H. R. 1383

To amend title 18, United States Code, to provide penalties for the misuse of robocalls.

IN THE HOUSE OF REPRESENTATIVES

MARCH 7, 2007

Ms. Zoe Lofgren of California introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide penalties for the misuse of robocalls.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “The Quelling of Unwanted Intrusive and Excessive Telephone Calls Act of 2007”.

SEC. 2. PREVENTING MISUSE OF TELEPHONIC COMMUNICATIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 103 the following:

“CHAPTER 104—MISUSE OF TELEPHONIC COMMUNICATIONS

§ 2141. Misuse of automated telephone equipment

“(a) OFFENSE.—

“(1) IN GENERAL.—Whoever knowingly initiates a telephone call (other than a call made for emergency purposes or made with the prior express consent of the called party) using an automatic telephone dialing system or an artificial or prerecorded voice—

“(A) so that it is received during the period beginning at 9 pm and ending 9 am in the place which the call is directed; or

“(B) without disclosing at the beginning of the call the identity of the sponsor, endorser, or originator of the call,

shall be fined under this title or imprisoned not more than 1 year, or both.
“(2) Elections for Federal office.—Whoever knowingly uses an automatic telephone dialing system or an artificial or prerecorded voice to deceive any person regarding—

“(A) the time, place, or manner of an election for Federal office;

“(B) the qualifications for or restriction on voter eligibility for an election for Federal office;

“(C) the political party affiliation of any candidate running in an election for Federal office; or

“(D) the sponsor, endorser, or originator of a telephone call initiated using an automatic telephone dialing system or using an artificial or prerecorded voice,

shall be fined under this title or imprisoned not more than 1 year, or both.

“(b) Minimum Penalty for Multiple Call Violations.—If the offense under this section involves 100 or more telephone calls, the sentence imposed under subsection (a) for that offense shall include imprisonment for not less than 30 days.

“(c) Civil Action.—The chief law enforcement officer of a State or a general purpose political subdivision
of a State may in a civil action, obtain injunctive and de-
claratory relief with respect to a violation of this section
that affects the residents of that State or political subdivi-
sion.

“§ 2142. Definitions for chapter

“As used in this chapter—

“(1) the term ‘automatic telephone dialing sys-

ystem’ has the meaning given that term in section 227

of the Communications Act of 1934; and

“(2) the terms ‘election’ and ‘Federal office’

have, respectively, the meanings given those terms in

section 431 of the Federal Election Campaign Act of

1971.”.

(b) Clerical Amendment.—The table of chapters

at the beginning of part I of title 18, United States Code,
is amended by inserting after the item relating to chapter

103 the following new item:

“104. Misuse of Telephonic Communications .......................... 2141.”.