**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 20, TITLE 37 SO AS TO ENTITLE THE ARTICLE “CALLER IDENTIFICATION FRAUD”, TO CREATE THE OFFENSE OF UNLAWFULLY ALTERING THE IDENTIFICATION OF A CALLER’S NUMBER OR CALLER IDENTIFICATION SPOOFING, TO DEFINE NECESSARY TERMS, AND TO PROVIDE A PENALTY; AND TO REDESIGNATE THE EXISTING SECTIONS OF CHAPTER 20, TITLE 37 AS ARTICLE 1 ENTITLED “IDENTITY THEFT”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 20, Title 37 is amended by adding:

“Article 3

Caller Identification Fraud

Section 37‑20‑310. (A) As used in this article, the term:

(1) ‘Caller identification information’ means information provided by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP‑enabled voice service;

(2) ‘Caller identification service’ means a service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP‑enabled voice service. This term includes automatic number identification services; and

(3) ‘IP‑enabled voice service’ is as defined in 47 C.F.R. 9.3.

Section 37‑20‑320. (A) It is unlawful for a person, in connection with a telecommunications service, IP‑enabled voice service, or through other means, to cause a caller identification service to knowingly transmit misleading or inaccurate caller identification information, also known as caller identification spoofing, with the intent to:

(1) harass, defraud, cause harm, or wrongfully obtain anything of value from another person; or

(2) deceive the recipient of the call regarding the identity of the caller.

(B) A person who violates the provisions of item (A)(1) is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than five years. A person who violates the provisions of item (A)(2) is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year.

Section 37‑20‑330. The provisions of this article may not be construed to prevent or restrict a person from blocking the capability of a caller identification service to transmit caller identification information.”

SECTION 2. Sections 37‑20‑110 through 37‑20‑200 of the 1976 Code are redesignated as Article 1, Chapter 20, Title 37 entitled ‘Identity Theft’. The Code Commissioner is directed to change references from “chapter” to “article” as appropriate to reflect the redesignated provisions.

SECTION 3. This act takes effect upon approval by the Governor.

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