

Committee on Criminal Justice

CS/HB 921 — Electronic Crimes

by Criminal Justice and Public Safety Subcommittee and Rep. Snyder and others (SB 1850 by Senator Perry)

The bill amends s. 836.10, F.S., to prohibit a person from sending, posting, transmitting, or procuring the sending, posting, or transmission of a writing or other record, including an electronic record, in any manner in which it may be viewed by another person, when in such writing or record the person makes a threat to kill or to do bodily harm to another person or conduct a mass shooting or an act of terrorism.

The bill removes the requirement in current law that a threat posted online be specifically sent to and received by the person who is the subject of the threat.

The bill defines the previously undefined term of “electronic record” as any record created, modified, archived, received, or distributed electronically which contains any combination of text, graphics, video, audio, or pictorial represented in digital form, but does not include a telephone call.

The bill does not alter the current penalty for a violation of s. 836.10, F.S., which is a second degree felony, punishable by up to 15 years imprisonment and a \$10,000 fine.

The bill adds to the elements of the offense of cyberstalking in s. 784.048, F.S. Currently, a person who engages in a course of conduct to communicate, or cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at or pertaining to a specific person, causing substantial emotional distress to that person and serving no legitimate purpose, commits the offense of cyberstalking.

The bill provides that the course of conduct to communicate or cause to be communicated can be “directly or indirectly.”

The bill also provides that the words, images, or language by or through the use of electronic mail or electronic communication, be directed at or “pertaining to” a specific person.

A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable by up to a year in the county jail and a \$1,000 fine. A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable by up to 5 years imprisonment and a \$5,000 fine.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 38-2; House 116-0