

HB 948 -- Criminal Defamation and Abuse of the Internet

Sponsor: Holsman

This bill creates the crimes of abuse of the Internet, criminal defamation, and failure to comply with a search warrant seeking computer-related identifying information. In its main provisions, the bill:

(1) Specifies that a person commits the crime of abuse of the Internet when he or she knowingly and without consent of the other person unlawfully accesses any data, images, e-mail, or any other information stored on another's computer or creates an e-mail account, social networking profile, blog, or other computer web site which purports to be that of another or which contains false information for the purpose of misleading another;

(2) Specifies that a person commits the crime of criminal defamation if he or she communicates to a person orally, in writing, through any electronic or other computerized means, or by any other means information that he or she knows to be false and with actual malice that intends to expose another living person to public hatred, contempt, or ridicule or to degrade the memory of a deceased person and to scandalize or provoke surviving relatives and friends. The truth of the information communicated must be admitted as evidence in a prosecution, and it will be a defense to the crime if it is found that the matter was true; and

(3) Specifies that a person commits the crime of failure to comply with a search warrant seeking computer-related identifying information if a law enforcement officer has obtained a search warrant which seeks the IP address of any person from a webmaster or webhost of a social networking profile, web site, or blog or seeks the name and any other identifying information registered to an IP address from an IP server and the person knowingly fails to comply with the search warrant within 30 days of the date the search warrant is served.

Anyone committing one of these crimes will be guilty of a class C misdemeanor for the first offense, a class B misdemeanor for the second offense, and a class A misdemeanor for a third or subsequent offense.