

By: Representatives Robinson (84th),  
Cameron, Chaney, Davis, Denny, Eaton,  
Ellington, Formby, Howell, Hudson, Janus,  
King, Manning, Martinson, McElwain, Moore,  
Read, Roberson, Rotenberry, Smith (35th),  
Smith (39th), Warren, Miles

To: Judiciary B

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 990

1 AN ACT TO AMEND SECTION 97-25-49, MISSISSIPPI CODE OF 1972,  
2 TO PROHIBIT THE WRONGFUL ACCESS TO TELECOMMUNICATIONS MESSAGES BY  
3 PERSONS OTHER THAN THE INTENDED RECIPIENT OF SUCH MESSAGES; TO  
4 PROVIDE FOR THE INADMISSIBILITY OF INFORMATION OBTAINED IN  
5 VIOLATION OF THIS SECTION; TO REVISE PENALTIES; AND FOR RELATED  
6 PURPOSES.

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

8 SECTION 1. Section 97-25-49, Mississippi Code of 1972, is  
9 amended as follows:

10 97-25-49. (1) A person who commits either of the following  
11 offenses shall be punished by a fine of not more than One Thousand  
12 Dollars (\$1,000.00), or by imprisonment in the county jail not  
13 exceeding six (6) months, or both:

14 (a) Wrongfully obtaining, or attempting to obtain, any  
15 knowledge of a private telecommunications message by gaining  
16 access to the origination, transmission, emission or reception of  
17 signs, signals, data, writings, images and sounds or intelligence  
18 of any nature by telephone, including cellular telephones, wire,  
19 radio, electromagnetic, photoelectronic or photo-optical systems,  
20 when such person is not the lawfully intended recipient of the  
21 message or is not authorized to have access to such message, or by  
22 connivance with a clerk, operator, messenger or other employee of  
23 a telecommunications company; or

24 (b) Being such clerk, operator, messenger or other  
25 employee, using, or suffering to be used, or wilfully divulging to  
26 any one but the person for whom it was intended, the contents of a  
27 telecommunications message or dispatch intrusted to him for  
28 transmission or delivery, or the nature thereof, or wilfully

29 failing, neglecting or refusing duly to transmit or deliver the  
30 same.

31 (2) Any information obtained in violation of this section  
32 shall not be admissible in any civil proceeding unless the  
33 information was obtained by the lawful owner of the device that  
34 obtained the information.

35 SECTION 2. This act shall take effect and be in force from  
36 and after July 1, 1999.