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HOUSE BILL NO. 2170

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on January 25, 2019)

(Patron Prior to Substitute—Delegate Brewer)

A BILL to amend the Code of Virginia by adding a section numbered 18.2-429.1, relating to false caller identification information; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-429.1 as follows:

§ 18.2-429.1. False caller identification information; penalty.

A. For the purposes of this section:

"Caller identification information" means data that identifies the identity of the caller or the caller's telephone number to the recipient of a telephone call or to the recipient's telephone network.

"False caller identification information" means data that misrepresents the identity of the caller or the caller's telephone number to the recipient of a telephone call or to the recipient's telephone network.

B. Any person who, with the intent to defraud, intimidate, or harass, causes a telephone to ring or engages in conduct that results in the display of false caller identification information on the called party's telephone is guilty of a Class 3 misdemeanor. A second or subsequent conviction under this subsection is punishable as a Class 2 misdemeanor if the prior conviction occurred before the date of the offense charged.

C. This section shall not apply to:

1. The blocking of caller identification information;

2. Any law-enforcement agencies or any law-enforcement officer while he is engaged in the performance of his official duties;

3. Any intelligence or security agency of the federal government or any employee of such agency while he is engaged in the performance of his official duties; or

4. Any telecommunications, broadband, or Voice-over-Internet protocol service provider that is (i) acting in its capacity as an intermediary for the transmission of telephone service between the caller and the recipient, (ii) providing or configuring a service or service feature as requested by a customer, (iii) acting in a manner that is authorized or required by law, or (iv) engaging in other conduct that is a necessary incident to the provision of service.