

2018 Regular Session

SENATE BILL NO. 204

BY SENATOR GARY SMITH

TELECOMMUNICATIONS. Provides relative to caller ID spoofing. (8/1/18)

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AN ACT

To amend and reenact the heading of Chapter 19-C of Title 51 of the Louisiana Revised Statutes of 1950, R.S. 51:1741.1, 1741.2, 1741.4(A), and 1741.5 and to enact R.S. 51:1741.4(B)(5), relative to caller ID spoofing; to provide for definitions; to provide for unlawful acts; to provide for exceptions; to provide injunctive relief, penalties, and damages; to provide for certain terms, procedures, and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Chapter 19-C of Title 51 of the Louisiana Revised Statutes of 1950, R.S. 51:1741.1, 1741.2, 1741.4(A), and 1741.5 are hereby amended and reenacted and R.S. 51:1741.4(B)(5) is hereby enacted to read as follows:

CHAPTER 19-C. ~~ANTI-CALLER ID~~ ANTI-SPOOFING

§1741.1. Legislative findings

The legislature of the state of Louisiana finds that the citizens of this state are potential targets of a telephone scam known as "caller ID spoofing" or "caller ID fraud," which allows a caller to hide his or her true identity by modifying caller ID information with the intent to mislead, defraud, or deceive, ~~the recipient of the~~

1 ~~telephone call~~ **cause harm, or wrongfully obtain anything of value**. It is, therefore,
2 the intent of this Chapter to protect Louisiana citizens from such scams which have
3 led to financial loss, the loss of personal information, harassment, and potentially
4 threatening telephone calls.

5 §1741.2. Short title

6 This Chapter shall be known and may be cited as the "~~Anti-Caller ID~~ **Anti-**
7 **Spoofing Act.**"

8 * * *

9 §1741.4. Unlawful acts; exceptions

10 A. It shall be unlawful for a caller to knowingly insert false information into
11 a caller identification system with the intent to mislead, defraud, ~~or deceive,~~ **the**
12 **recipient of a telephone call cause harm, or wrongfully obtain anything of value.**

13 B. The provisions of this Chapter shall not apply to:

14 * * *

15 **(5) Caller identification manipulation specifically authorized by court**
16 **order.**

17 §1741.5. Remedies for violation

18 A. ~~Any person or entity who is adversely affected by a violation of this~~
19 ~~Chapter may bring an action against a person who knowingly inserts false~~
20 ~~information into a caller identification system with the intent to mislead, defraud, or~~
21 ~~deceive the recipient of a telephone call. A person who brings an action under this~~
22 ~~Chapter may seek to enjoin further violations of R.S. 51:1741.4 and seek to recover~~
23 ~~the greater of three times the amount of actual damages or five thousand dollars per~~
24 ~~violation. **In addition to any other civil or criminal remedy provided by law,**~~
25 **whoever violates the provisions of this Chapter shall be subject to injunctive**
26 **relief, including costs and attorney fees, and exemplary damages for each**
27 **violation.**

28 B. ~~The~~ **Further, the** attorney general, or a district attorney in a parish where
29 a violation occurs, may bring an action against ~~a person who violates or is in~~

1 ~~violation of this Chapter to enjoin further violations of R.S. 51:1741.4 and a violator~~
 2 **for injunctive relief and** to recover a civil penalty of up to ~~five~~ **ten** thousand dollars
 3 per violation.

4 ~~C. The remedies provided for in this Section shall not preclude the seeking~~
 5 ~~of other remedies, including criminal remedies, provided by law.~~

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ridge.

DIGEST

SB 204 Original 2018 Regular Session Gary Smith

Present law provides for the "Anti-Caller ID Spoofing Act".

Proposed law changes present law to "Caller ID Anti-Spoofing Act" (Act).

Present law provides that it is unlawful for a caller to knowingly insert false information into a caller identification system with the intent to mislead, defraud, or deceive the recipient of a telephone call. There are exceptions to present law.

Proposed law adds to present law that is unlawful for a caller to knowingly insert false information into a caller identification system with the intent to mislead, defraud, deceive, cause harm, or wrongfully obtain anything of value.

Present law provides that a person who brings an action against a person who violates the law may seek to enjoin further violations and seek to recover the greater of three times the amount of actual damages or \$5,000 per violation.

Proposed law removes present law provision and provides that in addition to any other civil or criminal remedy provided by law, the violator shall be subject to injunctive relief, including costs and attorney fees, and exemplary damages for each violation.

Present law provides the attorney general, or a district attorney in a parish where a violation occurs, may bring an action against a person who violates the Act to enjoin further violations and to recover a civil penalty of up to \$5,000 per violation.

Proposed law increases the civil penalty up to \$10,000 per violation.

Effective August 1, 2018.

(Amends R.S. 51:1741.1, 1741.2, 1741.4(A), and 1741.5; adds R.S. 51:1741.4(B)(5))