

Regular Session, 2012

ACT No. 375

HOUSE BILL NO. 96

BY REPRESENTATIVE MORENO

1 AN ACT

2 To enact R.S. 14:73.10, relative to computer-related crime; to create the crime of online
3 impersonation; to provide for definitions; to provide for penalties; to provide for
4 exceptions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:73.10 is hereby enacted to read as follows:

7 §73.10. Online impersonation

8 A.(1) It shall be unlawful for any person, with the intent to harm, intimidate,
9 threaten, or defraud, to intentionally impersonate another actual person, without the
10 consent of that person, in order to engage in any of the following:

11 (a) Open an electronic mail account, any other type of account, or a profile
12 on a social networking website or other Internet website.

13 (b) Post or send one or more messages on or through a social networking
14 website or other Internet website.

15 (2) It shall be unlawful for any person, with the intent to harm, intimidate,
16 threaten, or defraud, to send an electronic mail, instant message, text message, or
17 other form of electronic communication that references a name, domain address,
18 phone number, or other item of identifying information belonging to another actual
19 person without the consent of that person and with the intent to cause the recipient
20 of the communication to believe that the other person authorized or transmitted the
21 communication.

22 B. For purposes of this Section, the following words shall have the following
23 meanings:

24 (1) "Access software provider" means a provider of software, including
25 client or server software, or enabling tools that do one or more of the following:

1 (a) Filter, screen, allow, or disallow content.

2 (b) Select, choose, analyze, or digest content.

3 (c) Transmit, receive, display, forward, cache, search, organize, reorganize,
 4 or translate content.

5 (2) "Cable operator" means any person or group of persons who provides
 6 cable service over a cable system and directly, or through one or more affiliates,
 7 owns a significant interest in such cable system, or who otherwise controls or is
 8 responsible for, through any arrangement, the management and operation of such
 9 cable system.

10 (3) "Interactive computer service" means any information service, system,
 11 or access software provider that provides or enables computer access by multiple
 12 users to a computer server, including a service or system that provides access to the
 13 Internet and such systems operated or services offered by libraries or educational
 14 institutions.

15 (4) "Social networking website" means an Internet website that has any of
 16 the following capabilities:

17 (a) Allows users to register and create web pages or profiles about
 18 themselves that are available to the general public or to any other users.

19 (b) Offers a mechanism for direct or real-time communication among users,
 20 such as a forum, chat room, electronic mail, or instant messaging.

21 (5) "Telecommunications service" means the offering of telecommunications
 22 for a fee directly to the public, regardless of the facilities used.

23 C.(1) Except as provided in Paragraph (2) of this Subsection, whoever
 24 violates any provision of this Section shall be fined not less than two hundred fifty
 25 dollars nor more than one thousand dollars, imprisoned for not less than ten days nor
 26 more than six months, or both.

27 (2) When the offender is under the age of seventeen years, the disposition
 28 of the matter shall be governed exclusively by the provisions of Title VII of the
 29 Children's Code.

1 D. The provisions of this Section shall not apply to any of the following or
 2 to any person who is employed by any of the following when the actions of the
 3 employee are within the course and scope of his employment:

- 4 (1) A social networking website.
- 5 (2) An interactive computer service provider.
- 6 (3) A telecommunications service provider.
- 7 (4) A cable operator.
- 8 (5) An Internet service provider.
- 9 (6) Any law enforcement officer or agency.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____