**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 20, TITLE 37 SO AS TO ENTITLE THE ARTICLE “SOCIAL MEDIA IDENTIFICATION FRAUD”, TO CREATE THE OFFENSE OF UNLAWFULLY ACQUIRING AND UTILIZING A SOCIAL MEDIA USER’S IDENTITY, TO DEFINE THE TERM “SOCIAL MEDIA SERVICE”, AND TO PROVIDE PENALTIES; AND TO REDESIGNATE THE EXISTING SECTIONS OF CHAPTER 20, TITLE 37 AS ARTICLE 1 ENTITLED “IDENTITY THEFT”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 20, Title 37 of the 1976 Code is amended by adding:

“Article 3

Social Media Identification Fraud

Section 37‑20‑310. As used in this article, the term ‘social media service’ means a category of Internet sites based on user participation and user‑generated content centered on user interaction.

Section 37‑20‑320. (A) It is unlawful for a person, in connection with a social media service, or through other similar means, to acquire and utilize a social media service user’s identity, including, but not limited to, a photograph or other similar likeness, to knowingly transmit or post misleading or inaccurate identification or social media information with the intent to:

(1) harass, defraud, cause harm, or wrongfully obtain anything of value from another person; or

(2) deceive the recipient of the identity of the person.

(B) A person who violates the provisions of subsection (A)(1) is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year. A person who violates the provisions of subsection (A)(2) is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days.”

SECTION 2. Sections 37‑20‑110 through 37‑20‑200 of the 1976 Code are redesignated as Article 1, Chapter 20, Title 37 entitled ‘Identity Theft’. The Code Commissioner is directed to change references from “chapter” to “article” as appropriate to reflect the redesignated provisions.

SECTION 3. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑