A while back we reported that a new (terribly-named) bill was proposed that would add criminal penalties to the TCPA by a Nevada Senator. The language of the bill was not available—until now.

As you can see, the bill would make a willful violation of the TCPA a criminal offense punishable by a year in jail. Higher volume calling could land someone behind bars for three years.

Keep in kind folks, that these rules would apply even if the calls were perfectly legitimate calls to real customers for a real purpose!

**SECTION 1. SHORT TITLE.**
This Act may be cited as the “Deter Obnoxious, Nefarious, and Outrageous Telephone Calls Act of 2021” or the “DO NOT Call Act”.

**SEC. 2. PENALTIES FOR VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT OF 1993.**
(a) CRIMINAL PENALTIES.—

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

“(k) CRIMINAL PENALTIES.—

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

“(2) AGGRAVATED OFFENSE.—Any person who willfully and knowingly violates this section shall be imprisoned for not more than 3 years, fined under title 18, United States Code, or both if—“(A) the person has previously been convicted under this subsection; “(B) the offense involved initiating more than —

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

“(ii) 1,000,000 calls in a 30-day period; or

“(iii) 10,000,000 calls in a 1-year period;

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

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

“(3) DEFINITIONS.—For purposes of this subsection—

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

“(B) the term ‘initiate’, with respect to a call, includes the act of sending, making, or transmitting a call, message, or other communication, as applicable.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 227(e)(5)(B) of the Communications Act of 1934 (47 U.S.C. 227(e)(5)(B)) is amended, in the second sentence, by striking “section 501” and inserting “subsection (k)”

(b) INCREASED PENALTIES FOR PROVISION OF INACCURATE CALLER IDENTIFICATION INFORMATION.—Section 227(e)(5) of the Communications Act of 1934 (47 U.S.C. 227(e)(5)) is amended—

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

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

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