

1 **ONLINE IMPERSONATION PROHIBITION**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Karianne Lisonbee**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions in the Utah Criminal Code related to online impersonation.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ defines terms; and

13 ▶ makes it a criminal offense, under certain circumstances, to impersonate an
14 individual online with the intent to harm, defraud, intimidate, or threaten any
15 individual.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **76-10-3201**, Utah Code Annotated 1953

23 **76-10-3202**, Utah Code Annotated 1953

25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **76-10-3201** is enacted to read:

27 **Part 32. Online Impersonation**

H.B. 239



28 **76-10-3201. Definitions.**

29 As used in this section:

30 (1) (a) "Commercial social networking website" means a person who operates a
31 website that allows a person to register as a user for the purpose of:

32 (i) establishing a personal relationship with one or more other users through direct or
33 real time communication with the other user; or

34 (ii) the creation of web pages or profiles available to the public or to other users.

35 (b) "Commercial social networking website" does not include an electronic mail
36 program or a message board program.

37 (2) (a) "Identifying information" means information that alone or in conjunction with
38 other information identifies an individual.

39 (b) "Identifying information" includes an individual's:

40 (i) name;

41 (ii) date of birth;

42 (iii) phone number;

43 (iv) unique biometric data, including the individual's fingerprint, voice print, or retina
44 or iris image;

45 (v) unique electronic identification number, address, routing code, or financial
46 institution account number;

47 (vi) telecommunication identifying information or access device; and

48 (vii) social security number or other government issued identification number.

49 Section 2. Section **76-10-3202** is enacted to read:

50 **76-10-3202. Penalty for online impersonation.**

51 (1) It is a criminal offense for a person to use the name or persona of an individual:

52 (a) without the individual's consent;

53 (b) (i) to create a web page on a commercial social networking website or other
54 website; or

55 (ii) to post or send a message on or through a commercial social networking website or
56 other website, other than on or through an electronic mail program or message board program;
57 and

58 (c) with the intent to harm, defraud, intimidate, or threaten any individual.

- 59 (2) It is a criminal offense for a person to send a communication by electronic mail,
60 instant message, text message, or similar means, if:
- 61 (a) the communication references identifying information belonging to an individual;
62 and
- 63 (b) the person sends the communication:
- 64 (i) without the individual's consent;
65 (ii) with the intent to cause a recipient of the communication to reasonably believe that
66 the individual authorized or sent the communication; and
- 67 (iii) with the intent to harm or defraud an individual.
- 68 (3) (a) An offense described in Subsection (1) is a third degree felony.
- 69 (b) An offense described in Subsection (2) is:
- 70 (i) a class A misdemeanor; or
- 71 (ii) if the person commits the offense with the intent to solicit a response by emergency
72 personnel, a third degree felony.
- 73 (4) It is a defense to prosecution under this section that the person is one of the
74 following entities or that the person's conduct consisted solely of action taken as an employee
75 of one of the following entities:
- 76 (a) a commercial social networking website;
- 77 (b) an Internet service provider;
- 78 (c) an interactive computer service, as defined in 47 U.S.C. Sec. 230;
- 79 (d) a telecommunications provider, as defined in Section [10-1-402](#);
- 80 (e) a cable television service; or
- 81 (f) an entity that provides cable television service, as defined in Section [10-18-102](#).
- 82 (5) Prosecution under this part does not prevent a prosecution under any other law.