

Chapter No. 326
10/HR07/R859
feb 1, ew

HOUSE BILL NO. 872

Originated in House Don Richardson Clerk

HOUSE BILL NO. 872

AN ACT TO CREATE THE "CALLER ID ANTI-SPOOFING ACT"; TO PROHIBIT ENTERING OR CAUSING TO BE ENTERED FALSE INFORMATION INTO A TELEPHONE CALLER IDENTIFICATION SYSTEM WITH THE INTENT TO DECEIVE, DEFRAUD OR MISLEAD; TO PROHIBIT PLACING A CALL KNOWING THAT FALSE INFORMATION WAS ENTERED INTO THE TELEPHONE CALLER IDENTIFICATION SYSTEM; TO PROVIDE THAT ANY VIOLATION OF THIS ACT CONSTITUTES AN UNLAWFUL TRADE PRACTICE UNDER THE STATE CONSUMER PROTECTION LAWS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act may be cited as the "Caller ID Anti-Spoofing Act."

SECTION 2. As used in this act:

(a) "Call" means any type of telephone call made using a public switched telephone network, wireless cellular telephone service, or Voice-Over-Internet Protocol (VOIP) service that has the capability of accessing users on the public switched telephone network or a successor network.

(b) "Caller" means a person who places a call, whether by telephone, over a telephone line, or on a computer.

(c) "Enter" means to input data by whatever means into a computer or telephone system.

(d) "False information" means data that misrepresents the identity of the caller to the recipient of a call or to the network itself; however, when a person making an authorized call on behalf of another person inserts the name, telephone number or name and telephone number of the person on whose behalf the call is being made, such information shall not be deemed false information.

(e) "Telephone caller identification system" means a listing of a caller's name, telephone number, or name and telephone number that is shown to a recipient of a call when it is received.

SECTION 3. (1) A person may not enter or cause to be entered false information into a telephone caller identification system with the intent to deceive, defraud or mislead the recipient of a call.

(2) A person may not place a call knowing that false information was entered into the telephone caller identification system with the intent to deceive, defraud or mislead the recipient of the call.

SECTION 4. This act does not apply to:

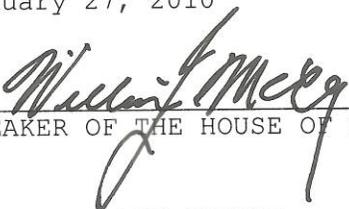
- (a) The blocking of caller identification information.
- (b) Any law enforcement agency of the federal, state, county or municipal government.
- (c) Any intelligence or security agency of the federal government.
- (d) A telecommunications, broadband or voice-over-Internet service provider that is acting solely as an intermediary for the transmission of telephone service between the caller and the recipient.

SECTION 5. (1) Any person who violates this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than One Thousand Dollars (\$1,000.00) or shall be imprisoned in the county jail not exceeding one (1) year, or both.

(2) Any violation of this act constitutes an unlawful trade practice under Section 75-24-5 and, in addition to any remedies or penalties set forth in this act, shall be subject to any remedies or penalties available for a violation of that statute.

SECTION 6. This act shall take effect and be in force from and after July 1, 2010.

PASSED BY THE HOUSE OF REPRESENTATIVES
January 27, 2010



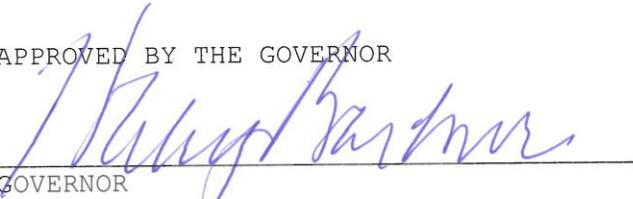
SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE
March 3, 2010



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

3/15/10 12:09p