

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 695**

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**Introduced by Assembly Member Travis Allen**

February 25, 2015

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~~An act relating to civil law.~~ *An act to add Section 1708.87 to the Civil Code, relating to civil law.*

LEGISLATIVE COUNSEL'S DIGEST

AB 695, as amended, Travis Allen. ~~Internet impersonation: civil action.~~ *Internet impersonation: civil cause of action.*

*Under existing criminal law, any person who knowingly and without consent credibly impersonates another actual person through or on an Internet Web site or by other electronic means for purposes of harming, intimidating, threatening, or defrauding another person is guilty of a public offense punishable pursuant to specified provisions.*

*This bill would establish a private civil cause of action against any person who knowingly and without consent credibly impersonates another person through or on an Internet Web site or by other electronic means and intentionally induces another to believe the person is the impersonated person, if that other person suffers any general or special damages. The bill would also establish a private civil cause of action against any person who knowingly uses another person's likeness without that person's knowledge or consent, in furtherance of the aforementioned activity, if the person whose likeness was used has sustained general or special damages. The bill would authorize the court to award reasonable attorney's fees and court costs to the prevailing plaintiff.*

~~Under existing criminal law, any person who knowingly and without consent credibly impersonates another actual person through or on an Internet Web site or by other electronic means for purposes of harming, intimidating, threatening, or defrauding another person is guilty of a public offense punishable pursuant to specified provisions.~~

~~This bill would declare the intent of the Legislature to enact legislation that would establish a private cause of action against any person who knowingly and without consent impersonates another person through or on an Internet Web site.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1708.87 is added to the Civil Code, to  
2 read:

3     1708.87. (a) A private cause of action lies against any person  
4 who knowingly and without consent credibly impersonates another  
5 person through or on an Internet Web site or by other electronic  
6 means and intentionally induces another to believe the person is  
7 the impersonated person, if that other person suffers any general  
8 or special damages as described in Section 48a. For purposes of  
9 this section, 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.

12     (b) A private cause of action lies against any person who  
13 knowingly uses another person’s likeness without that person’s  
14 knowledge or consent, in furtherance of a violation of subdivision  
15 (a), if the person whose likeness was used has sustained general  
16 or special damages as described in Section 48a.

17     (c) The court may award reasonable attorney’s fees and court  
18 costs to the prevailing plaintiff.

19     (d) For purposes of this section, “electronic means” shall  
20 include opening an email account or an account or profile on a  
21 social networking Internet Web site in another person’s name.

22     ~~SECTION 1. It is the intent of the Legislature to enact~~  
23 ~~legislation that would establish a private cause of action against~~  
24 ~~any person who knowingly and without consent impersonates~~  
25 ~~another person through or on an Internet Web site.~~

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