

BILL ANALYSIS

H.B. 783
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Committee Report (Unamended)

BACKGROUND AND PURPOSE

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 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. The bill author has informed the committee that while the Penal Code 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. The bill author has also informed the committee that many victims experience severe emotional distress and reputational damage when their photographs or personal identifiers are used without consent and that 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 through the use of a person's name, image, signature, voice, or likeness through social media or other digital means, without consent and with the intent to harm, defraud, intimidate, or threaten.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 783 amends the Civil Practice and Remedies Code to make a person liable to another person injured by the person's online impersonation if the person knowingly used the online impersonation to create a false identity with the intent to harm, defraud, intimidate, or threaten the injured person. The liability does not apply to a law enforcement agency or a law enforcement agency employee acting within the scope of employment in investigating Internet crimes or to a person for an online impersonation of which the sole purpose is satire or parody. The bill does the following with respect to a claimant who prevails in an action relating to liability for online impersonation:

- requires the claimant to be awarded actual damages, including expenditures made by the claimant related to counseling, identity theft, or libel;
- provides for the consideration of the defendant's profits attributable to the defendant's online impersonation of the claimant in the computation of actual damages; and

- authorizes the claimant, in addition to the award for actual damages, to recover exemplary damages of not less than \$500.

H.B. 783 requires the court to award costs and reasonable attorney's fees to the prevailing party in any action relating to online impersonation. The bill authorizes the court, 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. The cause of action created by the bill's provisions is cumulative of any other remedy provided by common law or statute. The bill establishes that its provisions may not be construed to impose liability on an interactive computer service as defined by the federal Communications Decency Act of 1996 for content provided by another person.

H.B. 783 defines the following terms for purposes of the bill's provisions:

- "online impersonation" as 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;
- "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;
- "readily identifiable" as identifiable using only the naked eye to reasonably determine the identity of an individual in a photograph; and
- "social media" as a form of electronic communication through which users create online communities to share information, ideas, personal messages, and other content.

EFFECTIVE DATE

September 1, 2025.