

From: Baker, Josh
To: Veldran, Katherine <KatherineVeldran@gov.sc.gov>
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Subject: Cyber-bullying

Katherine,

Generally, I think that there are some unfortunate behaviors that are addressed in the bill that we all agree are inappropriate, but I think that there are a couple of concerns we may want to validate with attorneys if this thing moves.

First, there are things that appear to be covered under libel/slander, identity theft, and hacking under existing state and federal law or are working the way through the general assembly now. I don't know that we need special identity or cyber-theft protections for cyber-bullying if a more general bill suffices. Through our discussions, there were also some novel arguments about a first amendment conflict that wouldn't necessarily cause a policy problem, but may create a legal conflict.

To the point on the Governor's position that our approach to cyber-bullying is one of education, not punitive deterrent. 30 days in jail for a minor and starting out adult life with a conviction is extreme for less severe types of bullying. There are civil remedies available for much of the behaviors involved and, as noted above, some behaviors could already be covered by the criminal code.

That's the 10-minute list; let me know if you need more.

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