

# House Bill 2569

Sponsored by Representative GALIZIO; Representatives BARNHART, BOONE, BUCKLEY, ESQUIVEL, GELSER, RILEY, ROSENBAUM, SHIELDS, TOMEI, WHISNANT

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Creates crime of unauthorized trading in telephone records. Punishes by maximum one year's imprisonment, \$6,250 fine, or both.

## A BILL FOR AN ACT

1  
2 Relating to unauthorized trading in telephone records.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) For the purposes of this section:**

5 (a) **"Telecommunications provider" means a person that provides commercial telephone**  
6 **service to a customer, irrespective of the technology employed, including wired, wireless,**  
7 **cable, broadband, satellite and Voice over Internet Protocol telephone service.**

8 (b) **"Telephone record" means information retained by a telecommunications provider**  
9 **that relates to the number dialed by the customer, the number of a person who dialed the**  
10 **customer, or other data that is typically contained on a customer's telephone bill for either**  
11 **wired or wireless telephone service, including the time a call was made, the duration of a call**  
12 **and the charges for a call. "Telephone record" does not include a directory listing or infor-**  
13 **mation collected and retained by customers utilizing caller identification technology or sim-**  
14 **ilar technology.**

15 (2) **A person commits the crime of unauthorized trading in telephone records if the per-**  
16 **son, without lawful authorization of a customer or an agent of the customer:**

17 (a) **Knowingly procures or attempts to procure a telephone record of the customer;**

18 (b) **Knowingly sells, buys, offers to sell or offers to buy a telephone record of the cus-**  
19 **tomers;**

20 (c) **Possesses a telephone record of the customer with the intent to use such record, or**  
21 **information contained in the record, to harm any person; or**

22 (d) **Receives a telephone record of a customer knowing that the record was obtained**  
23 **without lawful authorization or by fraud or deception.**

24 (3) **The prohibitions of this section do not apply to a peace officer obtaining telephone**  
25 **records in the performance of the peace officer's duties or as authorized by law.**

26 (4) **The prohibitions of this section do not prohibit a telecommunications provider, or the**  
27 **agents or representatives of a telecommunications provider, from obtaining, using, disclosing**  
28 **or permitting access to a telephone record if the conduct:**

29 (a) **Is otherwise authorized by law, including the rules adopted by the Public Utility**  
30 **Commission or the Federal Communications Commission;**

31 (b) **Is necessary to operate the business of the telecommunications provider, to provide**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **services or products to the customer or to protect the rights and property of the telecom-**  
2 **munications provider;**

3 **(c) Protects users of the service and other telecommunications providers from fraudu-**  
4 **lent, abusive or unlawful use of or subscription to the telephone service;**

5 **(d) Is intended to provide information to a government entity and the telecommuni-**  
6 **cations provider reasonably believes that an emergency involving immediate danger of seri-**  
7 **ous physical injury to any person justifies disclosure of the information;**

8 **(e) Is intended to provide information to the National Center for Missing and Exploited**  
9 **Children or its successor entity and concerns a report submitted under 42 U.S.C. 13032;**

10 **(f) Is related to the sale, purchase or transfer of all or part of a telecommunications**  
11 **provider's business; or**

12 **(g) Is related to the migration of a customer from one telecommunications provider to**  
13 **another.**

14 **(5) It is an affirmative defense in a prosecution under this section that a telecommuni-**  
15 **cations provider, or the agents or representatives of a telecommunications provider, acted**  
16 **under a good faith belief that the conduct of the provider, agent or representative was legal.**

17 **(6) Unauthorized trading in telephone records is a Class A misdemeanor.**

18