

2 State of Arkansas
3 92nd General Assembly
4 Regular Session, 2019

A Bill

SENATE BILL 474

5
6 By: Senator T. Garner
7 By: Representative Lundstrum

8 Filed with: Senate Committee on Judiciary
9 pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

10
11 AN ACT CREATING A CIVIL CAUSE OF ACTION AGAINST A
12 PERSON THAT ENGAGES IN TELEPHONE CALLER
13 IDENTIFICATION SPOOFING; AND FOR OTHER PURPOSES.
14

Subtitle

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16 CREATING A CIVIL CAUSE OF ACTION AGAINST
17 A PERSON THAT ENGAGES IN TELEPHONE CALLER
18 IDENTIFICATION SPOOFING.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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24 SECTION 1. Arkansas Code Title 16, Chapter 118, is amended to add an
25 additional section to read as follows:

26 16-118-116. Civil action against person that engages in telephone
27 caller identification spoofing.

28 (a) As used in this section, "person" includes without limitation a
29 corporate or other business entity for which a person who engages in
30 telephone caller identification spoofing is employed or with whom the person
31 has a business or contractual relationship concerning an act described in
32 subsection (b) of this section.

33 (b) In addition to any other cause of action available to a person, a
34 person who suffers injury or financial loss as a direct or indirect result of
35 another person's knowingly inserting false information into a telephone
36 caller identification system with the purpose to mislead, defraud, cause

1 harm, or obtain anything of value, may bring a civil action against the other
2 person.

3 (c)(1) The Attorney General or a prosecuting attorney with
4 jurisdiction may also bring an action for injunctive relief on behalf of the
5 person who suffered injury or financial loss as a direct or indirect result
6 of the other person's knowingly inserting false information into a telephone
7 caller identification system.

8 (2) A court hearing an action under this subsection may award
9 injunctive relief as well as assess a civil penalty against the person
10 against whom the cause of action was filed in an amount of up to ten thousand
11 dollars (\$10,000) per violation.

12 (d)(1) A court hearing a civil action under this section may award
13 injunctive relief, three (3) times compensatory damages, costs, reasonable
14 attorney's fees, and expenses to a plaintiff whose case has not been brought
15 by the Attorney General or a prosecuting attorney and that prevails in the
16 civil action.

17 (2) A person may bring a cause of action under this section even
18 if the Attorney General or a prosecuting attorney with jurisdiction is
19 pursuing a separate cause of action on behalf of the person under subsection
20 (c) of this section.

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23 Referred requested by the Arkansas Senate

24 Prepared by: BPG/VJF
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