
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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 1998

CHAPTER _____

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 ~~certain exceptions;~~ providing that a violation of this Act may be prosecuted in
13 certain jurisdictions; ~~allowing the interception of wire, oral, and electronic~~
14 ~~communications relating to offenses under this Act under certain circumstances;~~
15 providing certain penalties; repealing certain provisions of law relating to
16 obtaining telephone and telegraph service and to cloned wireless telephones;
17 defining certain terms; and generally relating to offenses concerning
18 telecommunications.

19 BY repealing
20 Article 27 - Crimes and Punishments
21 Section 557A and 557D
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 1997 Supplement)

24 BY renumbering

1 Article 27 - Crimes and Punishments
 2 Section 557B and 557C, respectively
 3 to be Section 557A and 557B, respectively
 4 Annotated Code of Maryland
 5 (1996 Replacement Volume and 1997 Supplement)

6 BY adding to
 7 Article 27 - Crimes and Punishments
 8 Section 557C through ~~557G~~ 557E, inclusive, to be under the new subheading
 9 "Telecommunications Act"
 10 Annotated Code of Maryland
 11 (1996 Replacement Volume and 1997 Supplement)

12 ~~BY repealing and reenacting, with amendments,~~
 13 ~~Article Courts and Judicial Proceedings~~
 14 ~~Section 10-402(e)(2) and 10-406~~
 15 ~~Annotated Code of Maryland~~
 16 ~~(1995 Replacement Volume and 1997 Supplement)~~

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

19 **Article 27 - Crimes and Punishments**

20 [557A.

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

33 Any person who violates any provision of this section is guilty of a misdemeanor,
 34 and upon conviction thereof, shall be punished by imprisonment not exceeding twelve
 35 months, or by a fine not exceeding five hundred dollars, or by both such fine and
 36 imprisonment in the discretion of the court. Any such instrument, apparatus,
 37 equipment, or device, or plans or instructions therefor, may be seized by court order or
 38 under a warrant; and, upon a conviction, which has become final, of any person
 39 owning the seized materials, or having any ownership interest therein, for a violation
 40 of any provision of this section, the instrument, apparatus, equipment, device, or

1 plans or instructions shall be destroyed as contraband by the court in which the
2 person is convicted.]

3 [557D.

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

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

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

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

16 (4) "Registered wireless telephone" means a wireless telephone
17 registered with a telecommunication service provider for a fee as set by the
18 telecommunication service provider.

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

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

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

29 (8) "Wireless telephone" means any equipment or instrument that
30 transmits:

31 (i) Cellular telephone service;

32 (ii) Personal communication service; or

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

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

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

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

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

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

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 557B and
13 557C, respectively, of Article 27 - Crimes and Punishments of the Annotated Code of
14 Maryland be renumbered to be Section(s) 557A and 557B, respectively.

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

17 **Article 27 - Crimes and Punishments**

18 **TELECOMMUNICATIONS ACT**

19 557C.

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

22 ~~(B) "AGGREGATE AMOUNT" MEANS ANY DIRECT OR INDIRECT LOSS INCURRED~~
23 ~~BY A VICTIM, INCLUDING THE VALUE OF ANY MONEY, PROPERTY, OR SERVICE LOST,~~
24 ~~STOLEN, OR RENDERED UNRECOVERABLE BY THE OFFENSE, OR ANY ACTUAL~~
25 ~~EXPENDITURE INCURRED BY THE VICTIM TO VERIFY THAT TELECOMMUNICATIONS,~~
26 ~~TELECOMMUNICATIONS SERVICE, A TELECOMMUNICATIONS DEVICE, A~~
27 ~~TELECOMMUNICATIONS ACCESS DEVICE, A COUNTERFEIT TELECOMMUNICATIONS~~
28 ~~DEVICE, OR A COUNTERFEIT TELECOMMUNICATIONS ACCESS DEVICE WAS NOT~~
29 ~~ALTERED, ACQUIRED, DAMAGED, DELETED, DISRUPTED, OR DESTROYED BY THE~~
30 ~~ACCESS.~~

31 ~~(C)~~ (B) ~~(D)~~ "COUNTERFEIT TELECOMMUNICATIONS DEVICE" MEANS A
32 TELECOMMUNICATIONS DEVICE, EITHER ALONE OR WITH ANOTHER
33 TELECOMMUNICATIONS DEVICE, THAT HAS BEEN ALTERED OR PROGRAMMED TO
34 ACQUIRE, INTERCEPT, RECEIVE, OR OTHERWISE FACILITATE THE USE OF A
35 TELECOMMUNICATIONS SERVICE WITHOUT THE AUTHORITY OR CONSENT OF THE
36 TELECOMMUNICATIONS SERVICE PROVIDER.

1 (2) "~~COUNTERFEIT TELECOMMUNICATIONS DEVICE~~" INCLUDES A
2 ~~CLONE TELEPHONE, CLONE MICROCHIP, TUMBLER TELEPHONE, TUMBLER~~
3 ~~MICROCHIP, OR WIRELESS SCANNING DEVICE CAPABLE OF ACQUIRING,~~
4 ~~INTERCEPTING, RECEIVING, OR OTHERWISE FACILITATING THE USE OF A~~
5 ~~TELECOMMUNICATIONS SERVICE WITHOUT IMMEDIATE DETECTION.~~

6 ~~(D)~~ (C) "DELIVER" MEANS TO ACTUALLY OR CONSTRUCTIVELY SELL, GIVE,
7 LOAN, OR OTHERWISE TRANSFER A TELECOMMUNICATIONS DEVICE, COUNTERFEIT
8 TELECOMMUNICATIONS DEVICE, ~~PLANS, INSTRUCTIONS, OR MATERIALS TO~~
9 ~~ANOTHER PERSON~~ OR TELECOMMUNICATIONS ACCESS DEVICE.

10 (D) "ELECTRONIC SERIAL NUMBER (ESN)" MEANS THE UNIQUE SERIAL
11 NUMBER PROGRAMMED INTO A WIRELESS PHONE BY THE MANUFACTURER OF THE
12 DEVICE.

13 (E) "MOBILE IDENTIFICATION NUMBER (MIN)" MEANS THE TELEPHONE
14 NUMBER ASSIGNED TO AND PROGRAMMED INTO A WIRELESS PHONE BY THE
15 TELECOMMUNICATIONS SERVICE PROVIDER.

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

19 (2) "~~PUBLISH~~" INCLUDES COMMUNICATING INFORMATION ON A
20 ~~COMPUTER BULLETIN BOARD OR SIMILAR SYSTEM.~~

21 (F) "TELECOMMUNICATIONS" MEANS THE ORIGINATION, EMISSION,
22 TRANSMISSION, OR RECEPTION OF DATA, IMAGES, SIGNALS, ~~OR SOUNDS, OR OTHER~~
23 ~~INTELLIGENCE OR EQUIVALENCE OF INTELLIGENCE OF ANY NATURE OVER ANY~~ A
24 COMMUNICATION SYSTEM BY ANY METHOD INCLUDING ELECTRONIC, MAGNETIC,
25 OPTICAL, DIGITAL, OR ANALOG.

26 (G) "TELECOMMUNICATIONS ACCESS DEVICE" MEANS AN INSTRUMENT,
27 ~~TELECOMMUNICATIONS DEVICE, A SERVICE ACCESS CARD, PLATE, CODE, ACCOUNT~~
28 NUMBER, PERSONAL IDENTIFICATION NUMBER, ELECTRONIC SERIAL NUMBER, OR
29 MOBILE IDENTIFICATION NUMBER, ~~COUNTERFEIT NUMBER, FINANCIAL~~
30 ~~TRANSACTION DEVICE, OR SCANNER THAT ALONE OR WITH ANOTHER~~
31 ~~TELECOMMUNICATIONS ACCESS DEVICE CAN ACQUIRE, INTERCEPT, PROVIDE,~~
32 ~~RECEIVE, USE, OR OTHERWISE FACILITATE THE USE OF A TELECOMMUNICATIONS~~
33 ~~DEVICE, COUNTERFEIT TELECOMMUNICATIONS DEVICE, OR TELECOMMUNICATIONS~~
34 ~~SERVICE USED IN CONNECTION WITH A TELECOMMUNICATIONS DEVICE.~~

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

37 (2) "~~TELECOMMUNICATIONS DEVICE~~" INCLUDES A COMPUTER,
38 ~~COMPUTER CHIP OR CIRCUIT, TELEPHONE, PAGER, PERSONAL COMMUNICATOR,~~
39 ~~TRANSPONDER, RECEIVER, RADIO, MODEM, OR INSTRUMENT THAT ENABLES THE~~
40 ~~USE OF A MODEM.~~

1 (I) "TELECOMMUNICATIONS SERVICE" MEANS PROVIDING, OR ALLOWING,
 2 ~~FACILITATING, OR GENERATING~~ ANY FORM OF TELECOMMUNICATIONS THROUGH
 3 THE USE OF TELECOMMUNICATIONS DEVICES OR TELECOMMUNICATIONS ACCESS
 4 DEVICES OVER A TELECOMMUNICATIONS SYSTEM.

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

10 557D.

11 ~~(A)~~ THE PROVISIONS OF THIS ~~SECTION~~ SUBHEADING DO NOT APPLY TO:

12 (1) A LAW ENFORCEMENT OFFICER WHO POSSESSES OR USES A
 13 TELECOMMUNICATIONS ACCESS DEVICE IN THE COURSE OF AN OFFICIAL POLICE
 14 INVESTIGATION; ~~OR~~

15 ~~(2)~~ A TELECOMMUNICATIONS SERVICE PROVIDER; OR

16 ~~(2)~~ (3) A PERSON WHO IS AUTHORIZED TO:

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

19 (II) DISTRIBUTE OR SELL TELECOMMUNICATIONS DEVICES TO A
 20 LAW ENFORCEMENT AGENCY.

21 557E.

22 ~~(B)~~ (A) (1) A PERSON MAY NOT KNOWINGLY OBTAIN OR ATTEMPT TO
 23 OBTAIN TELECOMMUNICATIONS SERVICE WITH INTENT TO AVOID ANY LAWFUL
 24 ~~CHARGE FEE~~ FOR THAT TELECOMMUNICATIONS SERVICE ~~OR CAUSE ANOTHER~~
 25 ~~PERSON TO AVOID OR ATTEMPT TO AVOID ANY LAWFUL CHARGE FOR THAT~~
 26 ~~TELECOMMUNICATIONS SERVICE BY USE OF ANY OF THE FOLLOWING:~~

27 ~~(1)~~ (1) BY USE OF A TELECOMMUNICATIONS ACCESS DEVICE WITHOUT THE
 28 AUTHORITY OR CONSENT OF THE OWNER, SUBSCRIBER, OR LAWFUL HOLDER OF
 29 THAT TELECOMMUNICATIONS ACCESS DEVICE;

30 (2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
 31 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN
 32 \$2,500 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.

33 ~~(2)~~ (2) A COUNTERFEIT TELECOMMUNICATIONS ACCESS DEVICE; OR

34 ~~(3)~~ (3) A FRAUDULENT OR DECEPTIVE SCHEME, PRETENSE, METHOD, OR
 35 ~~CONSPIRACY OR ANY DEVICE OR OTHER MEANS, INCLUDING:~~

36 ~~(1)~~ (1) USING A FALSE, ALTERED, OR STOLEN IDENTIFICATION; OR

1 ~~(H) THE USE OF A TELECOMMUNICATIONS ACCESS DEVICE TO~~
2 ~~VIOLATE THIS SECTION BY A PERSON OTHER THAN THE OWNER, SUBSCRIBER, OR~~
3 ~~LAWFUL HOLDER OF THE TELECOMMUNICATIONS ACCESS DEVICE PURSUANT TO AN~~
4 ~~EXCHANGE OF ANYTHING OF VALUE TO THE OWNER, SUBSCRIBER, OR LAWFUL~~
5 ~~HOLDER TO ALLOW THAT UNLAWFUL USE OF THE TELECOMMUNICATIONS ACCESS~~
6 ~~DEVICE; OR~~

7 ~~(4) A TELECOMMUNICATIONS DEVICE OR COUNTERFEIT~~
8 ~~TELECOMMUNICATIONS DEVICE.~~

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

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

17 ~~(3) THE AGGREGATE VALUES OF THE TELECOMMUNICATIONS SERVICE~~
18 ~~OBTAINED OR ATTEMPTED TO BE OBTAINED IN SEPARATE INCIDENTS PURSUANT TO~~
19 ~~A SCHEME OR COURSE OF CONDUCT WITHIN 1 YEAR MAY BE AGGREGATED TO~~
20 ~~DETERMINE THE TOTAL VALUE OF THE TELECOMMUNICATIONS SERVICE OBTAINED~~
21 ~~OR ATTEMPTED TO BE OBTAINED.~~

22 ~~557E.~~

23 ~~(A) A PERSON MAY NOT ALTER, MANUFACTURE, POSSESS, DELIVER, OFFER TO~~
24 ~~DELIVER, OR ADVERTISE A COUNTERFEIT TELECOMMUNICATIONS DEVICE OR~~
25 ~~ALTER, MANUFACTURE, POSSESS, DELIVER, OFFER TO DELIVER, OR ADVERTISE A~~
26 ~~TELECOMMUNICATIONS DEVICE OR ALLOW THE TELECOMMUNICATIONS DEVICE TO~~
27 ~~BE USED TO DO ANY OF THE FOLLOWING OR KNOWING OR HAVING REASON TO KNOW~~
28 ~~THAT THE TELECOMMUNICATIONS DEVICE IS INTENDED TO BE USED TO DO ANY OF~~
29 ~~THE FOLLOWING:~~

30 ~~(1) OBTAIN OR ATTEMPT TO OBTAIN TELECOMMUNICATIONS SERVICE~~
31 ~~WITH THE INTENT TO AVOID, OR AID OR ABET OR CAUSE ANOTHER PERSON TO~~
32 ~~AVOID, ANY LAWFUL CHARGE FOR TELECOMMUNICATIONS SERVICE IN VIOLATION~~
33 ~~OF THIS SUBHEADING;~~

34 ~~(2) UNLAWFULLY CONCEAL THE PLACE OF ORIGIN OR DESTINATION OF~~
35 ~~ANY TELECOMMUNICATIONS SERVICE; OR~~

36 ~~(3) UNLAWFULLY CONCEAL THE IDENTITY OF THE USER.~~

37 ~~(B) A PERSON MAY NOT DELIVER, OFFER TO DELIVER, OR ADVERTISE PLANS,~~
38 ~~INSTRUCTIONS, OR MATERIALS FOR MANUFACTURE OF A COUNTERFEIT~~
39 ~~TELECOMMUNICATIONS DEVICE OR FOR MANUFACTURE OR ALTERATION OF A~~
40 ~~TELECOMMUNICATIONS DEVICE THAT THE PERSON INTENDS TO BE USED OR KNOWS~~

1 ~~OR HAS REASON TO KNOW WILL BE USED OR IS LIKELY TO BE USED TO VIOLATE~~
2 ~~SUBSECTION (A) OF THIS SECTION.~~

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

5 ~~(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A~~
6 ~~MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN~~
7 ~~\$2,500 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.~~

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

11 ~~(C) (2) A PERSON WHO VIOLATES THIS SUBSECTION (A) OR SUBSECTION (B)~~
12 ~~OF THIS SECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO A~~
13 ~~FINE OF NOT MORE THAN \$10,000 OR IMPRISONMENT FOR NOT MORE THAN 5 YEARS~~
14 ~~OR BOTH.~~

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

23 ~~(E) (D) (1) A PERSON MAY NOT KNOWINGLY POSSESS COMBINATIONS A~~
24 ~~COMBINATION OF ELECTRONIC SERIAL NUMBERS AND MOBILE IDENTIFICATION~~
25 ~~NUMBERS THAT WILL FACILITATE TELECOMMUNICATION SERVICE WITHOUT THE~~
26 ~~CONSENT OF THE LAWFUL OWNER.~~

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

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

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

38 ~~(F) THE SENTENCE IMPOSED UNDER THIS SECTION MAY BE IMPOSED~~
39 ~~SEPARATE FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR~~

1 ANY OFFENSE BASED ON THE ACT OR ACTS ESTABLISHING THE OFFENSE UNDER
 2 THIS SUBHEADING.

3 ~~557F.~~

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

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

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

17 ~~557G. 557F.~~

18 A VIOLATION OF THIS ACT MAY BE PROSECUTED IN THE JURISDICTION IN
 19 WHICH THE TELECOMMUNICATIONS OR TELECOMMUNICATIONS SERVICE
 20 ORIGINATED OR TERMINATED OR IN THE JURISDICTION ~~TO WHICH THE BILL~~ WHERE
 21 THE LAWFUL OWNER MAINTAINS A BILLING ADDRESS FOR THE
 22 ~~TELECOMMUNICATIONS SERVICE WAS OR WOULD HAVE BEEN SENT.~~

23 **Article – Courts and Judicial Proceedings**

24 ~~10-402.~~

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

1 40-406.

2 The Attorney General, State Prosecutor, or any State's Attorney may apply to a
3 judge of competent jurisdiction, and the judge, in accordance with the provisions of §
4 40-408 of this subtitle, may grant an order authorizing the interception of wire, oral,
5 or electronic communications by investigative or law enforcement officers when the
6 interception may provide or has provided evidence of the commission of the offense of
7 murder, kidnapping, gambling, robbery, any felony punishable under the "Arson and
8 Burning" subheading of Article 27 of this Code, bribery, extortion, or dealing in
9 controlled dangerous substances, offenses relating to destructive devices under
10 Article 27, § 139C of the Code, OFFENSES RELATING TO TELECOMMUNICATIONS
11 UNDER ARTICLE 27, §§ 557C THROUGH 557G OF THE CODE, or any conspiracy or
12 solicitation to commit any of the foregoing offenses. No application or order shall be
13 required if the interception is lawful under the provisions of § 40-402(e) of this
14 subtitle.

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