

By: Canales, Rose, González of Dallas,
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H.B. No. 101

Substitute the following for H.B. No. 101:

By: González of Dallas

C.S.H.B. No. 101

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, harass, 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.