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Fact Sheet

Senate Bill 1411 (Simitian) Criminal “E-personation”

Summary:

Existing law addressing impersonation was written in 1872, without the modern technologies of today in mind. SB 1411 makes it unlawful to impersonate another person through or on an Internet Web site or by other electronic means.

What the bill does:

SB 1411 makes it unlawful to knowingly and without consent credibly impersonate another person through or on an Internet Web site or by other electronic means with the intent to harm, intimidate, threaten or defraud another person. An impersonation is credible where another person would reasonably believe, or did reasonably believe, that the defendant was or is the person who was impersonated.

As our reliance on the internet increases, many opportunities for abuse have and will present themselves. The victims of such harassment and defamation as a result of impersonation perpetrated through the Internet are typically left without adequate legal protection to stop this abuse. SB 1411 will rectify this problem by expanding the current impersonation statute to include impersonation done on an Internet Web site or through other electronic means such as email, Facebook, Twitter, and other social media websites.

SB 1411 would make online impersonation a standard misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000) and/or imprisonment in county jail not exceeding one year. SB 1411 would add upon existing criminal penalties by providing a civil remedy, whereby anyone who suffers damage or loss as a victim of false impersonation perpetrated through the Internet or other electronic

means may bring a civil action against the violator for compensatory damages and injunctive relief.

Current law addressing impersonation is outdated and was not drafted with 21st Century technologies in mind. SB 1411 updates and strengthens California law by explicitly prohibiting these forms of online impersonation as defined in the statute.

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