

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 341

Short Title: Protection from Online Impersonation. (Public)

Sponsors: Representatives White and Strickland (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

March 23, 2021

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 adding  
6 a new section to read:

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

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

9 (1) Electronic means. – Includes an electronic mail account, text or instant  
10 messaging account, or an account or profile on a social networking website in  
11 another person's name.

12 (2) Impersonate. – Engages in a credible impersonation of an actual person such  
13 that another person would reasonably believe, or did reasonably believe, that  
14 the imposter was or is the misrepresented person.

15 (3) Imposter. – Any person who knowingly and without consent impersonates  
16 another person for purposes of harming, intimidating, threatening, or  
17 defrauding.

18 (4) Misrepresented person. – A person who is impersonated by an imposter.

19 (b) Offense and Punishment. – Any person who knowingly and without consent  
20 impersonates another person through or on a website or by other electronic means for purposes  
21 of harming, intimidating, threatening, or defrauding another person, including the misrepresented  
22 person, is guilty of a Class H Felony. A violation of this subsection is punishable by a fine not to  
23 exceed one thousand dollars (\$1,000), or by imprisonment, or by both the fine and imprisonment.

24 (c) Civil Action. – A misrepresented person or another person who is harmed,  
25 intimidated, threatened, or defrauded by an imposter through or on a website or by other  
26 electronic means has a civil cause of action against the imposter and is entitled to recover the  
27 following from the imposter:

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

31 (2) Punitive damages.

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

34 (d) Applicability. – This section does not apply to any of the following:



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- 1           (1)    A law enforcement officer while the officer is discharging or attempting to
- 2                    discharge official duties.
- 3           (2)    A person who is licensed pursuant to Chapter 74C of the General Statutes
- 4                    while the person is engaged in the discharge of the person's professional duties
- 5                    and not engaged in activities for an improper purpose as described in this
- 6                    section.
- 7       (e)    Construction. – Nothing in this section shall be construed to preclude prosecution
- 8       under any other law."
- 9            **SECTION 2.** This act becomes effective December 1, 2021, and applies to acts
- 10       committed on or after that date.