

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

H.B. 794  
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HOUSE PRINCIPAL CLERK

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HOUSE DRH10328-LR-129A (03/31)

Short Title: Protection from Online Impersonation. (Public)

Sponsors: Representative Bryan.

Referred to:

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  
35 person is engaged in the discharge of the person's professional duties and not  
36 engaged activities for an improper purpose as described in this section.



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1       (e)     Nothing in this section shall be construed to preclude prosecution under any other  
2 law."

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