

# House Bill 3092

Sponsored by Representatives BENTZ, HACK; Representatives ESQUIVEL, HEARD, KRIEGER, POST, SMITH, WHISNANT, Senator FERRIOLI

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates crime of online impersonation. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

Provides that individual who suffers harm as victim of online impersonation has cause of action against defendant.

## A BILL FOR AN ACT

Relating to online impersonation; creating new provisions; and amending ORS 161.005.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) A person commits the crime of online impersonation if:**

**(a) The person intentionally impersonates an individual in a communication to a third person using a social media profile or an electronic mail account without the individual's consent;**

**(b) The person acts with the intent to deceive the third person into believing that the third person is communicating with the individual;**

**(c) A reasonable person in the circumstances of the third person would believe that the third person is communicating with the individual; and**

**(d) The impersonation causes injury to the individual.**

**(2) Online impersonation is a Class A misdemeanor.**

**(3) As used in this section:**

**(a) "Impersonate" means to use an actual individual's name or likeness to create an impersonation that another person would reasonably believe or did reasonably believe was or is the actual individual being impersonated.**

**(b) "Injury" includes humiliation, physical harm, injury to reputation or injury to professional or financial standing.**

**(c) "Social media" has the meaning given that term in ORS 326.551.**

**SECTION 2. (1) A plaintiff has a cause of action for the recovery of compensatory damages from any person who violates section 1 of this 2015 Act.**

**(2) In an action brought under subsection (1) of this section, the court may award the prevailing party costs and reasonable attorney fees.**

**SECTION 3. ORS 161.005 is amended to read:**

161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290 to 161.370, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737, 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to 162.425, 162.465, 163.005, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433,

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 163.505 to 163.575, 163.665 to 163.693, 164.005, 164.015 to 164.135, 164.138, 164.140, 164.205 to 164.270,  
2 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118,  
3 165.805, 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.057, 167.060 to  
4 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340, [and] 167.350, 167.810 and  
5 167.820 **and section 1 of this 2015 Act** shall be known and may be cited as Oregon Criminal Code  
6 of 1971.

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