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

Introduced and read first time: January 17, 1996

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 1996

CHAPTER ____

1 AN ACT concerning

2 **Crimes - ~~Cellular~~ Wireless 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~~ possessing, using,
9 distributing, manufacturing, or selling a cloned wireless telephone or certain other
10 devices; establishing certain penalties for certain violations under certain
11 conditions; defining certain terms; and generally relating to ~~cellular~~ wireless
12 telephone cloning.

13 BY adding to

14 Article 27 - Crimes and Punishments

15 Section 557D

16 Annotated Code of Maryland

17 (1992 Replacement Volume and 1995 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article 27 - Crimes and Punishments**

21 557D.

22 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS

23 INDICATED.

1 (1) "CLONE" MEANS TO CONVERT A ~~CELLULAR~~ WIRELESS TELEPHONE
2 ~~WHERE WITH~~ THE ELECTRONIC SERIAL NUMBER ~~OR THE CELLULAR AND THE~~
3 WIRELESS TELEPHONE NUMBER ~~HAS WHICH HAVE BEEN COPIED~~ OBTAINED FROM A
4 REGISTERED ~~CELLULAR~~ WIRELESS TELEPHONE WITHOUT THE CONSENT OF THE
5 TELECOMMUNICATION SERVICE PROVIDER.

6 (2) ~~"ELECTRONIC SERIAL NUMBER RECORDER" MEANS ANY~~
7 ~~TELECOMMUNICATION DEVICE THAT "READER" MEANS AN ELECTRONIC SERIAL~~
8 NUMBER RECORDING DEVICE WHICH IS CAPABLE OF, OR HAS BEEN ALTERED,
9 MODIFIED, PROGRAMMED, OR RE-PROGRAMMED SO AS TO BE CAPABLE OF
10 ACQUIRING OR FACILITATING THE ACQUISITION OF A TELECOMMUNICATION
11 SERVICE WITHOUT THE CONSENT OF THE TELECOMMUNICATION SERVICE
12 PROVIDER.

13 (3) "MANUFACTURE" MEANS TO PRODUCE OR ASSEMBLE, MODIFY,
14 ALTER, PROGRAM, OR RE-PROGRAM ANY ~~TELECOMMUNICATION DEVICE~~ WIRELESS
15 TELEPHONE OR READER WITHOUT THE CONSENT OF THE TELECOMMUNICATION
16 SERVICE PROVIDER.

17 (4) "REGISTERED ~~CELLULAR~~ WIRELESS TELEPHONE" MEANS A
18 ~~CELLULAR~~ WIRELESS TELEPHONE REGISTERED WITH A TELECOMMUNICATION
19 SERVICE PROVIDER FOR A FEE AS SET BY THE TELECOMMUNICATION SERVICE
20 PROVIDER.

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

23 ~~(6) "TELECOMMUNICATION DEVICE" MEANS:~~

24 ~~(I) ANY TYPE OF INSTRUMENT, DEVICE, MACHINE, OR~~
25 ~~EQUIPMENT WHICH IS CAPABLE OF TRANSMITTING OR RECEIVING TELEPHONIC,~~
26 ~~ELECTRONIC, OR RADIO COMMUNICATIONS; OR~~

27 ~~(II) ANY PART OF AN INSTRUMENT, DEVICE, MACHINE, OR~~
28 ~~EQUIPMENT, OR ANY COMPUTER CIRCUIT, COMPUTER CHIP, ELECTRONIC~~
29 ~~MECHANISM, OR OTHER COMPONENT, WHICH IS CAPABLE OF FACILITATING THE~~
30 ~~TRANSMISSION OR RECEPTION OF TELEPHONIC OR ELECTRONIC~~
31 ~~COMMUNICATIONS.~~

32 ~~(7)~~ (6) "TELECOMMUNICATION SERVICE" INCLUDES ANY SERVICE
33 PROVIDED FOR A CHARGE OR COMPENSATION TO FACILITATE THE ORIGINATION,
34 TRANSMISSION, EMISSION, OR RECEPTION OF SIGNS, SIGNALS, WRITINGS, IMAGES
35 AND SOUNDS OR INTELLIGENCE OF ANY NATURE BY TELEPHONE, INCLUDING
36 ~~CELLULAR~~ WIRELESS TELEPHONES.

37 ~~(8)~~ (7) "TELECOMMUNICATION SERVICE PROVIDER" MEANS A
38 PERSON OR ENTITY PROVIDING TELECOMMUNICATION SERVICE INCLUDING, BUT
39 NOT LIMITED TO, A ~~CELLULAR~~ WIRELESS TELEPHONE COMPANY WHICH, FOR A FEE,
40 SUPPLIES THE FACILITY, CELL SITE, ~~CELLULAR~~ WIRELESS TELEPHONE SWITCHING
41 OFFICE, OR OTHER EQUIPMENT OR TELECOMMUNICATION SERVICE.

3

1 (8) "WIRELESS TELEPHONE" MEANS ANY EQUIPMENT OR INSTRUMENT
2 THAT TRANSMITS:

3 (I) CELLULAR TELEPHONE SERVICE;

4 (II) PERSONAL COMMUNICATION SERVICE; OR

5 (III) ANY OTHER COMMERCIAL MOBILE RADIO SERVICE AS
6 DEFINED BY THE FEDERAL COMMUNICATIONS COMMISSION.

7 (B) (1) A PERSON MAY NOT KNOWINGLY POSSESS OR USE A CLONED
8 ~~ELECTRONIC SERIAL NUMBER OR CLONED CELLULAR TELEPHONE NUMBER OF A~~
9 ~~VALID CELLULAR TELEPHONE USER~~ WIRELESS TELEPHONE.

10 (2) A PERSON MAY NOT KNOWINGLY POSSESS A READER.

11 ~~(2) (3) (4) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS~~
12 ~~PARAGRAPH,~~ A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
13 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$500
14 ~~OR IMPRISONMENT FOR NOT MORE THAN 6 MONTHS~~ \$2,500 OR IMPRISONMENT FOR
15 NOT MORE THAN 3 YEARS OR BOTH.

16 ~~(II) IF THE USE OF A CLONED ELECTRONIC SERIAL NUMBER OR A~~
17 ~~CLONED CELLULAR TELEPHONE NUMBER RESULTS IN A THEFT OF GREATER THAN~~
18 ~~\$300, A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A FELONY AND ON~~
19 ~~CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT~~
20 ~~FOR NOT MORE THAN 5 YEARS OR BOTH.~~

21 (C) (1) A PERSON MAY NOT KNOWINGLY ~~CLONE~~ POSSESS WITH INTENT TO
22 DISTRIBUTE, MANUFACTURE, OR SELL A CLONED ELECTRONIC SERIAL
23 NUMBER OR CELLULAR TELEPHONE NUMBER WIRELESS TELEPHONE.

24 (2) A PERSON MAY NOT KNOWINGLY ~~MANUFACTURE OR SELL A~~
25 ~~CLONED CELLULAR TELEPHONE OR AN ELECTRONIC SERIAL NUMBER RECORDER~~
26 USE, POSSESS WITH INTENT TO DISTRIBUTE, MANUFACTURE, OR SELL
27 A READER.

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

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

