

2018 Regular Session

HOUSE BILL NO. 594

BY REPRESENTATIVE GARY CARTER

CRIME: Creates the crime which would prohibit telemarketing targeted at the elderly population

1 AN ACT

2 To enact R.S. 14:285(A)(6), relative to crimes involving telephone communications; to
3 provide for the crime of telemarketing to the elderly; to provide definitions; to
4 provide a penalty for telemarketing to the elderly; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:285(A)(6) is hereby enacted to read as follows:

7 §285. Telephone communications; improper language; harassment; telemarketing
8 to the elderly; penalty

9 A. No person shall:

10 * * *

11 (6) Engage in telephonic solicitation of a person who is sixty-five years of
12 age or older. For purposes of this Section, "telephonic solicitation" means any voice
13 or data communication made by a person to a telephonic subscriber for the purpose
14 of encouraging a sale or rental of or investment in property, consumer goods, or
15 services; for the purpose of encouraging an extension of credit for property,
16 consumer goods, or services; for the purpose of obtaining information that will or
17 may be used for the direct solicitation of a sale or rental of or investment in property,
18 consumer goods, or services or an extension of credit for such purposes; or for the
19 solicitation of a contribution to a charitable organization.

20 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 594 Original

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Abstract: Prohibits telemarketing to a person aged 65 or older, provides criminal penalties, and provides definitions.

Present law makes it a crime to harass a person over a telephone under various circumstances. Provides that the crime is deemed to have been committed at the place where the telephone call originated or was received. Provides that a person's first violation of this crime is punishable by a fine of no more than \$500 and imprisonment for up to six months. Provides that a second or subsequent offense is punishable by a fine of no more than \$5,000 and imprisonment with or without hard labor for up to two years.

Proposed law retains present law and makes it a crime to engage in telephonic solicitation of a person who is 65 or older. Defines "telephonic solicitation" as any voice or data communication made by a person to a telephone subscriber for the purpose of encouraging the sale, rental, or investment in or extension of credit for any property, consumer goods, or services or to obtain information to be used for direct solicitation thereof, or for the solicitation of a contribution to a charitable organization. Proposed law makes this crime subject to the penalties provided by present law.

(Adds R.S. 14:285(A)(6))