

ASSEMBLY TRANSPORTATION AND COMMUNICATIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2187

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 24, 1996

The Assembly Transportation and Communications Committee favorably reports Assembly Bill No. 2187 with committee amendments.

As amended by the committee, this bill amends various sections of the criminal law to include references to access devices and defaced access devices, which are used to commit the theft of wireless and other telecommunications services. The statute on receiving of stolen property is amended to include a presumption regarding the possession of two or more defaced access devices. N.J.S.2C:20-8, concerning theft of services, is amended in subsections h., i. and j. to upgrade those offenses from disorderly persons offenses to crimes of the third degree. The definition of a "writing" for purposes of the forgery statute is amended to include access devices. Finally, the bill includes a presumption of unlawful motive for any unauthorized changes to access devices performed by any person other than a service provider or manufacturer.

The bill defines an access device as property consisting of any telephone calling card number, credit card number, account number, mobile identification number, electronic serial number, personal identification number, or any other data intended to control or limit access to telecommunications or other computer networks in either human readable or computer readable form, either copy or original, that can be used to obtain telephone service. Defaced access device is defined as any access device, in either human readable or computer readable form, either copy or original, which has been removed, erased, defaced, altered, destroyed, covered or otherwise changed in any manner from its original configuration.

The sponsor notes that many New Jersey residents have fallen prey in recent years to several forms of telecommunications crime, which occurs when a victim uses a telephone calling card at a public pay telephone located in an airport, a bus terminal, a train station, or other densely crowded area. As victims enter their calling card numbers to place calls, criminals known as "shoulder-surfers" record those digits

for later use in obtaining fraudulent long-distance service. Alternately, criminals frequently place telephone calls to victims and claim to be a telephone company representative. The victims are then asked to provide their calling card numbers as part of a "security check." While the financial loss for these fraudulent calls is ultimately borne by the affected long-distance carrier, New Jersey citizens suffer both the inconvenience and the sense of personal invasion associated with the unauthorized appropriation and use of their calling card information.

Another form of telecommunications crime is committed through the theft of a legitimate wireless telephone user's electronic identification codes, which are intercepted, along with the legitimate user's private communications, by illegal scanning equipment. These electronic codes are then programmed into other stolen wireless telephones, which are ultimately used to steal wireless service from telecommunications carriers in New Jersey and throughout the region. Once again, while the telecommunications carriers ultimately bear the financial burden of these crimes, New Jersey citizens are affected by the illegal accessing of their personal communications, as well as the increase in car burglaries and related crimes needed to supply the so-called "cloners" with the wireless telephones into which the stolen electronic codes are programmed.

The committee adopted amendments proposed by the Attorney General's Office which clarify the provisions of the bill.