

HB

7

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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"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

Session:
Alaska State Capitol
Juneau, AK 99801-1182

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March 22, 2007

To: Senator Hollis French, Chair
Senate Judiciary Committee

Fr: Representative Bob Lynn

Re: CSHB-7
"An Act relating to false caller identification."

Please schedule CSHB-7 "Caller ID Spoofing" to be heard in Senate Judiciary Committee at your earliest convenience. CSHB-7 unanimously passed the House 29 yeas, 0 nays, 10 excused and 1 absent.

CSHB-7 will make it class A misdemeanor for any person who, with the intent to defraud, makes a call or engages in other conduct that results in the display of false information on Caller ID system.

Attached is a copy of the Bill CSHB-7 and supporting documents. Thank you.

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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 departments. Predators may use Caller ID spoofing to help them commit crimes against women and children.

HB-7 doesn't get into how the spoofing gets to the display on your phone caller ID. Anyone can spoof telephone caller identification systems. In fact an entire telephone spoofing industry has emerged, and is growing daily. For the price of a ten-dollar calling card one can change what someone sees on their Caller ID display and even change their voice.

HB-7 will make it class A misdemeanor for any person, with the intent to defraud, to make a call or engage in other conduct that results in display of false caller information on a recipient's phone.

Alaska should take whatever action possible within its jurisdiction to stem the abuse of "Caller ID Spoofing." I respectfully request your support for HB7.

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Changes from the original version of HB7 to CSHB 7(JUD): "Caller ID spoofing"

Released: Monday, February 19, 2007

On February 12, 2007 the House Judiciary Committee passed a committee substitute to HB7 with the following changes to HB 7 version VA to CSHB 7 version VK

New Text Underlined [Deleted Text Bracketed]

Page 1, Line 4-5 the following language was [deleted]:

Sec. 45.45.940. False caller identification. (a) A person may not [knowingly] insert false information into a caller identification system.

Page 1, Line 4-6 the new language added reads:

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.

Page 1, Line 7-8 the following language was [deleted]:

(1) law enforcement agencies of the federal government, [the] state government, or a municipality; or

Page 1, Line 8-9 the new language added reads:

(1) law enforcement agencies of the federal government, a state government, or a municipality; or

Page 1, Line 10-11 the following language was [deleted]:

(c) A person who [knowingly inserts false information into a caller identification system is guilty of a class B misdemeanor.]

**Changes from the original version of HB7 to CSHB 7(JUD):
"Caller ID spoofing"**

Released: Monday, February 19, 2007

New Text Underlined [Deleted Text Bracketed]

Page 1, Line 11-15 and line 1 of page 2 the new language added reads:

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

(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.

Page 1, Line 13-14 the following language was [deleted]:

[(1) "caller" means a person who places a call by a telephone or over a telephone line, even if the person begins the call on a computer;]

Page 2, Line 3-4 the new language added reads:

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

Page 2, Line 5 the following language was [deleted]:

[(4) "knowingly" has the meaning given in AS 11.81.900.]

Page 2, Line 10 the new language added reads:

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

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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.



January 30, 2007

The Honorable Jay Ramras, Chair
House Judiciary Committee
Alaska State Capitol, Room 118
Juneau, AK 99801-1182

RE: HB 7 (Lynn)—Support

Dear Chair Ramras:

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 Representative Bob Lynn and co-sponsored by Representatives 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 unremitting 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.

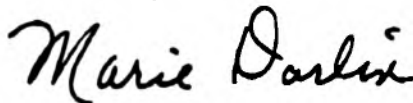
In the last few years caller ID spoofing had made it easier for telemarketers and predators to prey on Alaska's most vulnerable - children and the elderly. The elderly and children are most vulnerable because they are home during the time telemarketers like to call.

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,



Marie Darlin, Coordinator
AARP Capital City Task Force
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CC: Vice-Chair Dahlstrom
Representative Coghill
Representative Lynn
Representative Samuels
Representative Gruenberg
Representative Holmes