



An Bille um Chibearbhulaíocht, 2013
Cyberbullying Bill 2013

Mar a tionscnaíodh

As initiated



**AN BILLE UM CHIBEARBHULAÍOCHT, 2013
CYBERBULLYING BILL 2013**

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ACT REFERRED TO

Adoption Act 2010 (No. 21)



AN BILLE UM CHIBEARBHULAÍOCHT, 2013
CYBERBULLYING BILL 2013

Bill

entitled

An Act to address and prevent cyberbullying. 5

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act—

“child” means a person under 18 years of age;

“cyberbullying” means any electronic communication through the use of technology including, without limiting the generality of the foregoing, computers, other electronic devices, social networks, text messaging, instant messaging, websites and electronic mail, that is intended or ought reasonably be expected to cause fear, intimidation, humiliation, distress or other damage or harm to another person’s health, emotional well-being, self-esteem or reputation, and includes assisting or encouraging such communication in any way; 10 15

“electronic” includes created, recorded, transmitted or stored in digital form or in other intangible form by electronic, magnetic or optical means or by any other means that has capabilities for creation, recording, transmission or storage similar to those means;

“guardian” means— 20

(a) any legal guardian of a child,

(b) any person who, in the opinion of the court having cognisance of any case in relation to a child or in which the child is concerned, has for the time being the charge of or control over the child, or

(c) any person who has custody or care of a child by order of a court; 25

“parents”, in relation to a child, means—

(a) in case one parent has the sole custody, charge or care of the child, that parent,

(b) in case the child has been adopted under the Adoption Act 2010 (or, if adopted outside the State, his or her adoption is recognised under the law of the State), the adopter or adopters or the surviving adopter, and 30

(c) in any other case, both parents.

Offence of Cyberbullying

2. (1) Any person who—
- (a) sends an electronic communication through the use of technology including, without limiting the generality of the foregoing, computers, other electronic devices, social networks, text messaging, instant messaging, websites and electronic mail, that is—
5
 - (i) intended to, or
 - (ii) ought reasonably be expected to,
cause fear, intimidation, humiliation, distress or other damage or harm to another person's health, emotional well-being, self-esteem or reputation, 10
 - (b) assists or encourages the sending of an electronic communication through the use of technology including, without limiting the generality of the foregoing, computers, other electronic devices, social networks, text messaging, instant messaging, websites and electronic mail, that is—
15
 - (i) intended to, or 15
 - (ii) ought reasonably be expected to,
cause fear, intimidation, humiliation, distress or other damage or harm to another person's health, emotional well-being, self-esteem or reputation,
commits the offence of cyberbullying.
- (2) Where the person who commits the offence of cyberbullying is a child, and the parents of that child— 20
- (a) know of the activity,
 - (b) know or ought reasonably to expect the activity to cause fear, intimidation, humiliation, distress or other damage or harm to another person's health, emotional well-being, self-esteem or reputation, and 25
 - (c) fail to take steps to prevent the activity from continuing,
the parents commit the offence of cyberbullying engages in cyberbullying.
- (3) (a) In any proceedings in which a parent is found guilty of an offence under *subsection (2)* the Court may require a parent to participate in any course that is reasonably available for the improvement of parenting skills. 30
- (b) A person found guilty of an offence under *subsection (1)* or *(2)* is liable to conviction—
- (i) if tried on indictment, to a fine not exceeding €20,000 or to imprisonment for a term not exceeding 2 years, or to both, or
 - (ii) if tried summarily, to a fine not exceeding €5,000 or to imprisonment for a term not exceeding 12 months, or to both. 35

Short title and commencement

3. (1) This Act may be cited as the Cyberbullying Act 2013.

(2) This Act shall come into operation on the day that is 6 months after the day of its passing.

An Bille um Chibearbhulaíocht, 2013

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht chun aghaidh a thabhairt ar chibearbhulaíocht agus chun í a chosc.

*An Teachta Roibeard Ó Troithigh a thug isteach,
7 Samhain, 2013*

Cyberbullying Bill 2013

BILL

(as initiated)

entitled

An Act to address and prevent cyberbullying.

*Introduced by Deputy Robert Troy,
7th November, 2013*

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
no trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€1.27

ISBN 978-1-4468-0532-9



9 781446 805329