

HOUSE No. 4109

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 21, 2016.

The committee on the Judiciary to whom was referred the 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, reports recommending that the accompanying bill (House, No. 4109) ought to pass.

For the committee,

JOHN V. FERNANDES.

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**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
10 kilohertz (kHz) to seventeen hundred kilohertz (kHz), or frequency modulation (FM) radio
11 stations between the frequencies of eighty-eight megahertz (MHz) to one hundred eight
12 megahertz (MHz).

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

25 SECTION 3. A person may assert a claim under this section in superior court, whether by
26 way of original complaint, counterclaim, cross-claim or third-party action, for money damages,
27 injunctive relief, and forfeiture of any property used in violation of this section. No forfeiture
28 under this section shall extinguish a perfected security interest held by a creditor in a conveyance
29 or in any real property or in any personal property at the time of the filing of the forfeiture action.
30 Said forfeiture action shall be commenced in superior court.