

RÉSUMÉ DIGEST

ACT 652 (SB 204)

2018 Regular Session

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New law changes the current "Anti-Caller ID Spoofing Act" to the "Caller ID Anti-Spoofing Act" (Act).

Prior law provided that it is unlawful for a caller to knowingly insert false information into a caller identification system with the intent to mislead, defraud, or deceive the recipient of a telephone call and provides for exceptions.

New law adds to prior law that it is unlawful for a caller to knowingly insert false information into a caller identification system with the intent to mislead, defraud, deceive, cause harm, or wrongfully obtain anything of value.

New law does not apply to caller identification manipulation specifically authorized by court order.

New law authorizes any person or entity adversely affected by a violation to bring an action against a person who knowingly inserts false information into a caller identification system with the intent to cause harm to, wrongfully obtain anything of value from, mislead, defraud, or deceive the recipient of a telephone call.

Prior law provided that a person who brings an action against a person who violates the law may seek to enjoin further violations and seek to recover the greater of three times the amount of actual damages or \$5,000 per violation.

New law removes prior law provision and provides that whoever violates the Act shall be subject to injunctive relief, treble damages, and court costs and reasonable attorney fees.

Prior law provided the attorney general, or a district attorney in a parish where a violation occurs, may bring an action against a person who violates the Act to enjoin further violations and to recover a civil penalty of up to \$5,000 per violation.

New law increases the civil penalty to up to \$10,000 per violation.

Provides that remedies available in new law shall not preclude one from seeking other remedies, including criminal remedies, available.

Effective August 1, 2018.

(Amends R.S. 51:1741.1, 1741.2, 1741.4(A), and 1741.5; adds R.S. 51:1741.4(B)(5))