

SENATE AMENDMENTS

2nd Printing

By: Lalani, Darby

H.B. No. 783

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for online impersonation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 98C to read as follows:

CHAPTER 98C. LIABILITY FOR ONLINE IMPERSONATION

Sec. 98C.001. DEFINITIONS. In this chapter:

(1) "Online impersonation" means a person's use of an individual's name, voice, signature, photograph, or likeness through social media without that individual's consent or, if the individual is a minor, the consent of that individual's parent, legal guardian, or managing conservator.

(2) "Photograph" includes any photograph or photographic reproduction, still or moving, or any videotape or live television transmission of any individual in which the individual is readily identifiable.

(3) "Readily identifiable" means identifiable using only the naked eye to reasonably determine the identity of an individual in a photograph.

(4) "Social media" means a form of electronic communication through which users create online communities to share information, ideas, personal messages, and other content.

Sec. 98C.002. APPLICABILITY OF CHAPTER. This chapter does not apply to a law enforcement agency or a law enforcement agency

1 employee acting within the scope of employment in investigating
2 Internet crimes.

3 Sec. 98C.003. CONSTRUCTION OF CHAPTER. This chapter may
4 not be construed to impose liability on an interactive computer
5 service as defined by 47 U.S.C. Section 230(f) for content provided
6 by another person.

7 Sec. 98C.004. LIABILITY FOR ONLINE IMPERSONATION;
8 EXCEPTION. (a) Except as provided by Subsection (b), a person is
9 liable to another person injured by the person's online
10 impersonation if the person knowingly and with the intent to harm,
11 defraud, intimidate, or threaten the injured person used the online
12 impersonation to create a false identity.

13 (b) A person is not liable for an online impersonation of
14 which a purpose is satire or parody.

15 Sec. 98C.005. DAMAGES. (a) A claimant who prevails in an
16 action under this chapter shall be awarded actual damages,
17 including expenditures made by the claimant related to counseling,
18 identity theft, or libel. The defendant's profits attributable to
19 the defendant's online impersonation of the claimant may be
20 considered in the computation of actual damages.

21 (b) In addition to an award under Subsection (a), a claimant
22 who prevails in an action under this chapter may recover exemplary
23 damages of not less than \$500.

24 (c) The court shall award costs and reasonable attorney's
25 fees to the prevailing party in any action under this chapter.

26 Sec. 98C.006. INJUNCTIVE RELIEF. A court in which an action
27 is brought under this chapter, on the motion of a claimant depicted

1 in the defendant's online impersonation, may issue a temporary
2 restraining order or a temporary or permanent injunction to
3 restrain and prevent the online impersonation of the claimant.

4 Sec. 98C.007. CAUSE OF ACTION CUMULATIVE. The cause of
5 action created by this chapter is cumulative of any other remedy
6 provided by common law or statute.

7 SECTION 2. This Act takes effect September 1, 2025.

ADOPTED

MAY 27 2025

Lately Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

J. J. Hing

1 Amend H.B. No. 783 (senate committee printing) in SECTION 1
2 of the bill, in added Chapter 98C, Civil Practice and Remedies Code,
3 as follows:

4 (1) In Section 98C.001(1) (page 1, line 29), strike
5 "photograph".

6 (2) In Section 98C.001(1) (page 1, line 30), strike "through
7 social media" and substitute "in visual material on a social media
8 platform".

9 (3) Strike Sections 98C.001(2), (3), and (4) (page 1, lines
10 33 through 42) and substitute the following:

11 (2) "Social media platform" has the meaning assigned
12 by Section 120.001, Business & Commerce Code.

13 (3) "Visual material" has the meaning assigned by
14 Section 43.26, Penal Code.

15 (4) Strike Section 98C.004(a) (page 1, lines 52 through 56)
16 and substitute the following:

17 (a) Except as provided by Subsection (b), a person is liable to
18 another person injured by the person's online impersonation if:

19 (1) the person knowingly and with the intent to harm,
20 defraud, intimidate, or threaten the injured person used the online
21 impersonation to create a false identity; and

22 (2) the online impersonation is, to a reasonable
23 person, virtually indistinguishable from an actual person.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 28, 2025

TO: Honorable Dustin Burrows, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB783 by Lalani (Relating to civil liability for online impersonation.), **As Passed 2nd House**

<p>The fiscal implications of the bill cannot be determined due to the number of new cases that would arise from the provisions of the bill being unknown.</p>
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The bill would amend the Civil Practice and Remedies Code to create a new cause of action that prohibits a person from impersonating another person online in certain circumstances.

The bill would allow injured parties to seek injunctive relief, as well as actual and exemplary damages, and to recover reasonable costs and attorney's fee, if the injured party prevails.

According to the Office of Court Administration, the fiscal implications cannot be determined because the number of new cases that would arise from the provisions of the bill are unknown.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, WP, NTh, KDw, DA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 23, 2025

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB783 by Lalani (Relating to civil liability for online impersonation.), **As Engrossed**

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Local Government Impact

The fiscal implications of the bill cannot be determined at this time.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, WP, NTh, KDw, DA

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 14, 2025

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB783 by Lalani (Relating to civil liability for online impersonation.), **As Introduced**

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