

1 **BOARD BILL NO. 404 (CS) INTRODUCED BY PRESIDENT REED**  
2 **ALDERMEN/ALDERWOMEN: FORD GRIFFIN, GREGALI, FLOWERS,**  
3 **WILLIAMSON, BOYD, HANRAHAN, WATERHOUSE, KENNEDY**  
4

5 An ordinance prohibiting any person from harassment by means of the Internet or  
6 other electronic communications hereinafter referred to as “cyber harassment;”  
7 containing a penalty clause, severability clause and an emergency clause.

8 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

9 **SECTION ONE.** Definitions. For the purpose of this chapter the following words or  
10 phrases shall have the meaning given herein.

11 A. “Course of conduct” means a pattern of conduct composed of a series of acts, which  
12 may include electronic or other communications, over a period of time, however short,  
13 evidencing a continuity of purpose. Constitutionally protected activity is not included  
14 within the meaning of “course of conduct.”

15 B. “Electronic communication” means the origination, emission, dissemination,  
16 transmission, or reception of data, writings, images, signals, sounds, or other intelligence  
17 or equivalence of intelligence of any nature over any communications system by any  
18 method, including, but not limited to, a fiber optic, radio, electronic, magnetic, optical,  
19 digital, analog method, electronic mail, internet-based communications, pager service or  
20 electronic text messaging.

21 C. “Electronic communications device” means any instrument, equipment, machine, or  
22 other device that facilitates telecommunication, including, but not limited to, a computer,  
23 computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal

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1 communications device, transponder, receiver, radio, or device that enables the use of a  
2 modem.

3 D. "Family or household member" means spouses, former spouses, parents, children,  
4 stepchildren and other persons related by blood or by present or prior marriage, persons  
5 who share or formerly shared a common dwelling, persons who have or allegedly share a  
6 blood relationship through a child, persons who have or have had a dating or engagement  
7 relationship, and persons with disabilities and their personal assistants.

8 E. "Harass" means to engage in a course of conduct that serves no legitimate purpose and  
9 would cause a reasonable person to suffer substantial emotional distress, and shall  
10 actually cause substantial emotional distress, or, when the course of conduct consists of  
11 contact by a person over age eighteen with a person under the age of eighteen that would  
12 cause a reasonable parent to fear for the well-being of their minor child who is the target  
13 of the contact.

14 **SECTION TWO.** The offense of cyber-harassment

15 A. A person commits the offense of cyber-harassment if he or she, with intent to  
16 harass, initiates the transmission of an electronic communication, or with knowledge of a  
17 person's intent to harass, knowingly permits an electronic communication to be  
18 transmitted from an electronic communication device under the person's control to such  
19 other person or a third party.

20 B. No person shall make or cause to be made an electronic communication, or permit  
21 an electronic communication to be made from a electronic communications device under  
22 the person's control, with the intent to harass either by the direct action of the person

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1 initiating the communication or through the actions of a third party, which third party  
2 actions are instigated, initiated, prompted or brought about by the person's  
3 communication.

4 C. Any offense committed under this Section may be deemed to have been  
5 committed either at the place from which the communication was made or at the place  
6 where the communication was received.

7 **SECTION THREE.** Penalty for violation.

8 Any person who violates the provisions of this chapter shall be subject to of a fine of not  
9 less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or a  
10 term of imprisonment not more than ninety (90) days or both a fine and term of  
11 imprisonment.

12 **SECTION FOUR.** Severability

13 If any provision, clause, sentence, paragraph or word of this ordinance or the application  
14 thereof to any person, entity or circumstances shall be held invalid, such invalidity shall  
15 not affect the other provisions of this ordinance which can be given effect without the  
16 invalid provisions or application, and to this end the provisions of this ordinance are  
17 declared severable.

18 **SECTION FIVE.** This Ordinance, being deemed necessary for the immediate  
19 preservation of public health, safety and welfare, is hereby declared to be an emergency  
20 measure and shall become effective immediately upon its approval by the Mayor.

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