IC 35-45-13

Chapter 13. Unauthorized Use of Telecommunications Services

IC 35-45-13-1

"Manufacture of an unlawful telecommunications device" defined

Sec. 1. As used in this chapter, "manufacture of an unlawful telecommunications device" means:

(1) the production or assembly of an unlawful telecommunications device; or

(2) the modification, alteration, programming, or reprogramming of a telecommunications device to render it capable of acquiring or facilitating the acquisition of telecommunications service without the consent of the telecommunications service provider.

As added by P.L.216-1996, SEC.23.

IC 35-45-13-2

"Publish" defined

Sec. 2. As used in this chapter, "publish" means the communication or dissemination of information to at least one (1) person by any of the following methods:

(1) Orally.

(2) In person.

(3) By telephone, radio, or television.

(4) In a writing of any kind, including a letter, memorandum, circular handbill, newspaper, magazine article, or book.

As added by P.L.216-1996, SEC.23.

IC 35-45-13-3

"Telecommunications device" defined

Sec. 3. As used in this chapter, "telecommunications device" means:

(1) a type of instrument, device, machine, or piece of equipment that is capable of transmitting or receiving telephonic, electronic, or radio communications;

(2) a part of an instrument, a device, a machine, or a piece of equipment that is capable of transmitting or receiving telephonic, electronic, or radio communications; or

(3) a computer circuit, a computer chip, an electronic mechanism, or any other component that is capable of facilitating the transmission or reception of telephonic, electronic, or radio communications.

As added by P.L.216-1996, SEC.23.

IC 35-45-13-4

"Telecommunications service" defined

Sec. 4. As used in this chapter, "telecommunications service"

means a service provided for a charge or compensation to facilitate the origination, transmission, emission, or reception of signs, signals, data, writings, images, sounds, or intelligence of any nature by:

(1) telephone, including cellular or other wireless telephones;

(2) wire;

(3) radio; or

(4) an electromagnetic, a photoelectronic, or a photo-optical system.

As added by P.L.216-1996, SEC.23.

IC 35-45-13-5

"Telecommunications service provider" defined

Sec. 5. As used in this chapter, "telecommunications service provider" means a person or an entity:

(1) providing telecommunications service, including a cellular, paging, or other wireless communications company; or

(2) that, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment for a telecommunications service.

As added by P.L.216-1996, SEC.23.

IC 35-45-13-6

"Unlawful telecommunications device" defined

Sec. 6. (a) As used in this chapter, "unlawful telecommunications device" means a telecommunications device that:

(1) is capable of; or

(2) has been altered, modified, programmed, or reprogrammed, alone or in conjunction with another access device or other equipment, to render the telecommunications device capable of;

acquiring or facilitating the acquisition of an electronic serial number, a mobile identification number, or a personal identification number of any telecommunications service without the consent of a telecommunications service provider.

(b) The term does not include a device operated by a law enforcement agency in the course of its activities.

As added by P.L.216-1996, SEC.23.

IC 35-45-13-7

Unauthorized use of telecommunications services

Sec. 7. A person who knowingly or intentionally:

(1) makes, distributes, possesses, uses, or assembles an unlawful telecommunications device that is designed, adapted, or used to:

(A) commit a theft of telecommunications service;

(B) acquire or facilitate the acquisition of telecommunications service without the consent of the telecommunications service provider; or

(C) conceal, or assist another in concealing, from a

telecommunications services provider or authority, or from another person with enforcement authority, the existence or place of origin or destination of telecommunications;

(2) sells, possesses, distributes, gives, transports, or otherwise transfers to another or offers or advertises for sale:

(A) an unlawful telecommunications device, with the intent to use the unlawful telecommunications device or allow the device to be used for a purpose described in subdivision (1), or while knowing or having reason to believe that the device is intended to be so used;

(B) plans or instructions for making or assembling an unlawful telecommunications device, knowing or having reason to believe that the plans or instructions are intended to be used for making or assembling an unlawful telecommunications device; or

(C) material, including hardware, cables, tools, data, computer software, or other information or equipment, knowing that the purchaser or a third person intends to use the material in the manufacture of an unlawful telecommunications device; or

(3) publishes:

(A) the number or code of an existing, a canceled, a revoked, or a nonexistent telephone number, credit number, or other credit device; or

(B) the method of numbering or coding that is employed in the issuance of telephone numbers, credit numbers, or other credit devices;

with knowledge or reason to believe that the information may be used to avoid the payment of a lawful telephone or telegraph toll charge;

commits unauthorized use of telecommunications services, a Class A misdemeanor. However, if the commission of the offense involves at least five (5) unlawful telecommunications devices, the offense is a Level 6 felony.

As added by P.L.216-1996, SEC.23. Amended by P.L.158-2013, SEC.543.

IC 35-45-13-8

Restitution; civil action to obtain relief

Sec. 8. (a) The court may, in addition to any other sentence imposed for a conviction under this chapter, order a person convicted under this chapter to make restitution for the offense.

(b) A person or an entity that is the victim of an offense under this chapter may, in a civil action brought in the circuit or superior court in the county in which the person who committed the offense under this chapter was convicted, obtain appropriate relief, including preliminary and other equitable or declaratory relief, compensatory and punitive damages, reasonable investigation expense, court costs

(including fees), and attorney's fees.
As added by P.L.216-1996, SEC.23. Amended by P.L.106-2010, SEC.16.