

SENATE BILL NO. 204

BY SENATORS GARY SMITH, CORTEZ, MARTINY, MIZELL AND THOMPSON

1 AN ACT

2 To amend and reenact the heading of Chapter 19-C of Title 51 of the Louisiana Revised
3 Statutes of 1950, R.S. 51:1741.1, 1741.2, 1741.4(A), and 1741.5 and to enact R.S.
4 51:1741.4(B)(5), relative to caller ID spoofing; to provide for definitions; to provide
5 for unlawful acts; to provide for exceptions; to provide injunctive relief, penalties,
6 and damages; to provide for certain terms, procedures, and conditions; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The heading of Chapter 19-C of Title 51 of the Louisiana Revised Statutes
10 of 1950, R.S. 51:1741.1, 1741.2, 1741.4(A), and 1741.5 are hereby amended and reenacted
11 and R.S. 51:1741.4(B)(5) is hereby enacted to read as follows:

12 CHAPTER 19-C. ~~ANTI-CALLER ID~~ ANTI-SPOOFING

13 §1741.1. Legislative findings

14 The legislature of the state of Louisiana finds that the citizens of this state are
15 potential targets of a telephone scam known as "caller ID spoofing" or "caller ID
16 fraud," which allows a caller to hide his or her true identity by modifying caller ID
17 information with the intent to mislead, defraud, ~~or deceive, the recipient of the~~
18 ~~telephone call~~ **cause harm, or wrongfully obtain anything of value**. It is, therefore,
19 the intent of this Chapter to protect Louisiana citizens from such scams which have
20 led to financial loss, the loss of personal information, harassment, and potentially
21 threatening telephone calls.

22 §1741.2. Short title

23 This Chapter shall be known and may be cited as the "~~Anti-Caller ID~~ Anti-

1 Spoofing Act."

2 * * *

3 §1741.4. Unlawful acts; exceptions

4 A. It shall be unlawful for a caller to knowingly insert false information into
5 a caller identification system with the intent to mislead, defraud, or deceive, the
6 recipient of a telephone call **cause harm, or wrongfully obtain anything of value.**

7 B. The provisions of this Chapter shall not apply to:

8 * * *

9 **(5) Caller identification manipulation specifically authorized by court**
10 **order.**

11 §1741.5. Remedies for violation

12 A. ~~Any person or entity who is adversely affected by a violation of this~~
13 ~~Chapter may bring an action against a person who knowingly inserts false~~
14 ~~information into a caller identification system with the intent to mislead, defraud, or~~
15 ~~deceive the recipient of a telephone call. A person who brings an action under this~~
16 ~~Chapter may seek to enjoin further violations of R.S. 51:1741.4 and seek to recover~~
17 ~~the greater of three times the amount of actual damages or five thousand dollars per~~
18 ~~violation. **Whoever violates the provisions of this Chapter shall be subject to**~~
19 ~~**injunctive relief, treble damages, court costs, and reasonable attorney fees.**~~

20 B. **Any person or entity who is adversely affected by a violation of this**
21 **Chapter may bring an action against a person who knowingly inserts false**
22 **information into a caller identification system with the intent to cause harm to,**
23 **wrongfully obtain anything of value from, mislead, defraud, or deceive the**
24 **recipient of a telephone call. A person who brings an action under this Chapter**
25 **may seek to enjoin further violations of R.S. 51:1741.4 and seek to recover as**
26 **provided for in this Section.**

27 C. The attorney general, or a district attorney in a parish where a violation
28 occurs, may bring an action against a person who violates or is in violation of this
29 Chapter to enjoin further violations of R.S. 51:1741.4 and **a violator for injunctive**
30 **relief and** to recover a civil penalty of up to ~~five~~ **ten** thousand dollars per violation.

1 ~~C.D.~~ The remedies provided for in this Section shall not preclude the seeking
2 of other remedies, including criminal remedies, provided by law.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____