

HCS HB 1632 -- THEFT OF TELEPHONE RECORDS

SPONSOR: Rector (Cooper, 120)

COMMITTEE ACTION: Voted "do pass" by the Committee on Utilities by a vote of 16 to 0.

This substitute creates the crime of knowingly receiving, selling, or obtaining land-line or cellular telephone records without a customer's consent. Exemptions include the Department of Corrections, state agencies with authority to regulate telecommunications, law enforcement officers performing their official duties, lawful use of the records in order to provide service, use of records pursuant to the Victims of Child Abuse Act of 1990, and the emergency use of records to prevent death or serious injury.

Customers and telecommunications companies can recover actual damages, illicit profits, and punitive damages from persons who violate these provisions. There is a two-year statute of limitation on the civil actions.

The substitute does not create any new cause of action against telecommunications companies, but does require them to establish reasonable procedures to guard against the theft of telephone records.

FISCAL NOTE: No impact on state funds in FY 2007, FY 2008, and FY 2009.

PROPONENTS: Supporters say that the bill is necessary in order to protect Missouri consumers and provide definite penalties for the theft of customer information.

Testifying for the bill was Representative Cooper (120); Cingular; Sprint Nextel; AT&T; T-Mobile USA; Verizon; and Missouri Telecommunications Industry Association.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that the Office of the Attorney General has prosecuted some theft of phone records as a class D felony.

Others testifying on the bill was Office of the Attorney General.

Jason Glahn, Legislative Analyst