

1 SB274  
2 135572-1  
3 By Senator McGill  
4 RFD: Judiciary  
5 First Read: 09-FEB-12

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8 SYNOPSIS: Under existing law, a person commits the  
9 crime of criminal impersonation if he or she  
10 assumes a false identity and does an act with  
11 intent to gain an economic benefit for himself or  
12 herself or another or to injure or defraud another.  
13 Criminal impersonation is a Class B misdemeanor.

14 This bill would make it a Class B  
15 misdemeanor to unlawfully and without consent  
16 impersonate another person through an Internet  
17 website or by other electronic means with the  
18 intent to harm, intimidate, threaten, or defraud  
19 another person.

20 Amendment 621 of the Constitution of Alabama  
21 of 1901, now appearing as Section 111.05 of the  
22 Official Recompilation of the Constitution of  
23 Alabama of 1901, as amended, prohibits a general  
24 law whose purpose or effect would be to require a  
25 new or increased expenditure of local funds from  
26 becoming effective with regard to a local  
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of  
2 specified exceptions; it is approved by the  
3 affected entity; or the Legislature appropriates  
4 funds, or provides a local source of revenue, to  
5 the entity for the purpose.

6 The purpose or effect of this bill would be  
7 to require a new or increased expenditure of local  
8 funds within the meaning of the amendment. However,  
9 the bill does not require approval of a local  
10 governmental entity or enactment by a 2/3 vote to  
11 become effective because it comes within one of the  
12 specified exceptions contained in the amendment.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 Relating to impersonation of another; to establish  
19 the crime of impersonation of another by electronic means; to  
20 provide penalties for committing the crime; and in connection  
21 therewith to have as its purpose or effect the requirement of  
22 a new or increased expenditure of local funds within the  
23 meaning of Amendment 621 of the Constitution of Alabama of  
24 1901, now appearing as Section 111.05 of the Official  
25 Recompilation of the Constitution of Alabama of 1901, as  
26 amended.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. (a) A person commits the crime of  
2 impersonation of another by electronic means if he or she  
3 knowingly and without consent credibly impersonates another  
4 person through or on an Internet website or by other  
5 electronic means for purposes of harming, intimidating,  
6 threatening, or defrauding another person.

7           (b) For purposes of this section, an impersonation  
8 is credible if another person would reasonably believe, or did  
9 reasonably believe, that the defendant was or is the person  
10 who was impersonated.

11           (c) For purposes of this section, "electronic means"  
12 includes opening an e-mail account or other account or profile  
13 on a social networking Internet website in another person's  
14 name.

15           (d) Impersonation of another by electronic means is  
16 a Class B misdemeanor.

17           Section 2. Although this bill would have as its  
18 purpose or effect the requirement of a new or increased  
19 expenditure of local funds, the bill is excluded from further  
20 requirements and application under Amendment 621, now  
21 appearing as Section 111.05 of the Official Recompilation of  
22 the Constitution of Alabama of 1901, as amended, because the  
23 bill defines a new crime or amends the definition of an  
24 existing crime.

25           Section 3. This act shall become effective on the  
26 first day of the third month following its passage and  
27 approval by the Governor, or its otherwise becoming law.

