

By: Senator(s) Chamberlin

To: Judiciary

SENATE BILL NO. 2297

1 AN ACT TO AMEND SECTION 97-29-45, MISSISSIPPI CODE OF 1972,
2 TO EXPAND THE TELEPHONE HARASSMENT LAW TO INCLUDE OBSCENE OR
3 ANNOYING COMMUNICATIONS OVER THE INTERNET AND BY CABLE; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 97-29-45, Mississippi Code of 1972, is
7 amended as follows:

8 97-29-45. Obscene electronic and telecommunications.

9 (1) It shall be unlawful for any person or persons:

10 (a) To make any comment, request, suggestion or
11 proposal by means of telecommunication or electronic communication

12 which is obscene, lewd or lascivious with intent to abuse,
13 threaten or harass any party to a telephone conversation;

14 (b) To make a telecommunication or electronic
15 communication with intent to terrify, intimidate or harass, and
16 threaten to inflict injury or physical harm to any person * * * or
17 to his property;

18 (c) To make a telephone call, whether or not
19 conversation ensues, without disclosing his identity and with
20 intent to annoy, abuse, threaten or harass any person at the
21 called number;

22 (d) To make or cause the telephone of another
23 repeatedly or continuously to ring, with intent to harass any
24 person at the called number;

25 (e) To make repeated telephone calls, during which
26 conversation ensues, solely to harass any person at the called
27 number; or



28 (f) Knowingly to permit a computer or a telephone of
29 any type under his control to be used for any purpose prohibited
30 by this section.

31 (2) Upon conviction of any person for the first offense of
32 violating subsection (1) of this section, such person shall be
33 fined not more than Five Hundred Dollars (\$500.00) or imprisoned
34 in the county jail for not more than six (6) months, or both.

35 (3) Upon conviction of any person for the second offense of
36 violating subsection (1) of this section, the offenses being
37 committed within a period of five (5) years, such person shall be
38 fined not more than One Thousand Dollars (\$1,000.00) or imprisoned
39 in the county jail for not more than one (1) year, or both.

40 (4) For any third or subsequent conviction of any person
41 violating subsection (1) of this section, the offenses being
42 committed within a period of five (5) years, such person shall be
43 guilty of a felony and fined not more than Two Thousand Dollars
44 (\$2,000.00) and/or imprisoned in the State Penitentiary for not
45 more than two (2) years, or both.

46 (5) The provisions of this section do not apply to a person
47 or persons who make a telephone call that would be covered by the
48 provisions of the federal Fair Debt Collection Practices Act, 15
49 USCS Section 1692 et seq.

50 (6) Any person violating this section may be prosecuted in
51 the county where the telephone call, conversation or language
52 originates in case such call, conversation or language originates
53 in the State of Mississippi. In case the call, conversation or
54 language originates outside of the State of Mississippi then such
55 person shall be prosecuted in the county to which it is
56 transmitted.

57 (7) For the purposes of this section, "telecommunication"
58 and "electronic communication" mean and include any type of
59 telephonic, electronic or radio communications, or transmission of
60 signs, signals, data, writings, images and sounds or intelligence



61 of any nature by telephone, including cellular telephones, wire,
62 cable, radio, electromagnetic, photoelectronic or photo-optical
63 system or the creation, display, management, storage, processing,
64 transmission or distribution of images, text, voice, video or data
65 by wire, cable or wireless means, including the internet.

66 (8) No person shall be held to have violated this section
67 solely for providing access or connection to telecommunications or
68 electronic communications services where the services do not
69 include the creation of the content of the communication.

70 Companies organized to do business as commercial broadcast radio
71 stations, television stations, telecommunications service
72 providers, internet service providers, cable service providers or
73 news organizations shall not be criminally liable under this
74 section.

75 **SECTION 2.** This act shall take effect and be in force from
76 and after July 1, 2002.

