



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 2249

PRINTERS NO. 4173

PRIME SPONSOR: Watson

COST / (SAVINGS)

FUND	FY 2012/13	FY 2013/14
General Fund	See "Fiscal Impact" Below	

SUMMARY: House Bill 2249 amends the Crimes Code and the Judicial Code concerning online impersonation. It would take effect in 60 days.

ANALYSIS: This legislation adds a new section to the Crimes Code concerning online impersonation in the chapter covering forgery and fraudulent practices. A person commits the offense of online impersonation if he or she uses the name, persona or identifying information of another, or of a fictitious person, to create a web page; post one or more messages on a commercial social networking site; or send an electronic mail, instant message, text message or similar communication without the consent of the other person and with the intent to deceive, harm, defraud, intimidate or threaten. Under these conditions the offense is graded as a misdemeanor of the second degree.

However, the grading for the offense increases if a person, while committing online impersonation, also engages in terroristic threats, harassment, stalking, intimidation of witnesses or victims, or retaliation against a witness, victim, or other party.

This bill also adds a new section to the Judicial Code concerning damages in actions for online impersonation. A person may bring a civil cause of action based upon the offense of online impersonation in order to recover for injury or loss. The court may award actual damages from the incident or \$500, whichever is greater; reasonable attorney fees and costs; and additional relief the court deems necessary and proper. Damages include loss of money, reputation or property. The court can award up to three times the actual damages sustained, but not less than \$500.

FISCAL IMPACT: It is not likely that enactment of this legislation will have an adverse impact on Commonwealth funds. The offense of online impersonation is graded as a misdemeanor of the second degree. A misdemeanor of the second degree is punishable by a maximum penalty of two years imprisonment and/or a \$5,000 fine. As a result, most offenders would be sent to county jails and not state correctional institutions. The potential impact on local jails cannot be determined because reliable data do not exist to estimate how many individuals may be charged, convicted, and sentenced to jail time for this offense.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: October 3, 2012

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.