
DIGEST

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Moreno

HB No. 96

Abstract: Creates the crime of online impersonation and provides for penalties including a fine of \$250 to \$1,000, imprisonment for 10 days to six months, or both.

Proposed law provides that it shall be unlawful for any person, with the intent to harm, intimidate, threaten, or defraud, to intentionally impersonate another actual person, without the consent of that person, in order to engage in any of the following:

- (1) Open an electronic mail account, any other type of account, or a profile on a social networking website or other Internet website.
- (2) Post or send one or more messages on or through a social networking website or other Internet website.

Proposed law further provides that it shall be unlawful for any person, with the intent to harm, intimidate, threaten, or defraud, to send an electronic mail, instant message, text message, or other form of electronic communication that references a name, domain address, phone number, or other item of identifying information belonging to another actual person without the consent of that person and with the intent to cause the recipient of the communication to believe that the other person authorized or transmitted the communication.

Proposed law provides definitions for "access software provider", "cable operator", "interactive computer service", "social networking website", and "telecommunications service".

Proposed law provides for criminal penalties, including a fine of not less than \$250 nor more than \$1,000, imprisonment for not less than 10 days nor more than six months, or both.

Proposed law provides an exception for the following entities and employees of those entities when the actions of the employees are within the course and scope of employment:

- (1) A social networking website.
- (2) An interactive computer service provider.
- (3) A telecommunications service provider.
- (4) A cable operator.

- (5) Internet service provider.
- (6) Any law enforcement officer or agency.

(Adds R.S. 14:73.10)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

- 1. Deleted the provision which required online impersonation to include the use of another person's name.
- 2. Added any law enforcement officer or law enforcement agency acting in the scope of employment to the list of persons to whom the provisions of proposed law do not apply.
- 3. Added requirement that the online impersonation be of an actual person.

House Floor Amendments to the engrossed bill.

- 1. Added provision which states that it shall also be unlawful for a person to send the unauthorized electronic communication with the intent to intimidate or threaten.