**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 “DIGITAL IMPERSONATION PREVENTION ACT”, TO DEFINE NECESSARY TERMS, TO CREATE THE OFFENSE OF IMPERSONATING ANOTHER PERSON WITH THE INTENT TO HARASS OR HARM THROUGH THE INTERNET OR OTHER ELECTRONIC MEANS, TO ALLOW A PERSON TO BRING A CIVIL ACTION, AND TO PROVIDE EXCEPTIONS; AND TO REDESIGNATE THE EXISTING SECTIONS OF CHAPTER 20, TITLE 37 AS ARTICLE 1 AND ENTITLE IT “IDENTITY THEFT”.

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

SECTION 1. This act may be cited as the “Digital Impersonation Prevention Act”.

SECTION 2. Chapter 20, Title 37 of the 1976 Code is amended by adding:

“Article 3

Digital Impersonation Prevention Act

Section 37‑20‑310. (A) For purposes of this section:

(1) ‘Electronic means’ means opening, accessing, altering, or creating a false email account or an account or profile on a site transmitted via the internet or posting on a social media website, electronic bulletin board, or online advertisement page.

(2) ‘Electronic Bulletin Board’ means an online communication system where a person may share, request, or discuss information.

(3) ‘Spoofing’ means falsifying the name or phone number appearing on caller identification systems.

(B) Notwithstanding another provision of law, a person who knowingly and without consent intentionally impersonates another person with the intent to harass or harm through or on an internet website or by other electronic means including, but not limited to spoofing, 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, or both.

(C) In addition to other available civil remedies, a person who suffers damages or loss pursuant to a violation of subsection (A) may bring a civil action against the violator for compensatory damages and injunctive relief or other equitable relief.

(D) The provisions of this article do not apply to:

(1) the legitimate law enforcement use of this procedure by the South Carolina Law Enforcement Division;

(2) a person or entity that places a call and blocks or otherwise prevents the delivery of a telephone number to a call recipient’s caller identification display;

(3) a person or entity that places an authorized call on behalf of another person or entity and inserts a telephone number identified with the person or entity on behalf of whom the call is being placed; or

(4) a communications service provider that delivers a communication originated by another person or entity.

(E) The provisions of this article do not apply:

(1) when the impersonation was for matters of cultural, historical, political, religious, educational, newsworthy, or public interest including, but not limited to, use in works of art, commentary, satire, and parody; or

(2) law enforcement officers acting in the discharge of their duties.”

SECTION 3. Section 37-20-110 through 37-20-200 of the 1976 Code are redesignated as Article 1, Chapter 20, Title 37 entitled “Identify Theft”. The Code Commissioner is directed to change references from “chapter” to “article” as appropriate to reflect the redesignated provisions.

SECTION 4. This act takes effect upon approval by the Governor.

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