

By: Representatives Frierson, Fillingane,
Formby, Moak, Scott (80th)

To: Judiciary B

HOUSE BILL NO. 905

1 AN ACT TO AMEND SECTION 97-29-45, MISSISSIPPI CODE OF 1972,
2 TO REVISE PENALTIES FOR THREATENING OR HARASSING PHONE CALLS; AND
3 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) Upon conviction of any person for the first offense of
29 violating subsection (1) of this section, such person shall be
30 fined not more than Five Hundred Dollars (\$500.00) or imprisoned
31 in the county jail for not more than six (6) months, or both.

32 (3) Upon conviction of any person for the second offense of
33 violating subsection (1) of this section, the offenses being
34 committed within a period of five (5) years, such person shall be
35 fined not more than One Thousand Dollars (\$1,000.00) or imprisoned
36 in the county jail for not more than one (1) year, or both.

37 (4) For any third or subsequent conviction of any person
38 violating subsection (1) of this section, the offenses being
39 committed within a period of five (5) years, such person shall be
40 guilty of a felony and fined not more than Two Thousand Dollars
41 (\$2,000.00) and/or imprisoned in the State Penitentiary for not
42 more than two (2) years, or both.

43 (5) * * * Any person violating this section may be prosecuted
44 in the county where the telephone call, conversation or language
45 originates in case such call, conversation or language originates
46 in the State of Mississippi. In case the call, conversation or
47 language originates outside of the State of Mississippi then such
48 person shall be prosecuted in the county to which it is
49 transmitted.

50 SECTION 2. This act shall take effect and be in force from
51 and after July 1, 2001.