
By: Chairman, Judiciary Committee (Departmental - State Police, Dept. of)

Introduced and read first time: January 17, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Cellular Telephone Cloning**

3 FOR the purpose of prohibiting a person from knowingly cloning an electronic serial
4 number or cellular telephone number under certain circumstances; prohibiting a
5 person from knowingly possessing, using, or selling a cloned electronic serial
6 number or cellular telephone number under certain circumstances; prohibiting a
7 person from knowingly manufacturing or selling a cloned cellular telephone or an
8 electronic serial number recorder under certain circumstances; establishing certain
9 penalties for certain violations under certain conditions; defining certain terms; and
10 generally relating to cellular telephone cloning.

11 BY adding to

12 Article 27 - Crimes and Punishments
13 Section 557D
14 Annotated Code of Maryland
15 (1992 Replacement Volume and 1995 Supplement)

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

18 **Article 27 - Crimes and Punishments**

19 557D.

20 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (1) "CLONE" MEANS TO CONVERT A CELLULAR TELEPHONE WHERE
23 THE ELECTRONIC SERIAL NUMBER OR THE CELLULAR TELEPHONE NUMBER HAS
24 BEEN COPIED FROM A REGISTERED CELLULAR TELEPHONE WITHOUT THE
25 CONSENT OF THE TELECOMMUNICATION SERVICE PROVIDER.

26 (2) "ELECTRONIC SERIAL NUMBER RECORDER" MEANS ANY
27 TELECOMMUNICATION DEVICE THAT IS CAPABLE OF, OR HAS BEEN ALTERED,
28 MODIFIED, PROGRAMMED, OR RE-PROGRAMMED SO AS TO BE CAPABLE OF
29 ACQUIRING OR FACILITATING THE ACQUISITION OF A TELECOMMUNICATION
30 SERVICE WITHOUT THE CONSENT OF THE TELECOMMUNICATION SERVICE
31 PROVIDER.

1 (3) "MANUFACTURE" MEANS TO PRODUCE OR ASSEMBLE, MODIFY,
2 ALTER, PROGRAM, OR RE-PROGRAM ANY TELECOMMUNICATION DEVICE WITHOUT
3 THE CONSENT OF THE TELECOMMUNICATION SERVICE PROVIDER.

4 (4) "REGISTERED CELLULAR TELEPHONE" MEANS A CELLULAR
5 TELEPHONE REGISTERED WITH A TELECOMMUNICATION SERVICE PROVIDER FOR A
6 FEE AS SET BY THE TELECOMMUNICATION SERVICE PROVIDER.

7 (5) "SELL" MEANS TO SELL, EXCHANGE, GIVE, OR DISPOSE OF, TO
8 ANOTHER, OR TO OFFER OR AGREE TO DO THE SAME.

9 (6) "TELECOMMUNICATION DEVICE" MEANS:

10 (I) ANY TYPE OF INSTRUMENT, DEVICE, MACHINE, OR
11 EQUIPMENT WHICH IS CAPABLE OF TRANSMITTING OR RECEIVING TELEPHONIC,
12 ELECTRONIC, OR RADIO COMMUNICATIONS; OR

13 (II) ANY PART OF AN INSTRUMENT, DEVICE, MACHINE, OR
14 EQUIPMENT, OR ANY COMPUTER CIRCUIT, COMPUTER CHIP, ELECTRONIC
15 MECHANISM, OR OTHER COMPONENT, WHICH IS CAPABLE OF FACILITATING THE
16 TRANSMISSION OR RECEPTION OF TELEPHONIC OR ELECTRONIC
17 COMMUNICATIONS.

18 (7) "TELECOMMUNICATION SERVICE" INCLUDES ANY SERVICE
19 PROVIDED FOR A CHARGE OR COMPENSATION TO FACILITATE THE ORIGINATION,
20 TRANSMISSION, EMISSION, OR RECEPTION OF SIGNS, SIGNALS, WRITINGS, IMAGES
21 AND SOUNDS OR INTELLIGENCE OF ANY NATURE BY TELEPHONE, INCLUDING
22 CELLULAR TELEPHONES.

23 (8) "TELECOMMUNICATION SERVICE PROVIDER" MEANS A PERSON OR
24 ENTITY PROVIDING TELECOMMUNICATION SERVICE INCLUDING, BUT NOT LIMITED
25 TO, A CELLULAR TELEPHONE COMPANY WHICH, FOR A FEE, SUPPLIES THE FACILITY,
26 CELL SITE, CELLULAR TELEPHONE SWITCHING OFFICE, OR OTHER EQUIPMENT OR
27 TELECOMMUNICATION SERVICE.

28 (B) (1) A PERSON MAY NOT KNOWINGLY POSSESS OR USE A CLONED
29 ELECTRONIC SERIAL NUMBER OR CLONED CELLULAR TELEPHONE NUMBER OF A
30 VALID CELLULAR TELEPHONE USER.

31 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
32 PARAGRAPH, A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
33 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$500
34 OR IMPRISONMENT FOR NOT MORE THAN 6 MONTHS OR BOTH.

35 (II) IF THE USE OF A CLONED ELECTRONIC SERIAL NUMBER OR A
36 CLONED CELLULAR TELEPHONE NUMBER RESULTS IN A THEFT OF GREATER THAN
37 \$300, A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY AND ON
38 CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT
39 FOR NOT MORE THAN 5 YEARS OR BOTH.

40 (C) (1) A PERSON MAY NOT KNOWINGLY CLONE OR SELL A CLONED
41 ELECTRONIC SERIAL NUMBER OR CELLULAR TELEPHONE NUMBER.

3

1 (2) A PERSON MAY NOT KNOWINGLY MANUFACTURE OR SELL A
2 CLONED CELLULAR TELEPHONE OR AN ELECTRONIC SERIAL NUMBER RECORDER.

3 (3) ANY PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
4 FELONY AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000 OR
5 IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 1996.