

**Hall of the House of Representatives**  
84th General Assembly - Regular Session, 2003  
**Amendment Form**

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**Subtitle of House Bill No. 2361**

"AN ACT TO AMEND THE CRIMINAL LAWS PERTAINING TO CABLE TELEVISION  
AND COMMUNICATION SERVICES."

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**Amendment No. 4 to House Bill No. 2361.**

Amend House Bill No. 2361 as engrossed, H3/26/03:

Page 3, line 17, delete "so that it is capable of" and substitute "for the purpose of"

AND

Page 3, line 18, delete "any technology" and substitute "any effective technology"

AND

Page 3, delete lines 24 and 25 and substitute the following:

"assist others in those activities;

(6) "Multipurpose device" means any communication device that is capable of more than one (1) function, and includes any component of the communication device; and

(7) "Unlawful access device" means any type of instrument,"

AND

Page 3, line 29, delete "any technology" and substitute "any effective technology"

AND

Page 4, line 3, delete "A person" and substitute "(a) A person"

AND

Page 4, delete line 4 and substitute the following:

"or she knowingly and with the intent to defraud a communication service provider:"



AND

Page 4, line 17, delete "Possesses, uses," and substitute "Possesses with the intent to distribute,"

AND

Page 4, line 26, delete "provider;" and substitute "provider, as stated in a contract or otherwise;"

AND

Page 4, delete line 30 and substitute "communication provided that the concealment is for the purpose of committing a violation of subdivision (a)(2)(A) of this section;"

AND

Page 5, delete line 35 and substitute the following:

"~~(B)~~(b)(1) However, nothing in this ~~subdivision (6)~~ section shall be"

AND

Page 6, delete line 7 and substitute the following:

~~"performance of any of the acts set out in this section.~~

(2) A person that manufactures, produces, assembles, designs, sells, distributes, licenses, or develops a multipurpose device shall not be in violation of this section unless that person acts knowingly and with an intent to defraud a communication service provider and the multipurpose device:

(A) Is manufactured, developed, assembled, produced, designed, distributed, sold, or licensed for the primary purpose of committing a violation of this section; or

(B) Has only a limited commercially significant purpose or use other than as an unlawful access device or for the commission of any other violation of this section; or

(C) Is marketed by that person or another acting in concert with that person with that person's knowledge for use as an unlawful access device or for the purpose of committing any other violation of this section.

(3) Nothing in this section shall require that the design of, or design and selection of parts, software code, or components for, a communication device provide for a response to any particular technology, device, or software, or any component or part thereof, used by the provider, owner, or licensee of any communication service or of any data, audio, or video programs, or transmissions, to protect any such communication, data, audio, or video service, programs, or transmissions from unauthorized receipt, acquisition, interception, access, decryption, disclosure, communication, transmission, or re-transmission.

(4) This section shall not apply to the following entities or persons when lawfully acting in the capacity listed in this subdivision

(b)(4) and as expressly authorized to do so by any other state or federal statute or regulation:

(A) State or local law enforcement agency;  
(B) State or local government authority, municipality, or  
agency; and  
(C) Communication service provider."

AND

Page 6, line 12, delete "Class B A misdemeanor" and substitute "Class B misdemeanor"

AND

Page 6, line 21, delete "involves more" and substitute "involves possession of more"

AND

Page 8, delete lines 25 through 27 and substitute the following:  
"(4) In its discretion, award reasonable attorney fees, costs,  
and expenses to an aggrieved party who prevails; and"

AND

Page 9, delete lines 10 and 11 and substitute "communication or unlawful access devices."

AND

Page 9, delete lines 17 and 18 and substitute "an award of statutory damages of one thousand dollars (\$1,000) for each communication or unlawful access"

The Amendment was read \_\_\_\_\_  
By: Representative Wood  
LDH/JMB - 040820031659  
JMB583

\_\_\_\_\_  
Chief Clerk