

HOUSE No. 1536

The Commonwealth of Massachusetts

PRESENTED BY:

Alice Hanlon Peisch

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:	DATE ADDED:
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>1/15/2015</i>

HOUSE No. 1536

By Ms. Peisch of Wellesley, a petition (accompanied by bill, House, No. 1536) of Alice Hanlon Peisch for legislation to establish 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. 1679 OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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:

1 SECTION 1: The General Laws, as appearing in the 2012 Official Edition, is hereby
2 amended by inserting after chapter 93I, the following chapter:-

3 Chapter 93J. UNAUTHORIZED RADIO TELECOMMUNICATION

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

6 “Emission”, radiation produced, or the production of radiation, by a radio transmitting
7 station.

8 “License”, a radio frequency assigned by the Federal Communications Commission for
9 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.

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

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

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

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

Section 4. A person may assert a claim under this section in superior court, whether by 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.