

HB

7

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: CSHB007(JUD)-DOA-PD-2-20-07
 Bill Version: CSHB007(JUD)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: An Act relating to false caller identification RDU: Legal and Advocacy Services
 Component: Public Defender Agency
 Sponsor: Representatives Lynn and Gardner
 Requester: _____ Component No.: 1631

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation will create a new crime for inserting false information into a caller identification system. The Agency does not expect this legislation to have a fiscal impact.

Prepared by: Quinlan Steiner, Director
 Division: Public Defender Agency
 Approved by: Rachael Petro, Deputy Commissioner
 Agency: Administration

Phone: (907) 334-4414
 Date/Time: 2/20/07 9:15 AM
 Date: 2/21/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CS HB 7 (JUD)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Corrections
Title An Act relating to false caller identification. RDU Administration and Operations
Component Officer of the Commissioner
Sponsor Representatives Lynn, Gardner, Buch, Doogan
Requester House Finance Component No. 694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation will not create a substantial fiscal impact for the Department of Corrections. The number of potential cases should be very insignificant.

Prepared by: Sharleen Griffin, Director
Division: Administrative Services
Approved by: Dwayne Peeples, Deputy Commissioner
Agency: Department of Corrections

Phone: (907) 465-3339
Date/Time: 2/22/07 8:25 AM
Date: 2/22/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB007-Courts-2-22-07
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title False caller identification RDU Alaska Court System
Component Trial Courts
Sponsor Representatives Lynn, Gardner Component No. _____
Requester _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 7.

Prepared by: Doug Wooliver, Administrative Attorney
Division: Alaska Court System
Approved by: Doug Wooliver for Stephanie Cole, Administrative Director
Agency: Alaska Court System

Phone: 463-4750
Date/Time: 2-22-07 @ 8:20 am
Date: 2/22/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: CSHB007-LAW-CJL-2-21
 Bill Version: HB007B
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act relating to false caller identification. RDU Criminal
 Component Criminal Justice Litigation
 Sponsor Representative Lynn
 Requester House Finance Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill would create a new statute making it a class A or B misdemeanor for a person to knowingly insert false information into a caller identification system. The bill will have only a minor impact on the Criminal Division. We do not anticipate law enforcement to be sending us a great deal of these cases and that in most such cases the DOLaw will seek the civil remedy.

The Department of Law does not anticipate any significant fiscal impact from passage of this legislation.

Prepared by Robert Meiners, Acting Director
 Division Administrative Services Division
 Approved by Robert Meiners for Talis Colberg, Attorney General
 Agency Department of Law

Phone 465-5427
 Date/Time 2/21/07 10:28 AM
 Date 2/21/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 7(JUD)
(H) Publish Date: 2/12/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
Title: An Act relating to false caller identification RDU: Legal and Advocacy Services
Hearing: Jud. 1-22-07 @ 1:00 p.m. Component: Office of Public Advocacy
Sponsor: Reps. Lynn, Gardner, Buch, Doogan
Requester: _____ Component No. 43

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation will create a new crime for inserting false information into a caller identification system. Generally speaking, the creation of new crimes has the potential to impact our Agency fiscally. Since this will create a low level offense, and we cannot, with accuracy, determine that it will have any impact on the Agency, the Agency submits a zero fiscal note.

Prepared by: Rachel Levitt, Acting Deputy Director
Division: Office of Public Advocacy
Approved by: Melanie Millhorn, Deputy Commissioner
Agency: Administration

Phone: (907) 269-3504
Date/Time: 1/22/07 1:00 PM
Date: _____

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 7(JUD)
(H) Publish Date: 2/12/07

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title An Act relating to false caller identification. RDU Civil Division
Component Commercial & Fair Business
Sponsor Representative Lynn
Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The bill would create a new statute making it a class B misdemeanor for a person to knowingly insert false information into a caller identification system.

The Department of Law does not anticipate a fiscal impact from passage of this legislation.

Prepared by: Robert Moyners, Acting Director
Division: Administrative Services Division
Approved by: Robert Moyners for Tatis Colberg, Attorney General
Agency: Department of Law

Phone 465-5427
Date/Time 1/22/07 8:15 AM
Date 1/22/2007

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 7(JUD)
(H) Publish Date: 2/12/07

Revision Date/Time (CORRECTION): 01/30/07 2:32 P.M. Dept. Affected: Public Safety
Title: An Act relating to false caller identification. RDU: Alaska State Troopers
Component: AST Detachments
Sponsor: Representative Lynn
Requester: House Judiciary Committee Component No.: 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	*****	*****	*****	*****	*****	*****
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill creates the crime of False Caller Identification in Title 45, Trade Practices. The bill makes a class B misdemeanor knowingly entering false information into a caller identification system.

The Department of Public Safety does not expect many of these cases within its jurisdiction in any given year. However, to investigate even one will require special training, equipment and software, all of which will require continual upgrades. The department's best estimate at this time is a start up cost of approximately \$25,000, with additional annual upgrade and training costs. However, until the department knows the magnitude of the issue, we cannot assign a firm cost to this legislation.

Prepared by: Captain Hans Brinko
Division: Division of Alaska State Troopers
Approved by: Commissioner Wall Monegan
Agency: Department of Public Safety

Phone: 907-465-2649
Date/Time: 1/31/07 12:09 PM
Date: 1/31/2007

*Adopted
3/5/07*

25-LS0057AO
Bannister
2/26/07

CS FOR HOUSE BILL NO. 7()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES LYNN AND GARDNER, Buch, Doogan

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to false caller identification."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1. AS 45.45 is amended by adding a new section to read:**

4 **Sec. 45.45.940. False caller identification. (a)** A person may not, with the
5 intent to defraud, make a call or engage in other conduct that results in the display of
6 false caller identification information on a recipient's phone.

7 **(b)** A person who violates (a) of this section is guilty of a class A
8 misdemeanor.

9 **(c)** In this section,

10 **(1)** "call" means a call made by a telephone, computer, or similar
11 communications device or technology, whether transmitted by wire or wireless means;

12 **(2)** "intent to defraud" has the meaning given in AS 11.46.990.

13 *** Sec. 2. AS 45.50.471(b) is amended by adding a new paragraph to read:**

14 **(52) violating AS 45.45.940 (false caller identification).**

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
Toll Free: (800) 870-4391

Interim:
716 W. 4th Ave., #650
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

Changes to CSHB 7(JUD) Version\K to CSHB7 (FIN) Version\L HB-7 "Caller ID spoofing" Released: Monday, March 5, 2007

On February 12, 2007 the House Judiciary Committee passed a committee substitute CSHB 7 Version\K and that version was submitted to House Finance Committee along with a new CSHB 7 Version\L.

New Text Underlined [~~Deleted Text Bracketed~~]

Version\K Page 1, Line 4-6 the following language was **[deleted]**:

Sec. 45.45.940. False caller identification. (a) A person may not make a call ~~[and insert false information into a caller identification system with the intent to defraud.]~~

Version\L Page 1, Line 4-6 the new language **added** reads:

Sec. 45.45.940. False caller identification. (a) A person may not, with the intent to defraud, make a call or engage in other conduct that results in the display of false caller identification information on a recipient's phone.

Version\K Page 1, Line 7-10 the following language was **[deleted]**:

[(b) This section does not apply to
(1) law enforcement agencies of the federal government, a state government, or a municipality; or
(2) intelligence or security agencies of the federal government.]

Version\L Page 1, Line 7 the new language added reads:

(b) A person who violates (a) of this section

Version\K Page 1, Line 11-12 the following language was **[deleted]**:

[(c)] A person who violates (a) of this section [by inserting, whether by making one call or more than one call, false information into]

Version\L Page 1, Line 8-11 and line 1 of page 2 the new language added reads:

(1) is guilty of a class B misdemeanor if the call or other conduct results in false information being displayed to fewer than five recipient's phone;

(2) is guilty of a class A misdemeanor if the call or other conduct results in false information being displayed to five or more recipient's.

Version\K Page 1&2, Line 13-15 & 1 of pg 2) the following language was **[deleted]**:

(1) [fewer than five caller identification systems] is guilty of a class B misdemeanor;

(2) [five or more caller identification systems] is guilty of a class A misdemeanor.

Version\L Page 1&2, Line 12-15 & 1-2 the new language added reads:

(c) In this section,

(1) "call" means a call made by a telephone, computer, or similar communications device or technology, whether transmitted by wire or wireless means;

(2) "intent to defraud" has the meaning given in AS 11.46.990.

* Sec. 2. AS 45.50.471(b) is amended by adding a new paragraph to read:

(52) violating AS 45.45.940 (false caller identification)

Version\K Page 2, Line 2-12 the following language was **[deleted]**:

[(d)] In this section,

(1) "call" means a call made by a telephone, computer, or similar communications device or technology, whether transmitted by wire or wireless means;

(2) "caller identification system" means a listing of a caller's name, telephone number, or name and telephone number that is shown to a recipient of a call when the recipient answers;

(3) "insert" means insert by voice communication, by written communication, or by otherwise entering into a computer;

[(4)] "intent to defraud" has the meaning given in AS 11.46.990.

* Sec. 2. AS 45.50.471(b) is amended by adding a new paragraph to read:

(52) violating AS 45.45.940 (false caller identification).

On February 21, 2007 the House Finance Committee reviewed CSHB 7 version \L and suggested that a version with only one misdemeanor instead of two be submitted for the next House Finance Committee meeting.

Below are the changes from CS Version\L to CS Version\O.

Version\L Page 1, Line 7-11 the following language was **[deleted]**:

(b) A person who violates (a) of this section

[(1)] is guilty of a class [B] misdemeanor [if the call or other conduct results in false information being displayed to fewer than five recipient's phone;

(2) is guilty of a class A misdemeanor if the call or other conduct results in false information being displayed to five or more recipient's.]

Version\O Page 1, Line 7-8 the new language **added** reads:

(b) A person who violates (a) of this section is guilty of a class A misdemeanor.

*Replaced
Adopted
2/21/07*

25-LS0057L
Bannister
2/20/07

CS FOR HOUSE BILL NO. 7()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES LYNN AND GARDNER, Buch, Doogan

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to false caller identification."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * Section 1. AS 45.45 is amended by adding a new section to read:

4 Sec. 45.45.940. False caller identification. (a) A person may not, with the
5 intent to defraud, make a call or engage in other conduct that results in the display of
6 false caller identification information on a recipient's phone.

7 (b) A person who violates (a) of this section

8 (1) is guilty of a class B misdemeanor if the call or other conduct
9 results in false information being displayed to fewer than five recipients;

10 (2) is guilty of a class A misdemeanor if the call or other conduct
11 results in false information being displayed to five or more recipients.

12 (c) In this section,

13 (1) "call" means a call made by a telephone, computer, or similar
14 communications device or technology, whether transmitted by wire or wireless means;

15 (2) "intent to defraud" has the meaning given in AS 11.46.990.

1
2

* **Sec. 2.** AS 45.50.471(b) is amended by adding a new paragraph to read:
(52) violating AS 45.45.940 (false caller identification).

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 8, 2007

SUBJECT: CSHB 7(JUD) relating to false caller identification
(Work Order No. 25-LS0057\K)

TO: Representative Jay Ramras
Chair of the House Judiciary Committee
Attn: Jane

FROM:  Theresa Bannister
Legislative Counsel

This memo accompanies the bill described above.

Due process issue. Please be aware that this bill may raise the same due process issue mentioned in my memo on the "M" version. However, this issue is more aggravated in this version because this version also allows the prosecutor to decide whether, if there are more than one (but fewer than five) insertions, to charge the person with one or more class B misdemeanors.

Since this bill has passed out of your committee, you may want to pass this memo along with it to the next committee of record so that committee can take any action it decides is appropriate.

If I may be of further assistance, please advise.

TLB:ljw
07-065.ljw

Enclosure

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

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Sectional Analysis HB 7 (): "Caller ID Spoofing,"
AA Act relating to false caller identification.

Released: February 19, 2007

Dirk Moffatt, Staff for Rep. Bob Lynn

Section 1. 45.45 is amended by adding a new section, AS 45.45.940, creating the crime of false caller identification for a person who makes a call and inserts false information into a caller identification system with the intent to defraud. The crime would be a class B misdemeanor for a person who inserts false information into fewer than five Caller ID Systems and a class A misdemeanor for Five or more Caller ID Systems.

Section 2. Amends AS 45.50.471 to add the new violation of false caller identification to the list of unlawful acts and practices under this section to read: (52) violating AS 45.45.940 (false caller identification).

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees



A Communication From
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SPONSOR STATEMENT

HB 7

An Act relating to false caller identification

Warning: Do not trust your telephone Caller ID. The name and number you see and trust may be false. Both private individuals and commercial spoofer can now cause false caller identification to be displayed on your caller identification screen.

False caller identification is more than pranks, or annoyance. The power to create serious mischief and facilitate fraud with Caller ID spoofing technology is almost unlimited, and it can be potentially dangerous.

For example, some financial institutions use Caller ID to authenticate telephone requests for personal account information. With a few personal tidbits and your spoofed number, an impostor could access your bank or credit card account. Scam artists who appear to be phoning from a reputable agency can defraud their victims with ease. There's also potential for hoaxing emergency calls with false Caller ID to law enforcement or the fire department. Predators may use Caller ID spoofing to help them commit crime against women and children.

Anyone with sufficient computer and telephonic skills can spoof telephone caller identification systems. In fact an entire telephone spoofing industry has emerged, and is growing daily. With one service for the price of a ten-dollar calling card anyone can change what someone sees on their Caller ID display and even change their voice. These spoofing services can work with mobile phones, landlines as well as telephone services that are routed via the Internet.

HB-7 is a simple measure, that doesn't get into the technological complexities of how the spoofing gets to the display on your Caller ID. If you insert false Caller ID information into a Caller ID system a crime has been committed.

Alaska should take whatever action possible within its jurisdiction to stem the abuse of "Caller ID Spoofing." HB-7 will make it class B misdemeanor for any person who inserts false information into a Caller ID system, except for legitimate law enforcement, intelligence or security agencies.

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State Affairs Committee

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Sectional Analysis HB 7 (JUD): "Caller ID Spoofing," An Act relating to false caller identification.

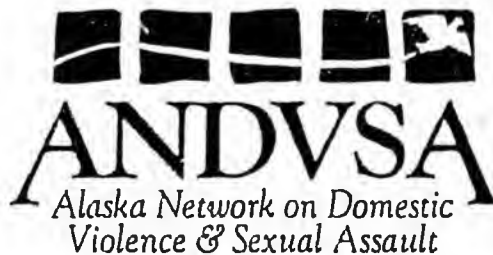
Released: January 18, 2007

Dirk Moffatt, Staff for Rep. Bob Lynn

Section 1. Adds a new section, AS 45.45.940, creating the crime of false caller identification for a person who knowingly inserts false information into a caller identification system. The crime would be a class B misdemeanor.

Section 2. Amends AS 45.50.471 to add the new violation of false caller identification to the list of unlawful acts and practices under this section.

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April 10, 2006

The Honorable Bob Lynn
State House of Representatives
Alaska State Capitol
Juneau, AK 99801-1182

Dear Representative Lynn:

The Alaska Network on Domestic Violence & Sexual Assault is a statewide coalition of member shelter and community based programs that provide direct services and advocacy for victims of domestic violence and sexual assault. We would like to thank you for introducing House Bill 308, "An Act relating to false caller identification", and offer our support.

Victims of interpersonal violence are often harassed and stalked through the phone system by perpetrators. One very important protection that victims use is caller ID to prevent unknown numbers from reaching them. This is a key safety feature for victims because when perpetrators reach them to threaten, cajole, "guilt trip", or even beg forgiveness, the emotional effects can be devastating.

One easy query on the internet finds the ad: "*Free Voice Changer & Call Recording: Call anyone and Fake your Caller ID.*" It is chilling to know that perpetrators have such easy access to these threatening tools and that they currently face no consequence for using it.

The Network strongly supports this legislation to make use of this software illegal and we thank you for your leadership in addressing this issue.

Please let me know if I can offer other support for this legislation.

Sincerely,

Peggy Brown
Executive Director

Member Programs

Anchorage AWAIC, AWRC, STAR Barrow AWIC Bethel TWC Cordova CFRC Dillingham SAFE Fairbanks IAC
Homer SPIII Juneau AWARE Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC Kotzebue MFCC
Nome BSWG Palmer AFS Seward SCS Sitka SAFV Unalaska USAFV Valdez AVV

LEGISLATIVE RESEARCH REPORT

MARCH 10, 2005



REPORT NUMBER 05.220

LEGISLATION IN OTHER STATES: CALLER ID FALSIFICATION, OR "SPOOFING"

PREPARED FOR REPRESENTATIVE BOB LYNN

BY CHUCK BURNHAM, LEGISLATIVE ANALYST

You asked about caller ID falsification, or "spoofing." Specifically, you asked if any states have considered legislation that would make illegal "spoofing"—that is, using electronic means to cause caller ID systems to display false information. Further, you asked how a law making this practice illegal in Alaska might be crafted.

In mid-2004, a flurry of media interest surrounding caller ID systems was generated when hackers discovered that the systems could be manipulated, through fairly simple means, to display incorrect information on a receiving party's caller ID display. Concern over the systems' vulnerability intensified later in the year when a company announced plans to offer a commercial product that would enable purchasers to spoof caller ID systems at will. Although the vendor eventually opted to offer the product only to law enforcement agencies, which can use the tool as an incognito means to contact and locate wanted individuals, privacy advocates and consumer groups voiced concern that the misuse of such technology could be instrumental in identity theft schemes and other inappropriate or illegal actions.

Our research identified only one state, New York, that has thus far considered legislation specifically related to caller ID spoofing.¹ We include, as Attachment A, copies of two bills currently under consideration in New York.

Although legislation has not yet been widely considered specifically with regard to spoofing Caller ID systems, under certain circumstances such chicanery may be illegal in a number of states under laws intended to address other issues. In 2002-2003, for example, a number of states enacted legislation creating "do not call lists." Generally, these laws require telemarketers to remove from their databases the telephone numbers of people appearing on the list, thereby

¹ Our research included Lexis database searches of the current laws of the fifty states and of all state legislation introduced in the years 2003-2005 using the terms "caller ID" and "caller identification." There may be states with laws of similar practical application, but worded such that our Lexis queries did not identify them.

allowing consumers to "opt out" of receiving soliciting phone calls. Some such laws included other restrictions on the business practices of telemarketers with regard to caller ID systems. Michigan, for instance, passed Act 612 (2002), which included the following section:

A telephone solicitor shall not intentionally block or otherwise interfere with the caller ID function on the telephone of a residential telephone subscriber to whom a telephone solicitation is made so that the telephone number of the caller is not displayed on the telephone of the residential telephone subscriber.

The Michigan law defines "telephone solicitation" as using "any voice communication over a telephone for the purpose of encouraging the recipient of the call to purchase, rent, or invest in goods or services during that telephone call . . ." It is unclear, therefore, to what degree spoofing caller ID systems for purposes other than solicitation may be covered by this law. We include, as Attachment B, a copy of Michigan Public Act 612 (2002).

We are unable to identify a model law as a basis for drafting such legislation in Alaska perhaps because no direct precedent yet exists for making illegal the falsification of caller ID systems. You may want to contact Legal Services for more information on this matter.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

Attachment A

New York Assembly Bill 1603 (2005)

New York Senate Bill 1075 (2005)

2005 NY A.B. 1603

NEW YORK 228TH ANNUAL LEGISLATIVE SESSION

ASSEMBLY BILL 1603
2005-2006 REGULAR SESSIONS
JANUARY 21, 2005

INTRODUCED BY M. OF A. SWEENEY, WEISENBERG, CLARK, A. COHEN, SEDDIO, BRADLEY,
HOOPER, AUBERTINE, PHEFFER -- MULTI-SPONSORED BY -- M. OF A. AUBRY, M. COHEN,
COLTON, L. DIAZ, GALEF, GORDON, GRANNIS, HIKIND, JOHN, KOON, LAFAYETTE,
MAGEE, MAYERSOHN, PEOPLES, PERRY, P. RIVERA, ROBINSON, SCHIMMINGER, STRINGER,
TOWNS -- READ ONCE AND REFERRED TO THE COMMITTEE ON CORPORATIONS, AUTHORITIES
AND COMMISSIONS

2005 Bill Text NY A.B. 1603

VERSION-DATE: January 21, 2005

SYNOPSIS: AN ACT to amend the public service law, in relation to defining and prohibiting caller ID scamming

NOTICE: [A] UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED [A]

TEXT: THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public service law is amended by adding a new section 92-g to read as follows:

[A] SECTION 92-G. CALLER ID SCAMMING. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: [A]

[A] (A) "CALLER ID EQUIPMENT" SHALL MEAN ANY DEVICE THAT IS PART OF OR ATTACHED TO A TELEPHONE RECEIVER THE PURPOSE OF WHICH IS TO DISPLAY OR OTHERWISE INDICATE THE TELEPHONE NUMBER OR OTHER IDENTIFIER OF THE PERSON OR TELEPHONE INITIATING THE CALL: [A]

[A] (B) "CALLER ID SCAM" SHALL MEAN ANY SCHEME, PLAN, SUBTERFUGE OR DEVICE INTENDED TO CAUSE THE CALLER ID EQUIPMENT USED BY ANY PERSON RECEIVING A TELEPHONE COMMUNICATION TO INDICATE THAT SUCH TELEPHONE COMMUNICATION WAS INITIATED AT A TELEPHONE NUMBER OTHER THAN THE NUMBER OF THE TELEPHONE BEING USED BY THE CALLER, AND [A]

[A] (C) "TELEPHONE COMMUNICATION" SHALL MEAN "TELECOMMUNICATION SERVICES" AS DEFINED IN PARAGRAPH (G) OF SUBDIVISION ONE OF SECTION ONE HUNDRED EIGHTY-SIX-E OF THE TAX LAW. [A]

[A] 2. IT SHALL BE UNLAWFUL FOR A PERSON INITIATING A TELEPHONE COMMUNICATION TO ENGAGE IN OR USE ANY CALLER ID SCAM WITH THE INTENT TO DEFRAUD A PERSON RECEIVING SUCH TELEPHONE COMMUNICATION. [A]

[A] 3. IT SHALL BE UNLAWFUL FOR A TELEPHONE SOLICITOR IN MAKING OR CAUSING TO BE MADE A CONSUMER TELEPHONE CALL TO USE ANY CALLER ID SCAM WITH THE INTENT TO DEFRAUD A CONSUMER RECEIVING SUCH CONSUMER TELEPHONE CALL. FOR THE PURPOSES OF THIS SUBDIVISION THE TERMS "TELEPHONE SOLICITOR" AND "CONSUMER TELEPHONE CALL" SHALL HAVE THE MEANINGS ASSIGNED TO SUCH TERMS IN SUBDIVISION ONE OF SECTION THREE HUNDRED NINETY-NINE-P OF THE GENERAL BUSINESS LAW. [A]

[A] 4. THE COMMISSION UNDER THE DIRECTION OF THE CHAIRMAN IS HEREBY EMPOWERED TO ESTABLISH AND ADOPT RULES AND REGULATIONS TO EFFECTUATE THE PROVISIONS OF THIS SECTION. <A]

[A] 5. ANY VIOLATION OF THIS SECTION IS PUNISHABLE BY A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS. <A]

Section 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

SPONSOR: Sweeney

SUBJECT: TELEMARKETING (90%); RESIDENTIAL TELEPHONE SERVICE (90%); FRAUD & FINANCIAL CRIME (90%); LEGISLATION (78%); LEGISLATORS (78%); TAX LAW (73%); TAXES & TAXATION (73%); FINES & PENALTIES (73%); TELECOMMUNICATIONS (55%);

LOAD-DATE: January 26, 2005

2005 NY S.B. 1075

JANUARY 24, 2005

INTRODUCED BY SENS. ALESI, LITTLE, MALTESE, TRUNZO -- READ TWICE AND ORDERED
PRINTED, AND WHEN PRINTED TO BE COMMITTED TO THE COMMITTEE ON CONSUMER
PROTECTION

2005 Bill Text NYS.B. 1075

VERSION: Introduced

VERSION-DATE: January 24, 2005

SYNOPSIS: AN ACT to amend the general business law, in relation to preventing certain persons from fraudulently impersonating others on caller ID

NOTICE: [A] UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED [A]

TEXT: THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general business law is amended by adding a new section 399-cc to read as follows:

[A] SECTION 399-CC. FRAUDULENT IMPERSONATION BY CALLER ID. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS: [A]

[A] A. "BOARD" SHALL MEAN THE CONSUMER PROTECTION BOARD; AND [A]

[A] B. "PERSON" MEANS ANY NATURAL PERSON, ASSOCIATION, PARTNERSHIP, FIRM, CORPORATION, LIMITED LIABILITY COMPANY AND ITS AFFILIATES OR SUBSIDIARIES OR OTHER BUSINESS ENTITY. [A]

[A] 2. IT SHALL BE UNLAWFUL FOR ANY PERSON TO FRAUDULENTLY USE STAR #38 OR ANY OTHER SUCH METHOD OR FUNCTION TO CHOOSE THE NAME AND NUMBER, OTHER THAN SUCH PERSON'S ORIGINAL NAME AND NUMBER, WHICH WOULD APPEAR ON THE CALLER ID BOX OF THE PERSON CALLED. [A]

[A] 3. ANY COMPANY THAT PROVIDES LOCAL TELEPHONE DIRECTORIES TO CUSTOMERS IN THIS STATE SHALL INFORM ITS CUSTOMERS OF THE PROVISIONS OF THIS SECTION BY MEANS OF PUBLISHING A NOTICE IN SUCH LOCAL TELEPHONE DIRECTORIES. [A]

[A] 4. THE BOARD SHALL PRESCRIBE RULES AND REGULATIONS TO ADMINISTER THIS SECTION. [A]

Section 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

SPONSOR: Alesi

SUBJECT: IMPERSONATION (93%); CONSUMER PROTECTION (90%); LEGISLATORS (90%);
LEGISLATION (78%);

LOAD-DATE: January 27, 2005

Attachment B

Michigan Public Act 612 of 2003 (introduced as House Bill 4042)

MICHIGAN 91ST LEGISLATURE -- 2002 REGULAR SESSION

HOUSE BILL 4042
(Act 612, Public Acts of 2002)

2002 Mi. ALS 612; 2002 Mi. P.A. 612; 2001 Mi. HB 4042

The People of the State of Michigan enact:

TITLE

An act to prescribe the rights and duties of parties to home solicitation sales; to regulate certain telephone solicitation; to provide for the powers and duties of certain state officers and entities; and to prescribe penalties and remedies.

Sec. 1. As used in this act:

(a) "Home solicitation sale" means a sale of goods or services of more than \$ 25.00 in which the seller or a person acting for the seller engages in a personal, telephonic, or written solicitation of the sale, the solicitation is received by the buyer at a residence of the buyer, and the buyer's agreement or offer to purchase is there given to the seller or a person acting for the seller. Home solicitation sale does not include any of the following:

- (i) A sale made pursuant to a preexisting revolving charge account.
- (ii) A sale made pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale.
- (iii) A sale or solicitation of insurance by an insurance agent licensed by the commissioner of insurance.
- (iv) A sale made at a fixed location of a business establishment where goods or services are offered or exhibited for sale.
- (v) A sale made pursuant to a printed advertisement in a publication of general circulation.
- (vi) A sale of services by a real estate broker or salesperson licensed by the department of consumer and industry services.
- (vii) A sale of agricultural or horticultural equipment and machinery that is demonstrated to the consumer by the vendor at the request of either or both of the parties.

(b) "Fixed location" means a place of business where the seller or an agent, servant, employee, or solicitor of that seller primarily engages in the sale of goods or services of the same kind as would be sold at the residence of a buyer.

(c) "Business day" means Monday through Friday and does not include Saturday, Sunday, or the following business holidays: New Year's day, Martin Luther King's birthday, Washington's birthday, Memorial day, Independence day, Labor day, Columbus day, Veterans' day, Thanksgiving day, and Christmas day.

(d) "Federally insured depository institution" means a state or national bank, state or federal savings bank, state or federal savings and loan association, or state or federal credit union that holds deposits insured by an agency of the United States.

(e) As used in only the definition of home solicitation sales, "goods or services" does not include any of the following:

- (i) A loan, deposit account, or trust account lawfully offered or provided by a federally insured depository institution or a subsidiary or affiliate of a federally insured depository institution.
- (ii) An extension of credit that is subject to any of the following acts:

2002 Mi. ALS 612; 2002 Mi. P.A. 612; 2001 Mi. HB 4042

- (A) The mortgage brokers, lenders, and servicers licensing act, 1987 PA 173, MCL 445.1651 to 445.1684.
- (B) The secondary mortgage loan act, 1981 PA 125, MCL 493.51 to 493.81.
- (C) The regulatory loan act, 1939 PA 21, MCL 493.1 to 493.24.
- (D) The consumer financial services act, 1988 PA 161, MCL 487.2051 to 487.2072.
- (E) 1984 PA 379, MCL 493.101 to 493.114.
- (F) The motor vehicle sales finance act, 1950 (Ex Sess) PA 27, MCL 492.101 to 492.141.
- (iii) A sale of a security or interest in a security that is subject to the uniform securities act, 1964 PA 265, MCL 451.501 to 451.818.
- (f) "Written solicitation" means a postcard or other written notice delivered to a buyer's residence that requests that the buyer contact the seller or seller's agent by telephone to inquire about a good or service, unless the postcard or other written notice concerns a previous purchase or order or specifies the price of the good or service and accurately describes the good or service.
- (g) "ADAD" or "automatic dialing and announcing device" means any device or system of devices that is used, whether alone or in conjunction with other equipment, for the purpose of automatically selecting or dialing telephone numbers.
- (h) "Commission" means the public service commission.
- (i) "Do-not-call list" means a do-not-call list of consumers and their residential telephone numbers maintained by the commission, by a vendor designated by the commission, or by an agency of the federal government, under section 1a.
- (j) "Existing customer" means an individual who has purchased goods or services from a person, who is the recipient of a voice communication from that person, and who either paid for the goods or services within the 12 months preceding the voice communication or has not paid for the goods and services at the time of the voice communication because of a prior agreement between the person and the individual.
- (k) "Person" means an individual, partnership, corporation, limited liability company, association, governmental entity, or other legal entity.
- (l) "Residential telephone subscriber" or "subscriber" means a person residing in this state who has residential telephone service.
- (m) "Telephone solicitation" means any voice communication over a telephone for the purpose of encouraging the recipient of the call to purchase, rent, or invest in goods or services during that telephone call. Telephone solicitation does not include any of the following:
- (i) A voice communication to a residential telephone subscriber with that subscriber's express invitation or permission prior to the voice communication.
- (ii) A voice communication to an existing customer of the person on whose behalf the voice communication is made, unless the existing customer is a consumer who has requested that he or she not receive calls from or on behalf of that person under section 1c(1)(g).
- (iii) A voice communication to a residential telephone subscriber in which the caller requests a face-to-face meeting with the residential telephone subscriber to discuss a purchase, sale, or rental of, or investment in, goods or services but does not urge the residential telephone subscriber to make a decision to purchase, sell, rent, invest, or make a deposit on that good or service during the voice communication.
- (n) "Telephone solicitor" means any person doing business in this state who makes or causes to be made a telephone solicitation from within or outside of this state, including, but not limited to, calls made by use of automated dialing and announcing devices or by a live person.
- (o) "Vendor" means a person designated by the commission to maintain a do-not-call list under section 1a. The term may include a governmental entity.

2002 Mi. ALS 612; 2002 Mi. P.A. 612; 2001 Mi. HB 4042

Sec. 1a. (1) A home solicitation sale shall not be made by telephonic solicitation using in whole or in part a recorded message. A person shall not make a telephone solicitation that consists in whole or in part of a recorded message.

(2) Within 120 days after the effective date of the amendatory act that added this subsection, the commission shall do 1 of the following:

(a) Establish a state do-not-call list. All of the following apply if the commission establishes a do-not-call list under this subdivision:

(i) The commission shall publish the do-not-call list quarterly for use by telephone solicitors.

(ii) The do-not-call list fund is created in the state treasury. Money received from fees under subparagraph (iii) shall be credited to the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money remaining in the fund at the end of a fiscal year shall be carried over in the fund to the next and succeeding fiscal years. Money in the fund may be appropriated to the commission to cover the costs of administering the do-not-call list, but may not be appropriated to compensate or reimburse a vendor designated under subdivision (b) to maintain a do-not-call list under that subdivision.

(iii) The commission shall establish and collect 1 or both of the following fees to cover the costs to the commission for administering the do-not-call list:

(A) Fees charged to telephone solicitors for access to the do-not-call list.

(B) Fees charged to residential telephone subscribers for inclusion on the do-not-call list. The commission shall not charge a residential telephone subscriber a fee of more than \$ 5.00 for a 3-year period.

(iv) The commission shall maintain the do-not-call list for at least 1 year. After 1 year, the commission may at any time elect to designate a vendor to maintain a do-not-call list under subdivision (b), in which case subdivision (b) shall apply.

(b) Designate a vendor to maintain a do-not-call list. All of the following apply to a vendor designated to maintain a do-not-call list under this subdivision:

(i) The commission shall establish a procedure or follow existing procedure for the submission of bids by vendors to maintain a do-not-call list under this subdivision.

(ii) The commission shall establish a procedure or follow existing procedure for the selection of the vendor to maintain the do-not-call list. In selecting the vendor, the commission shall consider at least all of the following factors:

(A) The cost of obtaining and the accessibility and frequency of publication of the do-not-call list to telephone solicitors.

(B) The cost and ease of registration on the do-not-call list to consumers who are seeking inclusion on the do-not-call list.

(iii) The commission may review its designation and make a different designation under this subdivision if the commission determines that another person would be better than the designated vendor in meeting the selection factors established under subparagraph (ii) or if the designated vendor engages in activities the commission considers contrary to the public interest.

(iv) If the commission does not establish a state do-not-call list under subdivision (a), the commission shall comply with the designation requirements of this subdivision for at least 1 year. After 1 year, the commission may at any time elect to establish and maintain a do-not-call list under subdivision (a), in which case subdivision (a) shall apply.

(v) Unless the vendor is a governmental entity, a vendor designated by the commission under this subdivision is not a governmental agency and is not an agent of the commission in maintaining a do-not-call list.

(vi) The commission and a vendor designated under this subdivision shall execute a written contract. The contract shall include the vendor's agreement to the requirements of this section and any additional requirements established by the commission.

2002 Mi. ALS 612; 2002 Mi. P.A. 612; 2001 Mi. HB 4042

(vii) The commission shall not use state funds to compensate or reimburse a vendor designated under this subdivision. The vendor may receive compensation or reimbursement for maintaining a designated do-not-call list under this subdivision only from 1 or both of the following:

(A) Fees charged by the vendor to telephone solicitors for access to the do-not-call list.

(B) Fees charged by the vendor to residential telephone subscribers for inclusion on the do-not-call list. A designated vendor shall not charge a residential telephone subscriber a fee of more than \$ 5.00 for a 3-year period.

(viii) The designee do-not-call list fund is created in the state treasury. If the vendor is a department or agency of this state, money received from fees under subparagraph (vii) by that vendor shall be credited to the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money remaining in the fund at the end of a fiscal year shall be carried over in the fund to the next and succeeding fiscal years. Money in the fund may be appropriated to that vendor to cover the costs of administering the do-not-call list.

(3) In determining whether to establish a state do-not-call list under subsection (2)(a) or designate a vendor under subsection (2)(b), and in designating a vendor under subsection (2)(b), the commission shall consider comments submitted to the commission from consumers, telephone solicitors, or any other person.

(4) Beginning 90 days after the commission establishes a do-not-call list under subsection (2)(a) or designates a vendor to maintain a do-not-call list under subsection (2)(b), a telephone solicitor shall not make a telephone solicitation to a residential telephone subscriber whose name and residential telephone number is on the then-current version of that do-not-call list.

(5) Notwithstanding any other provision of this section, if an agency of the federal government establishes a federal do-not-call list, within 120 days after the establishment of the federal do-not-call list, the commission shall designate the federal list as the state do-not-call list. The federal list shall remain the state do-not-call list as long as the federal list is maintained. A telephone solicitor shall not make a telephone solicitation to a residential telephone subscriber whose name and residential telephone number is on the then-current version of the federal list.

(6) A telephone solicitor shall not use a do-not-call list for any purpose other than meeting the requirements of subsection (4) or (5).

(7) The commission or a vendor shall not sell or transfer the do-not-call list to any person for any purpose unrelated to this section.

Sec. 1b. (1) At the beginning of a telephone solicitation, a person making a telephone solicitation to a residential telephone subscriber shall state his or her name and the full name of the organization or other person on whose behalf the call was initiated and provide a telephone number of the organization or other person on request. A natural person must be available to answer the telephone number at any time when telephone solicitations are being made.

(2) The person answering the telephone number required under subsection (1) shall provide a residential telephone subscriber calling the telephone number with information describing the organization or other person on whose behalf the telephone solicitation was made to the residential telephone subscriber and describing the telephone solicitation.

(3) A telephone solicitor shall not intentionally block or otherwise interfere with the caller ID function on the telephone of a residential telephone subscriber to whom a telephone solicitation is made so that the telephone number of the caller is not displayed on the telephone of the residential telephone subscriber.

Sec. 1c. (1) It is an unfair or deceptive act or practice and a violation of this act for a telephone solicitor to do any of the following:

(a) Misrepresent or fail to disclose, in a clear, conspicuous, and intelligible manner and before payment is received from the consumer, all of the following information:

(i) Total purchase price to the consumer of the goods or services to be received.

(ii) Any restrictions, limitations, or conditions to purchase or to use the goods or services that are the subject of an offer to sell goods or services.

2002 Mi. ALS 612; 2002 Mi. P.A. 612; 2001 Mi. HB 4042

(iii) Any material term or condition of the seller's refund, cancellation, or exchange policy, including a consumer's right to cancel a home solicitation sale under section 2 and, if applicable, that the seller does not have a refund, cancellation, or exchange policy.

(iv) Any material costs or conditions related to receiving a prize, including the odds of winning the prize, and if the odds are not calculable in advance, the factors used in calculating the odds, the nature and value of a prize, that no purchase is necessary to win the prize, and the "no purchase required" method of entering the contest.

(v) Any material aspect of an investment opportunity the seller is offering, including, but not limited to, risk, liquidity, earnings potential, market value, and profitability.

(vi) The quantity and any material aspect of the quality or basic characteristics of any goods or services offered.

(vii) The right to cancel a sale under this act, if any.

(b) Misrepresent any material aspect of the quality or basic characteristics of any goods or services offered.

(c) Make a false or misleading statement with the purpose of inducing a consumer to pay for goods or services.

(d) Request or accept payment from a consumer or make or submit any charge to the consumer's credit or bank account before the telephone solicitor or seller receives from the consumer an express verifiable authorization. As used in this subdivision, "verifiable authorization" means a written authorization or confirmation, an oral authorization recorded by the telephone solicitor, or confirmation through an independent third party.

(e) Offer to a consumer in this state a prize promotion in which a purchase or payment is necessary to obtain the prize.

(f) Fail to comply with the requirements of section 1a or 1b.

(g) Make a telephone solicitation to a consumer in this state who has requested that he or she not receive calls from the organization or other person on whose behalf the telephone solicitation is made.

(2) Except as provided in this subsection, beginning 210 days after the effective date of the amendatory act that added this section, a person who knowingly or intentionally violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$ 500.00, or both. This subsection does not prohibit a person from being charged with, convicted of, or punished for any other crime including any other violation of law arising out of the same transaction as the violation of this section. This subsection does not apply if the violation of this section is a failure to comply with the requirements of section 1a(1), (4), or (5) or section 1b.

(3) A person who suffers loss as a result of violation of this section may bring an action to recover actual damages or \$ 250.00, whichever is greater, together with reasonable attorney fees. This subsection does not prevent the consumer from asserting his or her rights under this act if the telephone solicitation results in a home solicitation sale, or asserting any other rights or claims the consumer may have under applicable state or federal law.

Sec. 1d. (1) Beginning 210 days after the effective date of the amendatory act that added this section, if a telephone directory includes residential telephone numbers, a person that publishes a new telephone directory shall include in the telephone directory a notice describing the do-not-call list and how to enroll on the do-not-call list.

(2) Beginning 210 days after the effective date of the amendatory act that added this section, each telecommunication provider that provides residential telephone service shall include a notice describing the do-not-call list and how to enroll on the do-not-call list with 1 of that telecommunication provider's bills for telecommunication services to a residential telephone subscriber each year. If the federal communication commission or any other federal agency establishes a federal "do not call" list, the notice shall also describe that list and how to enroll on that list. As used in this subsection, "telecommunication provider" means that term as defined in section 102 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2102.

Sec. 1e. Sections 1a, 1b, 1c, and 1d do not apply to a person subject to any of the following:

(a) The charitable organizations and solicitations act, 1975 PA 169, MCL 400.271 to 400.294.

(b) The public safety solicitation act, 1992 PA 298, MCL 14.301 to 14.327.

(c) Section 527 of the internal revenue code of 1986.

Sec. 3. (1) In a home solicitation sale, unless the buyer requests the seller to provide goods or services without delay in an emergency, the seller shall present to the buyer and obtain the buyer's signature to a written agreement or offer to purchase that designates as the date of the transaction the date on which the buyer actually signs. The agreement or offer to purchase shall contain a statement substantially as follows in immediate proximity to the space reserved in the agreement or offer to purchase for the signature of the buyer:

"You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right. Additionally, the seller is prohibited from having an independent courier service or other third party pick up your payment at your residence before the end of the 3-business-day period in which you can cancel the transaction."

(2) The seller shall attach to the copy or cause to be printed on the reverse side of the written agreement or offer to purchase retained by the buyer a notice of cancellation in duplicate that shall appear as follows: "notice of cancellation (enter date of transaction) (date) You may cancel this transaction, without any penalty or obligation, within 3 business days from the above date. If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be canceled. If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk. If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract. To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram to (name of seller), at (address of seller's place of business) not later than midnight on _____ (date) I hereby cancel this transaction. _____ (date) _____ (buyer's signature) "

(3) The notices required by this section shall be in not less than 10-point bold type and shall be 2 points larger than the text of the contract. A written agreement or offer to purchase and the notice of cancellation attached to the agreement or offer shall be written in the same language as that used in any oral presentation that was given to facilitate sale of the goods or services. The seller shall enter on the blanks in the notice of cancellation the date of transaction, which is the date the buyer signs the written agreement, and the date for mailing the notice of cancellation. An error in entering this information shall not diminish the buyer's rights under this act.

(4) Until the seller has complied with this section, the buyer may cancel the home solicitation sale by notifying the seller in any manner and by any means of his or her intention to cancel.

(5) This section does not apply to a home solicitation sale where the seller engaged in a telephone solicitation of the sale if sections 505 to 507 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2505 to 484.2507, apply to the solicitation or sale.

Sec. 6. In connection with a home solicitation sale, refunds or penalties to which the debtor is entitled pursuant to this act may be set off against the debtor's obligation, and may be raised as a defense to an action on the obligation without regard to the time limitations prescribed by this act.

HISTORY:
Approved by the Governor on December 20, 2002
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Sec. 45.50.471. Unlawful acts and practices.

(a) Unfair methods of competition and unfair or deceptive acts or practices in the conduct of trade or commerce are declared to be unlawful.

(b) The terms "unfair methods of competition" and "unfair or deceptive acts or practices" include, but are not limited to, the following acts:

- (1) fraudulently conveying or transferring goods or services by representing them to be those of another;
- (2) falsely representing or designating the geographic origin of goods or services;
- (3) causing a likelihood of confusion or misunderstanding as to the source, sponsorship, or approval, or another person's affiliation, connection, or association with or certification of goods or services;
- (4) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that the person does not have;
- (5) representing that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, secondhand, or seconds;
- (6) representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
- (7) disparaging the goods, services, or business of another by false or misleading representation of fact;
- (8) advertising goods or services with intent not to sell them as advertised;
- (9) advertising goods or services with intent not to supply reasonable expectable public demand, unless the advertisement prominently discloses a limitation of quantity;
- (10) making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;
- (11) engaging in any other conduct creating a likelihood of confusion or of misunderstanding and which misleads, deceives or damages a buyer or a competitor in connection with the sale or advertisement of goods or services;
- (12) using or employing deception, fraud, false pretense, false promise, misrepresentation, or knowingly concealing, suppressing, or omitting a material fact with intent that others rely upon the concealment, suppression, or omission in connection with

the sale or advertisement of goods or services whether or not a person has in fact been misled, deceived or damaged;

(13) failing to deliver to the customer at the time of an installment sale of goods or services, a written order, contract, or receipt setting out the name and address of the seller and the name and address of the organization that the seller represents, and all of the terms and conditions of the sale, including a description of the goods or services, which shall be stated in readable, clear, and unambiguous language;

(14) representing that an agreement confers or involves rights, remedies, or obligations which it does not confer or involve, or which are prohibited by law;

(15) knowingly making false or misleading statements concerning the need for parts, replacement, or repair service;

(16) misrepresenting the authority of a salesman, representative, or agent to negotiate the final terms of a consumer transaction;

(17) basing a charge for repair in whole or in part on a guaranty or warranty rather than on the actual value of the actual repairs made or work to be performed on the item without stating separately the charges for the work and the charge for the guaranty or warranty, if any;

(18) disconnecting, turning back, or resetting the odometer of a vehicle to reduce the number of miles indicated;

(19) using a chain referral sales plan by inducing or attempting to induce a consumer to enter into a contract by offering a rebate, discount, commission, or other consideration, contingent upon the happening of a future event, on the condition that the consumer either sells, or gives information or assistance for the purpose of leading to a sale by the seller of the same or related goods;

(20) selling or offering to sell a right of participation in a chain distributor scheme;

(21) selling, falsely representing, or advertising meat, fish, or poultry which has been frozen as fresh food;

(22) failing to comply with AS 45.02.350 ;

(23) failing to comply with AS 45.45.130 - 45.45.240;

(24) counseling, consulting, or arranging for future services relating to the disposition of a body upon death whereby certain personal property, not including cemetery lots and markers, will be furnished or the professional services of a funeral director or embalmer will be furnished, unless the person receiving money or property deposits the money or property, and money or property is received, within five days of its

receipt, in a trust in a financial institution whose deposits are insured by an instrumentality of the federal government designating the institution as the trustee as a separate trust in the name only of the person on whose behalf the arrangements are made with a provision that the money or property may only be applied to the purchase of designated merchandise or services and should the money or property deposited and any accrued interest not be used for the purposes intended on the death of the person on whose behalf the arrangements are made, all money or property in the trust shall become part of that person's estate; upon demand by the person on whose behalf the arrangements are made, all money or property in the trust including accrued interest, shall be paid to that person; this paragraph does not prohibit the charging of a separate fee for consultation, counseling, or arrangement services if the fee is disclosed to the person making the arrangement; any arrangement under this paragraph which would constitute a contract of insurance under AS 21 is subject to the provisions of AS 21;

(25) failing to comply with the terms of AS 45.50.800 ~~AS 45.50.850~~ (Alaska Gasoline Products Leasing Act);

(26) failing to comply with AS 45.30 relating to mobile home warranties and mobile home parks;

(27) failing to comply with AS 14.48.060 (b)(13);

(28) dealing in hearing aids and failing to comply with AS 08.55;

(29) violating AS 45.45.910 (a), (b), or (c);

(30) failing to comply with AS 45.50.473;

(31) violating the provisions of AS 45.45.400;

(32) knowingly selling a reproduction of a piece of art or handicraft that was made by a resident of the state unless the reproduction is clearly labeled as a reproduction; in this paragraph, "reproduction" means a copy of an original if the copy is

(A) substantially the same as the original; and

(B) not made by the person who made the original;

(33) violating AS 08.66 (motor vehicle dealers);

(34) violating AS 08.66.200 - 08.66.350 (motor vehicle buyers' agents);

(35) violating AS 45.63 (solicitations by telephonic means);

(36) violating AS 45.68 (charitable solicitations);

(37) violating AS 45.50.474 (on board promotions);

(38) referring a person to a dentist or a dental practice that has paid or will pay a fee for the referral unless the person making the referral discloses at the time the referral is made that the dentist or dental practice has paid or will pay a fee based on the referral;

(39) advertising that a person can receive a referral to a dentist or a dental practice without disclosing in the advertising that the dentist or dental practice to which the person is referred has paid or will pay a fee based on the referral if, in fact, the dentist or dental practice to which the person is referred has paid or will pay a fee based on the referral;

(40) violating AS 45.50.477 (a) - (c);

(41) failing to comply with AS 45.50.475;

(42) violating AS 45.35 (lease-purchase agreements);

(43) violating AS 45.25.400 - 45.25.590 (motor vehicle dealer practices);

(44) violating AS 45.66 (sale of business opportunities);

(45) violating AS 08.18.023 (b) or 08.18.152;

(46) violating AS 45.50.479 (limitations on electronic mail);

(47) violating AS 17.06.010 (sale of, or offering to sell, organic food);

(48) violating a labeling or advertising provision of AS 17.20 (Alaska Food, Drug, and Cosmetic Act);

(49) violating AS 45.45.920 (free trial period);

(50) violating AS 45.45.930 (opt-out marketing plans);

(51) violating AS 45.45.792 (deceptive acts or practices relating to spyware).

(c) The unlawful acts and practices listed in (b) of this section are in addition to and do not limit the types of unlawful acts and practices actionable at common law or under other state statutes.

(d) *[Repealed, Sec. 21 ch 166 SLA 1978].*

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Technology facilitates Caller ID spoofing AP Associated Press



Rep. Tim Murphy, R-Penn., picks up his telephone handset in his office in the Cannon House Office building on Capitol Hill, Wednesday, March 1, 2006 in Washington. Last fall, Murphy's office started getting phone calls from constituents who complained about receiving recorded phone messages that bad-mouthed Murphy. The constituents were especially upset that the messages appeared to come from the congressman's own office. At least, that's what Caller ID said. In the last few years, Caller ID spoofing has become much easier. Millions of people have Internet telephone equipment that can be set to make any number appear on a Caller ID system. (AP Photo/Pablo Martinez Monsivais)

By Peter Svensson, AP Technology Writer | March 1, 2006

NEW YORK --Last fall, U.S. Rep. Tim Murphy's office started getting phone calls from constituents who complained about receiving recorded phone messages that bad-mouthed Murphy.

The constituents were especially upset that the messages appeared to come from the congressman's own office. At least, that's what Caller ID said.

"People thought we were making the calls," Murphy said.

The calls, which the Pennsylvania Republican estimated in the thousands, were apparently placed with fake Caller ID. That has been possible for a long time, but it generally required special hardware and technical savvy.

In the last few years, Caller ID spoofing has become much easier. Millions of people have Internet telephone equipment that can be set

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to make any number appear on a Caller ID system. And several Web sites have sprung up to provide Caller ID spoofing services, eliminating the need for any special hardware.

For instance, [Spooftcard.com](#) sells a virtual "calling card" for \$10 that provides 60 minutes of talk time. The user dials a toll-free number, then keys in the destination number and the Caller ID number to display. The service also provides optional voice scrambling, to make the caller sound like someone of the opposite sex.

Caller ID spoofing appears to be legal, though many of its uses are not. The Federal Communications Commission has never investigated the issue, spokeswoman Rosemary Kimball said.

Lance James, chief scientist at security company Secure Science Corp., said Caller ID spoofing Web sites are used by people who buy stolen credit card numbers. They will call a service such as Western Union, setting Caller ID to appear to originate from the card holder's home, and use the credit card number to order cash transfers that they then pick up.

Exposing a similar vulnerability, Caller ID is used by credit-card companies to authenticate newly issued cards. The recipients are generally asked to call from their home phones to activate their cards. Some card companies maintain, however, that they use additional means to confirm new cards. And caller ID spoofing may not work for calls to 1-800 numbers, where the hardware can identify calls using a separate technology.

Two spoofing services contacted by The Associated Press, [Spooftcard.com](#) and [Telespoof.com](#), did not return messages seeking comment about their business. However, some of the five or so Web sites in the business don't appear to be completely unscrupulous: James said he had been hired by a few of them, which he would not name, to help stop the Western Union scam.

Also, both [Spooftcard.com](#) and [Spooftel.com](#) say they will surrender call logs to authorities in response to subpoenas. [Spooftcard.com](#)'s site says the service is "intended for entertainment purposes only."

Telephone companies can trace calls to their origin regardless of the Caller ID information they carry, but the process is laborious, especially since a call may be carried by several companies before reaching its destination. The fragmented nature of the telephone network also makes it technically difficult for the carriers to prevent spoofing.

At [Verizon Communications Inc.](#), security manager John Lewandowski said the company often gets complaints about fake Caller ID after a telemarketer has spoofed his number to cover his tracks.

In a typical case, someone will be jarred in the middle of the night by repeated telemarketing calls. He checks Caller ID, calls the number -- which is false -- and starts "cussing out" the person at the other end of the line, Lewandowski said.

"And that poor guy was asleep. It wasn't him at all," Lewandowski said. The company investigates and tracks down the callers, he added.

Apart from fraud and telemarketing, Caller ID spoofing can be used

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for pranks and spying.

In one case, SWAT teams surrounded a building in New Brunswick, N.J., last year after police received a call from a woman who said she was being held hostage in an apartment. Caller ID was spoofed to appear to come from the apartment.

It's also easy to break into a cell phone voice mailbox using spoofing, because many systems are set to automatically grant entry to calls from the owner of the account. Stopping that requires setting a PIN code or password for the mailbox.

In a slightly more complicated fashion, spoofing was part of the technique used by a hacker who broke into Paris Hilton's cell-phone voicemail in 2004, according to security consultant Kevin Mitnick, who said he was citing hacking sources. The hacker apparently called the celebrity socialite posing as a technical-support person from the carrier, and lured the password from her.

That is known as a "pretext" call – someone poses on the phone as a customer, employee or even a regulator to obtain personal information from companies and individuals. And indeed, while [Spoofer.com](#) contends that its service is for "entertainment purposes," it also notes that "Private Investigators will find Caller ID spoofing valuable for pretext calls."

Robert Douglas, a privacy consultant in Colorado, testified before Congress last month that pretexters trade tips on finding the best spoofing services.

Pretexters generally claim their practices are legal, as long as they don't involve financial information. A bill introduced in the Senate would make it illegal to pose as someone else to obtain phone records, or to buy records from phone company insiders.

Douglas would like legislation against Caller ID spoofing as well, but there appears to be little interest in Washington.

"If I'm paying extra for Caller ID, which I do ... there should be some ability on my part to believe what I'm getting," Douglas said.

In Alaska, State Representative Bob Lynn has introduced a bill to make spoofing a misdemeanor. "False caller identification is more serious than pranks, or the annoyance of intrusive telemarketing," Lynn writes. "It facilitates fraud, and can be potentially deadly."

However, it is unclear what effect the bill would have. As Lynn notes, Caller ID is a federal issue. ■

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CONGRESSMAN

Tim Murphy

Working For The 18th District Of Pennsylvania



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At a young age, Tim Murphy learned that hard work is the key to success. He was one of eleven children, born to working class parents who stressed the importance of family, education and self-reliance.

He worked his way through college and graduate school, eventually earning a PhD in psychology. He started a family of his own, opened a small business, went to work at hospitals across Western Pennsylvania, consulted for schools and Head Start, and taught at the University of Pittsburgh. He authored several publications, including two books: the award-winning "The Angry Child," and "Overcoming Passive-Aggression." During this time, he became widely known as "Dr. Tim" through regular appearances on local and national radio and television.

From 1997-2002 he served in the Pennsylvania State Senate. As an elected official, and one of very few with a health care background, he found that he could help more families. He penned the state's historic Patient Bill of Rights and increased funding for medical research, while consistently supporting responsible fiscal management government to promote job creation and reduce the tax burden on families.

He took this commitment to Congress when he began representing the people of the 18th district of Pennsylvania in 2003.

He got to work immediately in Washington. In just his second term, Congressman Murphy was named a member of the Energy and Commerce Committee. He has three subcommittee assignments: Commerce, Trade, and Consumer Protection; Energy and Air Quality; and Environment and Hazardous Materials. Tim quickly emerged as a leader among his peers and was elected by his colleagues to serve as President of the 2003 class. He also is recognized as a leader in Congress on mental health issues, and serves as Co-chair of both the Congressional Mental Health Caucus, and the 21st Century Healthcare Caucus.

During his tenure in the state Senate, he served as chair of the Pennsylvania Committee on Aging and Youth. He utilized this unique experience to ensure the recent Medicare Prescription Drug Act would work in conjunction with Pennsylvania's PACE program. As a result, it is estimated that PACE will save up to \$150 million over the next two years.

Tim Murphy makes it a priority to bring together business and community leaders to focus on new and innovative ways to retrain our job force to better position Western Pennsylvania to face the challenges of the new world economy. Representing a district with a large number of veterans – and a member of the Sons of American Legion himself, he firmly supports our armed services and shows commitment to our veterans by working to expand benefits and improve services to veterans' health care.

Nan and Tim Murphy reside in Upper St. Clair with their daughter, Bevin who is currently attending college. They attend St. Thomas More Catholic Church in Bethel Park.

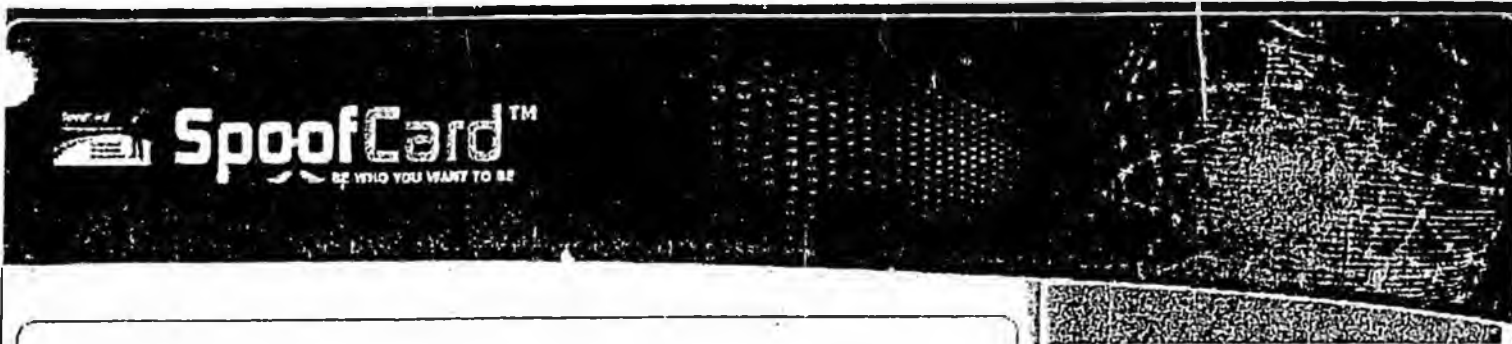
He earned a bachelors degree from Wheeling Jesuit University, a master's degree from Cleveland State University, and a his PhD from the University of Pittsburgh.

A fierce proponent of community involvement, he is a strong advocate of the Rails to Trails programs, an active participant in events for Habitat to Humanity and member of several Rotary Clubs and Chambers of Commerce.

Our Email Address

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SpoofCard calling cards offers you the ability to change what someone sees on their caller ID display when they receive a phone call.

Key Benefits: Make calls truly private, Ability to record calls, Change your voice, Fun and inexpensive, Easy to use and fast to set up! Instant Access!

SPOOFCARD FEATURES:

- Caller ID Spoofing
- Voice Changer
- Call Recording
- Web Control Panel

No computer needed! Simply dial the toll free number from the calling card you purchase.

1. Enter your pin number.
3. Enter Destination number.
7. Enter Any Caller ID Number you wish to display.
4. Choose the voice you would like to use.
5. Your call is connected using the specified Caller ID Number.

As an added bonus, we offer you the option to record your conversation for FREE which you can later retrieve by logging-in to your control panel or calling our 800 number from anywhere.

In addition, we also offer the ability to change your voice to sound like a man, a women or yourself for FREE.



Control Panel Login

Calling Card Pin:

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Purchase \$10 Calling Card

- 60 Minutes USA Talk Time
- Caller ID Spoofing
- Free Call Recording
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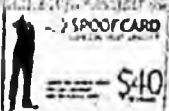
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- Caller ID Spoofing
- Free Call Recording
- Customer Service Support



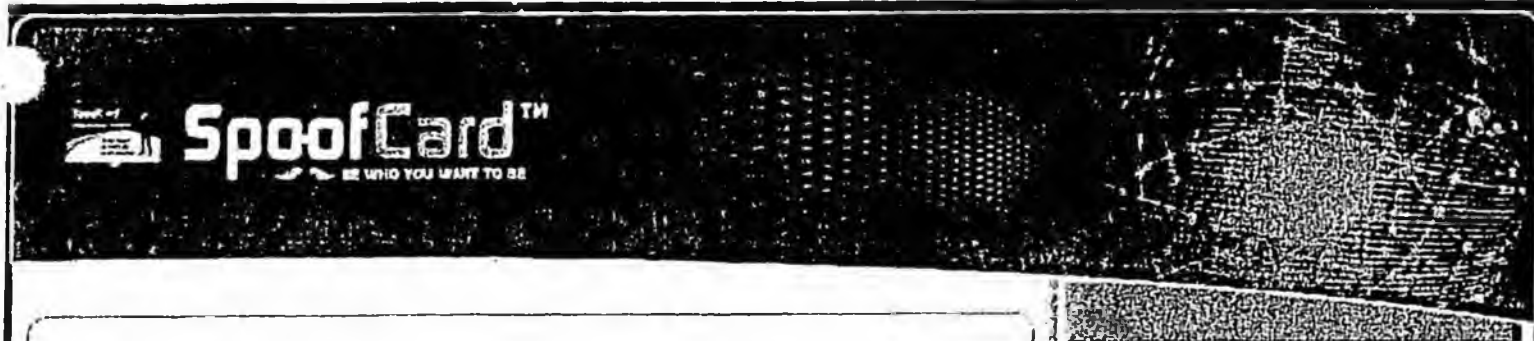
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Purchase \$40 Calling Card

- 240 Minutes USA Talk Time
- Caller ID Spoofing
- Free Call Recording
- Customer Service Support



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Frequently Asked Questions

How does SpoofCard work?

SpoofCard is a regular calling card. SpoofCard can be accessed through our dedicated toll free number where a user enters their pin number, desired Caller ID and the number they would like to call. The call is then placed instantly without the need to ever be online or at a computer.

Does SpoofCard offer call recording?

Yes, SpoofCard offers FREE call recording with instant access via your online control panel or by calling the toll free number.

How can I change my voice?

SpoofCard offers the ability to select a Male or Female voice when making a call. The feature works in real-time and allows the caller to speak in a normal tone while the person on the other end will hear the changed voice.

Are there any restrictions with using SpoofCard?

To ensure SpoofCard is used within our User Agreement, we have implemented several security measures which includes the inability to dial toll free numbers or 911. Federal Regulations prohibit the use of our technology by telemarketers or debt collectors to hide or falsify the telephone number from which they are calling. You must agree that you will not use the SpoofCard in violation of this or any other applicable law or regulation.

What are the advantages of Caller ID spoofing?

Caller ID spoofing gives business professionals the ability to manipulate their identity to their choosing and stay anonymous. Caller ID spoofing is also valuable in defeating popular telephone services such as "*57 Call Trace", "*69 Last Call Return", "Anonymous Call Rejection" and "Detailed Billing". Private Investigators will find Caller ID spoofing valuable for pretext calls.

Who may sign up for your service?

Our target market consists of, but is not limited to, businesses such as: Private Investigators, Law Enforcement, Skip Tracers, Insurance Agencies and Lawyers.

Does SpoofCard store my credit card information?

No, SpoofCard never receives your credit card information from our payment processors, keeping your information secure.

Can I call internationally?

Currently we only support the option to call within the United States and Canada

Control Panel Login

Calling Card Pin:



Lost/Forgot PIN

- BUY INSTANT CALLING MINUTES
- ADD MONEY TO EXISTING CARD
- FREQUENTLY ASKED QUESTIONS
- INTERNATIONAL RATES
- CUSTOMER SERVICE
- PRIVACY POLICY

Purchase \$10 Calling Card

- 60 Minutes USA Talk Time
- Caller ID Spoofing
- Free Call Recording
- Customer Service Support



Purchase \$20 Calling Card

- 120 Minutes USA Talk Time
- Caller ID Spoofing
- Free Call Recording
- Customer Service Support



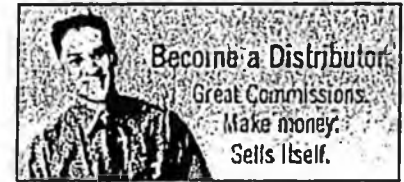
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Caller-ID Spoofing: 'Appallingly Bad Idea'



By Erika Morphy
September 2, 2004 1:26PM

A new software system that allows users to fool telephone caller-ID opens the door to a variety of abuses. "What an appallingly bad id security firm Sophos.

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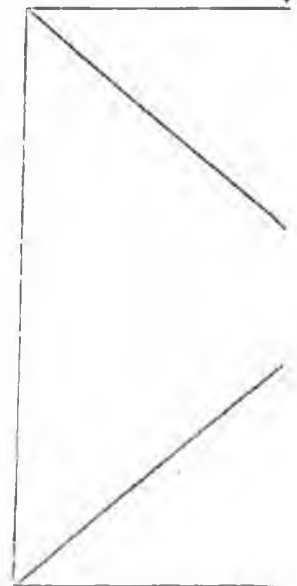
>> A startup company has developed a software system that allows users to spoof a caller-ID number in order to trick the telephone-call recipient into answering the phone.

Developed by Star38, the service will be marketed solely to collection agencies, private investigators and the police, according to statements made by the company.

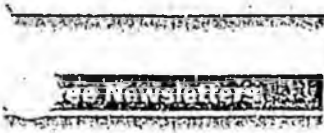
The system itself is said to be easy to use, with the user typing in the recipient's number and the number he or she would like to appear on the caller ID.

Appallingly Bad

Critics of the system -- and there are many, even outside the usual privacy/consumer-advocacy brigade -- find the technology frightening. "What an appallingly bad idea," says Graham Cluley, managing consultant for security and antivirus firm Sophos. "It reminds me of the hacker-driven spam and phishing scams that have taken over the Internet," he told NewsFactor.



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In fact, it is a much worse form of deception than Internet fraud, says John Morris, staff counsel for the Center for Democracy & Technology, a Washington-based public-policy organization with a focus on technology.

Reasonable Expectation

"On the Internet, most people understand that the identity of someone who is sending an e-mail may easily be spoofed," Morris told NewsFactor. "But the phone, historically, has had a different set of expectations or assumptions. Most people that have Caller ID assume the number listed is accurate."

In news accounts, Star38 has emphasized its intent to limit the technology to the police, collection agencies and private investigators.

However, "there really isn't anything that will prevent this kind of technology from being used by other firms, such as telemarketers, now that it has been developed," Morris says, adding, "In this age of identity theft, we are skeptical that spoofing other phone numbers on Caller ID is a desirable development."

One scenario, Morris suggests, might be someone purporting to call from a distant relative's house, claiming the person had an accident.

Potential for Abuse

But even assuming that Star38 keeps the technology in the hands of collection agencies, private investigators and the police, there still would be cause for worry.

While the police may well have a legitimate need for the technology in criminal investigations, the potential for abuse by collection agencies and PIs is huge.

For example, there have been cases of stalkers retaining private investigators to find victims who went into hiding.

As for collection agencies, the potential for abuse is even wider. "We don't understand what purpose a legitimate collections agency would have in hiding its identity," Morris says.

The typical example, of course, is an agency that uses the system to get a phone-shy debtor to answer the call and coax him or her into paying the debt.

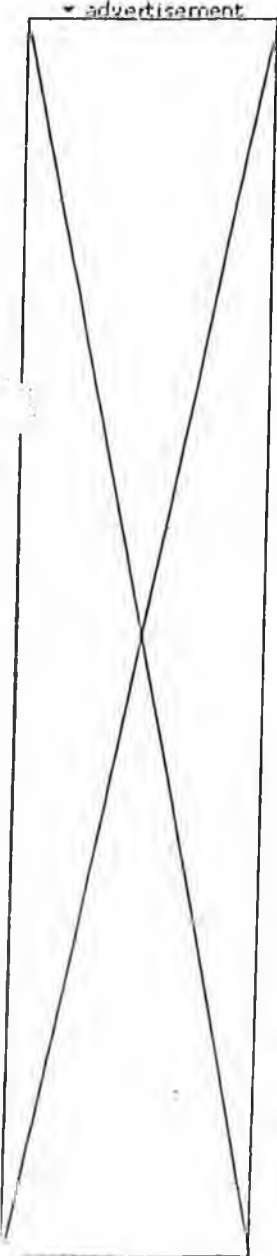
Collection agencies, though, have not entirely shed their less-than-upstanding practices since the passage of the Fair Debt Collection Practices Act. Recently, one firm was fined for continually contacting and harassing a debtor's neighbors -- a

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practice clearly illegal under FDCP.

Over the Line

More often, though, when these agencies go over the line, it is a little more discreet.

Recently, a legal journal reported that a court found a collection agency had made false statements as to the time limit of a debt-discount offer; reportedly, the firm told the debtor she had 30 days to make a payment if she wanted to get a percentage taken off her debt. In truth there was no time limit of 30 days -- a deception prohibited by the law.

Which brings us back to Star38's latest contribution to the Internet age. In his first take on the system, Morris says he does not believe the system itself violates the tenets of FDCP. When it gets in the hands of the agencies, though, that may be a different story.

"I do believe we will see some deceptive practices on the part of the agencies that will violate the spirit of FDCP," he says.

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March 2005 Archive

March 08, 2005

"Caller ID spoofing" an emerging VoIP security threat

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If you have caller ID, you might want to think twice about trusting the information displayed on your telephone. As more people place phone calls over the Internet instead of the wired telephone network, identifying the person on the other end of the line is getting more difficult.

Starting late last summer, people all over the U.S. and Canada got phone calls from a Twin Cities phone number -- a recorded voice offering a deal on wireless phone services. When they called the number to complain, they were patched through to a small Minneapolis company that definitely was not selling Nokias or Blackberries. It was a company that provides janitorial services to area businesses.

Building Resources Corporation office manager Rhiannon Fisk fielded the complaints.

"Around Christmastime, the call volume started to pick up, and we got dozens and dozens every day," she said. "It got to the point where we just had to start ignoring them because it was affecting how we did business."

Understandably, the callers complained angrily about the unwanted telemarketing calls.

"I'll pick up the phone, they immediately say you called my house and I want you to stop calling, and take me off the list, and they usually just hang up," Fisk said.

Fisk sought answers from the company's telephone provider, Integra, but received none. She then complained to the Minnesota Attorney General. The AG's office told Fisk that, while nothing could be done, it knew the likely source of the problem: caller ID spoofing. The shady telemarketers, wanting to avoid detection, made it look like it was someone else. It's a mystery why they chose the Minneapolis company.

Scammers have long known how to fake the source of e-mail. Since Voice over IP, or VOIP, sends voices as packets of data, it was perhaps predictable that telephone customers would start seeing a

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problem like e-mail spoofing.

"If you pick up your standard phone today, and you have caller ID, you can see which number is actually calling you, and you have a very high level of assurance that it really is that telephone number," said Stuart McIrvine, security researcher at IBM. Now, when you start to get into Voice over IP, it's very easy for someone to fake that number, so you think the call is coming from somewhere else."

Consumer advocacy groups are just beginning to field complaints about the problem. Jordana Beebe with the Privacy Rights Clearinghouse says she's not sure how many people are being burned by caller ID spoofing, but calls it a deceptive practice that should be stopped.

"Caller ID is there so that you know who is calling and you can make a determination about whether you want to take that call or not," she said. "And if for instance that technology is being abused so that you are duped into taking a call that otherwise you wouldn't take, we feel that consumers shouldn't be in that type of situation."

You don't have to be a skilled, devious hacker to trick called ID displays. In the past year, about a half dozen services have cropped up that use VoIP technology to sell caller ID spoofing, at five to ten cents a minute, to consumers. They go by names like "Telespoof," and "Camophone." They're marketed to people who want to hide their true identities, like bill collectors and private investigators. Only one caller ID spoofing service, responded to inquiries from MPR, but the owner wouldn't reveal his name, saying only that he believes his service is ethical and lawful.

Beebe of the Privacy Rights Clearinghouse says new regulations and laws are needed to fight caller ID spoofing. But VoIP is largely unregulated. A spokeswoman at the agency that would most likely have jurisdiction, the Federal Communications Commission, did not respond to numerous requests for comment.

In the meantime, caller ID spoofing could get worse as more consumers and businesses switch to Internet telephone calls.

"What we're going to see is more people devote more time and energy into breaking it, because it's going to become more popular," said David Endler of the Voice Over IP Security Alliance.

Back at the janitorial services firm, office manager Rhannon Fisk says that mercifully, her phone stopped ringing off the hook about a month ago. The calls ended as mysteriously as they appeared.

It's not clear if Murphy's criticism figured in Barton's introduction of a new FCC-focused bill explicitly outlawing spoofing; Murphy couldn't be reached for comment. Engel is the Barton bill's lead Democratic sponsor. A cosponsor of the original bill with Engel, Rep. Wilson (R-N.M.), isn't listed as a Barton bill cosponsor; her office couldn't be reached for comment. Barton's spokesman said that for "some reasons of technicality, [spoofing] really needs to be addressed by the FCC" instead of the FTC.

The FCC is a better agency to handle spoofing rules, Electronic Privacy Information Center Dir.-West Coast Chris Hoofnagle told us. With FTC jurisdiction, "it would have suffered from all sorts of blind spots -- common carriers... are generally exempt from FTC rules," Hoofnagle said. But the Barton bill's lack of an intent requirement "will create major problems for many," he said: "Many businesses and government do not transmit their direct line -- they 'spooft' the institutional number. Are they on the hook under this law?" The bill should make clear that intent to deceive is the clincher, Hoofnagle said. -- *Greg Piper*

'Percolates Up'

WildBlue Jumps Digital Gap without U.S. Funds; State Interest Up

GREENWOOD VILLAGE, Colo. -- Since setting up its first customer in Strasburg, Colo. nearly a year ago, NRTC-backed satellite broadband provider WildBlue has been bridging the digital divide in rural communities across the U.S. without govt. aid. The firm's main market lies beyond the reach of terrestrial broadband - particularly in farming and ranching communities targeted by WildBlue advertising the past year in agriculture magazines and local radio spots.

WildBlue's service might seem a natural means of meeting the President's broadband pledge and FCC rural connectivity goals. But the firm doesn't qualify for federal USDA grants, and state support has been stirred only by word of mouth, WildBlue Sr. Vp & Gen. Counsel David Brown told us in an interview. Faster than dial-up but slower than wired options, the least expensive WildBlue access is \$49.95 a month.

The U.S. has about \$2 billion in USDA Rural Utilities Services loans to spend on rural broadband deployment through 2007 (CD Sept 20 p6). Satellite broadband is touted as an ideal rural broadband solution, but "it doesn't really fit the rules around the Department of Agriculture money," said Brown. The USDA funds are "really meant for small local telcos as opposed to somebody that can distribute nationally," Brown said.

The USDA rules, written in the early 1990s, "didn't have satellite in mind," Brown said. If a broadband provider can distribute service nationally, including regions already wired with DSL or cable, "then you don't qualify for the money," he said. WildBlue relies on the NRTC for political maneuvering, and the cooperative "has been leading the charge for the USDA RUS rules to be written in a more technologically neutral way," Brown said.

If WildBlue is looking for govt. support in bridging the digital divide, it might have more luck at the state level. Several states are "very interested in the service," thanks to WildBlue's ability to get broadband to rural residents, WildBlue Pres. & COO Kenneth Carroll said: "They're very interested in working with us to develop programs for rural constituents to provide the service where cable, DSL or fixed wireless isn't available."

So far state interest is from the bottom up, he said: "Somebody in the state government got the service, or their parents got the service out on their farm or ranch, and it percolates up. Then the state gets interested and says they're going to look at using you to complete the blueprint for service to all constituents."

Tribal connectivity should be included in that vision, Carroll said. "It's an important area," but one that WildBlue hasn't "specifically engaged in," he said. NRTC members and retailers WildBlue works with serve tribal lands, he said: "I don't have specifics, but we are very interested in being able to service those communities."

Angelos proposed to merge MASN with Comcast's regional sports network (RSN). "We're prepared to talk about a potential amalgamation of the 2 systems under an appropriate arrangement," said Angelos: "We're prepared to work at it, and come back and report to your committee our progress." Earlier in the hearing, McCollum said Cox would rather carry one RSN. Cohen echoed that sentiment, telling reporters: "Everyone who is in this business realizes that the best result is to have a single sports network in the same market." Several hurdles stand in the way of a deal with Angelos, including price and MASN's ownership structure, he told the panel.

Comcast wouldn't agree to compulsory arbitration, proposed by Committee Chmn. Tom Davis (R-Va.). That tactic helped resolve a similar dispute in N.Y. between Cablevision and the YES Network, said Davis. Cohen balked: "Compulsory arbitration is not something we would be interested in... We have to run our business and we really can't turn it over to a 3rd party." -- *Josh Wein*

Action Soon After April Break

Barton Bill Would Ban Deceptive Caller ID, Give FCC Jurisdiction

"Spoofing" caller ID information would be outlawed under a bill introduced by House Commerce Committee Chmn. Barton (R-Tex.) Thurs. The bill would give the FCC power to enforce the bill's provisions within 6 months of enactment. Spoofing refers to services, mostly by Web-based firms, that let a user create phony phone numbers or other data displayed by a call recipient's caller ID. Phone numbers for Republican House offices were used on calls criticizing the members to their constituents. The same was also done with Democratic Party office numbers.

Barton is making the issue a high priority, a Commerce Committee spokesman told us: "I understand we're going to get to this in short order" after the Easter recess.

The bill would apply to traditional and VoIP calls in which the caller causes "any caller identification service to transmit misleading or inaccurate caller identification information." There's an exception for law enforcement. Not all VoIP services are covered; the bill defines VoIP service as that provided "for a fee," excluding free services like Skype's PC-to-PC calling and similar services through instant-messaging programs that don't touch the PSTN. But paid VoIP with "capability" to interconnect with the PSTN -- regardless of whether a particular call made through VoIP actually interconnects -- is covered.

The feds aren't the first to study spoofing services. Fla. Attorney Gen. Charlie Crist (R) in March pursued several sites through their hosting service, GoDaddy.com. Crist asked GoDaddy to provide business record data on Spoofer.com, SpooferTech.com, SpooferTel.com, SpooferCard.com and TrickTel.

Spoofing services emphasize their utility especially for inquiries into illegal activity. As other sites do, SpooferCard.com says its services are aimed at law enforcement, private investigators, lawyers and insurance agents but aren't limited to their use. The website says private investigators will "find spoofing valuable for pretext calls" -- a loaded term given approval of bills criminalizing pretexting -- impersonation of another's identity to acquire personal records -- in the House and Senate Commerce and Judiciary committees (CD March 31 p2, March 9 p2).

Barton's bill follows one introduced a day earlier by Rep. Engel (D-N.Y.), which simply gave the FTC jurisdiction to classify spoofing as an "unfair or deceptive act." Engel's bill didn't mention the FCC. The FTC provision irked Rep. Murphy (R-Pa.), whose office phone number was among those appropriated by a spoofer in calls to constituents that made critical comments, *Wired News* and *National Review* reported. Murphy, who initially worked with Engel on the bill, came to see the FTC enforcement as too weak, investigation too slow, and likely penalties for violation too small.

FTC = Federal Trade Commission.



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Scam Artists Dial for Dollars on Internet Phones

Sun Mar 20, 2005 09:40 AM ET

By Andy Sullivan

WASHINGTON (Reuters) - Internet phone services have drawn millions of users looking for rock-bottom rates. Now they're also attracting identity thieves looking to turn stolen credit cards into cash.

Some Internet phone services allow scam artists to make it appear that they are calling from another phone number -- a useful trick that enables them to drain credit accounts and pose as banks or other trusted authorities, online fraud experts say.

"It's like you've handed people an entire phone network," said Lance James, who as chief technology officer of Secure Science Corp. sees such scams on a daily basis.

The emerging scams underline the lower level of security protecting Voice Over Internet Protocol, or VOIP, the Internet-calling standard that has upended the telecommunications industry over the past several years.

Traditional phone networks operate over dedicated equipment that is difficult for outsiders to penetrate. Because VOIP calls travel over the Internet, they cost much less but are vulnerable to the same security problems that plague e-mail and the Web.

Internet worms that snarl online networks can render VOIP lines unusable, and experts at AT&T say VOIP conversations can be monitored or altered by outsiders.

Federal Trade Commission Chairman Deborah Platt Majoras recently warned that unscrupulous telemarketers could use VOIP to blast huge numbers of voice messages to consumers, a technique known as SPIT, for "spam over Internet telephony."

All of these threats remain largely in the realm of theory. Caller ID spoofing, on the other hand, has emerged over the past six months as a useful tool for identity thieves and other scam artists, according to fraud experts.

PRESIDENT BUSH ON THE LINE

Any reporter would scramble for a ringing phone that reads "White House media line" on its caller ID display.

But it's not the Bush administration on the line -- it's security instructor Ralph Echemendia, calling from a mobile phone on a remote Georgia highway.

"You can see how this sort of thing could be used in a very malicious way," said Echemendia, a security instructor at the Intense School, a technology training company.

Caller ID spoofing is not prohibited by law, but the Federal Communications Commission requires telemarketers to identify themselves accurately, a spokeswoman said.

Echemendia built his own system to spoof calls, but several free or low-cost services allow even technical novices to falsify caller ID information as well.

Debt collectors and private investigators use Camophone.com's 5-cents-per-call service to trick people into answering the

phone, according to messages posted on a discussion board.

Traveling salesmen say the service comes in handy when they want clients to return calls to the main office, rather than their motel room.

James said criminal uses of caller-ID spoofing have become common over the last six months.

Wire-transfer services like Western Union (FDC.N: Quote, Profile, Research) require customers to call from their home phone when they want to transfer money in an effort to deter fraud -- a barrier easily sidestepped by any identity thief using a caller-ID spoofing service.

Fraud rings can now transfer money directly out of stolen credit-card accounts, rather than buying merchandise and reselling it, he said.

Western Union spokeswoman Danielle Periera said the company has no other way to verify that transfer requests are valid.

"We try hard to stay one step ahead of them and recognize that scam artists are sophisticated and often change their schemes," she said.

Criminals can use caller-ID spoofing to listen to other people's voice mail, James said, especially when those accounts are not protected by passwords.

They also have begun to use the technology to make it appear that they are calling from a bank or other financial institution, said Dave Jevans, who chairs the Anti-Phishing Working Group, a banking-industry task force.

That helps them convince consumers to divulge account numbers, passwords and other sensitive information in a scam that echoes the "phishing" e-mails that have become common, he said.

VOIP industry pioneer Jeff Pulver, whose Free World Dialup service can be used to spoof calls, said he couldn't prevent abuse of his system.

The problem will likely recede as companies like VeriSign Inc. (VRSN.O: Quote, Profile, Research) and NeuStar Inc. develop ways to verify online identities, he said: "We're not there yet, but we're going to get there."

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February 23, 2007

The Honorable Mike Chenault, Co-Chair
House Finance Committee
Alaska State Capitol, Room 505
Juneau, AK 99801-1182

The Honorable Kevin Meyer, Co-Chair
House Finance Committee
Alaska State Capitol, Room 515
Juneau, AK 99801-1182

RE: HB 7 (Lynn)—Support

Dear Co-Chairs Chenault and Meyer:

On the behalf of the members of AARP in Alaska, we strongly encourage you and your colleagues of the House Judiciary Committee to support HB 7, authored by Representatives Bob Lynn and Berta Gardner, Buch, and Doogan.

Well over half of the number of people targeted by telemarketers each day are over the age 50 and over — and many of them are your own constituents.

AARP's survey of older telemarketing fraud victims revealed they find it almost impossible to tell the difference between fraudulent and legitimate sales calls, underscoring the importance of allowing the consumer to stop calls in the first place.

Even though baby boomers have been called the most savvy and informed consumers of any generation of Americans, many of them, like their parents and their children, have been victims of unrelenting deluge of unwanted telemarketing sales calls.

The FTC does not regulate false caller ID (spoofing). The FTC only regulates telemarketers who use phony caller ID to contact people whose numbers are listed on the National Do Not Call Registry. Therefore, state law is crucial to cover any Alaska false caller ID calls.

The FTC has no jurisdiction over common carriers (such as long-distance companies or airlines), banks, credit unions, insurance companies, or private calls. There are no limitations on the states to regulate these calls and state law is needed to address the exemption to the FTC rule.

Why should caller ID spoofing be a key issue for legislators?

The number of unsolicited telemarketing calls that residents of Alaska receive is staggering. These calls present a significant privacy concern for individuals who believed Caller IDs would protect them from multiple, daily intrusions into their privacy.

In today's information technology age, constituents value their privacy more than ever. AARP believes that, as consumers, they have the right to be free from unsolicited calls into their homes, and they shouldn't have to worry about false caller identification on their Caller IDs.

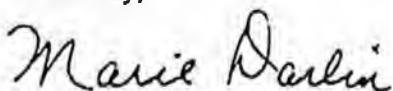
In the last few years caller ID spoofing had made it easier for telemarketers and predators to prey on Alaska's most vulnerable -- children and the elderly. The elderly and children are most vulnerable because they are home during the time telemarketers like to call.

We look forward to your support of this bill in the House Judiciary Committee and we sincerely thank you in anticipation of that support.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,



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