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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2560 Session of 2012

INTRODUCED BY WATERS, V. BROWN, MULLERY, NEILSON, BISHOP, WILLIAMS, HORNAMAN, JAMES, FABRIZIO, MURT, KORTZ AND BRADFORD, JULY 31, 2012

REFERRED TO COMMITTEE ON JUDICIARY, JULY 31, 2012

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in computer offenses, providing for the offense of online impersonation; and making an editorial change.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Chapter 76 Subchapter E heading of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

SUBCHAPTER E

ELECTRONIC MAIL <u>AND INTERNET OFFENSES</u>

Section 2. Title 18 is amended by adding a section to read:

<u>§ 7662. Online impersonation.</u>

<u>(a) Offense defined.--A person commits the crime of online impersonation if the person:</u>

<u>(1) Uses the name or persona of another person to create an Internet web page on or to post a message on a commercial social networking site or sends an electronic mail, instant message, text message or similar communication without</u>

obtaining the other person's consent and with the intent to harm, defraud, intimidate or threaten any person.

(2) Sends an electronic mail, instant message, text message or similar communication that references a name, domain address, telephone number or other item of identifying information belonging to any person without obtaining the other person's consent, with the intent to cause a recipient of the communication to reasonably believe that the other person authorized or transmitted the communication and with the intent to harm or defraud any person.

(3) Uses the name or persona of a public official to create an Internet web page on or to post a message on a commercial social networking site or sends an electronic mail, instant message, text message or similar communication without obtaining the public official's consent and with the intent to induce another to submit to such pretended official authority, to solicit funds or otherwise to act in reliance upon that pretense to the other person's detriment.

(b) Grading.--

(1) An offense under subsection (a)(1) or (2) shall constitute a misdemeanor of the third degree for each separate offense.

(2) An offense under subsection (a)(3) shall constitute a misdemeanor of the second degree.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Commercial social networking site." A business, organization or other similar entity that operates an Internet website and permits persons to become registered users for the

purpose of establishing personal relationships with other users through direct or real-time communication with other users or the creation of Internet web pages or profiles available to the public or to other users. The term does not include an electronic mail program or a message board program.

"Identifying information." Information that alone or in conjunction with other information identifies a person, including a person's:

(1) Name and Social Security number, date of birth or government-issued identification number.

(2) Unique biometric data, including the person's fingerprint, voice print or retina or iris image.

(3) Unique electronic identification number, address, routing code or financial institution account number.

(4) Telecommunication identifying information or access device.

"Public official." A person elected by the public or elected or appointed by a governmental body or an appointed official in the executive, legislative or judicial branch of the Commonwealth or any political subdivision thereof.

Section 3. This act shall take effect in 60 days.