By:  Canales, et al. (Senate Sponsor - Hughes) H.B. No. 101

(In the Senate - Received from the House April 3, 2019; April 4, 2019, read first time and referred to Committee on Criminal Justice; May 17, 2019, reported favorably by the following vote: Yeas 6, Nays 0; May 17, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman                  X

Buckingham      X

Flores          X

Hughes          X

Miles           X

Perry           X

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the criminal offense of false caller identification information display.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 33A, Penal Code, is amended by adding Section 33A.051 to read as follows:

Sec. 33A.051.  FALSE CALLER IDENTIFICATION INFORMATION DISPLAY. (a) A person commits an offense if the person, with the intent to defraud or cause harm, makes a call or engages in any other conduct using any type of technology that results in the display on another person's telecommunications device of data that misrepresents the actor's identity or telephone number.

(b)  An offense under this section is a Class A misdemeanor.

(c)  Notwithstanding any other provision of this chapter, a conviction for an offense under this section may not be used for enhancement purposes under any other section of this chapter.

(d)  It is a defense to prosecution that the actor:

(1)  blocked caller identification information;

(2)  was a peace officer or federal law enforcement officer lawfully discharging an official duty;

(3)  was an officer, agent, or employee of a federal intelligence or security agency lawfully discharging an official duty;

(4)  was an officer, agent, or employee of a telecommunications service provider who was:

(A)  acting in the provider's capacity as an intermediary for the transmission of telephone service, a Voice over Internet Protocol transmission, or another type of telecommunications transmission between the caller and the recipient;

(B)  providing or configuring a service or service feature as requested by a customer;

(C)  acting in a manner that is authorized or required by other law; or

(D)  engaging in other conduct that is a necessary incident to the provision of service; or

(5)  was a private investigator licensed under Chapter 1702, Occupations Code, lawfully conducting an investigation.

(e)  For the purposes of this section, "telecommunications service provider" means a:

(1)  telecommunications provider, as defined by Section 51.002, Utilities Code; or

(2)  provider of telecommunications service, advanced communications services, or information service, as those terms are defined by 47 U.S.C. Section 153.

SECTION 2.  This Act takes effect September 1, 2019.

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