

By: Representative Holland

To: Judiciary B

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1303

1 AN ACT TO AMEND SECTION 97-29-45, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PENALTIES FOR TELEPHONE HARASSMENT; AND FOR RELATED
3 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 first violation
29 of this section shall be guilty of a misdemeanor and, upon
30 conviction, shall be fined not more than Five Hundred Dollars
31 (\$500.00) or imprisoned in the county jail not more than six (6)
32 months, or shall suffer both such fine and imprisonment * * *.
33 Any person who shall be convicted of a second or subsequent
34 violation of this section shall be guilty of a felony and shall be
35 fined not more than One Thousand Dollars (\$1,000.00) or imprisoned
36 in the State Penitentiary for not more than two (2) years, or
37 shall suffer both such fine and imprisonment. Any person
38 violating this section may be prosecuted in the county where the
39 telephone call, conversation or language originates in case such
40 call, conversation or language originates in the State of
41 Mississippi. In case the call, conversation or language
42 originates outside of the State of Mississippi then such person
43 shall be prosecuted in the county to which it is transmitted.
44 SECTION 2. This act shall take effect and be in force from
45 and after July 1, 2001.

