

1 MISREPRESENTATION OF TELEPHONE AND TEXT

2 IDENTIFICATION

3 2015 GENERAL SESSION

4 STATE OF UTAH

5 Chief Sponsor: David E. Lifferth

6 Senate Sponsor: Todd Weiler

8 LONG TITLE

9 General Description:

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

12 Highlighted Provisions:

13 This bill:

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

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

19 ▶ provides that a first violation is a class C misdemeanor and that any subsequent
20 violation is a class B misdemeanor;

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

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

27 Money Appropriated in this Bill:

28 None

29 Other Special Clauses:

30 None

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **76-10-1802**, Utah Code Annotated 1953



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

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

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

38 **76-10-1802. Misrepresentation of call or text communication identification.**

39 (1) As used in this section:

40 (a) "Caller or text message identification information" means information provided by
41 a caller identification service or text message service regarding the telephone number or other
42 information regarding the origination of a call or text message made using a
43 telecommunications service or VoIP voice service.

44 (b) "Caller or text message identification service" means any service or device
45 designed to provide the user of the service or device with the telephone number of, or other
46 information regarding, the origination of a call or text message made using a
47 telecommunications service or VoIP voice service, including automatic number identification
48 services.

49 (c) "Text message":

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

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

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

56 (2) It is unlawful for any person or individual, in connection with any
57 telecommunications service or VoIP voice service, to knowingly cause any caller identification

58 service or text message service to transmit false, misleading, or inaccurate caller or text
59 message identification information:

60 (a) with the intent to harm the recipient of the call or text message; or

61 (b) to a public safety answering point when reporting an emergency.

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

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

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

68 (b) a court order that specifically authorizes the use of caller or text message
69 identification manipulation.

70 (5) Each separate call or text message transmitted in violation of this section is:

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

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

73 (6) Violations may be enforced in a civil action initiated by the recipient of a call,
74 message, or text message made in violation of this section, a criminal action initiated by a
75 prosecuting attorney, or both.

76 (7) This section does not apply to an Internet service provider or hosting company, a
77 provider of public telecommunications services, or a text message service by reason of the fact
78 that the Internet service provider, hosting company, text message service, or provider of public
79 telecommunications services:

80 (i) transmits, routes, or provides connections for material without selecting the
81 material;

82 (ii) stores or delivers the material at the direction of a user; or

83 (iii) provides a caller or text message identification service.