

104TH CONGRESS
2D SESSION

S. 1947

To provide for a process to authorize the use of clone pagers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11, 1996

Mr. DEWINE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for a process to authorize the use of clone pagers, and for other purposes.

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 “Clone Pager Author-
5 ization Act of 1996”.

6 **SEC. 2. WIRE AND ELECTRONIC COMMUNICATIONS.**

7 Section 2511(2)(h) of title 18, United States Code,
8 is amended—

9 (1) in clause (i), by striking “or” at the end;

1 (2) by redesignating clause (ii) as clause (iii);

2 and

3 (3) by inserting after clause (i) the following

4 new clause:

5 “(ii) to use a clone pager (as that term is de-
6 fined in section 3127(5) of this title);”.

7 **SEC. 3. AMENDMENT OF CHAPTER 206.**

8 Chapter 206 of title 18, United States Code, is
9 amended—

10 (1) in the chapter heading, by striking “AND
11 TRAP AND TRACE DEVICES” and inserting “,
12 TRAP AND TRACE DEVICES, AND CLONE
13 PAGERS”;

14 (2) in the chapter analysis—

15 (A) by striking “and trap and trace de-
16 vice” each place that term appears and insert-
17 ing “trap and trace device, and clone pager”;
18 and

19 (B) by striking “or a trap and trace de-
20 vice” each place that term appears and insert-
21 ing “, a trap and trace device, or a clone
22 pager”;

23 (3) in section 3121—

24 (A) in the section heading, by striking
25 “**and trap and trace device**” and insert-

1 ing “, **trap and trace device, and clone**
2 **pager**”; and

3 (B) by striking “or a trap and trace de-
4 vice” each place that term appears and insert-
5 ing “, a trap and trace device, or a clone
6 pager”;

7 (4) in section 3122—

8 (A) in the section heading, by striking “**or**
9 **a trap and trace device**” and inserting “,
10 **a trap and trace device, or a clone**
11 **pager**”; and

12 (B) by striking “or a trap and trace de-
13 vice” each place that term appears and insert-
14 ing “, a trap and trace device, or a clone
15 pager”;

16 (5) in section 3123—

17 (A) in the section heading, by striking “**or**
18 **a trap and trace device**” and inserting “,
19 **a trap and trace device, or a clone**
20 **pager**”;

21 (B) in subsection (a), by striking “or a
22 trap and trace device” and inserting “, a trap
23 and trace device, or a clone pager”;

24 (C) in subsection (b)(1)—

1 (i) in subparagraph (A), by inserting
 2 before the semicolon the following: “, or in
 3 the case of a clone pager, the identity, if
 4 known, of the person to whom is leased or
 5 in whose name is listed the paging device
 6 to which the clone pager is identically pro-
 7 grammed”; and

8 (ii) in subparagraph (D), by inserting
 9 before the semicolon the following: “, or in
 10 the case of a clone pager, the number of
 11 the paging device to which the clone pager
 12 is identically programmed”; and

13 (D) in subsection (d)—

14 (i) in the subsection heading, by strik-
 15 ing “OR TRAP AND TRACE DEVICE” and
 16 inserting “, TRAP AND TRACE DEVICE, OR
 17 CLONE PAGER”; and

18 (ii) in paragraph (2), by inserting “or
 19 the paging device to which the clone pager
 20 is identically programmed,” after “at-
 21 tached,”;

22 (6) in section 3124—

23 (A) in the section heading, by striking “**or**
 24 **a trap and trace device**” and inserting “,

1 **a trap and trace device, or a clone**
2 **pager”;**

3 (B) by redesignating subsections (c)
4 through (f) as subsections (d) through (g), re-
5 spectively; and

6 (C) by inserting after subsection (b) the
7 following:

8 “(c) CLONE PAGER.—Upon the request of an attor-
9 ney for the government or an officer of a law enforcement
10 agency authorized to acquire and use a clone pager under
11 this chapter, a Federal court may order, in accordance
12 with section 3123(b)(2), a provider of a paging service or
13 other person to furnish to such investigative or law en-
14 forcement officer, all information, facilities, and technical
15 assistance necessary to accomplish the programming and
16 use of the clone pager unobtrusively and with a minimum
17 of interference with the services that the person so ordered
18 by the court accords the party with respect to whom the
19 programming and use is to take place.”;

20 (7) in section 3125—

21 (A) in the section heading, by striking
22 “**and trap and trace device**” and insert-
23 ing “**, trap and trace device, and clone**
24 **pager**”;

25 (B) in subsection (a)—

1 (i) by striking “or a trap and trace
2 device” and inserting “, a trap and trace
3 device, or a clone pager”; and

4 (ii) by striking the quotation marks at
5 the end; and

6 (C) by striking “or trap and trace device”
7 each place that term appears and inserting “,
8 trap and trace device, or clone pager”;

9 (8) in section 3126—

10 (A) in the section heading, by striking
11 “**and trap and trace devices**” and insert-
12 ing “, **trap and trace devices, and**
13 **clone pagers**”; and

14 (B) by inserting “or clone pagers” after
15 “devices”; and

16 (9) in section 3127—

17 (A) by redesignating paragraphs (5) and
18 (6) as paragraphs (6) and (7), respectively; and

19 (B) by inserting after paragraph (4), the
20 following:

21 “(5) the term ‘clone pager’ means a device
22 that—

23 “(A) is programmed identically to any
24 numeric digital display paging device; and

1 “(B) allows the user to receive messages at
2 the same time as the user of the paging de-
3 vice;”.

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