

ASSEMBLY, No. 2971

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

The “Digital Impersonation Prevention Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/25/2020)

1 **AN ACT** concerning digital impersonation and supplementing Title
2 2C of the New Jersey Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the “Digital
8 Impersonation Prevention Act.”

9

10 2. As used in P.L. , c. (C.) (pending before the
11 Legislature as this bill):

12 “Bulk messages” means the transmission of electronic mail,
13 instant messages, or social networking postings, that are published
14 to more than one unique recipient; and

15 “Commercial solicitations” means any advertisement related to
16 the availability or quality of any property, goods, or services, or
17 transmission of a hyperlink to an Internet website or uniform
18 resource locator with any material advertising the availability or
19 quality of any property, goods, or services;

20 “Contact list” means any list of third-party contact names,
21 addresses, landline telephone numbers, cellular telephone numbers,
22 facsimile telephone numbers, electronic mail addresses, instant
23 message names, or other information used for contacting
24 individuals;

25 “Electronic means” means creating an electronic mail account in
26 another person’s name, or creating an account or profile on a social
27 networking Internet website in another person’s name; accessing
28 another person’s pre-existing electronic mail account or another
29 person’s account or profile on a social networking Internet website;
30 or altering the identifying properties of electronic mail, an
31 electronic mail header, or other form of digital communication, to
32 make it appear as if the electronic mail or other communication
33 originated from a another person without that person’s express
34 consent; and

35 “Uniform resource locator” means the electronic address of an
36 Internet website that specifies the location on the Internet where the
37 information on the website is located, and the means for retrieving
38 the information from an Internet website.

39

40 3. a. A person commits the crime of “digital impersonation”
41 and is guilty of a crime of the third degree if the person knowingly,
42 with the intent to defraud and without consent, credibly
43 impersonates another actual person through or on an Internet
44 website, or by other electronic means for the purposes of:

45 (1) harming, intimidating, threatening, or defrauding another
46 person;

47 (2) transmitting unsolicited commercial solicitations or unsolicited
48 bulk messages; or

1 (3) copying, accessing, downloading, or utilizing a contact list.

2 b. As used in this section, an impersonation is credible if
3 another person would reasonably believe, or did reasonably believe,
4 that the impersonator was or is the person who was impersonated.

5 c. A person who is convicted of the crime of “digital
6 impersonation” pursuant to subsection a. of this section, shall be
7 subject to a fine not to exceed \$1,000 or imprisonment not to
8 exceed one year, or both fine and imprisonment.

9 d. In addition to any other civil remedy, a person who suffers
10 damage or loss as a result of a violation of subsection a. of this
11 section may bring a civil action against the violator for statutory
12 damages of \$500 per occurrence, compensatory damages, and
13 injunctive relief or other equitable relief. If the court finds that the
14 violator willfully or knowingly violated subsection a. of this
15 section, the court may, in its discretion, increase the amount of the
16 award for damages to an amount equal to not more than three times
17 the amount available under this subsection. As used in this section,
18 “occurrence” includes each act of creating an electronic mail
19 account in another person’s name, or creating an account or profile
20 on a social networking Internet website in another person’s name,
21 accessing another person’s pre-existing electronic mail account or
22 another person’s account or profile on a social networking Internet
23 website, or altering the identifying properties of electronic mail, an
24 electronic mail header, or other form of digital communication, to
25 make it appear that the electronic mail or other digital
26 communication originated from a different source, and the
27 transmission of an unsolicited commercial solicitation to a unique
28 recipient.

29 e. This section shall not be construed to impose any liability on
30 an Internet service provider, interactive computer service, computer
31 hardware or software provider, or website operator or administrator,
32 or its employees, unless the provider, operator, administrator, or
33 employee is the person impersonating an actual person. Nothing in
34 this section is intended to preclude other common law causes of
35 action against these entities, and may not be construed to limit any
36 other civil cause of action available to a person under statute or
37 common law or any criminal prosecution.

38

39 4. This act shall take effect on the 90th day following the date of
40 enactment.

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43 STATEMENT

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45 This bill, entitled the “Digital Impersonation Prevention Act,”
46 makes it a crime of the third degree for a person knowingly, with
47 intent to defraud, and without consent, to credibly impersonate
48 another actual person through or on an Internet website or by other

1 electronic means for the purpose of harming another person,
2 transmitting unsolicited bulk messages or commercial solicitations,
3 or copying or accessing a contact list.

4 A person committing the crime of “digital impersonation” is
5 subject to a fine not to exceed \$1,000, or imprisonment not to
6 exceed one year, or both. In addition, a person who is harmed as a
7 result of another person committing the crime of “digital
8 impersonation” may bring a civil action for statutory damages of
9 \$500 per occurrence, compensatory damages, and injunctive or
10 other equitable relief against the violator.