



An Bille um Chumarsáid Leictreonach atá Dochrach agus Mailíseach, 2015
Harmful and Malicious Electronic Communications Bill 2015

Mar a tionscnaíodh

As initiated



**AN BILLE UM CHUMARSÁID LEICTREONACH ATÁ DOCHRACH AGUS
MAILÍSEACH, 2015
HARMFUL AND MALICIOUS ELECTRONIC COMMUNICATIONS BILL 2015**

*Mar a tionscnaíodh
As initiated*

CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title and commencement
2. Interpretation

PART 2

OFFENCES

3. Offence of harmful electronic communication
4. Offence of malicious electronic communications

PART 3

JURISDICTION AND PROCEDURE

5. Ancillary orders



**AN BILLE UM CHUMARSÁID LEICTREONACH ATÁ DOCHRACH AGUS
MAILÍSEACH, 2015
HARMFUL AND MALICIOUS ELECTRONIC COMMUNICATIONS BILL 2015**

Bill

entitled

5

An Act to protect against and mitigate harm caused to individuals by all or any digital communications and to provide such individuals with a means of redress for any such offending behaviours directed at them.

Be it enacted by the Oireachtas as follows:

PART 1

10

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Harmful and Malicious Electronic Communications Act 2015.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or provisions.

15

Interpretation

2. In this Act—

20

“electronic communication” includes a communication of information in the form of data, text, images or sound (or any combination of these) by means of guided or unguided electromagnetic energy, or both;

“explicit content” includes images, video or sound (or any combination of these) of a sexual or intimate nature;

25

“shares” includes sending, posting, distributing or publishing on the internet an electronic communication.

PART 2

OFFENCES

Offence of harmful electronic communication

3. (1) A person who, without lawful authority or reasonable excuse, intentionally or recklessly shares a harmful electronic communication shall be guilty of an offence. 5
- (2) For the purposes of this section an electronic communication shall be considered harmful where it—
- (a) incites or encourages another to commit suicide,
 - (b) incites or encourages another to cause serious harm to themselves, or
 - (c) includes explicit content of the other, 10
- and it intentionally or recklessly causes alarm, distress or harm to the other.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or to both.

Offence of malicious electronic communications

15

4. (1) A person who, without lawful excuse, persistently shares malicious electronic communications regarding another shall be guilty of an offence.
- (2) For the purposes of this section an electronic communication shall be considered malicious where it intentionally or recklessly causes alarm, distress or harm to the other. 20
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or to both.

PART 3

JURISDICTION AND PROCEDURE

25

Ancillary orders

5. (1) If on the evidence the court is not satisfied that the person should be convicted of an offence under *section 3* or *4*, the court may nevertheless make any of the following upon application to it in that behalf if, having regard to the evidence, the court is satisfied that it is in the interest of justice so to order: 30
- (a) that the person remove or delete specific electronic communication(s);
 - (b) that the person shares an apology or correction as the court deems appropriate in the circumstances;
 - (c) that the person shall not, for such period as the court may specify, communicate by any means with the other person or that the person shall not approach within 35

such distance as the court shall specify of the place of residence or employment of the other person.

- (2) A person who fails to comply with the terms of an order under this section shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or to both. 5

An Bille um Chumarsáid Leictreonach atá
Dochrach agus Mailíseach, 2015

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht chun cosaint agus maolú a dhéanamh ar an dochar a dhéantar do phearsana aonair le gach cumarsáid dhigiteach nó le haon chumarsáid dhigiteach agus chun modh sásaimh a sholáthar do phearsana aonair den sórt sin i leith aon iompar goilliúnach den sórt sin a dhírítear orthu.

*Na Seanadóirí Lorraine Ní hUiginn, Ivana Bacik
agus Seán Ó Faoláin a thug isteach,*

22 Aibreán, 2015

Harmful and Malicious Electronic
Communications Bill 2015

BILL

(as initiated)

entitled

An Act to protect against and mitigate harm caused to individuals by all or any digital communications and to provide such individuals with a means of redress for any such offending behaviours directed at them.

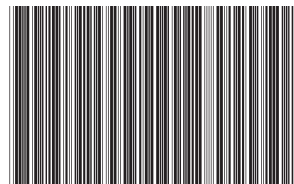
Introduced by Senators Lorraine Higgins, Ivana Bacik and John Whelan,

22nd April, 2015

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€1.27



978-1-4468-3025-3