

110TH CONGRESS
1ST SESSION

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “The Quelling of Un-
5 wanted Intrusive and Excessive Telephone Calls Act of
6 2007”.

1 **SEC. 2. PREVENTING MISUSE OF TELEPHONIC COMMU-**
 2 **NICATIONS.**

3 (a) IN GENERAL.—Part I of title 18, United States
 4 Code, is amended by inserting after chapter 103 the fol-
 5 lowing:

6 **“CHAPTER 104—MISUSE OF TELEPHONIC**
 7 **COMMUNICATIONS**

“Sec.

“2141. Misuse of automated telephone equipment.

“2142. Definitions for chapter.

8 **“§ 2141. Misuse of automated telephone equipment**

9 “(a) OFFENSE.—

10 “(1) IN GENERAL.—Whoever knowingly initi-
 11 ates a telephone call (other than a call made for
 12 emergency purposes or made with the prior express
 13 consent of the called party) using an automatic tele-
 14 phone dialing system or an artificial or prerecorded
 15 voice—

16 “(A) so that it is received during the pe-
 17 riod beginning at 9 pm and ending 9 am in the
 18 place which the call is directed; or

19 “(B) without disclosing at the beginning of
 20 the call the identity of the sponsor, endorser, or
 21 originator of the call,
 22 shall be fined under this title or imprisoned not
 23 more than 1 year, or both.

1 “(2) ELECTIONS FOR FEDERAL OFFICE.—Who-
2 ever knowingly uses an automatic telephone dialing
3 system or an artificial or prerecorded voice to de-
4 ceive any person regarding—

5 “(A) the time, place, or manner of an elec-
6 tion for Federal office;

7 “(B) the qualifications for or restriction on
8 voter eligibility for an election for Federal of-
9 fice;

10 “(C) the political party affiliation of any
11 candidate running in an election for Federal of-
12 fice; or

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

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

19 “(b) MINIMUM PENALTY FOR MULTIPLE CALL VIO-
20 LATIONS.—If the offense under this section involves 100
21 or more telephone calls, the sentence imposed under sub-
22 section (a) for that offense shall include imprisonment for
23 not less than 30 days.

24 “(c) CIVIL ACTION.—The chief law enforcement offi-
25 cer of a State or a general purpose political subdivision

1 of a State may in a civil action, obtain injunctive and de-
 2 claratory relief with respect to a violation of this section
 3 that affects the residents of that State or political subdivi-
 4 sion.

5 **“§ 2142. Definitions for chapter**

6 “As used in this chapter—

7 “(1) the term ‘automatic telephone dialing sys-
 8 tem’ has the meaning given that term in section 227
 9 of the Communications Act of 1934; and

10 “(2) the terms ‘election’ and ‘Federal office’
 11 have, respectively, the meanings given those terms in
 12 section 431 of the Federal Election Campaign Act of
 13 1971.”.

14 (b) CLERICAL AMENDMENT.—The table of chapters
 15 at the beginning of part I of title 18, United States Code,
 16 is amended by inserting after the item relating to chapter
 17 103 the following new item:

“104. Misuse of Telephonic Communications 2141.”.

