HOUSE DOCKET, NO. 2024 FILED ON: 1/17/2013

HOUSE . . . . . No. 1679

The Commonwealth of Massachusetts

PRESENTED BY:

Steven M. Walsh

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to an unauthorized radio telecommunication.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven M. Walsh	*11th Essex*
Robert F. Fennell	*10th Essex*

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HOUSE . . . . . No. 1679

By Mr. Walsh of Lynn, a petition (accompanied by bill, House, No. 1679) of Steven M. Walsh and Robert F. Fennell relative to a penalty for the unauthorized transmission to, or interference with, a public or commercial radio station. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2278* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to an unauthorized radio telecommunication.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1: The General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after chapter 93I, the following chapter:-

Chapter 93J. UNAUTHORIZED RADIO TELECOMMUNICATION

Section 1. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:—

"Emission", radiation produced, or the production of radiation, by a radio transmitting station.

"License", a radio frequency assigned by the Federal Communications Commission for use by amplitude modulation (AM) radio stations between the frequencies of five hundred thirty kilohertz (kHz) to seventeen hundred kilohertz (kHz), or frequency modulation (FM) radio stations between the frequencies of eighty-eight megahertz (MHz) to one hundred eight megahertz (MHz).

"Person", a natural person, corporation, association, partnership or other legal entity.

14 “Radio telecommunication”, any transmission, emission or reception of signals and
15 sounds or intelligence of any nature by wire, radio, optical or other electromagnetic systems

16 Section 2. Any unauthorized radio telecommunication or emission to, or interference
17 with, a public or commercial radio station licensed by the Federal Communications Commission
18 are prohibited.

19 No person shall (a) make, or cause to be made, a radio telecommunication in the
20 Commonwealth unless the person obtains a license or an exemption from licensure from the
21 Federal Communications Commission under 47 U.S.C. s. 301, 47 U.S.C., s. 605, or other
22 applicable federal law or regulation; or (b) do any act, whether direct or indirect, to cause an
23 unlicensed radio telecommunication to, or inference with, a public or commercial radio station
24 licensed by the Federal Communications Commission or to enable the radio telecommunication
25 or interference to occur.

26 Section 3. The attorney general may bring an action pursuant to section 4 of chapter 93A
27 against a person or otherwise to remedy violations of this chapter and for other relief that may be
28 appropriate.

29 Section 4. A person may assert a claim under this section in superior court, whether by
30 way of original complaint, counterclaim, cross-claim or third-party action, for money damages,
31 injunctive relief, and forfeiture of any property used in violation of this section. Said damages
32 may include double or treble damages and attorneys’ fees and costs.

33 No forfeiture under this section shall extinguish a perfected security interest held by a
34 creditor in a conveyance or in any real property or in any personal property at the time of the
35 filing of the forfeiture action. Said forfeiture action shall be commenced in superior court.