

115TH CONGRESS  
2D SESSION

# S. 3149

To modify the penalties for violations of the Telephone Consumer Protection Act of 1993.

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IN THE SENATE OF THE UNITED STATES

JUNE 27, 2018

Ms. CORTEZ MASTO (for herself, Mr. SCHUMER, Mrs. MCCASKILL, Ms. HASSAN, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To modify the penalties for violations of the Telephone Consumer Protection Act of 1993.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Deter Obnoxious, Ne-  
5 farious, and Outrageous Telephone Calls Act of 2018” or  
6 the “DO NOT Call Act”.

7 **SEC. 2. PENALTIES FOR VIOLATIONS OF THE TELEPHONE**  
8 **CONSUMER PROTECTION ACT OF 1993.**

9 (a) **CRIMINAL PENALTIES.**—

1           (1) IN GENERAL.—Section 227 of the Commu-  
2           nications Act of 1934 (47 U.S.C. 227) is amended  
3           by adding at the end the following:

4           “(i) CRIMINAL PENALTIES.—

5           “(1) IN GENERAL.—Except as provided in para-  
6           graph (2), any person who willfully and knowingly  
7           violates this section shall be imprisoned for not more  
8           than 1 year, fined under title 18, United States  
9           Code, or both.

10          “(2) AGGRAVATED OFFENSE.—Any person who  
11          willfully and knowingly violates this section shall be  
12          imprisoned for not more than 3 years, fined under  
13          title 18, United States Code, or both if—

14                 “(A) the person has previously been con-  
15                 victed under this subsection;

16                 “(B) the offense involved initiating more  
17                 than—

18                         “(i) 100,000 calls in a 24-hour period;

19                         “(ii) 1,000,000 calls in a 30-day pe-  
20                         riod; or

21                         “(iii) 10,000,000 calls in a 1-year pe-  
22                         riod;

23                 “(C) the person committed the offense  
24                 with the intent to use the calls in furtherance  
25                 of a felony or conspiracy to commit a felony; or

1           “(D) the offense caused loss to 1 or more  
2           persons aggregating \$5,000 or more in value  
3           during any 1-year period.

4           “(3) DEFINITIONS.—For purposes of this sub-  
5           section—

6           “(A) the term ‘call’ includes a message or  
7           other communication; and

8           “(B) the term ‘initiate’, with respect to a  
9           call, includes the act of sending, making, or  
10          transmitting a call, message, or other commu-  
11          nication, as applicable.”.

12          (2) TECHNICAL AND CONFORMING AMEND-  
13          MENT.—Section 227(e)(5)(B) of the Communica-  
14          tions Act of 1934 (47 U.S.C. 227(e)(5)(B)) is  
15          amended, in the second sentence, by striking “sec-  
16          tion 501” and inserting “subsection (i)”.

17          (b) INCREASED PENALTIES FOR PROVISION OF INAC-  
18          CULATE CALLER IDENTIFICATION INFORMATION.—Sec-  
19          tion 227(e)(5) of the Communications Act of 1934 (47  
20          U.S.C. 227(e)(5)) is amended—

21                 (1) in subparagraph (A)(i), by striking  
22                 “\$10,000” and inserting “\$20,000”; and

23                 (2) in subparagraph (B), in the first sentence,  
24                 by striking “\$10,000” and inserting “\$20,000”.

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