**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 “ONLINE 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 DESIGNATE THE EXISTING SECTIONS OF CHAPTER 20, TITLE 37 AS ARTICLE 1 AND ENTITLE THEM “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

Online Impersonation Prevention

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

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

(2) ‘Phishing’ 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.

(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 phishing, 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; or

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

SECTION 3. Sections 37-20-110 through 37-20-200 of the 1976 Code are designated 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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