



2018 New York State YMCA

Youth And Government

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FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Senate 5

Bill #: S-30

1 **Sponsors:** Harrison Bender, Skyler Mongardi

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3 **An Act To**

4 Amend § 125.15 of the New York State Penal Law by adding subdivisions 4 to
5 include suicides provoked by cyber, physical, and verbal bullying as manslaughter
6 in the second degree as an adult and mandatory counseling to first-time offending
7 minors.

8

9 ***The People of the State of New York, represented in the Senate and***
10 ***Assembly do enact as follows:***

11

12 **Purpose**

13 To both reduce the frequency of cyber-bullying and to punish offenders of
14 cyberbullying, verbal bullying, and physical bullying when a student commits
15 suicide.

16

17 **Summary of Provisions**

18 **Section 1: Definitions**

19 **Cyber:** of or related to technology or virtual culture.

20 **Bullying:** harassment/abuse and mistreatment of someone vulnerable by someone
21 stronger, more powerful, etc.

22 **Physical Bullying:** this is any bullying that hurts someone's body or damages their
23 possessions repeatedly. Stealing, shoving, hitting, fighting, and destroying property
24 all are types of physical bullying.

25 **Verbal Bullying:** verbal bullying is a means of using words in a negative way such
26 as insults, teasing, put downs repeatedly to the same student(s).

27 **Cyber bullying:** the use of electronic communication to bully a person, typically by
28 sending messages of an intimidating or threatening nature repeatedly to the same
29 student(s).

30 **Felony:** a crime, typically one involving violence, regarded as more serious than a
31 misdemeanor, and usually punishable by imprisonment for more than one year or
32 by death.

33 **Misdemeanor:** a non-indictable offense that is classified as less serious than a
34 felony, and usually punishable by imprisonment for more than fifteen days or up to
35 one year.

36 **Indictable:** a crime that can be trialed by jury.

37 **Involuntary Manslaughter:** does not have the intention of killing or causing of
38 serious bodily harm.

39 **Section 2:**

40 § 125.15 Manslaughter in the second degree.

41 A person is guilty of manslaughter in the second degree when he/she:

42 1.) recklessly causes the death of another person; or

43 2.) commits upon a female an abortifacient act which causes her death,

44 unless such abortional act is justifiable pursuant to subdivision three of section
45 125.05; or
46 3.) intentionally causes or aids another person to commit suicide. Manslaughter in
47 the second degree is a class C felony.
48 4.) sends hateful messages over any form of cyber communication three months or
49 less prior to the victim's suicide the prosecuted, or commits physical bullying one
50 year, or less prior to the victim's suicide commits verbal bullying one year or less
51 prior to the victim's suicide will have the choice of
52 (i) manslaughter in the second degree with the ability to earn probation.
53 (ii) counseling until eighteen years of age for minors

54 55 **Justification**

56 This bill will help save the innocent lives of minors all throughout New York State.
57 Suicide is the third leading cause of death among young people, resulting in about
58 four thousand four hundred deaths per year, according to the CDC. For every
59 suicide among young people, there are at least one hundred suicide attempts. Over
60 eighty percent of children use cell phones, making it the most common medium for
61 cyber bullying. This electronic and others are extremely hard to not obtain and/or
62 use due to the virtual age that we live in. Schools promote the usage of laptops,
63 handheld electronics, and other devices as does cultural normality and people's
64 need to communicate in emergency situations. Therefore, situations in which
65 cyberbullying can happen are extremely common in everyday life in the everyday
66 life of an American. Furthermore, physical bullying and verbal bullying, while not
67 solely on school premises, does have school grounds and time to nurture these
68 hateful acts that society should condemn. Over one hundred and sixty thousand
69 students stay home every day due to bullying. Over fourteen percent of high school
70 students have considered suicide, and almost seven percent have attempted it.
71 Most cases of bullying occur in physical and verbal form, more frequent than
72 cyberbullying, but all types of bullying are serious and severe issues in today's
73 more than social society. We need to pass this bill to save everyone, the
74 defenseless and the defenders, of society itself.

75 76 **Fiscal Implications**

77 Seeing as there are going to be approximately three hundred people incarcerated
78 per year upon our bill's passage, it will cost roughly one dollar and six cents per
79 taxpayer.

80 81 **Effective Date**

82 This bill will go into effect one year after its passage.