

2014 -- H 7845 SUBSTITUTE A

LC004277/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO CRIMINAL OFFENSES - COMPUTER CRIME

Introduced By: Representatives Mattiello, Silva, Serpa, McNamara, and Abney

Date Introduced: March 04, 2014

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-52 of the General Laws entitled "Computer Crime" is hereby
2 amended by adding thereto the following section:

3 **11-52-7.1 Online Impersonation.-- (a) Definitions, as used in this section:**

4 (1) "Commercial social networking site" means a business, organization or other similar
5 entity that operates a website and permits persons to become registered users for the purpose of
6 establishing personal relationships with other users through direct or real-time communication
7 with other users or the creation of web pages or profiles available to the public or to other users.

8 (2) "Electronic mail" means an electronic mail message sent through the use of an
9 electronic mail program or a message board program.

10 (3) "Identifying information" means information that alone or in conjunction with other
11 information identifies a person, including a person's:

12 (i) Name, social security number, date of birth, or government-issued identification
13 number;

14 (ii) Unique biometric data, including the person's fingerprint, voice print or retina or iris
15 image;

16 (iii) Unique electronic identification number, electronic mail address, routing code or
17 financial institution account number; and

18 (iv) Telecommunication identifying information or access device.

19 (4) "Public official" means a person elected by the public or elected or appointed by a

1 governmental body or an appointed official in the executive, legislative, or judicial branch of the
2 state or any political subdivision thereof.

3 (b) A person commits the crime of online impersonation if the person:

4 (1) Uses the name or persona of another person to create a web page on or to post one or
5 more messages on a commercial social networking site or sends an electronic mail, instant
6 message, text message or similar communication without obtaining the other person's consent and
7 with the intent to harm, defraud, intimidate or threaten any person;

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

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

18 (c) Every person convicted of an offense under this section shall be guilty of a
19 misdemeanor for the first offense and shall be subject to imprisonment not exceeding one year, a
20 fine of one thousand dollars (\$1,000) or both, and an order of restitution as provided herein.
21 Every person convicted of a second or subsequent offense under this section shall be guilty of a
22 felony, and shall be subject to imprisonment not exceeding three (3) years, a fine of three
23 thousand dollars (\$3,000) or both, and an order of restitution as provided herein.

24 (d) Every person convicted of an offense under this section shall be subject to an order
25 for restitution, if appropriate, which shall be in addition to any other applicable penalty.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would prohibit persons from using the name or persona of another person or a
2 public official to create a web page, post messages on a social networking site, or send electronic
3 communication without the person's consent and with the intent to harm or defraud. This section
4 also prohibits, with the intent to harm or defraud, sending electronic communication that
5 references a name or persona belonging to another without their consent where the recipient
6 would reasonably believe that the other person authorized the communication. Those in violation
7 in the first offense would be guilty of a misdemeanor and subject to not more than one year
8 imprisonment, a fine of not more than one thousand dollars (\$1,000), or both; and for an order of
9 restitution, if appropriate for the full amount of damages caused by the violation.

10 Those in violation in the second and subsequent offense would be guilty of a felony and
11 subject to three (3) years imprisonment, a fine of three thousand dollars (\$3,000) or both, and for
12 an order of restitution, if appropriate for the full amount of damages caused by the violation.

13 This act would take effect upon passage.

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