of such misconduct. As a result, statutes establish the infrastructure for schools to handle this issue by amending existing school anti-bullying policies to include cyberbullying or electronic harassment among school age children. The majority of these state laws effectuate sanctions for all forms of cyberbullying on school property, school busses and official school functions. However, some have also extended sanctions to include cyberbullying activities that originate off-campus, understanding that activities off-campus can have a chilling and disruptive effect on children's learning environment. The sanctions for cyberbullying range from school/parent interventions to misdemeanors and felonies with detention, suspension, and expulsion in between. Some of these laws provide for Internet safety education or curricula that covers cyberbullying.

See also: Additional NCSL [cyberbullying](#) resources, [state laws related to electronic solicitation or luring of children](#), [Internet filtering laws](#)--schools and libraries, and [NCSL LegisBrief: Protecting Children Online](#).

State/Territory	Cyberstalking	Cyberharassment	Cyberbullying
Alabama		Ala. Code § 13A-11-8	Ala. Code § 16-28B-3(2)
Alaska	Alaska Stat. §§ 11.41.260 , 11.41.270		
Arizona		Ariz. Rev. Stat. § 13-2921	Ariz. Rev. Stat. § 8-309
Arkansas	Ark. Code § 5-41-108	Ark. Code § 5-41-108	Ark. Code § 6-18-514
California	Cal. Civil Code § 1708.7 , Cal Penal Code § 646.9	Cal. Penal Code §§ 422 , 653.2 , 653m	Cal. Ed. Code §§ 32261 , 32265 , 32270 ,

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Colorado	Colo. Rev. Stat. §§ 18-602 , 18-9-111	Colo. Rev. Stat. § 18-9-111	Colo. Rev. Stat. § 22-32-109.1 (2)(a)(X)
Connecticut		Conn. Gen. Stat. § 53a-182b , 53a-183	
Delaware		Del. Code tit. 11 § 1311	Del. Code tit. 14 § 4112D
Florida	Fla. Stat. § 784.048	Fla. Stat. § 784.048	Fla. Stat. § 1006.147
Georgia	Georgia Code § 16-5-90		Georgia Code § 20-2-751.4
Hawaii		Hawaii Rev. Stat. § 711-1106	
Idaho	Idaho Stat. §§ 18-7905 , 18-7906		Idaho Stat. § 18-917A
Illinois	720 ILCS §§ 5/12-7.5 , 740 ILCS 21/10	720 ILCS §§ 135/1-2 , 135/1-3 , 135/2	105 ILCS §§ 5/27-13.3 , 5/27-23.9
Indiana		Ind. Code § 35-45-2-2	
Iowa		Iowa Code § 708.7	Iowa Code § 208.28
Kansas	Kan. Stat. § 21-3438		Kan. Stat. § 72-8256
Kentucky			Ky. Rev. Stat. § 525.080(1)(c)
Louisiana	La. Rev. Stat. §§ 14:40.2 , 14:40.3		La. Rev. Stat. §§ 14:40.2 , 14:40.7 , Children's Code Art. 730(11)
Maine	Me. Rev. Stat. tit 17A § 210A (see 2007 Me. Laws, Ch. 685, sec. 3)		
Maryland		Md. Code tit. 3 § 3-805	Md. Code, Ed. Law § 7-424 , 7-424.1
Massachusetts	Mass. Gen. Laws ch. 265 § 43	Mass. Gen. Laws ch. 265 § 43A	Mass. Gen. Laws ch. 71 § 370
Michigan	Mich. Comp. Laws §§ 750.411h , 750.411i	Mich. Comp. Laws § 750.411s	
Minnesota	Minn. Stat. § 609.749	Minn. Stat. § 609.795	Minn. Stat. § 121A.0695
Mississippi	Miss. Code §§ 97-45-15 , 97-45-17 , 97-3-107	Miss. Code § 97-29-45	Miss. Code §§ 37-11-67 , 37-11-69
Missouri	Mo. Rev. Stat. § 565.225	Mo. Rev. Stat. § 565.090	Mo. Rev. Stat. § 160.775
Montana	Mont. Code Ann. § 45-5-220	Mont. Code Ann. § 45-8-213	
Nebraska			Neb. Rev. Stat. § 79-2,137
Nevada	Nev. Rev. Stat. § 200.575		Nev. Rev. Stat. § 392.915
New Hampshire		N.H. Rev. Stat. § 644:4	N.H. Rev. Stat. §§ 193-F:2 et seq.
New Jersey	N.J. Stat. § 2C:12-10 , 2C:12-10.1 *		N.J. Stat. §§ 18A:37-14 , 18A:37-15.1
New Mexico	N.M. Stat. § 30-3A-3 *		
New York		New York Penal Law § 240.30	New York Education Law § 814

North Carolina	N.C. Gen. Stat. §§ 14-196.3	N.C. Gen. Stat. § 14-196(b)	N.C. Gen. Stat. §§ 14-458.1 , 115C-407.15-17
North Dakota		N.D. Cent. Code § 12.1-17-07	
Ohio	Ohio Rev. Code § 2903.211	Ohio Rev. Code §§ 2917.21(A) , 2913.01(Y)	
Oklahoma	Okla. Stat. tit. 21 § 1173	Okla. Stat. tit. 21 § 1172	Okla. Stat. tit. 70 § 24-100.4
Oregon	Or. Rev. Stat. §§ 163.730 to 163.732	Or. Rev. Stat. § 166.065	Or. Rev. Stat. § 339.351 et seq.
Pennsylvania	Pa. Cons. Stat. tit. § 18 2709.1	Pa. Cons. Stat. tit. 18 § 2709(a) , 2709(f)	24 P.S. § 13-1303.1-A
Rhode Island	R.I. Gen. Laws § 11-52-4.2	R.I. Gen. Laws § 11-52-4.2	R.I. Gen. Laws § 16-21-26
South Carolina	S.C. Code §§ 16-3-1700(C) , 16-3-1700(F)	S.C. Code §§ 16-3-1700(B) , 16-3-1700(C) , 16-17-430	S.C. Code §§ 59-63-110 to 59-63-150
South Dakota	S.D. Cod. Laws § 22-19A-1	S.D. Cod. Laws § 49-31-31	
Tennessee	Tenn. Code § 39-17-315	Tenn. Code § 39-17-308	
Texas		Tx. Penal Code § 33.07	
Utah	Utah Code § 76-5-106.5	Utah Code § 76-9-201	Utah Code § 76-9-201
Vermont	Vt. Stat. tit. 13 §§ 1061 , 1062 , 1063	Vt. Stat. tit. 13 § 1027	
Virginia	Va. Code § 18.2-60	Va. Code § 18.2-152.7:1	Va. Code § 22.1-279.6
Washington	Wash. Rev. Code §§ 9A.46.110 , 9.61.260	Wash. Rev. Code §§ 9A.46.020 , 10.14.020	Wash. Rev. Code § 28A.300.285
West Virginia		W. Va. Code § 61-3C-14a	
Wisconsin		Wis. Stat. § 947.0125	
Wyoming	Wyo. Stat. § 6-2-506		Wyo. Stat. §§ 21-4-311 to 21-4-315
Territories:			
Guam	X.G.C.A. tit. 9 §§ 19.69, 19.70	X.G.C.A. tit. 9 §§ 19.69, 19.70	

* Statute does not specify "electronic" or "Internet," but refers to stalking "by any action, method, *device* or means...." [emphasis added]

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PLEASE NOTE: *The National Conference of State Legislatures (NCSL) serves state legislators and their staff. This site provides comparative information only and should not be construed as legal advice. NCSL cannot provide assistance with individual cases.*

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