

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 204

2018 Regular Session

Gary Smith

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

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

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Authorizes one adversely affected to bring an action if false information is knowingly inserted into a caller ID system with intent to cause harm.
2. Adds technical amendments

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

SB 204 Engrossed

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Proposed law changes the current "Anti-Caller ID Spoofing Act" to the "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 and provides for exceptions.

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.

Proposed law does not apply to caller identification manipulation specifically authorized by court order.

Proposed law authorizes any person or entity adversely affected by a violation to bring an action against a person who knowingly inserts false information into a caller identification system with the intent to cause harm to, wrongfully obtain anything of value from, mislead, defraud, or deceive the recipient of a telephone call.

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.

Provides that remedies available in proposed law shall not preclude one from seeking other remedies, including criminal remedies, available.

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))

Thomas L. Tyler
Deputy Chief of Staff