

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 813  
Committee Substitute Favorable 4/19/99

Short Title: Prohibit Cyberstalking.

(Public)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED  
AN ACT TO MAKE CYBERSTALKING A CRIMINAL OFFENSE.

The General Assembly of North Carolina enacts:

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

**"§ 14-277.5. Cyberstalking.**

(a) The following definitions apply in this section:

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

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

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

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

4           (5) Virus. – A program or set of instructions including a virus, Trojan  
5           horse, boot sector, macro, logic bomb, worm, or hoax, the purpose of  
6           which is to replicate itself and to destroy, damage, or infect software or  
7           hardware designed to transmit or receive electronic mail or electronic  
8           communication.

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

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

19          (d) Any offense committed by the use of electronic mail or electronic  
20          communication may be deemed to have been committed where the electronic mail or  
21          electronic communication was originally sent, originally received, or first viewed by any  
22          person.

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

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

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