

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

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HOUSE BILL 794

Short Title: Protection from Online Impersonation. (Public)

Sponsors: Representatives Bryan, Bishop, Faircloth, and S. Martin (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary IV.

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT MAKING IMPERSONATION OF AN ACTUAL PERSON OVER THE INTERNET
3 FOR CERTAIN UNLAWFUL PURPOSES A CLASS H FELONY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 20 of Chapter 14 of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 14-118.8. Online impersonation.**

8 (a) The following definitions apply in this section:

9 (1) Credible impersonation. – If another person would reasonably believe, or did
10 reasonably believe, that the defendant was or is the person who was
11 impersonated.

12 (2) Electronic means. – Includes an electronic mail account, text or instant
13 messaging account, or an account or profile on a social networking Internet
14 Web site in another person's name.

15 (b) Any person who knowingly and without consent engages in a credible
16 impersonation of another actual person through or on an Internet Web site or by other
17 electronic means for purposes of harming, intimidating, threatening, or defrauding another
18 person is guilty of a Class H Felony. A violation of this subsection is punishable by a fine not
19 to exceed one thousand dollars (\$1,000), or by imprisonment, or by both the fine and
20 imprisonment.

21 (c) A person whose information is disclosed or used, having been obtained by means of
22 credible impersonation, has a civil cause of action against any person who discloses or uses the
23 information and is entitled to recover the following from the other person:

24 (1) Actual damages, but not less than liquidated damages, computed at the rate
25 of one thousand dollars (\$1,000) a day for each day of violation or ten
26 thousand dollars (\$10,000), whichever is higher.

27 (2) Punitive damages.

28 (3) A reasonable attorneys' fee and other reasonably incurred litigation costs of
29 the litigation.

30 (d) This section does not apply to any of the following:

31 (1) A law enforcement officer while the officer is discharging or attempting to
32 discharge official duties.

33 (2) A person who is licensed pursuant to Chapter 74C (Private Protective
34 Services) or Chapter 74D (Alarm Systems) of the General Statutes, while the



1 person is engaged in the discharge of the person's professional duties and not
2 engaged activities for an improper purpose as described in this section.
3 (e) Nothing in this section shall be construed to preclude prosecution under any other
4 law."

5 **SECTION 2.** This act becomes effective December 1, 2015, and applies to acts
6 committed on or after that date.