



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 656

PRINTERS NO. 755

PRIME SPONSOR: Watson

COST / (SAVINGS)

FUND	FY 2015/16	FY 2016/17
General Fund	See "Fiscal Impact" below.	

SUMMARY:

House Bill 656 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 creating the offense of online impersonation. A person commits the offense of online impersonation if the person uses the name, persona or identifying information of another person or of a fictitious person to create a web page; post one or more messages on a commercial social networking site; send an electronic mail, instant message, text message or similar communication; open an e-mail account; or open an account or profile on a commercial social networking site in order to engage in prohibited activity. That activity includes making terroristic threats, harassment, stalking, intimidation of witnesses or victims, or retaliation against a witness, victim, or other party. If one of these offenses is committed using online impersonation, the offense is graded as a misdemeanor of the second degree, punishable by up to two years in prison and/or a \$5,000 fine. If the underlying offense is already a misdemeanor of the second degree or higher, then the online impersonation will make the offense one degree higher in classification.

House Bill 656 also creates a civil cause of action in the Judicial Code for damages in action 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.

FISCAL IMPACT:

As established by House Bill 656, online impersonation is only an offense when committed in conjunction with one or more of the current offenses of making terroristic threats, harassment, stalking, intimidation of witnesses or victims, or retaliation against a witness, victim, or other party. The potential prison sentences for these crimes could be increased with the increased classification that comes with online impersonation. According to data provided by the Pennsylvania Commission on Sentencing, each year there are approximately 2,800 to 2,900 convictions for terroristic threats, harassment, stalking, intimidation of witnesses or victims, or retaliation against a witness, victim, or other party statewide. What is not known is how many

individuals committed these crimes in a way that would qualify for the increased sentencing for online impersonation under this legislation. However, this number indicates that it is possible hundreds of future sentences could be increased after enactment of House Bill 656.

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House Appropriations Committee (R)

DATE: November 23, 2015

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