

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 341
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10152-ML-71

Short Title: Protection from Online Impersonation. (Public)

Sponsors: Representatives White and Strickland (Primary Sponsors).

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 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:

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 of the General Statutes
2 while the person is engaged in the discharge of the person's professional duties
3 and not engaged in activities for an improper purpose as described in this
4 section.

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

7 **SECTION 2.** This act becomes effective December 1, 2021, and applies to acts
8 committed on or after that date.