



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 794: Protection from Online Impersonation

2015-2016 General Assembly

Committee:	House Judiciary IV	Date:	April 22, 2015
Introduced by:	Reps. Bryan, Bishop, Faircloth, S. Martin	Prepared by:	Kara McCraw
Analysis of:	PCS to First Edition H794-CSTC-24		Committee Counsel

SUMMARY: *HB 794 creates a new crime and new civil cause of action for online impersonation.*

The PCS clarifies terms and definitions, and removes an exceptions of those licensed under Article 74D (Alarm Systems).

BILL ANALYSIS: The PCS for HB 794 would create a crime and civil action for online impersonation.

The following terms are defined:

- Electronic means. – Includes an electronic mail account, text or instant messaging account, or an account or profile on a social networking Internet Web site in another person's name.
- Impersonate. – Engages in a credible impersonation of an actual person such that another person would reasonably believe, or did reasonably believe, that the imposter was or is the misrepresented person.
- Misrepresented person. – A person who is impersonated by an imposter.
- Imposter. – Any person who knowingly and without consent impersonates another person for purposes of harming, intimidating, threatening, or defrauding.

HB 794 would make it a Class H felony for a person to knowingly and without consent impersonate another person on the Internet or through other electronic means for the purposes of harming, intimidating, threatening, or defrauding another person, including the misrepresented person. A violation could be punished by a fine not to exceed one thousand dollars (\$1,000), imprisonment, or both.

HB 794 would also create a civil action for a misrepresented person or other person harmed, intimidated, threatened, or defrauded by an imposter. The plaintiff in the civil case could recover the following:

- Actual damages, but not less than liquidated damages, computed at the rate of one thousand dollars (\$1,000) a day for each day of the violation or ten thousand dollars (\$10,000), whichever is higher.
- Punitive damages.
- A reasonable attorneys' fee and other reasonably incurred litigation costs of the litigation.

Law enforcement officers while discharging or attempting to discharge official duties and individuals licensed pursuant to Chapter 74C (Private Protective Services), while engaged in the discharge of professional duties and not engaged in activities for an improper purpose are exempt from the requirements of the section.

O. Walker Reagan
Director



Research Division
(919) 733-2578

* H 7 9 4 - S M T C - 3 2 C S T C - 2 4 - V 3 *

House Bill 794

Page 2

EFFECTIVE DATE: HB 794 would become effective December 1, 2015, and apply to acts committed on or after that date.