

## CS/HB 1043 – Cyberharassment

This bill amends s. 784.049, F.S., expanding the definition of “sexually cyberharass” to include the following (in bold): “to publish **to an Internet website or disseminate through electronic means to another person** a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, **contrary to the depicted person's reasonable expectation that the image would remain private**, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. **Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, eliminate his or her reasonable expectation of privacy for that image.**”

Internet website was already included in a different part of the definition, so the actual expansion is in the dissemination through electronic means. Additionally, this now defines “personal identification information” as “any information that identifies an individual, and includes, but is not limited to, any name, postal or electronic mail address, telephone number, social security number, date of birth, or any unique physical representation.” Originally, the definition had the same meaning as provided in s. 817.568, F.S. While that definition included these terms and others, this definition adds that personal identification information is not limited to these terms. Currently, an unranked, 3<sup>rd</sup> degree felony exists for “a person who has one prior conviction for sexual cyberharassment and who commits a second or subsequent sexual cyberharassment.”

Per DOC, in FY 17-18, nobody was sentenced for a second or subsequent sexual cyberharassment offense.

**CONFERENCE ADOPTED ESTIMATE: Positive Insignificant**

**Requested by: House**