



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 764

PRINTERS NO. 1719

PRIME SPONSOR: Watson

COST / (SAVINGS)

FUND	FY 2012/13	FY 2013/14
General Fund	\$0	See "Fiscal Impact" below.

SUMMARY: House Bill 764 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 while also engaging in terroristic threats, harassment, stalking, intimidation of witnesses or victims, or retaliation against a witness, victim, or other party. The offense is graded as a misdemeanor of the second degree with a maximum penalty of two years in prison and/or a \$5,000 fine, or one grade higher than the underlying offenses of engaging in terroristic threats, harassment, stalking, intimidation of witnesses or victims, or retaliation against a witness, victim, or other party, whichever is higher.

The 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 possible to determine the fiscal impact of this legislation at this time. The offense of online impersonation cannot stand on its own, but can only be charged in conjunction with one or more of the underlying offenses of terroristic threats, harassment, stalking, intimidation of witnesses or victims, or retaliation against a witness, victim, or other party. Therefore, enactment of this legislation will not result in any criminal convictions that would not have happened prior to passage, but rather individuals convicted of these crimes will

have their punishments increased. According to the Pennsylvania Commission on Sentencing, in 2011 there were over 2,700 convictions for these crimes statewide. What is not known is how many individuals committed these crimes in a way that would qualify as online impersonation under this legislation. However, this number indicates that it is possible hundreds of people could have their punishments increased through passage of House Bill 764.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: May 14, 2013

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