

1-1 By: Canales, et al. (Senate Sponsor - Hughes) H.B. No. 101
 1-2 (In the Senate - Received from the House April 3, 2019;
 1-3 April 4, 2019, read first time and referred to Committee on
 1-4 Criminal Justice; May 17, 2019, reported favorably by the
 1-5 following vote: Yeas 6, Nays 0; May 17, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9			X	
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the creation of the criminal offense of false caller
 1-18 identification information display.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 33A, Penal Code, is amended by adding
 1-21 Section 33A.051 to read as follows:

1-22 Sec. 33A.051. FALSE CALLER IDENTIFICATION INFORMATION
 1-23 DISPLAY. (a) A person commits an offense if the person, with the
 1-24 intent to defraud or cause harm, makes a call or engages in any
 1-25 other conduct using any type of technology that results in the
 1-26 display on another person's telecommunications device of data that
 1-27 misrepresents the actor's identity or telephone number.

1-28 (b) An offense under this section is a Class A misdemeanor.

1-29 (c) Notwithstanding any other provision of this chapter, a
 1-30 conviction for an offense under this section may not be used for
 1-31 enhancement purposes under any other section of this chapter.

1-32 (d) It is a defense to prosecution that the actor:

1-33 (1) blocked caller identification information;

1-34 (2) was a peace officer or federal law enforcement
 1-35 officer lawfully discharging an official duty;

1-36 (3) was an officer, agent, or employee of a federal
 1-37 intelligence or security agency lawfully discharging an official
 1-38 duty;

1-39 (4) was an officer, agent, or employee of a
 1-40 telecommunications service provider who was:

1-41 (A) acting in the provider's capacity as an
 1-42 intermediary for the transmission of telephone service, a Voice
 1-43 over Internet Protocol transmission, or another type of
 1-44 telecommunications transmission between the caller and the
 1-45 recipient;

1-46 (B) providing or configuring a service or service
 1-47 feature as requested by a customer;

1-48 (C) acting in a manner that is authorized or
 1-49 required by other law; or

1-50 (D) engaging in other conduct that is a necessary
 1-51 incident to the provision of service; or

1-52 (5) was a private investigator licensed under Chapter
 1-53 1702, Occupations Code, lawfully conducting an investigation.

1-54 (e) For the purposes of this section, "telecommunications
 1-55 service provider" means a:

1-56 (1) telecommunications provider, as defined by
 1-57 Section 51.002, Utilities Code; or

1-58 (2) provider of telecommunications service, advanced
 1-59 communications services, or information service, as those terms are
 1-60 defined by 47 U.S.C. Section 153.

1-61 SECTION 2. This Act takes effect September 1, 2019.

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