

DESTRUCTION OF ANY UNLAWFUL TELECOMMUNICATION DEVICE OR ACCESS CODE OR UNLAWFUL ACCESS DEVICE INVOLVED IN THE VIOLATION THAT IS IN THE CUSTODY OR CONTROL OF THE VIOLATOR OR THAT HAS BEEN IMPOUNDED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(C) DISTRICT COURT JURISDICTION NOT ENLARGED.

THIS SECTION DOES NOT ALLOW THE DISTRICT COURT TO GRANT RELIEF UNDER SUBSECTION (B)(1) OF THIS SECTION.

(D) COMPUTATION OF DAMAGES.

(1) DAMAGES AWARDED BY A COURT UNDER THIS SECTION MAY BE COMPUTED AS ACTUAL DAMAGES SUFFERED BY THE COMPLAINING PARTY AS A RESULT OF THE VIOLATION OF § 7-315 OF THIS PART AND ANY PROFITS OF THE VIOLATOR THAT ARE ATTRIBUTABLE TO THE VIOLATION AND ARE NOT TAKEN INTO ACCOUNT IN COMPUTING THE ACTUAL DAMAGES.

(2) IN DETERMINING THE PROFITS OF THE VIOLATOR UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) THE COMPLAINING PARTY MUST PROVE ONLY THE VIOLATOR'S GROSS REVENUE; AND

(II) THE VIOLATOR MUST PROVE THE DEDUCTIBLE EXPENSES AND ELEMENTS OF PROFIT ATTRIBUTABLE TO FACTORS OTHER THAN THE VIOLATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 194A(a)(2) and (f).

In subsection (b)(2) of this section, the former phrase "on terms the court considers to be reasonable" is deleted as implicit in the normal prerogatives of a court.

Defined terms: "Person" § 1-101

"Unlawful access device" § 7-313

"Unlawful telecommunication device or access code" § 7-313

TITLE 8. FRAUD AND RELATED CRIMES.

SUBTITLE 1. BAD CHECKS.

8-101. DEFINITIONS.

(A) IN GENERAL.

IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

REVISOR'S NOTE: This subsection is new language derived without substantive change from the introductory language of former Art. 27, § 140.

(B) CHECK.