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 inaccurate caller identification information will defraud or cause harm to the recipient or that the person will wrongfully obtain anything of value.

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

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

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

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

(D) This section does not apply if the person uses a telephone number that is identified as "unknown" or "blocked" or if the person leaves a message and includes the person's identity.
(E) A violation of this section shall be considered an unfair or deceptive act or practice in violation of section 1345.02 of the Revised Code. A person injured by a violation of this section shall have a cause of action and be entitled to the same relief available to a consumer under section 1345.09 of the Revised Code, and all powers and remedies available to the attorney general to enforce sections 1345.01 to 1345.13 of the Revised Code are available to the attorney general to enforce this section. A conviction or plea of guilty to a violation of this section is not necessary to prevail in such an action, but such a conviction or plea of guilty creates an irrebuttable presumption of the violation in such a cause of action.

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