**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-13-20 SO AS TO CREATE THE OFFENSE OF INTENTIONALLY IMPERSONATING ANOTHER PERSON THROUGH THE USE OF EMAIL, SOCIAL MEDIA, OR OTHER INTERNET WEBSITE, TO PROVIDE A PENALTY, AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Article 1, Chapter 13, Title 16 of the 1976 Code is amended by adding:

“Section 16‑13‑20. (A) It is unlawful for a person, with the intent to harm, intimidate, threaten, or defraud, to intentionally impersonate another person, without the consent of that person, in order to engage in any of the following:

(1) open an email account, another type of electronic account, or a profile on a social networking website or other Internet website; or

(2) post or send one or more messages on or through a social networking website or other Internet website.

(B) It is unlawful for a person, with the intent to harm, intimidate, threaten, or defraud, to send an email, instant message, text message, or other form of electronic communication that references a name, domain address, phone number, or other type of identifying information belonging to another person without the consent of that person and with the intent to cause the recipient of the communication to believe that the other person authorized or transmitted the communication.

(C) For purposes of this section, the term:

(1) ‘Access software provider’ means a provider of software, including client or server software, or enabling tools that:

(a) filter, screen, allow, or disallow content;

(b) select, choose, analyze, or digest content; or

(c) transmit, receive, display, forward, cache, search, organize, reorganize, or translate content.

(2) ‘Cable operator’ means a person or group of persons who provide cable service over a cable system and directly, or through one or more affiliates, owns a significant interest in the cable system, or who otherwise controls or is responsible for, through any arrangement, the management and operation of the cable system.

(3) ‘Interactive computer service’ means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet and the systems operated or services offered by libraries or educational institutions.

(4) ‘Social networking website’ means an Internet website that:

(a) allows users to register and create web pages or profiles about themselves that are available to the general public or to other users; or

(b) offers a mechanism for direct or real‑time communication among users, such as forums, chat rooms, email, or instant messaging.

(5) ‘Telecommunications service’ means the offering of telecommunications for a fee directly to the public regardless of the facilities used.

(D) A person who violates the provisions of this section must be fined not less than two hundred fifty dollars nor more than one thousand dollars or be imprisoned for not more than six months, or both.

(E) The provisions of this section do not apply to any of the following or to a person who is employed by any of the following when the actions of the employee are within the course and scope of his employment:

(1) a social networking website;

(2) an interactive computer service provider;

(3) a telecommunications service provider;

(4) a cable operator;

(5) an Internet service provider; or

(6) a law enforcement officer or agency.”

SECTION 2. This act takes effect upon approval by the Governor.

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