

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 919

Short Title: Unlawful Telecommunications.

(Public)

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Sponsors: Senators Odom; Rucho and Winner.

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Referred to: Commerce.

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April 17, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE DISCONTINUATION OF TELECOMMUNICATIONS  
3 SERVICES USED FOR UNLAWFUL PURPOSES.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 16 of Chapter 15A of the General Statutes is amended by  
6 adding a new section to read:

7 "**§ 15A-299. Discontinuation of telecommunications services used for unlawful**  
8 **purposes.**

9 (a) The legislature finds that some persons use telecommunications services to  
10 violate State or federal law. The legislature further finds that some persons use  
11 telecommunications services or technology, such as call forwarding and cellular radio  
12 transmission, to avoid detection or arrest.

13 (b) A customer of a telecommunications company operating within the State may  
14 use telecommunications services only for lawful purposes.

15 (c) If a local, State, or federal law enforcement officer acting within the scope of  
16 the officer's duties obtains evidence that telecommunications services are being used or  
17 have been used by a customer or by the employee or agent of the customer to violate  
18 State or federal law, the officer may apply to the district court of the county in which the  
19 suspected violation of State or federal law occurred for an order requiring the  
20 telecommunications company to discontinue service to the customer. The court shall

1 hold a hearing on the application as soon as possible, but no sooner than 48 hours after  
2 notice of the application for discontinuation of service is delivered to the address at which  
3 the telecommunications services are furnished or to the address to which bills for  
4 telecommunications services are mailed, according to the telecommunications company  
5 records. Notice must also be given to the registered agent for the service of process upon  
6 the telecommunications company at least 48 hours prior to the hearing. If the court finds  
7 clear and convincing evidence that the telecommunications services are being used or  
8 have been used to violate State or federal law, the court shall order the  
9 telecommunications company to discontinue such service immediately.

10 (d) Telecommunications services discontinued under this section may be reinstated  
11 only by court order, and call forwarding or message referrals, whether recorded or live,  
12 may not be provided until reinstatement of service is ordered by the court.

13 (e) A telecommunications company shall be held harmless from liability to any  
14 person when complying with any court order issued under this section."

15 Section 2. This act becomes effective December 1, 1997, and applies to  
16 offenses committed on or after that date.