



February 24, 2017

SENATE BILL No. 323

DIGEST OF SB 323 (Updated February 22, 2017 9:23 am - DI 84)

Citations Affected: IC 34-26.

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.

Houchin, Bray, Head, Lanane

January 9, 2017, read first time and referred to Committee on Judiciary.
February 23, 2017, reported favorably — Do Pass.

SB 323—LS 7142/DI 130



February 24, 2017

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 a statute 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**

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- 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.**



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 323, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 323 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0

