

HB 3208-S - DIGEST

(DIGEST OF PROPOSED 1ST SUBSTITUTE)

Declares that a person is guilty of the unauthorized sale or procurement of telephone records if the person: (1) Intentionally sells the telephone record of any resident of this state without the authorization of the customer to whom the record pertains;

(2) By fraudulent, deceptive, or false means obtains the telephone record of any resident of this state to whom the record pertains;

(3) Knowingly purchases the telephone record of any resident of this state without the authorization of the customer to whom the record pertains; or

(4) Knowingly receives the telephone record of any resident of this state without the authorization of the customer to whom the record pertains.

Does not apply to: (1) Any action by a government agency, or any officer, employee, or agent of such agency, to obtain telephone records in connection with the performance of the official duties of the agency;

(2) A telecommunications company that obtains, uses, discloses, or permits access to any telephone record, either directly or indirectly through its agents, that is: (a) With the lawful consent of the customer or subscriber; (b) authorized by law; or (c) necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, such services.

Establishes criminal penalties for violations of this act.