



# The Senate of The State of Texas

Senator José Menéndez

District 26

## **David's Law**

*Legislation to Prevent and Combat Cyberbullying in Texas Schools*

### Background:

On December 14, 2015, Senator José Menéndez and Representative Ina Minjarez met with the Vasquez family. Their son, Matt, had been repeatedly harassed online through anonymous social media accounts. The vitriolic language spewed was simply appalling. Among other attacks, Matt was bullied for having leukemia and encouraged to kill himself. Both offices worked with school officials and law enforcement, but were told current law was not sufficient.

Then on January 4, 2016, the ultimate tragedy struck a family in San Antonio. After extensive, inescapable, and vile online harassment directed at David Molak, a 16 year-old student with all the potential in the world, took his own life. David's family has been resilient in the face of unspeakable anguish. In honor of their son, they have called on the Texas Legislature to pass David's Law, a bill to prevent and combat bullying.

Texas laws need to keep pace with evolving technology. Students like David Molak and Matt Vasquez were being harassed and threatened on social media not in the gym locker room. David's Law will empower school administrators and law enforcement to go after and reprimand the bullies who prey on students, while focusing on rehabilitation.

### Solution:

David's Law will prevent and combat bullying in schools through several measures.

- It will require school districts to include cyberbullying polices in their district polices on bullying and notify parents if their child has been the victim of bullying or is the alleged aggressor.
- It will require school districts to develop a system to anonymously report bullying and threats.
- It will give school districts the ability to investigate bullying off campus if it materially affects the school environment and it will allow schools and law enforcement to collaborate on investigations.
- It will give school districts greater latitude to place students in a disciplinary alternative education program or to expel students for certain very serious bullying behavior such as coercing a child into committing or attempting to commit suicide.
- It will allow law enforcement, through subpoenas, an increased ability to unmask anonymous social media users who send threatening messages or make threatening posts.
- It will make it a misdemeanor to electronically harass or bully anyone under the age of 18 through text messages, social media, websites, apps, or other means. This section was modeled after Gracie's Law in Maryland.
- It will focus on providing additional counseling and rehabilitation services to the victim and the aggressor.

### House Sponsor:

- State Representative Ina Minjarez has agreed to carry companion legislation in the House of Representatives.

### Senate Staff:

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