

By: Representative Bain

To: Public Utilities

HOUSE BILL NO. 112

1 AN ACT TO ENACT THE "TELECOMMUNICATIONS FRAUD PREVENTION AND  
2 UTILITY INFRASTRUCTURE PROTECTION ACT"; TO PROVIDE THE MISSISSIPPI  
3 PUBLIC SERVICE COMMISSION WITH THE POWER TO ENTER INTO JOINT  
4 INVESTIGATIVE AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES; TO  
5 PROVIDE THE COMMISSION WITH THE AUTHORITY TO EMPLOY OR DESIGNATE  
6 FRAUD AND ENFORCEMENT AGENTS WHO SHALL BE CERTIFIED LAW  
7 ENFORCEMENT OFFICERS APPOINTED BY THE COMMISSION; TO PROVIDE THAT  
8 THESE LAW ENFORCEMENT OFFICERS MAY ENFORCE AND INVESTIGATE ANY  
9 ALLEGED VIOLATIONS OF THE MISSISSIPPI TELEPHONE SOLICITATION ACT,  
10 CALLER ID ANTI-SPOOFING ACT, AUTOMATIC DIALING-ANNOUNCING DEVICES  
11 ACT AND THE UNSOLICITED RESIDENTIAL TELEPHONIC SALES CALLS ACT,  
12 AND THE RULES, REGULATIONS AND GENERAL ORDERS OF THE COMMISSION  
13 PROMULGATED TO ADMINISTER AND ENFORCE SAID ACTS; TO PROVIDE SUCH  
14 LAW ENFORCEMENT OFFICERS WITH THE AUTHORITY TO INVESTIGATE  
15 NUMEROUS OTHER UNLAWFUL ACTS AND CRIMES; TO PROVIDE THAT THE  
16 REGULATORY AND SUPERVISORY JURISDICTION OF THE COMMISSION SHALL  
17 NOT BE EXPANDED BY THIS ACT; TO AMEND SECTION 77-1-55, MISSISSIPPI  
18 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** This act may be known and may be cited as the  
21 "Telecommunications Fraud Prevention and Utility Infrastructure  
22 Protection Act."

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



27 massive monetary and property losses and that additional action by  
28 the Mississippi Public Service Commission is needed to protect  
29 Mississippians, especially vulnerable populations, from imposters  
30 using telecommunications to defraud consumers by identifying those  
31 involved and investigating these actions to the fullest to stop  
32 said criminal activity.

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

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

48 **SECTION 4.** Whenever used in this act, the following terms  
49 shall have the following meanings unless the context clearly  
50 indicates otherwise:



51 (a) "Person" means an individual, firm, copartnership,  
52 corporation, company, association or joint-stock association, and  
53 includes any trustee, receiver, assignee or personal  
54 representative thereof.

55 (b) "Commission" means the Mississippi Public Service  
56 Commission.

57 (c) "Telecommunications" means any apparatus that  
58 facilitates voice or text communication over a distance by cable,  
59 wire, voice-over Internet protocol, cellular or wireless networks,  
60 or any other facility that allows voice or text communication  
61 between two (2) or more persons.

62 (d) "Public utility infrastructure" means any  
63 apparatus, equipment, or property of a public utility that  
64 facilitates the provision of public utility services in the State  
65 of Mississippi.

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

69 (f) "Subject acts" means the Mississippi Telephone  
70 Solicitation Act, Section 77-3-701, et seq.; the Unsolicited  
71 Residential Telephonic Sales Calls Act, Section 77-3-601, et seq. ;  
72 the Caller ID Anti-Spoofing Act, Section 77-3-801, et seq. ; and  
73 the Automatic Dialing-Announcing Devices Act, Section 77-3-451, et  
74 seq.



75           **SECTION 5.** For the purpose of carrying out the provisions of  
76 this act, the commission may:

77                   (a) Enter into joint investigative agreements and  
78 coordinate and cooperate in any investigation requested by any  
79 federal, state, or local law enforcement agency, along with any  
80 agency or political subdivision of the State of Mississippi; and

81                   (b) Administer, execute and enforce all other  
82 provisions of this act, make necessary orders in connection  
83 therewith, and prescribe rules, regulations and procedures for  
84 such administration.

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

96           **SECTION 7.** (1) Fraud and enforcement agents may enforce and  
97 investigate any alleged violations of the Mississippi Telephone  
98 Solicitation Act, Caller ID Anti-Spoofing Act, Automatic  
99 Dialing-Announcing Devices Act, Unsolicited Residential Telephonic



100 Sales Calls Act and the rules, regulations and general orders of  
101 the commission promulgated to administer and enforce said acts.

102 (2) Additionally, fraud and enforcement agents may  
103 investigate the following unlawful 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 and 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;



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

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

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

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

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

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

138 **SECTION 8.** (1) Fraud and enforcement agents shall have the  
139 powers of a law enforcement officer of this state, and shall have  
140 the right to bear arms, investigate crimes, subject to the  
141 limitations of this act, serve and execute search warrants,  
142 conduct civil asset forfeiture as authorized under existing law in  
143 conjunction with the Attorney General, and other valid legal  
144 process, and make arrests.

145 (2) Fraud and enforcement agents may aid and assist any law  
146 enforcement officer whose life or safety is in jeopardy. With the  
147 approval of the commission or its designee(s), fraud and  
148 enforcement agents may assist other law enforcement agencies in



149 searching for convicted felons who have escaped or for alleged  
150 felons.

151 (3) Upon request of any law enforcement agency, the  
152 Mississippi Highway Patrol, a sheriff of any county or the chief  
153 of police of any municipality, the Attorney General, Secretary of  
154 State, State Auditor, District Attorney, any municipal or county  
155 prosecuting attorney, or any public utility and with the consent  
156 of the commission, or its designee(s), fraud and enforcement  
157 agents may assist in any investigation related to any crime,  
158 subject to the limitations of this act.

159 Furthermore, fraud and enforcement agents upon approval by  
160 the commission or its designee(s) shall have the authority to  
161 assist any law enforcement agency or political subdivision of the  
162 state during time of natural disasters such as hurricanes,  
163 tornados or floods.

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

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

172 **SECTION 9.** The commission may purchase, subject to its  
173 budget set by the Mississippi Legislature, all necessary equipment



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

176         **SECTION 10.** For the purpose of administering and enforcing  
177 the provisions of this act, the commission may provide mutual aid  
178 and is encouraged and empowered to cooperate with any other law  
179 enforcement agencies in a manner consistent with the enforcement  
180 of this act.

181         **SECTION 11.** Section 77-1-55, Mississippi Code of 1972, is  
182 amended as follows:

183         77-1-55. (1) The Public Service Commission, with the aid  
184 and the assistance of the Public Utilities Staff, shall have the  
185 power to monitor, investigate, and seek relief in any appropriate  
186 federal forum from all existing or proposed interstate rates,  
187 charges, allocations and classifications, and all rules and  
188 practices in relation thereto promulgated and prescribed by or for  
189 any public utility as defined in Section 77-3-3(d) (i).

190         (2) The Public Service Commission, with the aid and the  
191 assistance of the Public Utilities Staff, may seek relief from any  
192 proposed or final decision, order, regulation, rule or law that  
193 has an impact on any existing or proposed interstate rate, charge,  
194 allocation or classification.

195         (3) For the purpose of this section, the Public Service  
196 Commission and the Executive Director of the Public Utilities  
197 Staff may each enter into professional services contracts with one  
198 or more attorneys or consultants from a competent, qualified and





199 independent firm as may be required by the commission or the  
200 executive director. Costs associated with the professional  
201 service contracts shall not exceed One Million Five Hundred  
202 Thousand Dollars (\$1,500,000.00) for each agency with respect to  
203 each rate regulated affected utility in any twelve-month period.  
204 The consultants or counsel shall submit periodically, but no less  
205 frequently than once each calendar quarter, to the executive  
206 director or the commission, as applicable, for approval of  
207 payment, itemized bills detailing the work performed. The  
208 executive director or the chairman of the commission, as  
209 applicable, shall requisition the applicable public utility to  
210 make the requisite payments to such consultants. The commission  
211 shall allow the utility to recover both the total costs the  
212 utility incurred under this section and the carrying charges for  
213 those costs through a rate rider established to recover the costs  
214 incurred and carrying charges incurred. Such rider shall include  
215 a true-up provision to ensure actual recovery of costs paid or  
216 otherwise incurred by the utility.

217 (4) The commission shall have the powers provided by the  
218 Telecommunications Fraud Prevention and Utility Infrastructure  
219 Protection Act.

220 ( \* \* \*5) This section shall stand repealed from and after  
221 July 1, \* \* \* 2024.

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

