78th Oregon Legislative Assembly - 2016 Regular Session **MEASURE:**   SB 1567
STAFF MEASURE SUMMARY   **CARRIER:**   Sen. Thatcher
Senate Committee On Judiciary

Fiscal:	Has minimal fiscal impact
Revenue:	No Revenue Impact
Action Date:	02/05/16
Action:	Do Pass The Bill And Rescind Subsequent Referral To Ways And Means.
Meeting Dates:	02/04, 02/05
Vote:	
	Yeas**:** 5 **-** Gelser, Kruse, Prozanski, Rosenbaum, Thatcher
Prepared By:	Whitney Perez, Counsel

WHAT THE MEASURE DOES:
Prohibits person from impersonating individual with intent to injure individual and intent to deceive third party by communicating that person is individual, and reasonable person would believe third person is communicating with individual. Requires impersonation to cause injury to individual. Defines injury. Makes criminal impersonation Class A misdemeanor and creates statutory private cause of action. Clarifies language of criminal impersonation of public servant.

ISSUES DISCUSSED:
- Solicitation as possible avenue for prosecution
- Effects of measure
- Examples of individuals posing as others online as means to humiliate and harass other
- Balance of freedom of speech and safety

EFFECT OF COMMITTEE AMENDMENT:
No amendment.

BACKGROUND:
Impersonation is when a person intentionally poses as an individual without permission and with the intent to injure the individual by communicating to a third party with the intent to deceive the third party that the person is the individual. This impersonation is currently not prohibited in the criminal code of Oregon. Identity theft does not prohibit this criminal conduct as it only applies to acts that defraud or deceive to gain an unwarranted advantage. This conduct is also not prohibited by Computer Crime as that statute contains financial elements.

Senate Bill 1567 makes this impersonation a Class A misdemeanor. It also creates a statutory private cause of action for victims harmed by this impersonation. Additionally, the measure clarifies language contained in criminal impersonation of a public servant.