

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 1178

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the comma in line 5 down through “services” in line 7; strike beginning with “providing” in line 9 down through “intent” in line 11 and substitute “providing certain exceptions”; and strike beginning with “allowing” in line 12 down through “circumstances;” in line 14.

On page 2, in line 1, strike “557G” and substitute “557F”; and strike in their entirety lines 5 through 9, inclusive.

AMENDMENT NO. 2

On page 4, strike in their entirety lines 16 through 24, inclusive; in line 25, strike “(C)” and substitute “(B)”; in the same line, strike “(1)”; in line 28, strike “OTHERWISE FACILITATE THE”; in the same line, strike “OF”; strike in their entirety lines 31 through 35, inclusive; in line 36, strike “(D)” and substitute “(C)”; in the same line, strike “ACTUALLY OR CONSTRUCTIVELY”; in line 37, strike “OTHERWISE”; in lines 38 and 39, strike “PLANS, INSTRUCTIONS, OR MATERIALS TO ANOTHER PERSON” and substitute “OR TELECOMMUNICATIONS ACCESS DEVICE.”

(D) “ELECTRONIC SERIAL NUMBER (ESN)” MEANS THE UNIQUE SERIAL NUMBER PROGRAMMED INTO A WIRELESS PHONE BY THE MANUFACTURER OF THE DEVICE.

(E) “MOBILE IDENTIFICATION NUMBER (MIN)” MEANS THE TELEPHONE NUMBER ASSIGNED TO AND PROGRAMMED INTO A WIRELESS PHONE BY THE TELECOMMUNICATIONS SERVICE PROVIDER”.

On page 5, strike in their entirety lines 1 through 5, inclusive; in line 7, after “SIGNALS,”

(Over)

insert "OR"; in lines 7 and 8, strike ", OR OTHER INTELLIGENCE OR EQUIVALENCE OF INTELLIGENCE OF ANY NATURE"; in line 8, strike the second "ANY" and substitute "A"; strike beginning with "AN" in line 11 down through "DEVICE," in line 12 and substitute "A SERVICE ACCESS"; in line 12, strike "PLATE, CODE,"; in line 13, after the second "NUMBER," insert "OR"; strike beginning with ", COUNTERFEIT" in line 14 down through "SERVICE" in line 18 and substitute "USED IN CONNECTION WITH A TELECOMMUNICATIONS DEVICE"; in line 19, strike "(1)"; and strike in their entirety lines 21 through 24, inclusive; in line 25, strike the comma and substitute "OR"; in line 26, strike "ALLOWING,"; in the same line, strike ", OR GENERATING"; after line 28, insert:

"(J) "TELECOMMUNICATIONS SERVICE PROVIDER" MEANS A PERSON PROVIDING TELECOMMUNICATION SERVICE INCLUDING, BUT NOT LIMITED TO, A WIRELESS TELEPHONE COMPANY WHICH, FOR A FEE, SUPPLIES THE FACILITY, CELL SITE, WIRELESS TELEPHONE SWITCHING OFFICE, OR OTHER EQUIPMENT OR TELECOMMUNICATIONS SERVICE.";

in line 30, strike "(A)"; in the same line, strike "SECTION" and substitute "SUBHEADING"; in line 33, strike "OR" and substitute:

"(2) A TELECOMMUNICATIONS SERVICE PROVIDER; OR";

and in line 34, strike "(2)" and substitute "(3)".

### AMENDMENT NO. 3

On page 6, before line 1, insert "557E."; in line 1, strike "(B)" and substitute "(A)(1)"; in line 2, strike "CHARGE" and substitute "FEE"; strike beginning with the first "OR" in line 3 down through "(1)" in line 6 and substitute "BY USE OF"; in line 8, strike the semicolon and substitute a period; after line 8, insert:

"(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$2,500 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.";

and strike in their entirety lines 9 through 33, inclusive.

On pages 6 and 7, strike in their entirety the lines beginning with line 34 on page 6 through line 15 on page 7, inclusive, and substitute:

“(B) (1) A PERSON MAY NOT KNOWINGLY POSSESS OR USE A COUNTERFEIT TELECOMMUNICATIONS DEVICE.

(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$2,500 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.

(C) (1) A PERSON MAY NOT KNOWINGLY POSSESS WITH INTENT TO DISTRIBUTE, MANUFACTURE, OR SELL A COUNTERFEIT TELECOMMUNICATIONS DEVICE.”.

On page 7, in line 16, strike “(C)” and substitute “(2)”; in the same line, after “VIOLATES” insert “THIS”; strike beginning with “(A)” in line 16 down through “SECTION” in line 17; strike in their entirety lines 19 through 26, inclusive; in line 27, strike “COMBINATIONS” and substitute “A COMBINATION”; in line 28, after the second “NUMBERS” insert “THAT WILL FACILITATE TELECOMMUNICATION SERVICE WITHOUT THE CONSENT OF THE LAWFUL OWNER”; in line 34, strike “BE INDICATIVE OF” and substitute “INDICATE”; in lines 27 and 32, strike “(E)” and “(F)”, respectively, and substitute “(D)” and “(E)”, respectively; and after line 39, insert:

“(F) THE SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY OFFENSE BASED ON THE ACT OR ACTS ESTABLISHING THE OFFENSE UNDER THIS SUBHEADING.”.

AMENDMENT NO. 4

On page 8, strike in their entirety lines 1 through 14, inclusive; in line 15, strike “557G.” and substitute “557F.”; in line 18, strike “TO WHICH THE BILL” and substitute “WHERE THE LAWFUL OWNER MAINTAINS A BILLING ADDRESS”; and in line 19, strike “WAS OR

(Over)

WOULD HAVE BEEN SENT”.

AMENDMENT NO. 5

On pages 8 and 9, strike in their entirety the lines beginning with line 20 on page 8 through line 11 on page 9, inclusive.