HOUSE BILL NO. 905
(As Sent to Governor)

AN ACT TO AMEND SECTION 97-29-45, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES FOR THREATENING OR HARASSING PHONE CALLS; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

(d) To make or cause the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number;

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

(f) Knowingly to permit any telephone under his control to be used for any purpose prohibited by this section.
(2) Upon conviction of any person for the first offense of violating subsection (1) of this section, such person shall be fined not more than Five Hundred Dollars ($500.00) or imprisoned in the county jail for not more than six (6) months, or both.

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

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

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

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

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