

By: Senator(s) Lee

To: Judiciary

SENATE BILL NO. 2888

1 AN ACT TO AMEND SECTION 97-29-45, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE PUNISHMENT FOR HARASSING, OBSCENE OR ANNOYING  
3 TELEPHONE 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 violates this section shall be punished  
29 as follows:

30           (a) A person \* \* \* convicted of a first violation of  
31 this section shall be fined not more than five hundred dollars  
32 (\$500.00) or imprisoned in the county jail not more than six (6)  
33 months, or both.

34           (b) A person convicted of a second violation of this  
35 section shall be fined not more than One Thousand Dollars  
36 (\$1,000.00) or imprisoned in the county jail not more than one (1)  
37 year, or both.

38           (c) A person convicted of a third violation of this  
39 section shall be guilty of a felony and shall be sentenced to the  
40 custody of the department of corrections for not more than two (2)  
41 years.

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

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