

115TH CONGRESS
2D SESSION

S. _____

To modify the penalties for violations of the Telephone Consumer Protection Act of 1993.

IN THE SENATE OF THE UNITED STATES

Ms. CORTEZ MASTO (for herself, Mr. SCHUMER, Mrs. MCCASKILL, Ms. HASSAN, and Ms. KLOBUCHAR) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To modify the penalties for violations of the Telephone Consumer Protection Act of 1993.

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 “Deter Obnoxious, Ne-
5 farious, and Outrageous Telephone Calls Act of 2018” or
6 the “DO NOT Call Act”.

7 **SEC. 2. PENALTIES FOR VIOLATIONS OF THE TELEPHONE**

8 **CONSUMER PROTECTION ACT OF 1993.**

9 (a) CRIMINAL PENALTIES.—

1 (1) IN GENERAL.—Section 227 of the Commu-
2 nications Act of 1934 (47 U.S.C. 227) is amended
3 by adding at the end the following:

4 “(i) CRIMINAL PENALTIES.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), any person who willfully and knowingly
7 violates this section shall be imprisoned for not more
8 than 1 year, fined under title 18, United States
9 Code, or both.

10 “(2) AGGRAVATED OFFENSE.—Any person who
11 willfully and knowingly violates this section shall be
12 imprisoned for not more than 3 years, fined under
13 title 18, United States Code, or both if—

14 “(A) the person has previously been con-
15 victed under this subsection;

16 “(B) the offense involved initiating more
17 than—

18 “(i) 100,000 calls in a 24-hour period;

19 “(ii) 1,000,000 calls in a 30-day pe-
20 riod; or

21 “(iii) 10,000,000 calls in a 1-year pe-
22 riod;

23 “(C) the person committed the offense
24 with the intent to use the calls in furtherance
25 of a felony or conspiracy to commit a felony; or

1 “(D) the offense caused loss to 1 or more
2 persons aggregating \$5,000 or more in value
3 during any 1-year period.

4 “(3) DEFINITIONS.—For purposes of this sub-
5 section—

6 “(A) the term ‘call’ includes a message or
7 other communication; and

8 “(B) the term ‘initiate’, with respect to a
9 call, includes the act of sending, making, or
10 transmitting a call, message, or other commu-
11 nication, as applicable.”.

12 (2) TECHNICAL AND CONFORMING AMEND-
13 MENT.—Section 227(e)(5)(B) of the Communica-
14 tions Act of 1934 (47 U.S.C. 227(e)(5)(B)) is
15 amended, in the second sentence, by striking “sec-
16 tion 501” and inserting “subsection (i)”.

17 (b) INCREASED PENALTIES FOR PROVISION OF INAC-
18 CURATE CALLER IDENTIFICATION INFORMATION.—Sec-
19 tion 227(e)(5) of the Communications Act of 1934 (47
20 U.S.C. 227(e)(5)) is amended—

21 (1) in subparagraph (A)(i), by striking
22 “\$10,000” and inserting “\$20,000”; and

23 (2) in subparagraph (B), in the first sentence,
24 by striking “\$10,000” and inserting “\$20,000”.