

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

1 telecommunications service provider who was:

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

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

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

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

13 (5) was a private investigator licensed under Chapter  
14 1702, Occupations Code, lawfully conducting an investigation.

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

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

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

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 101 was passed by the House on April 2, 2019, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 101 was passed by the Senate on May 22, 2019, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor