

By: Representative Arnold

To: Judiciary A

## HOUSE BILL NO. 1337

1 AN ACT TO AMEND SECTIONS 77-3-803, 77-3-805, 77-3-807 AND  
2 77-3-809, MISSISSIPPI CODE OF 1972, WHICH ARE PROVISIONS OF THE  
3 "CALLER ID ANTI-SPOOFING ACT," TO DEFINE CERTAIN TERMS; TO PROVIDE  
4 THAT IT SHALL BE UNLAWFUL FOR ANY PERSON, IN CONNECTION WITH ANY  
5 TELECOMMUNICATIONS SERVICE OR IP-ENABLED VOICE SERVICE, TO CAUSE  
6 ANY CALLER IDENTIFICATION SERVICE TO KNOWINGLY TRANSMIT MISLEADING  
7 OR INACCURATE INFORMATION INTO A TELEPHONE CALLER IDENTIFICATION  
8 SYSTEM WITH THE INTENT TO CAUSE HARM OR MISLEAD THE RECIPIENT OF A  
9 CALL; TO EXEMPT ANY COURT ORDER THAT SPECIFICALLY AUTHORIZES THE  
10 USE OF CALLER IDENTIFICATION MANIPULATION FROM THE PROVISIONS OF  
11 THIS ACT; TO INCREASE THE CRIMINAL FINE FOR VIOLATIONS TO  
12 \$10,000.00 FOR EACH OCCURRENCE OF SPOOFING AND PROVIDE FOR THE  
13 DISBURSEMENT FINES COLLECTED TO THE PUBLIC SERVICE COMMISSION AND  
14 TO SPECIAL FUND CREATED IN THE STATE TREASURY TO ASSIST WITH THE  
15 RURAL AREA DEVELOPMENT OF CELLULAR AND BROADBAND INTERNET  
16 SERVICES; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 77-3-803, Mississippi Code of 1972, is  
19 amended as follows:

20 77-3-803. As used in this article:

21 (a) "Call" means any type of telephone call made using  
22 a public switched telephone network, wireless cellular telephone  
23 service, or Voice-Over-Internet Protocol (VOIP) service that has  
24 the capability of accessing users on the public switched telephone  
25 network or a successor network.



26 (b) "Caller" means a person who places a call, whether  
27 by telephone, over a telephone line, or on a computer.

28 (c) "Enter" means to input data by whatever means into  
29 a computer or telephone system.

30 (d) "False information" means data that misrepresents  
31 the identity of the caller to the recipient of a call or to the  
32 network itself; however, when a person making an authorized call  
33 on behalf of another person inserts the name, telephone number or  
34 name and telephone number of the person on whose behalf the call  
35 is being made, such information shall not be deemed false  
36 information.

37 (e) "Telephone caller identification system" means a  
38 listing of a caller's name, telephone number, or name and  
39 telephone number that is shown to a recipient of a call when it is  
40 received.

41 (f) "IP-enabled voice service" means a interconnected  
42 Voice-Over-Internet Protocol (VOIP) services that:

43 (i) Enables real-time, two-way voice  
44 communications;

45 (ii) Requires a broadband connection from the  
46 user's location;

47 (iii) Requires Internet protocol-compatible  
48 customer premises equipment (CPE); and



(iv) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

**SECTION 2.** Section 77-3-805, Mississippi Code of 1972, is amended as follows:

77-3-805. (1) \* \* \* It shall be unlawful for any person, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to knowingly transmit misleading or inaccurate information into a telephone caller identification system with the intent to deceive, defraud, cause harm, wrongfully obtain anything of value or mislead the recipient of a call, unless such transmission is exempted by Section 77-3-807.

(2) \* \* \* It shall be unlawful for any person to place a call knowing that false information was entered into the telephone caller identification system with the intent to deceive, defraud, cause harm, wrongfully obtain anything of value or mislead the recipient of the call, unless such transmission is exempted by Section 77-3-807.

(3) Nothing in this section may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

**SECTION 3.** Section 77-3-807, Mississippi Code of 1972, is amended as follows:



74 77-3-807. This article does not apply to:

75 (a) The blocking of caller identification information.

76 (b) Any law enforcement agency of the federal, state,  
77 county or municipal government.

78 (c) Any intelligence or security agency of the federal  
79 government.

80 (d) A telecommunications, broadband or  
81 Voice-Over-Internet service provider that is acting solely as an  
82 intermediary for the transmission of telephone service between the  
83 caller and the recipient.

84 (e) Any court order that specifically authorizes the  
85 use of caller identification manipulation.

86 **SECTION 4.** Section 77-3-809, Mississippi Code of 1972, is  
87 amended as follows:

88 77-3-809. (1) Any person who violates this article shall be  
89 guilty of a misdemeanor and, upon conviction thereof, shall be  
90 subject to a fine of not more than \* \* \* Ten Thousand Dollars  
91 (\$10,000.00) or shall be imprisoned in the county jail not  
92 exceeding one (1) year, or both for each violation, in addition to  
93 any civil and criminal remedies or penalties imposed by the  
94 Federal Communications Commission under the authority of the Truth  
95 in Caller ID Act of 2009 (47 USCS Section 227(e)). Any fine  
96 imposed by the state for violations of this article shall be  
97 distributed as follows:



98                   (a) Ten percent (10%) of the fine shall be allocated to  
99   the Mississippi Public Service Commission; and

100                   (b) Ninety percent (90%) of the fine shall be allocated  
101   to a special fund created in the State Treasury for the purpose of  
102   funding rural area development for increasing cellular and  
103   broadband Internet services.

104           (2) Any violation of this article constitutes an unlawful  
105 trade practice under Section 75-24-5 and, in addition to any  
106 remedies or penalties set forth in this article, shall be subject  
107 to any remedies or penalties available for a violation of that  
108 statute.

109           **SECTION 5.** This act shall take effect and be in force from  
110 and after July 1, 2018.

