

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2075 Session of 2009

INTRODUCED BY JOHNSON, WHEATLEY, BAKER, BELFANTI, BEYER, BOBACK,  
COHEN, D. COSTA, CREIGHTON, FARRY, FLECK, GOODMAN, HALUSKA,  
HARHAI, HARPER, HORNAMAN, KULA, MANN, MUNDY, MURT, PALLONE,  
PARKER, PASHINSKI, READSHAW, SEIP, SIPTROTH, K. SMITH,  
STURLA, J. TAYLOR, THOMAS, WATERS AND YOUNGBLOOD,  
NOVEMBER 10, 2009

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 10, 2009

AN ACT

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

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

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

9 SUBCHAPTER E

10 ELECTRONIC MAIL AND INTERNET OFFENSES

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

12 § 7662. Online impersonation.

13 (a) Offense defined.--A person commits the crime of online  
14 impersonation if the person:

15 (1) Uses the name or persona of another person to create  
16 a web page on or to post one or more messages on a commercial  
17 social networking site or sends an electronic mail, instant

1 message, text message or similar communication without  
2 obtaining the other person's consent and with the intent to  
3 harm, defraud, intimidate or threaten any person.

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

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

20 (b) Grading.--

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

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

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

29 "Commercial social networking site." A business,  
30 organization or other similar entity that operates a website and

1 permits persons to become registered users for the purpose of  
2 establishing personal relationships with other users through  
3 direct or real-time communication with other users or the  
4 creation of web pages or profiles available to the public or to  
5 other users. The term does not include an electronic mail  
6 program or a message board program.

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

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

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

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

16 (4) Telecommunication identifying information or access  
17 device.

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

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