
By: **Delegates Harkins, Comeau, Preis, Bonsack, Jacobs, Perry, Rudolph,
Rosenberg, Barve, Kopp, E. Burns, M. Burns, and Petzold**

Introduced and read first time: February 13, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Telecommunications Act**

3 FOR the purpose of prohibiting a person from obtaining or attempting to obtain
4 telecommunications services by certain means; prohibiting a person from
5 engaging in certain acts concerning counterfeit telecommunications devices,
6 telecommunications devices, and items related to these devices for certain
7 purposes relating to obtaining telecommunications services; prohibiting the
8 possession of electronic serial numbers and mobile identification numbers under
9 certain circumstances; providing for the seizure and disposition of items used in
10 a violation of this Act; prohibiting a person from publishing certain information
11 relating to offenses under this Act with a certain knowledge or intent; providing
12 that a violation of this Act may be prosecuted in certain jurisdictions; allowing
13 the interception of wire, oral, and electronic communications relating to offenses
14 under this Act under certain circumstances; providing certain penalties;
15 repealing certain provisions of law relating to obtaining telephone and telegraph
16 service and to cloned wireless telephones; defining certain terms; and generally
17 relating to offenses concerning telecommunications.

18 BY repealing
19 Article 27 - Crimes and Punishments
20 Section 557A and 557D
21 Annotated Code of Maryland
22 (1996 Replacement Volume and 1997 Supplement)

23 BY renumbering
24 Article 27 - Crimes and Punishments
25 Section 557B and 557C, respectively
26 to be Section 557A and 557B, respectively
27 Annotated Code of Maryland
28 (1996 Replacement Volume and 1997 Supplement)

29 BY adding to
30 Article 27 - Crimes and Punishments

1 Section 557C through 557G, inclusive, to be under the new subheading
2 "Telecommunications Act"
3 Annotated Code of Maryland
4 (1996 Replacement Volume and 1997 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - Courts and Judicial Proceedings
7 Section 10-402(c)(2) and 10-406
8 Annotated Code of Maryland
9 (1995 Replacement Volume and 1997 Supplement)

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

12 **Article 27 - Crimes and Punishments**

13 [557A.

14 It is unlawful for any person knowingly to make, sell, offer or advertise for sale,
15 possess, or give or otherwise transfer to another any instrument, apparatus,
16 equipment, or device or plans or instructions for making or assembling any
17 instrument, apparatus, equipment, or device which has been designed, adapted, used,
18 or employed with the intent or for the purpose of (1) obtaining telephone or telegraph
19 service or the transmission of a message, signal, or other communication by telephone
20 or telegraph, or over telephone or telegraph facilities, without the payment of charges
21 therefor; or (2) concealing or assisting another to conceal from any supplier of
22 telephone or telegraph service or from any person charged with the responsibility of
23 enforcing this section, the existence or place of origin or of destination of any message,
24 signal, or other communication by telephone or telegraph, or over telephone or
25 telegraph facilities.

26 Any person who violates any provision of this section is guilty of a misdemeanor,
27 and upon conviction thereof, shall be punished by imprisonment not exceeding twelve
28 months, or by a fine not exceeding five hundred dollars, or by both such fine and
29 imprisonment in the discretion of the court. Any such instrument, apparatus,
30 equipment, or device, or plans or instructions therefor, may be seized by court order or
31 under a warrant; and, upon a conviction, which has become final, of any person
32 owning the seized materials, or having any ownership interest therein, for a violation
33 of any provision of this section, the instrument, apparatus, equipment, device, or
34 plans or instructions shall be destroyed as contraband by the court in which the
35 person is convicted.]

36 [557D.

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

38 (1) "Clone" means to convert a wireless telephone with the electronic
39 serial number and the wireless telephone number which have been obtained from a

1 registered wireless telephone without the consent of the telecommunication service
2 provider.

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

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

10 (4) "Registered wireless telephone" means a wireless telephone
11 registered with a telecommunication service provider for a fee as set by the
12 telecommunication service provider.

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

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

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

23 (8) "Wireless telephone" means any equipment or instrument that
24 transmits:

25 (i) Cellular telephone service;

26 (ii) Personal communication service; or

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

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

31 (2) A person may not knowingly possess a reader.

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

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

1 (2) A person may not knowingly use, possess with intent to distribute,
2 distribute, manufacture, or sell a reader.

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

6 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 557B and
7 557C, respectively, of Article 27 - Crimes and Punishments of the Annotated Code of
8 Maryland be renumbered to be Section(s) 557A and 557B, respectively.

9 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
10 read as follows:

11 **Article 27 - Crimes and Punishments**

12 **TELECOMMUNICATIONS ACT**

13 557C.

14 (A) IN THIS SUBHEADING THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) "AGGREGATE AMOUNT" MEANS ANY DIRECT OR INDIRECT LOSS INCURRED
17 BY A VICTIM, INCLUDING THE VALUE OF ANY MONEY, PROPERTY, OR SERVICE LOST,
18 STOLEN, OR RENDERED UNRECOVERABLE BY THE OFFENSE, OR ANY ACTUAL
19 EXPENDITURE INCURRED BY THE VICTIM TO VERIFY THAT TELECOMMUNICATIONS,
20 TELECOMMUNICATIONS SERVICE, A TELECOMMUNICATIONS DEVICE, A
21 TELECOMMUNICATIONS ACCESS DEVICE, A COUNTERFEIT TELECOMMUNICATIONS
22 DEVICE, OR A COUNTERFEIT TELECOMMUNICATIONS ACCESS DEVICE WAS NOT
23 ALTERED, ACQUIRED, DAMAGED, DELETED, DISRUPTED, OR DESTROYED BY THE
24 ACCESS.

25 (C) (1) "COUNTERFEIT TELECOMMUNICATIONS DEVICE" MEANS A
26 TELECOMMUNICATIONS DEVICE, EITHER ALONE OR WITH ANOTHER
27 TELECOMMUNICATIONS DEVICE, THAT HAS BEEN ALTERED OR PROGRAMMED TO
28 ACQUIRE, INTERCEPT, RECEIVE, OR OTHERWISE FACILITATE THE USE OF A
29 TELECOMMUNICATIONS SERVICE WITHOUT THE AUTHORITY OR CONSENT OF THE
30 TELECOMMUNICATIONS SERVICE PROVIDER.

31 (2) "COUNTERFEIT TELECOMMUNICATIONS DEVICE" INCLUDES A
32 CLONE TELEPHONE, CLONE MICROCHIP, TUMBLER TELEPHONE, TUMBLER
33 MICROCHIP, OR WIRELESS SCANNING DEVICE CAPABLE OF ACQUIRING,
34 INTERCEPTING, RECEIVING, OR OTHERWISE FACILITATING THE USE OF A
35 TELECOMMUNICATIONS SERVICE WITHOUT IMMEDIATE DETECTION.

36 (D) "DELIVER" MEANS TO ACTUALLY OR CONSTRUCTIVELY SELL, GIVE, LOAN,
37 OR OTHERWISE TRANSFER A TELECOMMUNICATIONS DEVICE, COUNTERFEIT
38 TELECOMMUNICATIONS DEVICE, PLANS, INSTRUCTIONS, OR MATERIALS TO
39 ANOTHER PERSON.

1 (E) (1) "PUBLISH" MEANS TO COMMUNICATE INFORMATION OR MAKE
2 INFORMATION AVAILABLE TO ONE OR MORE PERSONS ORALLY, IN WRITING, OR BY
3 MEANS OF ANY TELECOMMUNICATIONS.

4 (2) "PUBLISH" INCLUDES COMMUNICATING INFORMATION ON A
5 COMPUTER BULLETIN BOARD OR SIMILAR SYSTEM.

6 (F) "TELECOMMUNICATIONS" MEANS THE ORIGINATION, EMISSION,
7 TRANSMISSION, OR RECEPTION OF DATA, IMAGES, SIGNALS, SOUNDS, OR OTHER
8 INTELLIGENCE OR EQUIVALENCE OF INTELLIGENCE OF ANY NATURE OVER ANY
9 COMMUNICATION SYSTEM BY ANY METHOD INCLUDING ELECTRONIC, MAGNETIC,
10 OPTICAL, DIGITAL, OR ANALOG.

11 (G) "TELECOMMUNICATIONS ACCESS DEVICE" MEANS AN INSTRUMENT,
12 TELECOMMUNICATIONS DEVICE, CARD, PLATE, CODE, ACCOUNT NUMBER,
13 PERSONAL IDENTIFICATION NUMBER, ELECTRONIC SERIAL NUMBER, MOBILE
14 IDENTIFICATION NUMBER, COUNTERFEIT NUMBER, FINANCIAL TRANSACTION
15 DEVICE, OR SCANNER THAT ALONE OR WITH ANOTHER TELECOMMUNICATIONS
16 ACCESS DEVICE CAN ACQUIRE, INTERCEPT, PROVIDE, RECEIVE, USE, OR OTHERWISE
17 FACILITATE THE USE OF A TELECOMMUNICATIONS DEVICE, COUNTERFEIT
18 TELECOMMUNICATIONS DEVICE, OR TELECOMMUNICATIONS SERVICE.

19 (H) (1) "TELECOMMUNICATIONS DEVICE" MEANS ANY INSTRUMENT,
20 EQUIPMENT, OR MACHINE THAT FACILITATES TELECOMMUNICATIONS.

21 (2) "TELECOMMUNICATIONS DEVICE" INCLUDES A COMPUTER,
22 COMPUTER CHIP OR CIRCUIT, TELEPHONE, PAGER, PERSONAL COMMUNICATOR,
23 TRANSPONDER, RECEIVER, RADIO, MODEM, OR INSTRUMENT THAT ENABLES THE
24 USE OF A MODEM.

25 (I) "TELECOMMUNICATIONS SERVICE" MEANS PROVIDING,
26 ALLOWING, FACILITATING, OR GENERATING ANY FORM OF TELECOMMUNICATIONS
27 THROUGH THE USE OF TELECOMMUNICATIONS DEVICES OR TELECOMMUNICATIONS
28 ACCESS DEVICES OVER A TELECOMMUNICATIONS SYSTEM.

29 557D.

30 (A) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO:

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

34 (2) A PERSON WHO IS AUTHORIZED TO:

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

37 (II) DISTRIBUTE OR SELL TELECOMMUNICATIONS DEVICES TO A
38 LAW ENFORCEMENT AGENCY.

1 (B) A PERSON MAY NOT KNOWINGLY OBTAIN OR ATTEMPT TO OBTAIN
2 TELECOMMUNICATIONS SERVICE WITH INTENT TO AVOID ANY LAWFUL CHARGE FOR
3 THAT TELECOMMUNICATIONS SERVICE OR CAUSE ANOTHER PERSON TO AVOID OR
4 ATTEMPT TO AVOID ANY LAWFUL CHARGE FOR THAT TELECOMMUNICATIONS
5 SERVICE BY USE OF ANY OF THE FOLLOWING:

6 (1) A TELECOMMUNICATIONS ACCESS DEVICE WITHOUT THE
7 AUTHORITY OR CONSENT OF THE OWNER, SUBSCRIBER, OR LAWFUL HOLDER OF
8 THAT TELECOMMUNICATIONS ACCESS DEVICE;

9 (2) A COUNTERFEIT TELECOMMUNICATIONS ACCESS DEVICE; OR

10 (3) A FRAUDULENT OR DECEPTIVE SCHEME, PRETENSE, METHOD, OR
11 CONSPIRACY OR ANY DEVICE OR OTHER MEANS, INCLUDING:

12 (I) USING A FALSE, ALTERED, OR STOLEN IDENTIFICATION; OR

13 (II) THE USE OF A TELECOMMUNICATIONS ACCESS DEVICE TO
14 VIOLATE THIS SECTION BY A PERSON OTHER THAN THE OWNER, SUBSCRIBER, OR
15 LAWFUL HOLDER OF THE TELECOMMUNICATIONS ACCESS DEVICE PURSUANT TO AN
16 EXCHANGE OF ANYTHING OF VALUE TO THE OWNER, SUBSCRIBER, OR LAWFUL
17 HOLDER TO ALLOW THAT UNLAWFUL USE OF THE TELECOMMUNICATIONS ACCESS
18 DEVICE; OR

19 (4) A TELECOMMUNICATIONS DEVICE OR COUNTERFEIT
20 TELECOMMUNICATIONS DEVICE.

21 (C) (1) A PERSON WHO VIOLATES THIS SECTION WHERE THE AGGREGATE
22 AMOUNT OF THE LOSS IS LESS THAN \$300 IS GUILTY OF A MISDEMEANOR AND ON
23 CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR IMPRISONMENT FOR
24 NOT MORE THAN 18 MONTHS OR BOTH.

25 (2) A PERSON WHO VIOLATES THIS SECTION WHERE THE AGGREGATE
26 AMOUNT OF THE LOSS IS \$300 OR GREATER IS GUILTY OF A MISDEMEANOR AND ON
27 CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT
28 FOR NOT MORE THAN 15 YEARS OR BOTH.

29 (3) THE AGGREGATE VALUES OF THE TELECOMMUNICATIONS SERVICE
30 OBTAINED OR ATTEMPTED TO BE OBTAINED IN SEPARATE INCIDENTS PURSUANT TO
31 A SCHEME OR COURSE OF CONDUCT WITHIN 1 YEAR MAY BE AGGREGATED TO
32 DETERMINE THE TOTAL VALUE OF THE TELECOMMUNICATIONS SERVICE OBTAINED
33 OR ATTEMPTED TO BE OBTAINED.

34 557E.

35 (A) A PERSON MAY NOT ALTER, MANUFACTURE, POSSESS, DELIVER, OFFER TO
36 DELIVER, OR ADVERTISE A COUNTERFEIT TELECOMMUNICATIONS DEVICE OR
37 ALTER, MANUFACTURE, POSSESS, DELIVER, OFFER TO DELIVER, OR ADVERTISE A
38 TELECOMMUNICATIONS DEVICE OR ALLOW THE TELECOMMUNICATIONS DEVICE TO
39 BE USED TO DO ANY OF THE FOLLOWING OR KNOWING OR HAVING REASON TO KNOW

1 THAT THE TELECOMMUNICATIONS DEVICE IS INTENDED TO BE USED TO DO ANY OF
2 THE FOLLOWING:

3 (1) OBTAIN OR ATTEMPT TO OBTAIN TELECOMMUNICATIONS SERVICE
4 WITH THE INTENT TO AVOID, OR AID OR ABET OR CAUSE ANOTHER PERSON TO
5 AVOID, ANY LAWFUL CHARGE FOR TELECOMMUNICATIONS SERVICE IN VIOLATION
6 OF THIS SUBHEADING;

7 (2) UNLAWFULLY CONCEAL THE PLACE OF ORIGIN OR DESTINATION OF
8 ANY TELECOMMUNICATIONS SERVICE; OR

9 (3) UNLAWFULLY CONCEAL THE IDENTITY OF THE USER.

10 (B) A PERSON MAY NOT DELIVER, OFFER TO DELIVER, OR ADVERTISE PLANS,
11 INSTRUCTIONS, OR MATERIALS FOR MANUFACTURE OF A COUNTERFEIT
12 TELECOMMUNICATIONS DEVICE OR FOR MANUFACTURE OR ALTERATION OF A
13 TELECOMMUNICATIONS DEVICE THAT THE PERSON INTENDS TO BE USED OR KNOWS
14 OR HAS REASON TO KNOW WILL BE USED OR IS LIKELY TO BE USED TO VIOLATE
15 SUBSECTION (A) OF THIS SECTION.

16 (C) A PERSON WHO VIOLATES SUBSECTION (A) OR SUBSECTION (B) OF THIS
17 SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A FINE OF
18 NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS OR BOTH.

19 (D) ANY TELECOMMUNICATIONS DEVICE, COUNTERFEIT
20 TELECOMMUNICATIONS DEVICE, PLANS, INSTRUCTIONS, OR MATERIALS DESCRIBED
21 IN THIS SECTION MAY BE SEIZED UNDER WARRANT OR INCIDENT TO A LAWFUL
22 ARREST. ON CONVICTION OF A PERSON FOR VIOLATING THIS SECTION, THE
23 TELECOMMUNICATIONS DEVICE, COUNTERFEIT TELECOMMUNICATIONS DEVICE,
24 PLANS, INSTRUCTIONS, OR MATERIALS INVOLVED IN THE VIOLATION MAY BE
25 DESTROYED OR TURNED OVER TO AN APPROPRIATE TELECOMMUNICATIONS
26 SERVICE PROVIDER.

27 (E) (1) A PERSON MAY NOT KNOWINGLY POSSESS COMBINATIONS OF
28 ELECTRONIC SERIAL NUMBERS AND MOBILE IDENTIFICATION NUMBERS.

29 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
30 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN
31 \$2,500 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.

32 (F) (1) A PERSON MAY NOT KNOWINGLY POSSESS ELECTRONIC SERIAL
33 NUMBERS AND MOBILE IDENTIFICATION NUMBERS IN SUFFICIENT QUANTITIES
34 THAT WOULD BE INDICATIVE OF AN INTENT TO DISTRIBUTE, MANUFACTURE, OR
35 SELL AN ELECTRONIC SERIAL NUMBER AND MOBILE IDENTIFICATION NUMBER
36 COMBINATION.

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

1 557F.

2 (A) EXCEPT AS PROVIDED ELSEWHERE IN THIS SUBHEADING, A PERSON MAY
3 NOT KNOWINGLY OR INTENTIONALLY PUBLISH INFORMATION ON A
4 TELECOMMUNICATIONS ACCESS DEVICE OR COUNTERFEIT TELECOMMUNICATIONS
5 ACCESS DEVICE WITH THE INTENT THAT IT BE USED OR KNOWING OR HAVING
6 REASON TO KNOW THAT IT WILL BE USED OR IS LIKELY TO BE USED TO VIOLATE ANY
7 PROVISION OF THIS SUBHEADING.

8 (B) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
9 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$500
10 OR IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR BOTH.

11 (2) A PERSON WHO IS CONVICTED OF A SECOND OR SUBSEQUENT
12 VIOLATION OF THIS SUBHEADING IS GUILTY OF A MISDEMEANOR AND ON
13 CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR IMPRISONMENT
14 FOR NOT MORE THAN 1 YEAR OR BOTH.

15 557G.

16 A VIOLATION OF THIS ACT MAY BE PROSECUTED IN THE JURISDICTION IN
17 WHICH THE TELECOMMUNICATIONS OR TELECOMMUNICATIONS SERVICE
18 ORIGINATED OR TERMINATED OR IN THE JURISDICTION TO WHICH THE BILL FOR
19 THE TELECOMMUNICATIONS SERVICE WAS OR WOULD HAVE BEEN SENT.

20 **Article - Courts and Judicial Proceedings**

21 10-402.

22 (c) (2) It is lawful under this subtitle for an investigative or law enforcement
23 officer acting in a criminal investigation or any other person acting at the prior
24 direction and under the supervision of an investigative or law enforcement officer to
25 intercept a wire, oral, or electronic communication in order to provide evidence of the
26 commission of the offenses of murder, kidnapping, rape, a sexual offense in the first or
27 second degree, child abuse, gambling, robbery, any felony punishable under the
28 "Arson and Burning" subheading of Article 27, bribery, extortion, or dealing in
29 controlled dangerous substances, including violations of Article 27, § 286B or § 287A,
30 fraudulent insurance acts, as defined in Title 27, Subtitle 4 of the Insurance Article,
31 offenses relating to destructive devices under Article 27, § 139C of the Code,
32 OFFENSES RELATING TO TELECOMMUNICATIONS UNDER ARTICLE 27, §§ 557C
33 THROUGH 557G OF THE CODE, or any conspiracy or solicitation to commit any of these
34 offenses, or where any person has created a barricade situation and probable cause
35 exists for the investigative or law enforcement officer to believe a hostage or hostages
36 may be involved, where the person is a party to the communication or one of the
37 parties to the communication has given prior consent to the interception.

38 10-406.

39 The Attorney General, State Prosecutor, or any State's Attorney may apply to a
40 judge of competent jurisdiction, and the judge, in accordance with the provisions of §

1 10-408 of this subtitle, may grant an order authorizing the interception of wire, oral,
2 or electronic communications by investigative or law enforcement officers when the
3 interception may provide or has provided evidence of the commission of the offense of
4 murder, kidnapping, gambling, robbery, any felony punishable under the "Arson and
5 Burning" subheading of Article 27 of this Code, bribery, extortion, or dealing in
6 controlled dangerous substances, offenses relating to destructive devices under
7 Article 27, § 139C of the Code, OFFENSES RELATING TO TELECOMMUNICATIONS
8 UNDER ARTICLE 27, §§ 557C THROUGH 557G OF THE CODE, or any conspiracy or
9 solicitation to commit any of the foregoing offenses. No application or order shall be
10 required if the interception is lawful under the provisions of § 10-402(c) of this
11 subtitle.

12 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1998.