

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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December 7, 2006

Representative Friske:

In addition to making the changes to 2005 Assembly Bill 188 that we discussed, I also changed the bill to make the harassment provision and the obscene, lewd, or profane language provision consistent with respect to the forms of communication to which they apply. In the 2005 bill, the only types of invited obscene, lewd, or profane communications covered were mail, computer messages, and telephone calls. However, the straight harassment provision covered any type of invited communication, including for example, a message physically left at the victim's house or person-to-person contact. In this bill both the harassment and obscene, lewd, or profane language provisions apply to any form of communication or contact with the victim.

This bill requires not only that a third person communicate with the victim as a result of the actor's message, but also that the victim be harassed, frightened, intimidated, threatened, or abused by the communication. Do you want to require that the victim be harassed, frightened, intimidated, threatened, or abused by the communication?

We discussed the possibility of amending the definition of "message" in s. 947.0125 (1) so that it makes sense to prohibit posting or displaying a "message." I changed the definition of "message" from "any transfer of signs, signals..." to "a communication by means of signs, signals...."

Please contact me with any questions or requests for changes.

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