

2014 -- H 7845

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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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 the following section thereto:

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) Those in violation of this section shall be guilty of a felony and subject to  
19 imprisonment for not more than three (3) years, a fine not more than two thousand dollars  
20 (\$2,000), or both.

21 SECTION 3. This section 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 would be guilty of a felony and subject to not more than three (3) years imprisonment, a fine of  
8 not more than two thousand dollars (\$2,000), or both.

9           This act would take effect upon passage.

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