

SENATE BILL No. 1462

August 17, 2010, Introduced by Senators WHITMER, SWITALSKI, CHERRY, OLSHOVE, BASHAM, ANDERSON, JACOBS, BRATER, CLARK-COLEMAN, THOMAS and SCOTT and referred to the Committee on Judiciary.

A bill to provide for the reporting of cyberbullying incidents; and to provide for certain powers and duties of law enforcement officers and school officials regarding those incidents.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "cyberbullying reporting act".

3 Sec. 2. As used in this act:

4 (a) "Cyberbullying" means any electronic communication
5 including, but not limited to, an electronic communication shown to
6 be motivated by a pupil's actual or perceived race, color,
7 religion, national origin, ancestry or ethnicity, sexual
8 orientation, physical, mental, emotional, or learning disability,
9 gender, gender identity and expression, or other distinguishing

1 personal characteristic, or based on association with any person
2 with 1 or more of these actual or perceived distinguishing personal
3 characteristics, if the electronic communication is intended to
4 meet 1 or more of the following criteria:

5 (i) To physically harm a pupil or damage the pupil's property.

6 (ii) To substantially interfere with a pupil's educational
7 opportunities.

8 (iii) To be so severe, persistent, or pervasive that it creates
9 an intimidating or threatening educational environment.

10 (iv) To substantially disrupt the orderly operation of the
11 school.

12 (b) "Electronic communication" means any communication through
13 a telecommunications access device or other electronic device,
14 including, but not limited to, a telephone, cellular phone,
15 computer, or pager, which communication includes, but is not
16 limited to, electronic mail, instant messaging, text messages,
17 blogs, mobile telephones, pagers, online games, and websites.

18 (c) "School" means a public or nonpublic elementary or
19 secondary school in this state.

20 Sec. 3. The department of state police and the department of
21 education shall utilize the Michigan school violence hotline to
22 accept reports of cyberbullying in schools, in addition to other
23 reports of violence or suspicious or criminal conduct by juveniles
24 currently accepted through that hotline.

25 Sec. 4. If a law enforcement officer or official receives a
26 credible report of an incident of cyberbullying by or against a
27 pupil or pupils enrolled at a school, the law enforcement officer's

1 or official's law enforcement agency shall promptly report that
2 incident to all of the following persons:

3 (a) A school official at the school or schools in which any
4 alleged perpetrator or victim of the cyberbullying incident is
5 enrolled as a pupil.

6 (b) The parent or guardian of each alleged perpetrator or
7 victim of the alleged cyberbullying incident.

8 Sec. 5. If a school official becomes aware of, or receives a
9 credible report of, an alleged cyberbullying incident at that
10 school, the school official shall promptly report that alleged
11 incident to a parent or guardian of any alleged perpetrator or
12 victim of the incident.