

Seventeenth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

_____, 2011

H. B. 17-159

A BILL FOR AN ACT

To address and deter bullying in schools by establishing parental liability for the harm inflicted by bullies who are not properly disciplined and supervised by their parents.

**BE IT ENACTED BY THE SEVENTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings.** In the Commonwealth, bullying in schools is
2 increasing. Significantly, even the CNMI Congressional Delegate Greg Sablan
3 and the United States Attorney Alicia Limtiaco each separately mentioned
4 bullying as a significant threat to our youth. To commemorate and honor National
5 Stop Bullying Day, the second Wednesday of February in the United States, the
6 Legislature finds that the time has come to take significant steps to deter bullying
7 in schools. To be an effective measure, however, efforts to deter and decrease
8 bullying in schools must begin in the home. Thus, the Legislature believes that by
9 establishing parental liability for the harm inflicted by bullies who are not
10 properly disciplined and supervised by their parents, bullying will decrease as
11 parents recognize and appreciate that they have a responsibility and now possible
12 criminal liability for allowing their children to bully others.

1 Bullying as defined in this subsection is defined as “behavior by an
2 individual or group, usually repeated over time, that intentionally hurts another
3 individual or group, either physically or emotionally.” Bullying can take many
4 forms: from teasing and spreading rumors to pushing someone around and causing
5 physical harm. It often happens in front of other people. It includes name calling,
6 mocking, kicking, taking belongings, writing or drawing offensive graffiti,
7 messing around with people’s belongings, gossiping, excluding people from
8 groups, and threatening others.

9 The Legislature finds that children and young people are bullied for all
10 sorts of reasons. It can be due to their race, their religion, their appearance, their
11 sexual orientation, because they have a disability or because of their home
12 circumstances. Indeed, some victims are bullied and sometimes picked on for no
13 reason. Regardless of the reasons, parents of bullies can and should take
14 responsibility for the actions of their children if they fail to take reasonable
15 measures to discipline and supervise them properly.

16 In addition to traditional forms of school yard bullying, the youth of the
17 Commonwealth may also be victimized by “cyberbullying.” Cyberbullying is
18 increasingly common both inside and outside school. “Cyberbullying is any form
19 of bullying that involves the use of mobile phones or the internet.”

1 Examples of cyberbullying include: sending offensive text messages and
2 emails, circulating degrading images on the internet, or impersonating someone
3 on social networking sites such as MySpace and Facebook.

4 The Legislature finds that bullying in its various forms makes the lives of
5 its victims miserable. It undermines their confidence and destroys their sense of
6 security. It can cause sadness, loneliness, low self-esteem, fear, anxiety and poor
7 concentration, and lead to self-harm, depression, suicidal thoughts and, in some
8 cases, suicide. Bullying can also affect children and young people's attendance
9 and progress at school.

10 Because the individuals that bully others are often minors, addressing the
11 bullies directly through fines and incarceration is not legally practical. Minors are
12 not fined or incarcerated under our Commonwealth laws for this type of
13 misbehavior. For this reason, the Legislature finds that the parents of bullies
14 should be held responsible under a theory of parental liability. Presently,
15 Commonwealth law provides that parents may be held liable for the acts of their
16 children if a court determines that the parent or guardian failed or neglected to
17 subject the child to reasonable parental control and authority, and that the failure or
18 neglect is the proximate cause of the act or acts of the child upon which the finding of
19 delinquency is based.

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1 This Act goes one step further by identifying “bullying” as a specific act of
2 delinquency and by assessing criminal fines and penalties, to include actual jail time for
3 parents who criminally ignore their responsibilities and allow for bullying to occur.

4 **Section 2. Amendment.** Title 6 Section 5202 of the Commonwealth
5 Code Annotated is hereby amended to add new subsections (c), (d) and (e) as
6 follows:

7 “(c) If the child commits an act of bullying, and is for that reason found
8 delinquent, or violates the conditions of probation, and the court finds at a hearing
9 that the failure or neglect of the parent to subject the child to reasonable parental
10 control and authority or to faithfully discharge the conditions of probation of the
11 child on the part of the parent is the proximate cause of the bullying upon which
12 the finding of delinquency is based, or upon which the child is found to have
13 violated the conditions of probation, the court may assess penalties and fines and set
14 forth in subsection (e) directly upon the parent(s) or guardians of the child who is found
15 to violate this provision.

16 (1) For purposes of this subsection, “bullying” shall be defined as
17 behavior by an individual or group, usually repeated over time, that intentionally
18 hurts another individual or group, either physically or emotionally. Minor or child
19 as it is used herein is anyone under the age of 18.

- 1 (d) Any person in violation of this Act shall be penalized as follows:
- 2 (1) For a first offense, a fine of not less than \$100.00 and not more
- 3 than \$500.00 and imprisonment for not more than 30 days;
- 4 (2) For a second offense, a fine of not less than \$500.00 and not more
- 5 than \$1,000 and imprisonment for not more than 60 days; and;
- 6 (3) For a third offense or subsequent offense, a fine of not less than
- 7 \$1000.00 and not more than \$2,000 and imprisonment for not more
- 8 than 90 days;

9 (e) In addition to any penalties imposed under this section, any person

10 violating the provisions of subsection (c) shall be subject to any other penalties

11 authorized by law and may be liable for attorney's fees and costs associated with

12 any proximately related civil litigation.

13 **Section 3. Severability.** If any provisions of this Act or the application of

14 any such provision to any person or circumstance should be held invalid by a

15 court of competent jurisdiction, the remainder of this Act or the application of its

16 provisions to persons or circumstances other than those to which it is held invalid

17 shall not be affected thereby.

18 **Section 4. Savings Clause.** This Act and any repealer contained herein

19 shall not be construed as affecting any existing right acquired under contract or

20 acquired under statutes repealed or under any rule, regulation, or order adopted

21 under the statutes. Repealers contained in this Act shall not affect any proceeding

22 instituted under or pursuant to prior law.

1 The enactment of the Act shall not have the effect of terminating, or in any way
2 modifying, any liability, civil or criminal, which shall already be in existence on
3 the date this Act becomes effective.

4 **Section 5. Effective Date.** This Act shall take effect upon its approval by
5 the Governor, or its becoming law without such approval.

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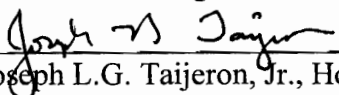
Prefiled: 2-10-11

Introduced By: _____



Rep. Trenton Conner

Reviewed for Legal Sufficiency by:



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