

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2316

By: Smithson

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5
6 AS INTRODUCED

7 An Act relating to consumer protection; amending
8 Section 3, Chapter 107, O.S.L. 2007 (15 O.S. Supp.
9 2009, Section 776.22), which relates to the Anti-
10 Caller ID Spoofing Act; adding certain definitions;
11 making it unlawful to sell certain spoofing calling
12 cards and services; providing penalties; providing
13 for codification; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY Section 3, Chapter 107, O.S.L.
16 2007 (15 O.S. Supp. 2009, Section 776.22), is amended to read as
17 follows:

18 Section 776.22 As used in the Anti-Caller ID Spoofing Act:

19 1. "Caller" means a person who places a call by a telephone or
20 over a telephone line, even if the person begins the call on a
21 computer;

22 2. "Caller identification system" means a listing of a caller's
23 name, telephone number, or name and telephone number that is shown
24 to a recipient of a call when the recipient answers;

1 3. "Insert" means insert by voice communication, by written
2 communication or by otherwise entering into a computer; and

3 4. "False information" means data that misrepresents the
4 identity of the caller to the recipient of a call; except that when
5 a person making an authorized call on behalf of another person
6 inserts the name, telephone number or name and telephone number of
7 the person on whose behalf the call is being made, such information
8 shall not be deemed false information;

9 5. "Spoofing calling card" means an actual or virtual calling
10 card that may be purchased by a caller and allows the caller to dial
11 a toll-free number and enter or change the information that is to be
12 displayed on a caller identification system; and

13 6. "Spoofing services" means a web-based service that may be
14 purchased by a caller and allows the caller to initiate a call from
15 a computer and enter or change the information that is to be
16 displayed on a caller identification system.

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 776.24 of Title 15, unless there
19 is created a duplication in numbering, reads as follows:

20 A. It shall be unlawful for any person or entity to sell or
21 offer to sell a spoofing calling card or spoofing service to a
22 caller who uses the calling card or service to insert false
23 information into a caller identification system with the intent to
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1 mislead, harass, defraud or deceive the recipient of the telephone
2 call.

3 B. Any person violating the provisions of this section shall be
4 guilty of a misdemeanor and, upon conviction, shall be imprisoned in
5 the county jail for not more than one (1) year or fined not more
6 than Ten Thousand Dollars (\$10,000.00) per incident or by both such
7 fine and imprisonment.

8 C. All acts and practices declared to be unlawful in this
9 section shall, in addition, be violations of the Oklahoma Consumer
10 Protection Act.

11 SECTION 3. This act shall become effective November 1, 2010.

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