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**SENATE BILL NO. 825**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee for Courts of Justice  
on February 2, 2015)

(Patron Prior to Substitute—Senator Martin)

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-40.3, relating to digital impersonation; penalty.*

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 8.01-40.3 as follows:**

**§ 8.01-40.3. Digital impersonation; civil action; statute of limitations.**

A. *If a person intentionally and maliciously defames or defrauds a living individual by credibly impersonating that person on a social networking site, the person impersonated may sue and recover damages for injuries he sustained due to the impersonation. In addition, the person impersonated may file a petition for an injunction against the person doing the impersonation to prevent and restrain the impersonation. For purposes of this section, injury may include injury to the character or reputation of the person being impersonated.*

B. *This section shall not apply when the impersonation was (i) for matters of cultural, historical, political, religious, educational, newsworthy, or public interest including use in works of art, commentary, satire, and parody; (ii) insignificant, de minimis, or incidental use; or (iii) performed by a law-enforcement agency as part of a criminal investigation.*

C. *No action shall be commenced under this section more than 20 years after the death of the aggrieved person.*

D. *The court may award an aggrieved person costs and attorney fees.*