

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

HOUSE BILL NO. 990  
(As Passed the House)

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; TO PROHIBIT  
6 PHOTOGRAPHING OR FILMING ANOTHER PERSON WITHOUT PERMISSION WHEN  
7 THERE IS AN EXPECTATION OF PRIVACY AND PROVIDE PENALTIES FOR  
8 VIOLATIONS; AND FOR RELATED PURPOSES.

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

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

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

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

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

30 transmission or delivery, or the nature thereof, or wilfully  
31 failing, neglecting or refusing duly to transmit or deliver the  
32 same.

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

37 SECTION 2. Any person who with lewd, licentious or indecent  
38 intent secretly observes, photographs, films, videotapes, records  
39 or otherwise reproduces the image of another person without the  
40 permission of such person when such a person is located in a  
41 dwelling, structure or conveyance and such a location provides a  
42 reasonable expectation of privacy, he or she shall be guilty of a  
43 felony and upon conviction shall be punished by a fine of Five  
44 Thousand Dollars (\$5,000.00) or by imprisonment of one (1) to four  
45 (4) years in the custody of the Department of Corrections, or  
46 both.

47 SECTION 3. This act shall take effect and be in force from  
48 and after July 1, 1999.