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

DIGEST

SB 204 Engrossed | 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 it 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 whoever violates the Act shall be subject to injunctive relief, treble damages, and court costs and reasonable attorney fees.

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 to up to $10,000 per violation.

Effective August 1, 2018.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Replaces exemplary damages with treble damages.