

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

To: Judiciary B

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; AND FOR RELATED PURPOSES.

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

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

9 97-25-49. (1) A person who commits either of the following
10 offenses shall be punished by a fine of not more than Two Hundred
11 Dollars (\$200.00), or by imprisonment in the county jail not
12 exceeding three (3) months, or both:

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

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

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

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

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