



General Assembly

January Session, 2021

***Raised Bill No. 989***

LCO No. 4366



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING ONLINE HARASSMENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-181c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 (a) A person is guilty of stalking in the first degree when such person  
4 commits stalking in the second degree as provided in section 53a-181d,  
5 and (1) such person has previously been convicted of a violation of  
6 section 53a-181d, [or] (2) such conduct violates a court order in effect at  
7 the time of the offense, [or] (3) such person is twenty-two years of age  
8 or older and the other person is under sixteen years of age, or (4) such  
9 person intentionally directs such conduct at the other person, in whole  
10 or in part, because of the actual or perceived race, religion, ethnicity,  
11 disability, sex, sexual orientation or gender identity or expression of  
12 such other person.

13 (b) Stalking in the first degree is a class D felony.

14 Sec. 2. Section 53a-181d of the general statutes is repealed and the  
15 following is substituted in lieu thereof (*Effective October 1, 2021*):

16 (a) For the purposes of this section: [, "course of conduct"]

17 (1) "Course of conduct" means two or more acts, including, but not  
18 limited to, acts in which a person directly, indirectly or through a third  
19 party, by any action, method, device or means, including, but not  
20 limited to, electronic or social media, [(1)] (A) follows, lies in wait for,  
21 monitors, observes, surveils, threatens, harasses, communicates about  
22 or with or sends unwanted gifts to, a person, or [(2)] (B) interferes with  
23 a person's property; [, and "emotional distress"]

24 (2) "Emotional distress" means significant mental or psychological  
25 suffering or distress that may or may not require medical or other  
26 professional treatment or counseling;

27 (3) "Personally identifying information" means:

28 (A) Any information that can be used to distinguish or trace an  
29 individual's identity, such as name, prior legal name, alias, mother's  
30 maiden name, Social Security number, date or place of birth, address,  
31 phone number or biometric data;

32 (B) Any information that is linked or linkable to an individual, such  
33 as medical, financial, education, consumer or employment information,  
34 data or records; or

35 (C) Any other sensitive private information that is linked or linkable  
36 to a specific identifiable individual, such as gender identity, sexual  
37 orientation or any sexually intimate visual depiction; and

38 (4) "Serious inconvenience" means that a person significantly  
39 modifies the person's actions or routines in an attempt to avoid the actor  
40 or because of the actor's conduct. "Serious inconvenience" includes, but  
41 is not limited to, changing a telephone number, changing an electronic  
42 mail address, deleting or meaningfully changing or significantly  
43 decreasing use of the Internet, moving from an established residence,  
44 changing daily routines, changing routes to and from place of  
45 employment, changing employment or employment schedule or losing

46 time from employment.

47 (b) A person is guilty of stalking in the second degree when:

48 (1) Such person knowingly engages in a course of conduct directed at  
49 or concerning a specific person that would cause a reasonable person to  
50 (A) fear for such specific person's physical safety or the physical safety  
51 of a third person; [or] (B) suffer emotional distress; [or] (C) fear damage  
52 or destruction to or tampering with such specific person's property; or  
53 (D) fear or injury to or the death of an animal owned by or in possession  
54 and control of such specific person;

55 (2) Such person intentionally, and for no legitimate purpose, engages  
56 in a course of conduct directed at or concerning a specific person that  
57 would cause a reasonable person to fear that such person's employment,  
58 business or career is threatened, where (A) such conduct consists of the  
59 actor telephoning to, appearing at or initiating communication or  
60 contact [at] to such other person's place of employment or business,  
61 including electronically, through video-teleconferencing or by digital  
62 media, provided the actor was previously and clearly informed to cease  
63 such conduct, and (B) such conduct does not consist of constitutionally  
64 protected activity; or

65 (3) Such person intentionally, and for no legitimate purpose, by  
66 means of electronic communication, including, but not limited to,  
67 electronic or social media, discloses a specific person's personally  
68 identifiable information without consent of the person, knowing such  
69 disclosure would cause a reasonable person to:

70 (A) Fear for such person's physical safety or the physical safety of a  
71 third person;

72 (B) Fear damage or destruction to or tampering with the property  
73 owned by or in possession or control of the person;

74 (C) Suffer emotional distress; or

75 (D) Suffer serious inconvenience.

76 (c) For the purposes of this section, a violation may be deemed to have  
77 been committed either at the place where the communication originated  
78 or at the place where it was received.

79 ~~[(c)]~~ (d) Stalking in the second degree is a (1) class A misdemeanor  
80 for a violation of subdivision (1) or (2) of subsection (b) of this section,  
81 or (2) class E felony for a violation of subdivision (3) of subsection (b) of  
82 this section.

83 Sec. 3. Section 53a-129e of the general statutes is repealed and the  
84 following is substituted in lieu thereof (*Effective October 1, 2021*):

85 (a) A person is guilty of trafficking in personal identifying  
86 information when such person sells, gives or otherwise transfers  
87 personal identifying information, as defined in section 53a-129a or 53a-  
88 181d, as amended by this act, of another person to a third person  
89 knowing that such information has been obtained without the  
90 authorization of such other person and that such third person intends  
91 to use such information for an unlawful purpose.

92 (b) Trafficking in personal identifying information is a class D felony,  
93 including, but not limited to, a violation of section 53a-181d, as amended  
94 by this act.

95 Sec. 4. (NEW) (*Effective October 1, 2021*) (a) Any person aggrieved by  
96 a violation of subdivision (3) of subsection (b) of section 53a-181b, as  
97 amended by this act, may bring a civil action in the superior court for  
98 the judicial district where such person resides or the judicial district of  
99 Hartford against (1) the person or persons who committed such  
100 violation, or (2) any person who knowingly benefitted, financially or by  
101 receiving anything of value, from participation in activity that such  
102 person knew or should have known involved an act in violation of said  
103 subdivision, to recover damages and other appropriate relief, including  
104 reasonable attorney's fee. The court, on motion of a party, may issue a  
105 temporary or permanent injunction in such civil action to prevent the  
106 disclosure or continued disclosure of a party's personally identifying  
107 information, as defined in section 53a-181d, as amended by this act.

108 (b) An individual who is found liable under this section shall be  
109 jointly and severally liable with each other person, if any, who is found  
110 liable under this section for damages arising from the same violation.

111 (c) No action shall be brought under this section but within three  
112 years from the date of the act complained of.

113 Sec. 5. Section 53a-183 of the general statutes is repealed and the  
114 following is substituted in lieu thereof (*Effective October 1, 2021*):

115 (a) A person is guilty of harassment in the second degree when: (1)  
116 By telephone [he] or any electronic form of communication, the person,  
117 addresses another in or uses indecent or obscene language; [or] (2) with  
118 intent to harass, [annoy] terrorize or alarm another person, [he] such  
119 person communicates with a person by telegraph or mail, [by]  
120 electronically transmitting a facsimile through connection with a  
121 telephone network, [by] electronic mail or text message or any other  
122 electronically sent message, whether by digital media account,  
123 messaging program or application, or otherwise by computer, computer  
124 service or computer network, as defined in section 53a-250, or [by] any  
125 other form of [written] communication, in a manner likely to cause  
126 [annoyance] terror, intimidation or alarm; [or] (3) with intent to harass,  
127 [annoy] terrorize or alarm another person, [he] such person makes a  
128 telephone call or engages in any other form of communication, whether  
129 or not a conversation ensues, in a manner likely to cause annoyance or  
130 alarm; or (4) with intent to harass, terrorize or alarm another person,  
131 such person communicates or shares a photograph, video or words or  
132 engages in any other form of communication to a digital, electronic,  
133 online or other meeting space, in a manner likely to cause terror,  
134 intimidation or alarm.

135 (b) For the purposes of this section, such offense may be deemed to  
136 have been committed either at the place where the communication  
137 originated or at the place where it was received.

138 (c) The court may order any person convicted under this section to be  
139 examined by one or more psychiatrists.

140 (d) Harassment in the second degree is a class C misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	53a-181c
Sec. 2	<i>October 1, 2021</i>	53a-181d
Sec. 3	<i>October 1, 2021</i>	53a-129e
Sec. 4	<i>October 1, 2021</i>	New section
Sec. 5	<i>October 1, 2021</i>	53a-183

**Statement of Purpose:**

To combat online harassment, including that motivated by hate, by (1) extending the crime of stalking in the first degree to specifically include certain hate-based motivations, (2) extending the crime of second-degree stalking to include certain electronic disclosures of personal identifiable information without consent and establishing a civil action for victims of such crime, and (3) extending the crime of second-degree harassment to include more electronic forms of communication.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*