

By: Representative Bain

To: Public Utilities

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1077

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 REQUIRE THE COMMISSION TO MAKE A
18 REPORT TO THE LEGISLATURE NOT LATER THAN DECEMBER 31, 2021,
19 REGARDING THIS ACT; TO REPEAL SECTION 77-1-21, MISSISSIPPI CODE OF
20 1972, WHICH AUTHORIZES THE DEPARTMENT OF TRANSPORTATION TO EMPLOY
21 AN ENFORCEMENT OFFICER AND INSPECTORS TO IMPLEMENT THE MOTOR
22 CARRIER REGULATORY LAW; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** This act may be known and may be cited as the
25 "Telecommunications Fraud Prevention and Utility Infrastructure
26 Protection Act."

27 **SECTION 2.** It is declared to be the policy of the State of
28 Mississippi that deceptive, scam, telemarketing, and fraudulent



29 activities by way of telecommunications and other means are
30 negatively impacting the citizens of the state resulting in
31 massive monetary and property losses and that additional action by
32 the Mississippi Public Service Commission is needed to protect
33 Mississippians, especially vulnerable populations, from imposters
34 using telecommunications to defraud consumers by identifying those
35 involved and investigating these actions to the fullest to stop
36 said criminal activity.

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

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



52 **SECTION 4.** Whenever used in this act, the following terms
53 shall have the following meanings unless the context clearly
54 indicates otherwise:

55 (a) "Person" means an individual, firm, copartnership,
56 corporation, company, association or joint-stock association, and
57 includes any trustee, receiver, assignee or personal
58 representative thereof.

59 (b) "Commission" means the Mississippi Public Service
60 Commission.

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

66 (d) "Public utility infrastructure" means any
67 apparatus, equipment, or property of a public utility that
68 facilitates the provision of public utility services in the State
69 of Mississippi.

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

73 (f) "Subject acts" means the Mississippi Telephone
74 Solicitation Act, Section 77-3-701, et seq.; the Unsolicited
75 Residential Telephonic Sales Calls Act, Section 77-3-601, et seq.;;
76 the Caller ID Anti-Spoofing Act, Section 77-3-801, et seq.; and



77 the Automatic Dialing-Announcing Devices Act, Section 77-3-451, et
78 seq.

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

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

85 (b) Administer, execute and enforce all other
86 provisions of this act, make necessary orders in connection
87 therewith, and prescribe rules, regulations and procedures for
88 such administration.

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

100 **SECTION 7.** (1) Fraud and enforcement agents may enforce and
101 investigate any alleged violations of the Mississippi Telephone



102 Solicitation Act, Caller ID Anti-Spoofing Act, Automatic
103 Dialing-Announcing Devices Act, Unsolicited Residential Telephonic
104 Sales Calls Act and the rules, regulations and general orders of
105 the commission promulgated to administer and enforce said acts.

106 (2) Additionally, fraud and enforcement agents may
107 investigate the following unlawful acts and crimes:

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

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

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

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

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

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

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

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

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

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

124 (k) Sections 97-7-43 and 97-7-44, which relate to
125 impersonating a public officer or employee;



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

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

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

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

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

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

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

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

149 (2) Fraud and enforcement agents may aid and assist any law
150 enforcement officer whose life or safety is in jeopardy. With the



151 approval of the commission or its designee(s), fraud and
152 enforcement agents may assist other law enforcement agencies in
153 searching for convicted felons who have escaped or for alleged
154 felons.

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

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

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

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



176 **SECTION 9.** The commission may purchase, subject to its
177 budget set by the Mississippi Legislature, all necessary equipment
178 to enforce the provisions of this act, and to pay for the same out
179 of any funds appropriated to the commission.

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

185 **SECTION 11.** The Public Service Commission shall make a
186 report regarding this act to the Speaker of the House, Lieutenant
187 Governor, Chairman of the House Public Utilities Committee and
188 Chairman of the Senate Energy Committee not later than December
189 31, 2021, which report shall include the number and detail, to the
190 extent such disclosure is not required to be kept confidential, of
191 the following: investigations, indictments or information,
192 ongoing prosecutions, and convictions under this act.

193 Additionally, the report should indicate which other law
194 enforcement agencies, public officials or other entities that the
195 law enforcement officers empowered under this act have been in
196 cooperation with on any matters, and to what extent, to the extent
197 such disclosure is not required to be kept confidential.

198 **SECTION 12.** Sections 1 through 12 of this act shall stand
199 repealed from and after July 1, 2022.



200 **SECTION 13.** Section 77-1-21, Mississippi Code of 1972, which
201 authorizes the Department of Transportation to employ an
202 enforcement officer and inspectors to implement the Motor Carrier
203 Regulatory Law, is repealed.

204 **SECTION 14.** This act shall take effect and be in force from
205 and after its passage.

