

HCS HB 1632 -- THEFT OF TELEPHONE RECORDS (Cooper, 120)

COMMITTEE OF ORIGIN: Utilities

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.