1	H. B. 4124
2	
3	(By Delegates Smith, Lawrence, L. Phillips, M. Poling, D. Campbell, Walker and Hunt)
5 6	[Introduced January 19, 2012; referred to the
7	Committee on the Judiciary.]
8	
9	
10	A BILL to amend the Code of West Virginia, 1931, as amended, by
11	adding thereto a new section, designated §61-2-31, relating to
12	creating the criminal offense of online impersonation for
13	purposes of harming, intimidating, threatening or defrauding
14	another person; providing criminal penalty for violation;
15	providing definitions; and providing that the offense is
16	supplemental to other laws.
17	Be it enacted by the Legislature of West Virginia:
18	That the Code of West Virginia, 1931, as amended, be amended
19	by adding thereto a new section, designated §61-2-31, to read as
20	follows:
21	ARTICLE 2. CRIMES AGAINST THE PERSON.
22	§61-2-31. Unlawful impersonation over Internet; penalty;
23	definitions; supplemental to other laws.
24	(a) Notwithstanding any other provision of law, a person may
25	not knowingly and without consent impersonate another person

- 1 through or on an Internet website or by other electronic means for
- 2 purposes of harming, intimidating, threatening or defrauding
- 3 another person.
- 4 (b) A person who violates subsection (a) of this section is
- 5 guilty of a misdemeanor and, upon conviction thereof, shall be
- 6 fined not less than \$250 and not more than \$1,000, or confined in
- 7 jail not more than one year, or both fined and confined.
- 8 © For purposes of this section:
- 9 (1) An impersonation is credible if another person would
- 10 reasonably believe, or did reasonably believe, that the defendant
- 11 was or is the person who was impersonated; and
- 12 (2) "Electronic means" includes, but is not limited to,
- 13 opening an e-mail account, registering a website domain name or
- 14 opening an account or profile on a social networking Internet
- 15 website in another person's name.
- 16 (d) This section is supplemental to any other provision of
- 17 law and does not preclude prosecution under any other provision of
- 18 law.

NOTE: The purpose of this bill is to create the offense of online impersonation for purposes of harming, intimidating, threatening or defrauding another person.

\$61-2-31 is new; therefore, it has been completely underscored.