

# SENATE BILL REPORT

## SB 5495

---

As of February 21, 2019

**Title:** An act relating to social media extortion and relief.

**Brief Description:** Concerning social media extortion and relief.

**Sponsors:** Senators Zeiger, Nguyen, Padden and Frockt.

**Brief History:**

**Committee Activity:** Law & Justice: 2/19/19.

### Brief Summary of Bill

- Creates the crime of social media extortion which is a class C felony.
- Finds a person guilty of social media extortion if they commit extortion by means of a threat.
- Requires a social media provider to remove negative social media communications identified within a copy of a police report filed with law enforcement within 24 hours after being presented a copy of the police report alleging social media extortion, and a copy of the threat.

---

### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Tim Ford (786-7423)

**Background:** Extortion is defined in current statute as knowingly obtaining or attempting to obtain by threat the property or services of the owner, and specifically includes sexual favors. A person is guilty of extortion in the second degree if they commit extortion by means of a wrongful threat as defined in Washington statute. Extortion in the second degree is a class C felony.

**Summary of Bill:** A new crime of social media extortion is created, and is a class C felony. A person is guilty of social media extortion if they commit extortion by means of a threat as defined. A threat means to obtain property from any person in return for removing negative social media communications about that person or person's health, safety, business, financial condition, or personal relationships, or to post future negative social media communications

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

about a person or the person's health, safety, business, financial condition, or personal relationships if that person does not provide the property demanded.

There is a rebuttable presumption that negative social media communications are untrue where a person demands property in return for removing the communications or in return for not posting future negative social media communications.

A social media provider must remove negative social media communications specifically identified within a copy of a police report filed with law enforcement within 24-hours after being presented a copy of a police report that alleges social media extortion, and a copy of the threat.

A person may seek relief in court to require a social media provider to remove negative social media communications.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: A restaurant owner in Puyallup received negative reviews on facebook that were inaccurate and fake. The negative reviews even got basic facts wrong such as stating the location of the restaurant was in Vancouver not Puyallup. The persons who posted the negative reviews demanded \$900 in U.S. dollars. Law enforcement was contacted but nothing could be done about this blackmail or extortion. The owner asked customers to post positive reviews to counter the negative reviews. The person who posted the negative review may have been located overseas in Romania.

This bill would require social media providers to remove fake negative social media communications within 24 hours after provided a copy of the threat and a copy of a police report.

**Persons Testifying:** PRO: Senator Hans Zeiger, Prime Sponsor.

**Persons Signed In To Testify But Not Testifying:** No one.