

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

To: Judiciary B

HOUSE BILL NO. 905  
(As Sent to Governor)

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) The provisions of this section do not apply to a person  
44 or persons who make a telephone call that would be covered by the  
45 provisions of the federal Fair Debt Collection Practices Act, 15  
46 USCS Section 1692 et seq.

47           (6) \* \* \* Any person violating this section may be  
48 prosecuted in the county where the telephone call, conversation or  
49 language originates in case such call, conversation or language  
50 originates in the State of Mississippi. In case the call,  
51 conversation or language originates outside of the State of  
52 Mississippi then such person shall be prosecuted in the county to  
53 which it is transmitted.

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