

111TH CONGRESS
1ST SESSION

H. R. 2449

To amend title 18, United States Code, to prohibit fraud and related activity in connection with purchases of certain wireless prepaid access devices.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2009

Mr. WEINER (for himself and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to prohibit fraud and related activity in connection with purchases of certain wireless prepaid access devices.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wireless Prepaid Ac-
5 cess Device Enforcement Act of 2009”.

6 **SEC. 2. ENFORCEMENT.**

7 Section 1029 of title 18, United States Code, is
8 amended as follows:

9 (1) Subsection (a) is amended—

1 (A) in paragraph (9), by striking “or”
2 after the semicolon;

3 (B) in paragraph (10), by inserting “or”
4 after the semicolon; and

5 (C) by adding at the end the following:

6 “(11)(A) knowingly purchases and/or handles
7 one or more wireless prepaid access devices for the
8 purpose of, or as part of a scheme involving, modi-
9 fying, removing, avoiding or overwriting installed
10 software which is designed to cause any such device
11 to operate as a wireless prepaid access device on the
12 wireless network or networks for which such device
13 was sold, unless such purchase or handling is au-
14 thorized by the wireless service provider or device
15 manufacturer; or

16 “(B) knowingly engages in the unauthorized re-
17 sale or redistribution outside of the United States of
18 any wireless prepaid access device that is sold to be
19 used on a wireless network within the United States,
20 whether or not the applicable software has been
21 modified, removed, avoided or overwritten, whether
22 individually or as part of a scheme;”.

23 (2) Subsection (c)(1)(A)(i) is amended by strik-
24 ing “or (10)” and inserting “(10), or (11)”.

25 (3) Subsection (e) is amended—

1 (A) in paragraph (10), by striking “and”
2 after the semicolon;

3 (B) paragraph (11), by striking the period
4 and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(12) the term ‘wireless prepaid access device’
7 means any access device that is marketed or made
8 available for sale for use with prepaid or pay in ad-
9 vance commercial mobile radio service as defined in
10 47 C.F.R. 20.3, but does not include installed-in-ve-
11 hicle access devices used in connection with an emer-
12 gency communications system.”.

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