

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 794
PROPOSED COMMITTEE SUBSTITUTE H794-PCS30343-TC-24

Short Title: Protection from Online Impersonation.

(Public)

Sponsors:

Referred to:

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) Electronic means. – Includes an electronic mail account, text or instant
10 messaging account, or an account or profile on a social networking Internet
11 Web site in 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) Misrepresented person. – A person who is impersonated by an imposter.

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

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

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

28 (1) Actual damages, but not less than liquidated damages, computed at the rate
29 of 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) This section does not apply to any of the following:

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



1 (2) A person who is licensed pursuant to Chapter 74C (Private Protective
2 Services) of the General Statutes, while the person is engaged in the
3 discharge of the person's professional duties and not engaged in activities for
4 an improper purpose as described in this section.

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

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