

# HOUSE BILL No. 1364

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-33-8-13.5; IC 34-15-6.

**Synopsis:** Intimidation or torment of a school employee. Provides that a student, former student, or parent of a student may not, with the intent to intimidate or torment a school employee: (1) build a fake profile of a school employee on an Internet web site; (2) post or encourage other people to post on an Internet web site private, personal, or sexual information pertaining to a school employee; (3) post a real or doctored image of a school employee on an Internet web site; (4) access, alter, or erase any computer network, computer data, computer program, or computer software that belongs to a school employee; or (5) use a computer system for repeated, continuing, or sustained electronic communications, including electronic mail or posts on a social networking web site, to a school employee. Provides that a court may issue an injunction and order liquidated damages. Provides that a school corporation must prohibit cyberbullying of a school employee in the school discipline rules.

**Effective:** July 1, 2013.

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## Huston, Turner

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January 22, 2013, read first time and referred to Committee on Education.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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## HOUSE BILL No. 1364



A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-33-8-13.5, AS AMENDED BY P.L.180-2011,
- 2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2013]: Sec. 13.5. (a) Discipline rules adopted by the
- 4 governing body of a school corporation under section 12 of this chapter
- 5 must:
- 6 (1) prohibit bullying; and
- 7 (2) include provisions concerning education, parental
- 8 involvement, reporting, investigation, and intervention.
- 9 (b) The discipline rules described in subsection (a) must apply when
- 10 a student is:
- 11 (1) on school grounds immediately before or during school hours,
- 12 immediately after school hours, or at any other time when the
- 13 school is being used by a school group;
- 14 (2) off school grounds at a school activity, function, or event;
- 15 (3) traveling to or from school or a school activity, function, or
- 16 event; or
- 17 (4) using property or equipment provided by the school.



1 (c) The discipline rules described in subsection (a) must prohibit  
 2 bullying through the use of data or computer software that is accessed  
 3 through a:

- 4 (1) computer;  
 5 (2) computer system; or  
 6 (3) computer network;

7 of a school corporation.

8 **(d) The discipline rules described in subsection (a) must prohibit**  
 9 **cyberbullying of a school employee, as described in IC 34-15-6.**

10 ~~(d)~~ (e) This section may not be construed to give rise to a cause of  
 11 action against a person or school corporation based on an allegation of  
 12 noncompliance with this section. Noncompliance with this section may  
 13 not be used as evidence against a school corporation in a cause of  
 14 action.

15 SECTION 2. IC 34-15-6 IS ADDED TO THE INDIANA CODE AS  
 16 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 17 1, 2013]:

18 **Chapter 6. Cyberbullying of a School Employee**

19 **Sec. 1. A student, former student, or parent of a student of a**  
 20 **school shall not, with the intent to intimidate or torment an**  
 21 **employee of the school:**

- 22 (1) build a fake profile of a school employee on an Internet  
 23 web site, including a social networking web site;  
 24 (2) post or encourage other people to post on an Internet web  
 25 site, including a social networking web site, private, personal,  
 26 or sexual information pertaining to a school employee;  
 27 (3) post a real or doctored image of a school employee on an  
 28 Internet web site;  
 29 (4) access, alter, or erase any computer network, computer  
 30 data, computer program, or computer software that belongs  
 31 to a school employee; or  
 32 (5) use a computer system for repeated, continuing, or  
 33 sustained electronic communications, including electronic  
 34 mail or posts on a social networking web site, to a school  
 35 employee.

36 **Sec. 2. (a) A school employee who has been subject to**  
 37 **intimidation or tormenting described in section 1 of this chapter**  
 38 **may bring an action for an injunction and damages against the**  
 39 **student, former student, or parent of a student responsible for the**  
 40 **intimidation or tormenting.**

41 **(b) If a court finds that a student, former student, or parent of**  
 42 **a student has intentionally intimidated or tormented a school**

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1     **employee as described in section 1 of this chapter, the court:**  
2         **(1) may:**  
3             **(A) issue an injunction ordering the intimidation or**  
4             **tormenting to cease; and**  
5             **(B) award liquidated damages up to one thousand dollars**  
6             **(\$1,000); and**  
7         **(2) shall notify the principal of the school where the school**  
8         **employee is employed of the decision.**

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