

MISREPRESENTATION OF TELEPHONE AND TEXT IDENTIFICATION

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David E. Lifferth

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill modifies the Utah Criminal Code regarding telephone and VoIP communications.

Highlighted Provisions:

This bill:

prohibits making telephone calls or text messages that provide false or inaccurate caller or text message identification information with the intent to ~~mislead~~ harm ;

prohibits making telephone calls or text messages that provide false or inaccurate caller or text message identification information to a public safety answering point when reporting an emergency;

provides that a ~~first~~ violation is a class ~~C~~ misdemeanor and that any subsequent violation is a class B misdemeanor; ~~and~~

provides that the recipient of the call or text may bring a civil action for damages ; and

provides that an Internet service provider or hosting company, a provider of public telecommunications services, or a text message service that transmits, routes, or otherwise manages data without selecting the content is not subject to these prohibitions .

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-10-1802, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-10-1802** is enacted to read:



28 **Part 18. Communications Fraud and Misrepresentation**

29 **76-10-1802. Misrepresentation of call or text communication identification.**

30 (1) As used in this section:

31 (a) "Caller or text message identification information" means information provided by
 32 a caller identification service or text message service regarding the telephone number or other
 33 information regarding the origination of a call or text message made using a
 34 telecommunications service or VoIP voice service.

35 (b) "Caller or text message identification service" means any service or device
 36 designed to provide the user of the service or device with the telephone number of, or other
 37 information regarding, the origination of a call or text message made using a
 38 telecommunications service or VoIP voice service, including automatic number identification
 39 services.

40 (c) "Text message":

41 (i) means a real-time or near real-time message consisting of text, images, sounds, or
 42 other information transmitted from or received by a device identified by a telephone number;
 43 and

44 (ii) does not include a real-time, two-way voice or video communication.

45 (d) "VoIP" means a technology that allows telephone calls to be made over computer
 46 networks, including the Internet.

47 (2) It is unlawful for any person or individual, in connection with any
 48 telecommunications service or VoIP voice service, to knowingly cause any caller identification
 49 service or text message service to transmit false, misleading, or inaccurate caller or text
 50 message identification information $\hat{H} \rightarrow$:

50a1 (a) $\leftarrow \hat{H}$ with the intent to $\hat{H} \rightarrow$ [~~deceive~~] **harm** $\leftarrow \hat{H}$ the recipient of the
 50a call or text
 51 message $\hat{H} \rightarrow$; or

51a (b) to a public safety answering point when reporting an emergency $\leftarrow \hat{H}$.

52 (3) This section does not prevent or restrict any person or individual from blocking the
 53 capability of any caller or text message identification service to transmit caller or text message
 54 identification information.

55 (4) The following are exempt from this section:

56 (a) the lawful investigative, protective, or intelligence activity of a law enforcement
 57 agency; and

58 (b) a court order that specifically authorizes the use of caller or text message

59 identification manipulation.

60 (5) Each separate call ~~to~~ ~~or~~ text message transmitted in violation of this

60a section

61 is ~~to~~ :

61a (a) for a first violation, a class C misdemeanor; and

61b (b) for a second or subsequent violation, ~~a~~ class B misdemeanor.

62 (6) Violations may be enforced in a civil action initiated by the recipient of a call,

63 message, or text message made in violation of this section, a criminal action initiated by a

64 prosecuting attorney, or both.

64a ~~to~~ **(7) This section does not apply to an Internet service provider or hosting company,**

64b **a provider of public telecommunications services, or a text message service by reason of the**

64c **fact that the Internet service provider, hosting company, text message service, or provider of**

64d **public telecommunications services:**

64e **(i) transmits, routes, or provides connections for material without selecting the**

64f **material;**

64g **(ii) stores or delivers the material at the direction of a user; or**

64h **(iii) provides a caller or text message identification service. ~~to~~**

Legislative Review Note

as of 1-29-15 9:40 AM

Office of Legislative Research and General Counsel