

# SENATE BILL No. 323

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-26-5-21.

**Synopsis:** Protective orders and wireless service providers. Allows a court to include the transfer of wireless telephone numbers and accounts as part of an order for protection.

**Effective:** July 1, 2017.

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January 9, 2017, read first time and referred to Committee on Judiciary.

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First Regular Session 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

## SENATE BILL No. 323

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 34-26-5-21 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2017]: **Sec. 21. (a) As used in this section, "financial**
- 4 **responsibility" means an obligation to pay monthly service fees and**
- 5 **other costs and charges associated with any telephone number.**
- 6 **(b) As used in this section, "provider" means a person or entity**
- 7 **that provides commercial mobile service (as defined in 47 U.S.C.**
- 8 **332).**
- 9 **(c) A petitioner for an order for protection may request that the**
- 10 **court issuing the order for protection require a provider to**
- 11 **transfer to the petitioner a telephone number that is used by:**
- 12 **(1) the petitioner; or**
- 13 **(2) a minor child in the petitioner's custody.**
- 14 **(d) The court may order a provider to transfer to a petitioner**
- 15 **the sole:**
- 16 **(1) right to continued use of a telephone number; and**
- 17 **(2) financial responsibility for services associated with a**



- 1           **telephone number.**
- 2           **(e) A provider shall terminate the respondent's use of a**
- 3           **telephone number that the petitioner has sought to transfer under**
- 4           **subsection (d), unless the provider notifies the petitioner and the**
- 5           **court within seventy-two (72) hours after issuance of the order**
- 6           **described in subsection (d):**
- 7                 **(1) that an account holder named in the order for protection**
- 8                 **has terminated the account; or**
- 9                 **(2) that the requested transfer, if completed, would:**
- 10                         **(A) impair proper function of a wireless device;**
- 11                         **(B) result in network or service disruption; or**
- 12                         **(C) cause another technical or operational issue.**
- 13           **(f) A petitioner for an order for protection has exclusive:**
- 14                         **(1) rights to use; and**
- 15                         **(2) financial control of;**
- 16           **any telephone number that is transferred under this section.**
- 17           **(g) A provider's customary requirements for establishing an**
- 18           **account and transferring a telephone number apply to a transfer**
- 19           **made under this section. The provider's requirements may include:**
- 20                         **(1) proof of the petitioner's identity;**
- 21                         **(2) the petitioner's financial information; and**
- 22                         **(3) the petitioner's customer preferences.**
- 23           **(h) A provider is immune from civil liability for complying with**
- 24           **an order to transfer a telephone number under this section.**

