

January, 2020

AMENDMENT TO THE FEDERAL TELECOMMUNICATIONS AND BROADCASTING LAW AND TO THE FEDERAL CRIMINAL CODE

On January 24, 2020, a Decree issued by the Mexican Congress, was published in the Official Federal Gazette by means of which the following provisions were added: *(i)* article 190 Bis to the Federal Telecommunications and Broadcasting Law; and *(ii)* article 168 Ter to the Federal Criminal Code. Both articles related with the prohibition to block, cancel or annul cellphone, radio communications or transmission signals of data or image. The Decree entered in force on January 25, 2020.

1. Federal Telecommunications and Broadcasting Law

The new provision establishes that: the manufacture, commercialization, acquisition, as well as the installation, carrying, use and operation of equipment that blocks, cancels or annuls cellphone, radio communications or data or image transmission signals is prohibited.

The foregoing, with the exception of the manufacture, commercialization, acquisition, installation, possession, use and operation of this equipment by the authorities in charge of social rehabilitation centers, correctional establishments or detention centers for minors, for purposes of the provisions of section VIII, article 190 of this Law, as well as for the use and operation thereof by the federal public security and national security instances in compliance with their authorities.

2. Federal Criminal Code

The new provision establishes that: anyone that manufactures, commercializes, acquires, installs, carries, uses or operates equipment that blocks, cancels or annuls cellphone, radio communications or data or image transmission signals will be sanctioned with a penalty of twelve to fifteen years of prison with the exception of what it is established in the second paragraph of article 190 Bis of the Federal Telecommunications and Broadcasting Law.

The equipment referred to in the first paragraph of article 190 Bis of the Federal Telecommunications and Broadcasting Law, will be secured in terms of in the provisions of the National Criminal Procedures Code and subsequently, it must be destroyed in its entirety.

If the felony referred to in the first paragraph is committed by public officers and without the express written authorization from their immediate superior, a penalty of fifteen to eighteen years in prison shall be imposed.

In case you require additional information; please contact the partner responsible for your business or any of the lawyers mentioned below:

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