

HB 2862 -- DIGITAL IMPERSONATION

SPONSOR: Dolan

Any Missouri resident can bring a civil action for the publishing of a digital impersonation of that person. Such action can be brought within two years after the person knows, or should reasonably know, that the digital impersonation was published. The sole remedy for this cause of action is preliminary and permanent declaratory relief. To prevail on such an action, the plaintiff must prove certain elements by a preponderance of the evidence, as described in the bill.

If the digital impersonation is part of a paid advertisement, a cause of action must be brought only against the person or entity that originated, ordered, placed, or paid for the advertisement.

A cause of action for digital impersonation can also seek declaratory judgment that a recording or image is a digital impersonation. The court will rule on such a petition within two days, but preliminary declaratory relief will be granted only if the person is able to prove by a preponderance of the evidence certain elements of digital impersonation, as described in the bill.

The publisher of the alleged digital impersonation will have the right to appear, be heard, and present evidence prior to the court's entry of judgment. If the publisher does not make an appearance, however, the plaintiff will not be entitled to taxable costs.

A plaintiff in a digital impersonation cause of action can recover injunctive relief and damages if certain requirements are met, as described in the bill. A parent or guardian of a minor child or incapacitated person can seek relief on behalf of such minor or person.