

A Bill for an Act Relating to the Use and Sale of Devices Used to Fraudulently Obtain Telecommunications Services.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 275, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“Sec. 275- Use, sale, or manufacturing of devices or equipment designed to fraudulently obtain telecommunications services; penalty.** Any person who:

- (1) Makes, possesses, or uses or knowingly participates in the use by another of any instrument, apparatus, equipment, or device designed, adopted, or which can be used or employed for the purpose of:
  - (A) Obtaining telecommunications services or the transmission of a message, signal, or other communication by telephone or telegraph or over telephone, telegraph, or other communication facilities without the payment of applicable charges therefor, or
  - (B) Concealing the existence or place or origin or destination of any telecommunications services; or
- (2) Sells, gives, or otherwise transfers to another, or offers or advertises to sell, give, or otherwise transfer any instrument, apparatus, equip-

ment, or device designed, adopted or which can be used or employed for a purpose described in paragraph (1) or instructions or plans for making or assembling the same, under circumstances evidencing an intent to use or employ such instrument, apparatus, equipment, or device, or to allow the same to be used or employed for a purpose described in paragraph (1), or knowing or having reason to believe that the same is intended to be so used, or that the plans or instructions are intended to be used for making or assembling such instrument, apparatus, equipment, or device, shall be imprisoned for not less than one year nor more than five years and fined an amount not exceeding \$1,000. Any police officer may confiscate by lawful means any such instrument, apparatus, equipment, or device or instructions or plans therefor, referred to in paragraphs (1) and (2), and upon conviction the instrument, apparatus, equipment, device, instructions, or plans shall be destroyed or otherwise disposed of by the court.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 30, 1972.)

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\*Edited accordingly.