

~~(I) THE DEFENDANT HAS BEEN CONVICTED PREVIOUSLY ON TWO OR MORE OCCASIONS FOR CRIMES UNDER THIS SECTION OR FOR ANY SIMILAR CRIME IN THIS OR ANY FEDERAL OR OTHER STATE JURISDICTION; OR~~

~~(II) THE VIOLATION OF THIS SECTION INVOLVES MORE THAN 50 UNLAWFUL TELECOMMUNICATION OR ACCESS DEVICES.~~

~~(4) FOR PURPOSES OF GRADING AN OFFENSE BASED UPON A PRIOR CONVICTION UNDER THIS SECTION OR FOR ANY SIMILAR CRIME UNDER PARAGRAPHS (2)(I) AND (2)(II) OF THIS SUBSECTION, A PRIOR CONVICTION SHALL CONSIST OF A CONVICTION ON A SEPARATE INDICTMENT OR CRIMINAL COMPLAINT FOR A CRIME UNDER THIS SECTION OR ANY SIMILAR CRIME IN THIS OR ANY FEDERAL OR OTHER STATE JURISDICTION, INCLUDING A CRIME INVOLVING THEFT OF SERVICE OR FRAUD, AND A VIOLATION OF THE FEDERAL CABLE COMMUNICATIONS POLICY ACT OF 1984 (PUBLIC LAW 98-549, 98 STAT. 2779).~~

~~(5) FOR PURPOSES OF ALL CRIMINAL PENALTIES OR FINES ESTABLISHED FOR VIOLATIONS OF THIS SECTION, THE PROHIBITED ACTIVITY AS IT APPLIES TO EACH UNLAWFUL TELECOMMUNICATION OR ACCESS DEVICE IS A SEPARATE VIOLATION.~~

~~(6) FOR PURPOSES OF IMPOSING FINES ON CONVICTION OF A DEFENDANT FOR A CRIME UNDER THIS SECTION, ALL FINES SHALL BE IMPOSED FOR EACH UNLAWFUL TELECOMMUNICATION OR ACCESS DEVICE INVOLVED IN THE VIOLATION.~~

(7) (3) IN ADDITION TO ANY OTHER SENTENCE AUTHORIZED BY LAW, THE COURT ~~SHALL~~ MAY REQUIRE A PERSON CONVICTED OF VIOLATING THIS SECTION TO MAKE RESTITUTION IN ACCORDANCE WITH THE CRIMINAL PROCEDURE ARTICLE.

(8) (4) ON CONVICTION OF A DEFENDANT UNDER THIS SECTION, THE COURT MAY, IN ADDITION TO ANY OTHER SENTENCE AUTHORIZED BY LAW, DIRECT THAT THE DEFENDANT FORFEIT TO THE STATE ANY UNLAWFUL TELECOMMUNICATION ~~OR DEVICES OR ACCESS CODES OR UNLAWFUL~~ ACCESS DEVICES IN THE DEFENDANT'S POSSESSION OR CONTROL WHICH WERE INVOLVED IN THE VIOLATION FOR WHICH THE DEFENDANT WAS CONVICTED.

(E) (1) A CRIME UNDER THIS SECTION MAY BE CONSIDERED TO HAVE BEEN COMMITTED AT EITHER THE PLACE WHERE THE DEFENDANT MANUFACTURES OR ASSEMBLES AN UNLAWFUL TELECOMMUNICATION ~~OR DEVICE OR ACCESS CODE OR UNLAWFUL~~ ACCESS DEVICE OR ASSISTS OTHERS IN DOING SO, OR A PLACE WHERE THE UNLAWFUL TELECOMMUNICATION ~~OR DEVICE OR ACCESS CODE OR UNLAWFUL~~ ACCESS DEVICE IS SOLD OR DELIVERED TO A PURCHASER OR RECIPIENT.

(2) IT IS NOT A DEFENSE TO A VIOLATION OF THIS SECTION THAT SOME OF THE ACTS CONSTITUTING THE VIOLATION OCCURRED OUTSIDE OF THIS STATE.

(F) (1) ANY PERSON AGGRIEVED BY A VIOLATION OF THIS SECTION MAY BRING A CIVIL ACTION IN ANY COURT OF COMPETENT JURISDICTION.

(2) THE COURT MAY: