

---

**By: Delegates D. Murphy, Vallario, Harkins, E. Burns, M. Burns, O'Donnell, and Hutchins**

Introduced and read first time: February 24, 1997

Assigned to: Rules and Executive Nominations

---

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Wireless Telephone Cloning - Exceptions**

3 FOR the purpose of establishing that the prohibition against possessing, using,  
4 manufacturing, distributing, or selling certain wireless telephone cloning devices  
5 does not apply to certain law enforcement officers and certain manufacturers and  
6 distributors; and generally relating to wireless telephone cloning devices.

7 BY repealing and reenacting, with amendments,  
8 Article 27 - Crimes and Punishments  
9 Section 557D  
10 Annotated Code of Maryland  
11 (1996 Replacement Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article 27 - Crimes and Punishments**

15 557D.

16 (a) In this section the following words have the meanings indicated.

17 (1) "Clone" means to convert a wireless telephone with the electronic serial  
18 number and the wireless telephone number which have been obtained from a registered  
19 wireless telephone without the consent of the telecommunication service provider.

20 (2) "Reader" means an electronic serial number recording device which is  
21 capable of, or has been altered, modified, programmed, or re-programmed so as to be  
22 capable of acquiring or facilitating the acquisition of a telecommunication service without  
23 the consent of the telecommunication service provider.

24 (3) "Manufacture" means to produce or assemble, modify, alter, program,  
25 or re-program any wireless telephone or reader without the consent of the  
26 telecommunication service provider.

27 (4) "Registered wireless telephone" means a wireless telephone registered  
28 with a telecommunication service provider for a fee as set by the telecommunication  
29 service provider.

2

1 (5) "Sell" means to sell, exchange, give, or dispose of, to another, or to offer  
2 or agree to do the same.

3 (6) "Telecommunication service" includes any service provided for a charge  
4 or compensation to facilitate the origination, transmission, emission, or reception of signs,  
5 signals, writings, images and sounds or intelligence of any nature by telephone, including  
6 wireless telephones.

7 (7) "Telecommunication service provider" means a person or entity  
8 providing telecommunication service including, but not limited to, a wireless telephone  
9 company which, for a fee, supplies the facility, cell site, wireless telephone switching  
10 office, or other equipment or telecommunication service.

11 (8) "Wireless telephone" means any equipment or instrument that  
12 transmits:

13 (i) Cellular telephone service;

14 (ii) Personal communication service; or

15 (iii) Any other commercial mobile radio service as defined by the  
16 Federal Communications Commission.

17 (b) (1) A person may not knowingly possess or use a cloned wireless telephone.

18 (2) [A] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A  
19 person may not knowingly possess a reader.

20 (3) A person who violates this subsection is guilty of a misdemeanor and on  
21 conviction is subject to a fine of not more than \$2,500 or imprisonment for not more than  
22 3 years or both.

23 (c) (1) A person may not knowingly possess with intent to distribute, distribute,  
24 manufacture, or sell a cloned wireless telephone.

25 (2) [A] EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A  
26 person may not knowingly use, possess with intent to distribute, distribute, manufacture,  
27 or sell a reader.

28 (3) Any person who violates this subsection is guilty of a felony and on  
29 conviction is subject to a fine of not more than \$10,000 or imprisonment for not more than  
30 5 years or both.

31 (D) SUBSECTIONS (B)(2) AND (C)(2) OF THIS SECTION DO NOT APPLY TO:

32 (1) A LAW ENFORCEMENT OFFICER WHO POSSESSES OR USES A  
33 READER IN THE COURSE OF AN OFFICIAL POLICE INVESTIGATION; OR

34 (2) A PERSON WHO IS AUTHORIZED TO:

35 (I) MANUFACTURE READERS FOR DISTRIBUTION OR SALE TO A  
36 LAW ENFORCEMENT AGENCY; OR

3

1 (II) DISTRIBUTE OR SELL READERS TO A LAW ENFORCEMENT  
2 AGENCY.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 June 1, 1997.