

By: Senator(s) Doty, Younger

To: Energy

SENATE BILL NO. 2389

1 AN ACT TO CREATE THE "TELECOMMUNICATIONS FRAUD PREVENTION AND
2 UTILITY INFRASTRUCTURE PROTECTION ACT"; TO DEFINE CERTAIN TERMS
3 USED IN THE ACT; TO PROVIDE FOR THE POWERS AND DUTIES OF THE
4 PUBLIC SERVICE COMMISSION IN CARRYING OUT THE PROVISIONS OF THIS
5 ACT; TO AUTHORIZE THE COMMISSION TO EMPLOY FRAUD AND ENFORCEMENT
6 AGENTS; TO AUTHORIZE THE FRAUD AND ENFORCEMENT AGENTS TO ENFORCE
7 AND INVESTIGATE VIOLATIONS OF THE TELEPHONE SOLICITATION ACT,
8 CALLER ID ANTI-SPOOFING ACT, AUTOMATIC DIALING-ANNOUNCING DEVICES
9 ACT, UNSOLICITED RESIDENTIAL TELEPHONIC SALES CALLS ACT, AND
10 CERTAIN UNLAWFUL ACTS AND CRIMES; TO GRANT LAW ENFORCEMENT POWERS
11 TO THE FRAUD AND ENFORCEMENT AGENTS; TO AUTHORIZE THE COMMISSION
12 TO PURCHASE ALL NECESSARY EQUIPMENT TO ENFORCE THE PROVISIONS OF
13 THIS ACT; TO AUTHORIZE THE COMMISSION TO PROVIDE MUTUAL AID AND TO
14 COOPERATE WITH OTHER LAW ENFORCEMENT AGENCIES; TO PROHIBIT THE
15 EXPANSION OF ANY REGULATORY JURISDICTION OF THE COMMISSION; AND
16 FOR RELATED PURPOSES.

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

18 **SECTION 1.** **Short title.** This act shall be known and may be
19 cited as the "Telecommunications Fraud Prevention and Utility
20 Infrastructure Protection Act."

21 **SECTION 2.** **Public policy.** It is hereby declared to be the
22 policy of the State of Mississippi that deceptive, scam,
23 telemarketing and fraudulent activities by way of
24 telecommunications and other means are negatively impacting the
25 citizens of the state resulting in massive monetary and property



losses and that additional action by the Public Service Commission is needed to protect Mississippians, especially vulnerable populations, from imposters using telecommunications to defraud consumers by identifying those involved and investigating these actions to the fullest to stop such criminal activity.

It is further declared to be the policy of the State of Mississippi that the safe, reliable delivery of public utility service across the state is made possible by properly protected public utility infrastructure and that the Public Service Commission is appropriately positioned to aid law enforcement efforts to investigate destructive acts against public utility critical infrastructure, property and theft of utility service.

SECTION 3. **Construction of act.** Nothing in this act shall be construed to increase, in any way, the regulatory jurisdiction of the commission as said jurisdiction is defined in Section 77-3-1 et seq. or any duty or ability to supervise any public utility other than such laws as are in effect at the time of passage or to in any way supersede or infringe upon any authority granted any state agency or law enforcement agency.

SECTION 4. **Definitions.** Whenever used in this act unless expressly stated otherwise:

(a) The term "person" means individual, firm, copartnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee or personal representative thereof.



(b) The term "commission" means the Mississippi Public Service Commission.

(c) The term "telecommunications" means any apparatus that facilitates voice or text communication over a distance by cable, wire, voice over internet protocol, cellular or wireless networks, or any other facility that allows voice or text communication between two (2) or more persons.

(d) The term "public utility infrastructure" means any apparatus, equipment or property of a public utility that facilitates the provision of public utility services in the State of Mississippi.

(e) The term "fraud and enforcement agent" means any person employed or designated by the commission as a fraud and enforcement agent as described by the terms of this act.

(f) The term "subject acts" means the Mississippi Telephone Solicitation Act, Section 77-3-701 et seq.; the Unsolicited Residential Telephonic Sales Calls Act, Section 77-3-601 et seq.; the Caller ID Anti-Spoofing Act, Section 77-3-801 et seq.; and the Automatic Dialing-Announcing Devices Act, Section 77-3-451 et seq.

SECTION 5. Powers and duties of the commission. For the purpose of carrying out the provisions of this act, the commission shall have the power:

(a) To enter into joint investigative agreements and to coordinate and cooperate in any investigation requested by any



76 federal, state or local law enforcement agency, along with any
77 agency or political subdivision of the State of Mississippi.

78 (b) To administer, execute and enforce all other
79 provisions of this act, to make necessary orders in connection
80 therewith, and to prescribe rules, regulations and procedures for
81 such administration.

82 **SECTION 6. Public Service Commission fraud and enforcement**
83 **agents; qualifications.** For the purpose of enforcing the
84 provisions of this act and subject acts, the commission is
85 authorized to employ or designate fraud and enforcement agents,
86 who shall be under the supervision of the commission. Each fraud
87 and enforcement agent shall be qualified by experience and
88 training in law enforcement or investigative work and shall be
89 certified as a law enforcement officer, in accordance with Section
90 45-6-11. The commission shall give preference in hiring to
91 persons with previous law enforcement experience. All fraud and
92 enforcement agents shall be appointed by the commission and shall
93 be subject to removal at any time by the commission.

94 **SECTION 7. Duties of Public Service Commission fraud and**
95 **enforcement agents.** Fraud and enforcement agents shall have the
96 authority to enforce and investigate any alleged violations of the
97 Mississippi Telephone Solicitation Act, Caller ID Anti-Spoofing
98 Act, Automatic Dialing-Announcing Devices Act, Unsolicited
99 Residential Telephonic Sales Calls Act and the rules, regulations
100 and general orders of the commission promulgated to administer and



101 enforce such acts. Additionally, fraud and enforcement agents
102 shall have the authority to investigate the following unlawful
103 acts and crimes:

104 (a) Section 97-19-35, which relates to false
105 representation to receive money or valuable property;

106 (b) Sections 97-19-21 through 97-19-27, which relate to
107 procuring, furnishing, and receiving money, goods, or services
108 with the intent to defraud;

109 (c) Section 43-47-19, which relates to exploitation of
110 a vulnerable person;

111 (d) Section 97-29-45, which relates to obscene
112 electronic telecommunications;

113 (e) Section 97-23-19, which relates to embezzlement;

114 (f) Section 97-45-19, which relates to identity theft;

115 (g) Section 97-19-13, which relates to credit card
116 theft;

117 (h) Section 97-19-83, which relates to mail fraud;

118 (i) Section 97-45-3, which relates to computer fraud;

119 (j) Section 97-45-15, which relates to cyberstalking;

120 (k) Sections 97-7-43 through 97-7-44, which relate to
121 impersonating a public officer or employee;

122 (l) Sections 97-1-1 through 97-1-9, which relate to
123 conspiracy, accessories and attempts but limited to the unlawful
124 acts and crimes enumerated in this section;



(m) Section 97-7-31, which relates to destroying or tampering with licensed communications systems;

(n) Section 97-25-1, which relates to destruction of electric power facilities or equipment;

(o) Sections 97-17-41 and 97-17-43, which relate to petit and grand larceny, but limited to instances arising from theft of utility services or property;

(p) Section 97-25-3, which relates to theft of service and tampering with utility meters;

(q) Section 97-25-53, which relates to destroying telephone lines; and

(r) Section 97-25-54, which relates to theft of telecommunication services.

SECTION 8. Authority of fraud and enforcement agents. (1)

Fraud and enforcement agents shall have the powers of a law enforcement officer of this state, and shall have the right to bear arms, investigate crimes, subject to the limitations of this act, serve and execute search warrants, conduct civil asset forfeiture as authorized under existing law in conjunction with the Attorney General, and other valid legal process, and make arrests.

(2) Fraud and enforcement agents shall have the authority to aid and assist any law enforcement officer whose life or safety is in jeopardy. With the approval of the commission or its designees, fraud and enforcement agents may assist other law



enforcement agencies in searching for convicted felons who have escaped or for alleged felons.

(3) Upon request by any law enforcement agency, the Mississippi Highway Patrol, a sheriff of any county or the chief of police of any municipality, the Attorney General, Secretary of State, State Auditor, District Attorney, any municipal or county prosecuting attorney, or any public utility, fraud and enforcement agents, with the consent of the commission or its designees, shall have the authority to assist in any investigation related to any crime, subject to the limitations of this act. Furthermore, fraud and enforcement agents upon approval by the commission or its designees shall have the authority to assist any law enforcement agency or political subdivision of the state during time of natural disasters such as hurricanes, tornados or floods.

(4) Nothing in this act shall be construed as granting the commission or its fraud and enforcement agents general police powers, except those powers and authorities enumerated in this act.

(5) Specifically, the commission at the request of the Attorney General, Secretary of State, State Auditor or any other agency or officer of the state shall cooperate and assist in any investigation, subject to the limitations of this act.

SECTION 9. Purchase of necessary equipment authorized. The commission is hereby authorized and empowered to purchase, subject to its budget set by the Legislature, all necessary equipment to



enforce the provisions of this act, and to pay for the same out of
any funds appropriated to the commission.

**SECTION 10. Cooperation with other agencies authorized and
encouraged.** For the purpose of administering and enforcing the
provisions of this act, the commission shall have the power to
provide mutual aid and is encouraged and empowered to cooperate
with any other law enforcement agencies in a manner consistent
with the enforcement of this act.

**SECTION 11. Prohibition of expansion of commission
regulatory jurisdiction.** Nothing in this act or any rules,
regulations, or order of the commission administering this act
shall at any time be deemed to expand any regulatory authority or
supervisory jurisdiction of the commission beyond existing state
or federal law concerning public utilities as defined in Section
77-3-1 et seq.

SECTION 12. This act shall take effect and be in force from
and after its passage.

