

By: Canales

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, including the public switched telephone network or a successor network, a commercial mobile service, or a Voice over Internet Protocol service, 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 an exception to the application of this section that the actor:

(1) blocked caller identification information;

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

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

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

6                   (i) acting in the provider's capacity as an  
7 intermediary for the transmission of telephone service between the  
8 caller and the recipient;

9                   (ii) providing or configuring a service or  
10 service feature as requested by a customer;

11                   (iii) acting in a manner that is authorized  
12 or required by other law; or

13                   (iv) engaging in other conduct that is a  
14 necessary incident to the provision of service.

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