

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 290

Senator Burke

Cosponsors: Senators Huffman, Schiavoni, Beagle

A BILL

To enact section 2913.50 of the Revised Code to
create the offenses of theft or conversion of a
telephone number or exchange and providing
misleading caller identification information.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2913.50 of the Revised Code be
enacted to read as follows:

Sec. 2913.50. (A) As used in this section, "voice over internet protocol service" has the same meaning as in section 4927.01 of the Revised Code.

(B) No person, in connection with any telecommunication service or voice over internet protocol service, shall knowingly cause any caller identification service to transmit either of the following:

(1) Information using or repeating a telephone number or exchange that is not assigned to the person;

(2) Misleading or inaccurate caller identification information, knowing that the caller identification information

is misleading or inaccurate, and knowing that the misleading or 18
inaccurate caller identification information will defraud or 19
cause harm to the recipient or that the person will wrongfully 20
obtain anything of value. 21

(C) (1) Whoever violates division (B) (1) of this section is 22
guilty of theft or conversion of a telephone number or exchange. 23
Whoever violates division (B) (2) of this section is guilty of 24
providing misleading caller identification information. 25

(2) Except as otherwise provided in division (C) (3) of 26
this section, theft or conversion of a telephone number or 27
exchange is a felony of the fifth degree and providing 28
misleading caller identification information is a felony of the 29
fourth degree. 30

(3) (a) If the victim of theft or conversion of a telephone 31
number or exchange is an elderly person, disabled adult, active 32
duty service member, or spouse of an active duty service member, 33
a violation of division (B) (1) of this section is theft or 34
conversion of a telephone number or exchange against a person in 35
a protected class, a felony of the fourth degree. 36

(b) If the victim of providing misleading caller 37
identification information is an elderly person, disabled adult, 38
active duty service member, or spouse of an active duty service 39
member, a violation of division (B) (2) of this section is 40
providing misleading caller identification information against a 41
person in a protected class, a felony of the third degree. 42

(D) This section does not apply if the person uses a 43
telephone number that is identified as "unknown" or "blocked" or 44
if the person leaves a message and includes the person's 45
identity. 46

(E) A violation of this section shall be considered an 47
unfair or deceptive act or practice in violation of section 48
1345.02 of the Revised Code. A person injured by a violation of 49
this section shall have a cause of action and be entitled to the 50
same relief available to a consumer under section 1345.09 of the 51
Revised Code, and all powers and remedies available to the 52
attorney general to enforce sections 1345.01 to 1345.13 of the 53
Revised Code are available to the attorney general to enforce 54
this section. A conviction or plea of guilty to a violation of 55
this section is not necessary to prevail in such an action, but 56
such a conviction or plea of guilty creates an irrebuttable 57
presumption of the violation in such a cause of action. 58

(F) In addition to any remedies of which a consumer is 59
entitled, a consumer who obtains goods or services as a result 60
of a violation of this section may keep those goods or services 61
without an obligation to pay for those goods or services and the 62
offender shall not raise a claim for such payment against the 63
consumer. 64