

BILL ANALYSIS

Senate Research Center

H.B. 783
By: Lalani; Darby (Hinojosa, Juan "Chuy")
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The rise of online impersonation—commonly known as "catfishing"—has become a pervasive and deeply damaging form of digital fraud across Texas and the nation. According to public Federal Trade Commission (FTC) data for 2024, romance scams alone resulted in \$81 million in losses in Texas, often perpetrated by individuals who fabricate identities to gain victims' trust and exploit them both financially and emotionally. Advances in technology, including artificial intelligence, have made it increasingly easy to create convincing fake profiles that use an individual's name, voice, signature, photograph, or likeness through social media without the individual's consent—making them difficult to detect. While Texas Penal Code Section 33.07 criminalizes certain forms of online impersonation, there is currently no clear civil remedy for victims to seek restitution, removal of harmful content, or injunctive relief. Many victims experience severe emotional distress and reputational damage—especially when their photographs or personal identifiers are used without consent. This legal gap leaves victims without meaningful recourse, particularly in cases where criminal enforcement is unavailable or impractical.

H.B. 783 seeks to address this issue by creating a civil cause of action for individuals harmed by online impersonation. This bill provides a narrowly tailored, constitutionally sound civil remedy that empowers victims to hold impersonators accountable while balancing First Amendment concerns. By addressing a growing form of digital deception, H.B. 783 helps ensure that Texans have meaningful protections and legal tools in the face of evolving online threats.

H.B. 783 amends current law relating to civil liability for online impersonation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 4, Civil Practice and Remedies Code, by adding Chapter 98C, as follows:

CHAPTER 98C. LIABILITY FOR ONLINE IMPERSONATION

Sec. 98C.001. DEFINITIONS. Defines "online impersonation," "photograph," "readily identifiable," and "social media."

Sec. 98C.002. APPLICABILITY OF CHAPTER. Provides that this chapter does not apply to a law enforcement agency or a law enforcement agency employee acting within the scope of employment in investigating Internet crimes.

Sec. 98C.003. CONSTRUCTION OF CHAPTER. Prohibits this chapter from being construed to impose liability on an interactive computer service as defined by 47 U.S.C. Section 230(f) for content provided by another person.

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

(b) Provides that a person is not liable for an online impersonation of which a purpose is satire or parody.

Sec. 98C.005. DAMAGES. (a) Requires a claimant who prevails in an action under this chapter to be awarded actual damages, including expenditures made by the claimant related to counseling, identity theft, or libel. Authorizes the defendant's profits attributable to the defendant's online impersonation of the claimant to be considered in the computation of actual damages.

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

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

Sec. 98C.006. INJUNCTIVE RELIEF. Authorizes a court in which an action is brought under this chapter, on the motion of a claimant depicted in the defendant's online impersonation, to issue a temporary restraining order or a temporary or permanent injunction to restrain and prevent the online impersonation of the claimant.

Sec. 98C.007. CAUSE OF ACTION CUMULATIVE. Provides that the cause of action created by this chapter is cumulative of any other remedy provided by common law or statute.

SECTION 2. Effective date: September 1, 2025.