**A** **BILL**

TO AMEND CHAPTER 20, TITLE 37 OF THE 1976 CODE, BY ADDING ARTICLE 3, TO ENTITLE THE ARTICLE “CALLER IDENTIFICATION AND SOCIAL MEDIA FRAUD”, TO CREATE THE OFFENSE OF UNLAWFULLY ALTERING THE IDENTIFICATION OF A CALLER’S NUMBER OR SOCIAL MEDIA IDENTITY, 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 of the 1976 Code is amended by adding:

“Article 3

Caller Identification and Social Media 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.

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

(4) ‘Social media service’ means a category of Internet sites based on user participation and user‑generated content centered on user interaction.

Section 37‑20‑320. (A) It is unlawful for a person, in connection with a telecommunications service, IP‑enabled voice service, social media service, or through other means, to cause a caller identification or social media service to knowingly transmit or post misleading or inaccurate caller identification or social media information 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 identity of the person.

(B) A person who violates the provisions of item (A)(1) is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than three 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 five hundred dollars or imprisoned for not more than thirty days.”

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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