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Committees:
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Senate Bill 290
Senate Judiciary Committee
Chairman Bacon
Sponsor Testimony - Senator Dave Burke
September 25, 2018

Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for allowing me the opportunity to speak to Senate Bill 290. This legislation would create the offenses of theft for conversion of a telephone number or exchange and providing misleading caller identification information. This legislation was introduced as a companion bill to House Bill 597, sponsored by my colleagues in the Ohio House of Representatives, Representatives Keith Faber and Jonathan Dever.

I'm sure many of you have experienced phone calls from individuals asking why you called them or saying they were "just called by you" when you made no such call. In those instances, your phone number was just "spoofed" and stolen by individuals looking to get unsuspecting people to answer thinking it was you or someone local calling.

Spoofers use your identity through your phone number to defraud others. Identifying a telemarketer used to be easier because you could see that the call was coming from another state, but now the calls are coming from your own hometown or your local exchange. It is not right that these telemarketers are intentionally trying to defraud people.

As a legislator, pharmacist, and business owner, I have answered many local calls expecting to hear from a constituent or a patient in an emergency situation. However, the vast majority of these calls were telemarketers or spoofers. As an unfortunate result, I have stopped answering local calls entirely, which does not allow me to serve my constituents or my patients to the best of my ability.

Spoofing phone numbers is a deceptive trade practice; it is identity fraud and should be treated as such. Victims should be eligible for a right of action and to protect their phone number and to recover if they do offer to purchase goods.

This bill prohibits using or repeating a telephone number, exchange, or misleading caller identification information that is not assigned to the person, with the intent to defraud, cause harm, or wrongfully obtain anything of value. Violators stealing a phone number will be charged with a felony of the fifth degree. Violators providing misleading caller identification information will be charged with a felony of the fourth degree. These penalties increase if the victim is of a protected class. This bill does not apply to those using “unknown” or “blocked” phone numbers. In addition, a person injured by a violation shall have a cause of action and be entitled to remedies including the goods and services agreed to without an obligation to pay.

Thank you again for your time and consideration of Senate Bill 290. I would be happy to answer any questions you may have at this time.