

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL NO. 379

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “, unlawful” in line 5 down through “materials” in line 6 and substitute “and access codes and unlawful access devices”; in line 8, after “for” insert “certain damages for”; in line 9, strike “and” and substitute “, jurisdiction of certain courts, and”; in line 10, after “terms;” insert “repealing certain duplicative provisions; providing for the application of this Act;”; and after line 17, insert:

“BY adding to

Article - Courts and Judicial Proceedings
Section 4-301(b)(15)
Annotated Code of Maryland
(1998 Replacement Volume and 2000 Supplement)

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings
Section 4-302(a) and (d)(1)
Annotated Code of Maryland
(1998 Replacement Volume and 2000 Supplement)

BY repealing

Article 27 - Crimes and Punishments
Section 557C through 557F and the subheading “Telecommunications Act”
Annotated Code of Maryland
(1996 Replacement Volume and 2000 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 5, insert:

(Over)

“(2) “ANY PERSON AGGRIEVED” MEANS ANY PERSON WHO HAS SUFFERED A SPECIFIC AND DIRECT INJURY TO A RIGHT PROTECTED BY THIS SECTION.”;

in lines 6, 20, and 31, strike “(2)”, “(3)”, and “(4)”, respectively, and substitute “(3)”, “(4)”, and “(5)”, respectively; and in lines 21, 23, 25, and 31, in each instance, after “DEVICE” insert “OR ACCESS CODE”.

On page 3, in line 4, strike “OR”; in line 11, after “SERVICES” insert “; OR”

(III) AN ELECTRONIC SERIAL NUMBER, MOBILE IDENTIFICATION NUMBER, SERVICE ACCESS CARD, ACCOUNT NUMBER, OR PERSONAL IDENTIFICATION NUMBER USED TO ACQUIRE, RECEIVE, USE, OR TRANSMIT A TELECOMMUNICATION SERVICE”;

in line 12, after “MEANS” insert “A SERVICE PROVIDED FOR A CHARGE OR COMPENSATION”;

in lines 12, 27, and 39, strike “(5)”, “(6)”, and “(7)”, respectively, and substitute “(6)”, “(7)”, and “(8)”, respectively; in line 13, strike “SERVICE PROVIDED FOR A CHARGE OR COMPENSATION”; in line 17, after the semicolon insert “OR”; in line 18, strike “SERVICE PROVIDED”; in line 20, strike “FACILITY, OR TECHNOLOGY” and substitute “OR FACILITY”; in lines 23 and 24, strike “; AND (III)” and substitute “AND”; strike beginning with “PROVIDES” in line 29 down through “2.” in line 31; strike beginning with “, OPERATES” in line 31 down through “USING” in line 32 and substitute “OR OPERATES”; in line 34, after “FACILITY” insert “; OR”

2. PROVIDES A TELECOMMUNICATION SERVICE DIRECTLY OR INDIRECTLY USING ANY OF THE SYSTEMS, NETWORKS, OR FACILITIES DESCRIBED IN ITEM 1 OF THIS SUBPARAGRAPH”;

and in line 39, after “DEVICE,” insert “ACCESS CODE,”.

On page 4, in line 6, strike “THE” and substitute “THAT”; in line 10, strike “(8)” and substitute “(9)”; in the same line, after “DEVICE” insert “OR ACCESS CODE”; strike beginning with the colon in line 10 down through “3.” in line 28; in lines 28, 30, and 35, in each instance, after

“DEVICE” insert “OR ACCESS CODE”; in lines 28 and 29, strike “IS CAPABLE OF, OR”; and in line 36, after “EQUIPMENT,” insert “ACCESS CODE,”.

On page 5, in line 2, after “DEVICE” insert “OR ACCESS CODE”; in lines 8 and 10, in each instance, after “DEVICES” insert “OR ACCESS CODES”; in lines 9 and 11, in each instance, after “AGENCY” insert “OR TELECOMMUNICATION SERVICE PROVIDER”; in line 10, before “DEVICES” insert “TELECOMMUNICATIONS”; strike beginning with the first “OR” in line 15 down through “(I)” in line 17 and substitute “OR ACCESS CODE”:

(I)”;

in line 18, strike the first “OR” and substitute “; OR”

(II)”;

and strike beginning with “; OR” in line 21 down through “TELECOMMUNICATION” in line 24.

AMENDMENT NO. 3

On page 6, in line 1, strike “MATERIAL” and substitute “EQUIPMENT”; in line 2, strike “EQUIPMENT, KNOWING” and substitute “COMPONENTS WITH THE KNOWLEDGE”; in line 3, strike “THE MATERIAL” and substitute “THEM”; in line 4, strike “OR ACCESS”; in line 5, after “DEVICE” insert “OR ACCESS CODE FOR A PURPOSE PROHIBITED BY THIS SECTION”; in line 6, strike “PARAGRAPHS (2) AND (3)” and substitute “PARAGRAPH (2)”; in line 11, strike “MISDEMEANOR” and substitute “FELONY”; in line 12, strike “5” and substitute “10”; strike beginning with the colon in line 12 down through “(II)” in line 16; strike beginning with “AT” in line 16 down through “50,” in line 17 and substitute “MORE THAN 100”; and in line 17, strike “OR” and substitute “DEVICES OR ACCESS CODES OR UNLAWFUL”.

AMENDMENT NO. 4

On pages 6 and 7, strike in their entirety the lines beginning with line 18 on page 6 through line 2 on page 7.

On page 7, in line 3, strike “(7)” and substitute “(3)”; in line 4, strike “SHALL” and

(Over)

substitute "MAY"; in line 6, strike "(8)" and substitute "(4)"; and in line 9, strike "OR" and substitute "DEVICES OR ACCESS CODES OR UNLAWFUL".

AMENDMENT NO. 5

On page 7, in lines 14, 16, and 26, in each instance, strike the first "OR" and substitute "DEVICE OR ACCESS CODE OR UNLAWFUL"; in line 29, strike "PARAGRAPH (3)" and substitute "PARAGRAPH (4)"; in the same line, after "SUBSECTION;" insert "OR"; strike beginning with "IN" in line 30 down through "(V)" in line 33; in line 35, strike "OR" and substitute "DEVICE OR ACCESS CODE OR UNLAWFUL"; and after line 38, insert:

"(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO GRANT THE DISTRICT COURT AUTHORITY TO GRANT RELIEF UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION."

AMENDMENT NO. 6

On page 8, in line 1, strike "(3)" and substitute "(4)"; in the same line, strike "SHALL" and substitute "MAY"; strike beginning with the colon in line 2 down through "ENTERED," in line 4; strike beginning with "; OR" in line 7 down through "ACTION" in line 17; in line 19, strike "(I)1" and substitute "(I)"; and strike in their entirety lines 25 through 28, inclusive, and substitute:

"Article - Courts and Judicial Proceedings

4-301.

(b) Except as provided in § 4-302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(15) VIOLATION OF ARTICLE 27, § 194A OF THE CODE, WHETHER A FELONY OR MISDEMEANOR.

4-302.

(a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), [and] (14),

AND (15) of this subtitle, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony.

(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for [three] 3 years or more or a fine of \$2,500 or more; or

(ii) Which is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), [and] (14), AND (15) of this subtitle.”.

AMENDMENT NO. 7

On page 8, before line 29, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 557C through 557F and the subheading “Telecommunications Act” of Article 27 - Crimes and Punishments of the Annotated Code of Maryland be repealed.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively to offenses and causes of action arising on or after the effective date of this Act and may not be applied or interpreted to have any effect on or application to any offenses or causes of action arising before the effective date of this Act.”;

and in line 29, strike “2.” and substitute “4.”.