

By: Senator(s) Chamberlin

To: Judiciary

SENATE BILL NO. 2297  
(As Sent to Governor)

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 telecommunication or electronic communication;

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

