

## RESOLUTION NO. 195

### A RESOLUTION OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, ENCOURAGING THE MISSOURI STATE AND UNITED STATES LEGISLATURES TO PREPARE, SUPPORT AND PASS LEGISLATION OUTLAWING CYBER-HARASSMENT AND CYBER-STALKING; PROVIDING FOR ENHANCED PENALTIES FOR THE CYBER-HARASSMENT AND CYBER-STALKING OF A MINOR; AND PROVIDING FUNDING FOR THE TRAINING OF LAW ENFORCEMENT OFFICERS TO INVESTIGATE AND PROSECUTE CYBER-HARASSMENT AND CYBER-STALKING CRIMES

**WHEREAS**, as the Internet and electronic communications become an ever more integral part of our personal and professional lives, people can take advantage of the ease of communications as well as increased access to personal information to harm another person; and

**WHEREAS**, the ease of use and non-confrontational, impersonal, and sometimes anonymous nature of Internet and electronic communications may remove disincentives to the conduct of harassment and intimidation; and

**WHEREAS**, harassment and stalking by means of use of the Internet or other electronic communications (hereinafter respectively, "cyber-harassment" and "cyber-stalking") is and continues to be a growing problem, see e.g., U.S. DEPARTMENT OF JUSTICE 1999 REPORT ON CYBERSTALKING: A NEW CHALLENGE FOR LAW ENFORCEMENT AND INDUSTRY (August 1999), *available at* <http://www.usdoj.gov/criminal/cybercrime/cyberstalking.htm> [hereinafter "1999 REPORT ON CYBERSTALKING"]; and

**WHEREAS**, cyber-harassment and cyber-stalking can take a variety of forms, from the sending of unwanted e-mails which are abusive, threatening or obscene to posting the personal information of another person on the Internet to illicit unwanted and disturbing contacts from unknown or anonymous persons, see Ellison, L., & Akdeniz, Y., "Cyber-stalking: the Regulation of Harassment on the Internet," [1998] *Criminal Law Review*, December Special Edition: Crime. Criminal Justice and the Internet, pp 29-48; and

**WHEREAS**, being the victim of cyber-harassment of cyber-stalking undoubtedly causes considerable anxiety as well as annoyance, id; and

**WHEREAS**, it is argued that many existing laws are too inflexible to cover cyber-harassment and cyber-stalking, see, id and Goodno, Naomi Harlin, *Cyberstalking, a New Crime: Evaluating the Effectiveness of Current State and Federal Law*, 72 MO. L. REV. 125, 150 (2007); and

**WHEREAS**, some states have amended their existing stalking statutes to cover cyber-stalking, others have enacted new "cyber-stalking" statutes, see, id at 141-45;

**WHEREAS**, the United States of America and the State of Missouri have laws that outlaw cyber-stalking, see, 18 U.S.C. § 875(c), 47 U.S.C. § 223, 18 U.S.C. § 2261A and § 565.225, RSMo.; and

**WHEREAS**, in January 2006, the federal government attempted to respond to the problem by trying to ensure that e-mail messages sent via the Internet were covered by the federal Telephone Harassment Statute, 47 U.S.C. § 223; and

**WHEREAS**, while the amendment to § 223 is a step in the right direction, more can be done to address the unique problems that cyber-harassment and cyber-stalking present including but not limited to: communications that are made by a third-party but incited by the perpetrator. and by providing additional punishment for an adults harassment of a minor child. see Goodno. Naomi Harlin, *Cyberstalking, a New Crime: Evaluating the Effectiveness of Current State and Federal Law*. 72 MO. L. REV. 125, 150 (2007); and

**WHEREAS**, both the Missouri State laws and Federal cyber-stalking statutes fail to address the issue of incitement of third party harassment, see, id; and

**WHEREAS**, a first violation of the Missouri cyber-stalking law is a class A misdemeanor, punishable by a imprisonment exceeding six months and a fine of up to one thousand dollars (\$1,000); and

**WHEREAS**, the penalty for violation of 47 U.S.C. § 223 is imprisonment up to two (2) years; and

**WHEREAS**, in 1999, the United States Attorney General recommended that legislation be enacted that provided for enhanced penalties for cyber-stalking where the victim is a minor. see, 1999 REPORT ON CYBERSTALKING; and

**WHEREAS**, the penalties provided for violations under 47 U.S.C. § 223 and § 265.225. RSMo.. are irrespective of the age of the victim; and

**WHEREAS**, other jurisdictions have specifically addressed and passed legislation prohibiting stalking and harassment directed at minor children, see, e.g., CAL. CODE § 11414; S.D. CODIFIED LAWS § 22-19A-7; and WASH. REV. CODE ANN. § 10.14.020; and

**WHEREAS**, law enforcement agencies need training on the nature and extent of the cyber-stalking and cyber-harassment problem, including specific training on the legal tools available to address the problem, the need for, and effectiveness of. prompt action by law enforcement agencies, the most effective techniques to investigate and prosecute cyber-stalking and cyber-harassment crimes, and the resources available to cyber-stalking and cyber-harassment victims, 1999 REPORT ON CYBERSTALKING;

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI:**


**Section 1.** That the City of Dardenne Prairie, Missouri encourages the Missouri Legislature and the United States Congress to prepare, support and pass legislation that would provide for the specific regulation of and prosecution for acts of cyber-harassment and cyber-stalking. The City of Dardenne Prairie, Missouri encourages that any such legislation make it a crime to incite third party harassment.

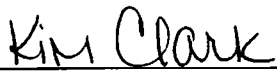
**Section 2.** The City of Dardenne Prairie further encourages the Missouri Legislature and the United States Congress to provide for enhanced penalties for cyber-stalking and cyber-harassment perpetrated by a person over the age of eighteen (18) years where the victim is a minor.

**Section 3.** The City of Dardenne Prairie, Missouri, encourages the Missouri Legislature and the United States Congress to make available funding for the training of federal, state, and local law enforcement personnel to investigate and prosecute cyber-stalking and cyber-harassment crimes.

**Section 4.** The City Clerk shall forward a certified copy of this resolution to United States Senators Christopher "Kit" Bond and Claire McCaskill; United States Congressmen Todd Akin and Kenny Hulshof; State Senators Scott Rupp and Tom Dempsey; and State Representatives Doug Funderburk, Robert "Bob" Onder, M.D., Joe Smith, Sally Faith, Vicki Schneider, Cynthia Davis and Kevin Threlkeld requesting their supportive action on this important issue.

**PASSED AND RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI THIS 21ST DAY OF NOVEMBER, 2007.**

  
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Mayor and Presiding Officer

ATTEST:   
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City Clerk