AN ACT CONCERNING FRAUD COMMITTED THROUGH TELEPHONE SOLICITATION AND ACCESS TO TELEPHONE RECORDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective October 1, 2016) (a) A person is guilty of telephone fraud in the first degree when such person (1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property, (2) (A) employs false pretenses or false promises, as described in section 53a-119 of the general statutes, to obtain such money or property and the amount of such money or the value of such property exceeds twenty thousand dollars, or (B) regardless of its value, obtains such money or property by extortion, and (3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person.

(b) Telephone fraud in the first degree is a class B felony.

Sec. 2. (NEW) (Effective October 1, 2016) (a) A person is guilty of telephone fraud in the second degree when such person (1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property, (2) employs false pretenses or false promises, as described in section 53a-119 of the general statutes, to obtain such money or property and the amount of such money or the value of such property exceeds ten thousand dollars, and (3) uses a telephonic call, including, but not limited to, a call made by an
individual, an automated telephone call and a recorded message, to
obtain such money or property from such other person.

(b) Telephone fraud in the second degree is a class C felony.

Sec. 3. (NEW) (Effective October 1, 2016) (a) A person is guilty of
telephone fraud in the third degree when such person (1) knowingly or
intentionally devises or participates in a scheme to defraud another
person of money or property, (2) employs false pretenses or false
promises, as described in section 53a-119 of the general statutes, to
obtain such money or property and the amount of such money or the
value of such property exceeds two thousand dollars, and (3) uses a
telephonic call, including, but not limited to, a call made by an
individual, an automated telephone call and a recorded message, to
obtain such money or property from such other person.

(b) Telephone fraud in the third degree is a class D felony.

Sec. 4. (NEW) (Effective October 1, 2016) (a) A person is guilty of
telephone fraud in the fourth degree when such person (1) knowingly
or intentionally devises or participates in a scheme to defraud another
person of money or property, (2) employs false pretenses or false
promises, as described in section 53a-119 of the general statutes, to
obtain such money or property and the amount of such money or the
value of such property exceeds one thousand dollars, and (3) uses a
telephonic call, including, but not limited to, a call made by an
individual, an automated telephone call and a recorded message, to
obtain such money or property from such other person.

(b) Telephone fraud in the fourth degree is a class A misdemeanor.

Sec. 5. (NEW) (Effective October 1, 2016) (a) A person is guilty of
telephone fraud in the fifth degree when such person (1) knowingly or
intentionally devises or participates in a scheme to defraud another
person of money or property, (2) employs false pretenses or false
promises, as described in section 53a-119 of the general statutes, to
obtain such money or property and the amount of such money or the
value of such property exceeds five hundred dollars, and (3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person.

(b) Telephone fraud in the fifth degree is a class B misdemeanor.

Sec. 6. (NEW) (Effective October 1, 2016) (a) A person is guilty of telephone fraud in the sixth degree when such person (1) knowingly or intentionally devises or participates in a scheme to defraud another person of money or property, (2) employs false pretenses or false promises, as described in section 53a-119 of the general statutes, to obtain such money or property and the amount of such money or the value of such property is five hundred dollars or less, and (3) uses a telephonic call, including, but not limited to, a call made by an individual, an automated telephone call and a recorded message, to obtain such money or property from such other person.

(b) Telephone fraud in the sixth degree is a class C misdemeanor.

Sec. 7. Section 54-47aa of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2016):

(a) For the purposes of this section:

(1) "Basic subscriber information" means: (A) Name, (B) address, (C) local and long distance telephone connection records or records of session times and durations, (D) length of service, including start date, and types of services utilized, (E) telephone or instrument number or other subscriber number or identity, including any assigned Internet protocol address, and (F) means and source of payment for such service, including any credit card or bank account number;

(2) "Call-identifying information" means dialing or signaling information that identifies the origin, direction, destination or termination of each communication generated or received by a subscriber or customer by means of any equipment, facility or service
of a telecommunications carrier;

(3) "Electronic communication service" means "electronic communication service" as defined in 18 USC 2510, as amended from time to time;

(4) "Law enforcement official" means the Chief State's Attorney, a state's attorney, an inspector with the Division of Criminal Justice, a sworn member of the Division of State Police within the Department of Emergency Services and Public Protection or a sworn member of an organized local police department;

(5) "Remote computing service" means "remote computing service" as defined in section 18 USC 2711, as amended from time to time; and

(6) "Telecommunications carrier" means "telecommunications carrier" as defined in 47 USC 1001, as amended from time to time.

(b) A law enforcement official may request an ex parte order from a judge of the Superior Court to compel (1) a telecommunications carrier to disclose call-identifying information pertaining to a subscriber or customer, or (2) a provider of electronic communication service or remote computing service to disclose basic subscriber information pertaining to a subscriber or customer. The judge shall grant such order if the law enforcement official states a reasonable and articulable suspicion that a crime has been or is being committed or that exigent circumstances exist and such call-identifying or basic subscriber information is relevant [and] or material to an ongoing criminal investigation. The order shall state upon its face the case number assigned to such investigation, the date and time of issuance and the name of the judge authorizing the order. The law enforcement official shall have any ex parte order issued pursuant to this subsection signed by the authorizing judge [within] not later than forty-eight hours or [not later than] the next business day after the issuance of such order, whichever is earlier.

(c) A telecommunications carrier shall disclose call-identifying
information and a provider of electronic communication service or remote computing service shall disclose basic subscriber information to a law enforcement official when an order is issued pursuant to subsection (b) of this section.

(d) Not later than forty-eight hours after the issuance of an order pursuant to subsection (b) of this section, the law enforcement official shall mail notice of the issuance of such order to the subscriber or customer whose call-identifying information or basic subscriber information is the subject of such order, except that such notification may be delayed for a period of up to ninety days upon the execution of a written certification of such official to the judge who authorized the order that there is reason to believe that notification of the existence of the order may result in (1) endangering the life or physical safety of an individual, (2) flight from prosecution, (3) destruction of or tampering with evidence, (4) intimidation of potential witnesses, or (5) otherwise seriously jeopardizing the investigation. The law enforcement official shall maintain a true copy of such certification. During such ninety-day period, the law enforcement official may request the court to extend such period of delayed notification. Such period may be extended beyond ninety days only upon approval of the court.

(e) A telecommunications carrier or provider of electronic communication service or remote computing service that provides information pursuant to an order issued pursuant to subsection (b) of this section shall be compensated for the reasonable expenses incurred in providing such information.

(f) Any telecommunications carrier or provider of electronic communication service or remote computing service that provides information in good faith pursuant to an order issued pursuant to subsection (b) of this section shall be afforded the legal protections provided under 18 USC 3124, as amended from time to time, with regard to such actions.

(g) Not later than January fifteenth of each year, each law
enforcement official shall report to the Chief State's Attorney the
information required by this subsection with respect to each order
issued pursuant to subsection (b) of this section in the preceding
calendar year. The Chief State's Attorney shall, based upon the reports
filed by each law enforcement official and not later than January thirty-
first of each year, submit a report, in accordance with the provisions of
section 11-4a, to the joint standing committee of the General Assembly
having cognizance of matters relating to criminal law and procedure
concerning orders issued pursuant to subsection (b) of this section in
the preceding calendar year. The report shall include the following
information: (1) The number of orders issued, (2) whether the order
was directed to a telecommunications carrier, provider of electronic
communication service or provider of remote computing service, (3)
whether the information sought was call-identifying information or
basic subscriber information, (4) the statutory offense or offenses that
were the subject of the investigation, (5) the number of notifications
that were delayed pursuant to subsection (d) of this section, and the
reason for such delayed notification, (6) the number of motions to
vacate an order that were filed, and the number of motions granted or
denied, (7) the number of investigations concluded and the final result
of such investigations, and (8) the status of any criminal prosecution
resulting from the investigation.

<table>
<thead>
<tr>
<th>Section 1</th>
<th>October 1, 2016</th>
<th>New section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 2</td>
<td>October 1, 2016</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 3</td>
<td>October 1, 2016</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 4</td>
<td>October 1, 2016</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 5</td>
<td>October 1, 2016</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 6</td>
<td>October 1, 2016</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 7</td>
<td>October 1, 2016</td>
<td>54-47aa</td>
</tr>
</tbody>
</table>
Statement of Legislative Commissioners:
In Sections 1 through 6, inclusive, "voluntarily and intentionally" was changed to "knowingly or intentionally" for conformity with existing mens rea descriptions in the penal code.

JUD Joint Favorable Subst. -LCO