

By: Moak

To: Judiciary B

HOUSE BILL NO. 216

1 AN ACT TO AMEND SECTION 97-29-45, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PENALTY FOR HARASSING OR THREATENING TELEPHONE
3 CALLS; AND FOR RELATED PURPOSES.

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

5 SECTION 1. Section 97-29-45, Mississippi Code of 1972, is
6 amended as follows:

7 97-29-45. (1) It shall be unlawful for any person or
8 persons:

9 (a) To make any comment, request, suggestion or
10 proposal over a telephone which is obscene, lewd or lascivious
11 with intent to abuse, threaten or harass any party to a telephone
12 conversation;

13 (b) To make a telephone call, with intent to terrify,
14 intimidate or harass, and threaten to inflict injury or physical
15 harm to any person at the called number or to his property;

16 (c) To make a telephone call, whether or not
17 conversation ensues, without disclosing his identity and with
18 intent to annoy, abuse, threaten or harass any person at the
19 called number;

20 (d) To make or cause the telephone of another
21 repeatedly or continuously to ring, with intent to harass any

22 person at the called number;

23 (e) To make repeated telephone calls, during which
24 conversation ensues, solely to harass any person at the called
25 number; or

26 (f) Knowingly to permit any telephone under his control
27 to be used for any purpose prohibited by this section.

28 (2) Any person who shall be convicted of a violation of this
29 section shall be fined not more than Five Hundred Dollars
30 (\$500.00) or imprisoned in the county jail not more than six (6)
31 months, or shall suffer both such fine and imprisonment. Any
32 person who shall be convicted of a second or subsequent violation
33 of this section shall be sentenced to the custody of the
34 Department of Corrections for not more than two (2) years. Any
35 person violating this section may be prosecuted in the county
36 where the telephone call, conversation or language originates in
37 case such call, conversation or language originates in the State
38 of Mississippi. In case the call, conversation or language
39 originates outside of the State of Mississippi then such person
40 shall be prosecuted in the county to which it is transmitted.

41 SECTION 2. This act shall take effect and be in force from
42 and after July 1, 2000.