

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 919
House Committee Substitute Favorable 7/14/97
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Short Title: Unlawful Telecommunications.

(Public)

Sponsors:

Referred to:

April 17, 1997

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

The General Assembly of North Carolina enacts:

Section 1. Subchapter II of Chapter 15A of the General Statutes is amended by
adding a new Article to read:

"ARTICLE 16A.

"DISCONTINUATION OF TELECOMMUNICATIONS SERVICES.

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

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

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

(c) If a local, State, or federal law enforcement officer acting within the scope of
the officer's duties obtains evidence that telecommunications services are being used or

1 have been used by a customer or by the employee or agent of the customer to violate
2 State or federal criminal law, the officer may request either the district attorney or the
3 Attorney General as appropriate to apply to the district court of the county in which the
4 suspected violation of State or federal criminal law occurred for an order requiring the
5 telecommunications company to discontinue service to the customer. The court shall
6 hold a hearing on the application as soon as possible, but no sooner than 48 hours after
7 notice of the application for discontinuation of service is delivered to the address at which
8 the telecommunications services are furnished or to the address to which bills for
9 telecommunications services are mailed, according to the telecommunications company
10 records. Notice must also be given to the registered agent for the service of process upon
11 the telecommunications company at least 48 hours prior to the hearing. Notices required
12 under this section shall be given pursuant to the provisions of Rule 4 of the North
13 Carolina Rules of Civil Procedure. If the court finds clear and convincing evidence that
14 the telecommunications services are being used or have been used to violate State or
15 federal criminal law, the court may order the telecommunications company to discontinue
16 such service immediately.

17 (d) Telecommunications services discontinued under this section may be reinstated
18 only by court order, and call forwarding or message referrals, whether recorded or live,
19 may not be provided until reinstatement of service is ordered by the court. The court may
20 order reinstatement of telecommunications services if it finds that the customer is not
21 likely to use the services to violate State or federal criminal law. The standard of proof
22 shall be the same as that used for the disconnect order.

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

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