



HOUSE BILL 341: Protection from Online Impersonation.

2021-2022 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	April 14, 2021
Introduced by:	Reps. White, Strickland	Prepared by:	Brad Krehely
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 341 would create a new crime and new civil cause of action for online impersonation. The act would become effective December 1, 2021, and would apply to acts committed on or after that date.*

BILL ANALYSIS: House Bill 341 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 website in another person's name.
- Impersonate. – Engages in a credible portrayal 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.

House Bill 341 would make it a Class H felony for a person to knowingly and without consent impersonate another person on a website or through other electronic means for the purposes of harming, intimidating, threatening, or defrauding another person, including the misrepresented person.

House Bill 341 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 \$1,000 a day for each day of the violation or \$10,000, whichever is higher.
- Punitive damages.
- 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.

EFFECTIVE DATE: House Bill 341 would become effective December 1, 2021, and would apply to acts committed on or after that date.

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BACKGROUND: The second edition of House Bill 341 is very similar to the Second Edition of House Bill 794- Protection from Online Personation (2015 Regular Session) which passed second and third readings in the House of Representatives on April 29, 2015.

** Kara McCraw, Staff Attorney for the Legislative Analysis Division, contributed substantially to the drafting of this summary.*